



State of
New Hampshire

HOUSE RECORD

First Year of the 167th General Court Calendar and Journal of the 2021 Session

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Friday, May 28, 2021

No. 26

Contains: House Deadlines; House Bills Amended by the Senate; Bills Laid on Table;
Committee Reports; Meetings and Notices; Amendments; Revised Fiscal Notes

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet in session at 9:00 AM on Thursday, June 3rd, and 9:00 AM on Friday, June 4th in the NH Sportsplex facility at 68 Technology Dr. in Bedford, NH to act on all remaining Senate bills.

Health and safety protocol information, and session day logistics appear in the back of this House Calendar. It is important that we maintain decorum and order during our June meetings. Please act with respect and reverence as you would inside the walls of our beloved Representatives Hall.

Please plan on House sessions on Thursday, June 10th, and Thursday, June 24th. Further details on these events will be published in future calendars.

As a reminder, state offices will be closed on Monday, May 31st in observance of Memorial Day.

Sherman A. Packard, Speaker of the House

NOTICE

House session for June 3rd and 4th will be livestreamed at the following link:

<http://nhhouse.edifymultimedia.com>

Please note, this link will not be live until the session begins at 9:00 a.m. on June 3rd.

NOTICE

Members are encouraged to meet with staff only by appointment. Please email or call before you make any trip to the State House complex. For your reference, the following is a directory of phone numbers by department.

Speaker's Office:271-3661

Clerk's Office:.....271-2548

Committee Services:271-3600

Sergeant-at-Arms:.....271-3315

Majority Office:271-3665

Democratic Office:.....271-2136

Security:271-3321

NOTICE

ALL reports, scheduling and notices are due in the House Clerk's Office by **3:00 p.m. on WEDNESDAYS**. Reports and scheduling shall be turned in to House Committee Services for processing **no later than 1:00 p.m.** on Wednesday. Please be sure to complete that work in a timely fashion to meet the Calendar deadline.

CLOSES AT 3:00 p.m. ON:

Wednesday, June 02, 2021

Wednesday, June 09, 2021

Wednesday, June 16, 2021

AVAILABLE ON:

Friday, June 04, 2021

Friday, June 11, 2021

Friday, June 18, 2021

Paul C. Smith, Clerk of the House

2021 HOUSE DEADLINES

June 4, 2021	Last day to act on all Senate Bills
June 10, 2021	Last day to form Committees of Conference
June 17, 2021	Last day to sign Committee of Conference reports (4 pm)
June 24, 2021	Last day to act on Committee of Conference reports
September 13, 2021	First day to file LSRs for 2022 Session
September 17, 2021	Last day to file LSRs for 2022 Session (4 p.m.)
November 5, 2021	Last day to sign off LSRs for 2022 Session (4 p.m.)
November 18, 2021	Last day to report all retained bills
January 7, 2022	Last day to introduce House Bills

2021 HOUSE BILLS AMENDED BY THE SENATE

HB 69, (New Title) relative to the authority of schools to display the national and state mottos. (SJ 05/13/2021)

HB 75, renaming and adjusting the membership of the New Hampshire commission on deafness and hearing loss. (SJ 04/01/2021)

HB 77, (New Title) requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office and relative to the broadband matching grant initiative. (SJ 05/13/2021)

HB 99, relative to seasonal platforms on public waters of the state. (SJ 04/22/2021)

HB 100, relative to driving to the left of an unbroken painted line. (SJ 04/22/2021)

HB 101, relative to the close of a county's books of records. (SJ 04/22/2021)

HB 115, relative to wake surfing. (SJ 04/08/2021)

HB 120, relative to administration of psychotropic medications to children in foster care. (SJ 04/29/2021)

HB 140, relative to private rights of action regarding pupil safety. (SJ 05/20/2021)

HB 164, relative to the acquisition, sale, or demolition of municipal land or buildings. (SJ 04/22/2021)

HB 174, relative to reporting a collision between a cat and a motor vehicle. (SJ 04/22/2021)

HB 183, (Second New Title) exempting persons under the age of 14, who are selling soft drinks on family owned or leased property, from city, town, or village district licensing requirements. (SJ 05/06/2021)

HB 187, (New Title) relative to the emergency powers of the commissioner of health and human services and relative to the membership of the oversight committee on health and human services. (SJ 05/20/2021)

HB 199, including soil health and soil conservation in the state soil conservation plan. (SJ 05/20/2021)

HB 223, relative to political party access to a list of absentee ballot requests. (SJ 05/20/2021)

HB 235, (Second New Title) addressing impacts to other water users from new sources of water for community water systems and relative to the PFAS fund and programs. (SJ 05/13/2021)

HB 239, relative to prosecutions for certain assaults against minors. (SJ 04/29/2021)

HB 242, relative to the content of adequate education. (SJ 05/20/2021)

HB 243, (New Title) relative to the form of municipal budgets, relative to municipal estimates of expenditures and revenues, and relative to the requirement that certain governing bodies submit recommendations to the budget committee. (SJ 05/20/2021)

HB 250, relative to pet vendors. (SJ 05/13/2021)

HB 251, requiring children under the age of 2 years to be restrained in a motor vehicle. (SJ 05/13/2021)

HB 263, (New Title) relative to campaign finance reform and increasing the threshold for reporting by political committees. (SJ 05/20/2021)

HB 283, (Second New Title) proclaiming April 11, 2022 as Wentworth Cheswill Day. (SJ 04/22/2021)

HB 284, relative to the restoration of involuntarily merged lots. (SJ 04/22/2021)

HB 285, relative to verification of voter checklists. (SJ 05/20/2021)

HB 296, establishing the crime of unsolicited disclosure of an intimate image. (SJ 05/13/2021)

HB 306, relative to revenue estimates while operating under emergency orders caused by the COVID-19 pandemic. (SJ 04/01/2021)

HB 309, (New Title) relative to the computation of renewable energy credits and clarifying certain renewable energy classes. (SJ 05/20/2021)

HB 311, establishing a committee to study rail trail best management practices. (SJ 03/25/2021)

HB 315, relative to the aggregation of electric customers. (SJ 05/13/2021)

HB 320, requiring a civics competency assessment as a high school graduation requirement. (SJ 04/08/2021)

HB 321, (New Title) requiring school districts to submit an annual report concerning gifted and talented students. (SJ 05/20/2021)

HB 326, (New Title) requiring town and city clerks to make electronic lists of persons who have applied for absentee ballots available to candidates upon request. (SJ 05/20/2021)

HB 330, relative to sports book locations. (SJ 04/22/2021)

HB 338, relative to penalties for dog theft and tampering with a dog's radio collar. (SJ 05/13/2021)

HB 373, relative to state participation in low carbon fuel standards programs. (SJ 05/20/2021)

HB 375, (New Title) allowing the destruction of valueless contraband by the chief of police, the chief's designee, the county sheriff, or the sheriff's designee. (SJ 04/22/2021)

HB 397, relative to permitting fees under the shoreland protection act. (SJ 04/29/2021)

HB 411, establishing a committee to study the equalization rate used for the calculation of a property tax abatement by the New Hampshire board of tax and land appeals, the superior court, and all cities, towns, and counties. (SJ 05/06/2021)

HB 413, (New Title) establishing a solid waste working group on solid waste management planning, relative to compost, and establishing a statewide solid waste disposal reduction goal. (SJ 05/06/2021)

HB 423, establishing a commission to study the implementation of enhanced automation of traffic lights. (SJ 03/25/2021)

HB 424, establishing a commission to study ways to reduce texting while driving. (SJ 04/29/2021)

HB 432, relative to the offenses that prevent employment in a school. (SJ 04/08/2021)

HB 448, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards of the New Hampshire department of labor uses for public sector employees. (SJ 05/13/2021)

HB 471, (New Title) relative to police disciplinary hearings and authorizing the department of justice to maintain an exculpatory evidence schedule. (SJ 04/29/2021)

HB 476, (New Title) relative to election officers at additional polling place and relative to legalizing, ratifying, and confirming all actions, votes, and proceedings of the annual meeting of the town of Middleton. (SJ 05/13/2021)

HB 479, (New Title) relative to pharmacist provider status, nicotine cessation therapy, and pharmacy benefit manager requirements. (SJ 05/20/2021)

HB 518, relative to rebates under the law governing unfair insurance practices. (SJ 05/20/2021)

HB 523, requiring a person who registers to vote without any identification to have his or her photo taken before his or her registration to vote is complete. (SJ 05/20/2021)

HB 533, establishing a division of investigation and compliance in the lottery commission. (SJ 05/06/2021)

HB 572, relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines. (SJ 05/20/2021)

HB 593, requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant. (SJ 05/13/2021)

HB 600, relative to funding for newborn screening. (SJ 05/20/2021)

BILLS LAID ON TABLE

HB 62-FN - relative to continued in-network access to certain healthcare providers. (Pending Question: Inexpedient to Legislate)

HB 81 - relative to the justified use of deadly force upon another person. (Pending Question: Ought to Pass)

HB 111 - establishing a cause of action against the state to protect individual rights. (No Pending Question)

HB 155 - renaming Columbus Day as Indigenous People's Day (Pending Question: Ought to Pass with Amendment)

HB 165 - relative to noncompete agreements for certain mental health professionals. (Pending Question: Inexpedient to Legislate)

HB 185-FN - removing the work requirement of the New Hampshire granite advantage health care program. (Pending Question: Ought to Pass)

HB 188-FN - relative to appointment of counsel in juvenile court proceedings. (Pending Question: Ought to Pass with Amendment)

HB 266-FN-L - relative to enforcement of immigration laws and the prohibition of sanctuary policies. (Pending Question: Ought to Pass)

HB 279 - relative to the maximum allowable vehicle gross weight for a combination of truck-tractor and single semi-trailer with 4 or more axles. (Pending Question: Inexpedient to Legislate)

HB 295 - relative to initiating amendments and corrections to birth records. (Pending Question: Ought to Pass with Amendment)

HB 348 - requiring a public employer to provide notice of a new or amended collective bargaining agreement. (Pending Question: Ought to Pass)

HB 368 - relative to claims for medical monitoring. (Pending Question: Ought to Pass with Amendment)

HB 402 - relative to takings of property in a declared emergency. (No Pending Question)

HB 439 - relative to the powers of city councils. (Pending Question: Inexpedient to Legislate)

HB 458-L - relative to provision of menstrual products for students in need. (Pending Question: Inexpedient to Legislate)

HB 544 - relative to the propagation of divisive concepts. (Pending Question: Ought to Pass with Amendment)

HB 560 - relative to the election of Rockingham county officials. (Pending Question: Ought to Pass with Amendment)

HB 561- relative to potential jurors excused from jury duty due to a lack of residency in the county of jury service. (No Pending Question)

HB 586-FN-A-L - relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. (Pending Question: Ought to Pass)

HR 11 - affirming revenue estimates for fiscal years 2021, 2022, and 2023. (No Pending Question)

THURSDAY, JUNE 3 CONSENT CALENDAR

CHILDREN AND FAMILY LAW

SB 16, amending the alimony statute due to changes in federal tax law. **OUGHT TO PASS.**

Rep. Debra DeSimone for Children and Family Law. This bill simply revises the formula for term alimony due to changes in the Federal tax guidelines. **Vote 14-0.**

COMMERCE AND CONSUMER AFFAIRS

SB 14, relative to the direct shipping of liquor. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill allows the New Hampshire Liquor Commission to register trade names with the Secretary of State with which to operate as a direct shipper of liquor and wine in this and other jurisdictions. This was a request of the Liquor Commission and the committee unanimously endorsed the change. **Vote 19-0.**

SB 18, permitting tastings by liquor manufacturers at farmers markets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill amends RSA 179:44 to allow liquor manufacturers to join wine manufacturers, beverage manufacturers, nano-breweries and brew pubs in their ability to provide tastings at farmers markets. The bill now “levels the playing field” for all manufacturers of alcoholic products. The amendment corrects a grammatical issue. The Commerce and Consumer Affairs Committee felt it was only fair for patrons of farmers markets to be able to sample all New Hampshire manufactured alcoholic beverages, and unanimously supported this bill. **Vote 19-0.**

SB 36, relative to residency under auto insurance policies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill repeals the requirement that applicants for coverage under new policies of automobile insurance sign statements of residency. The residency form was originally passed over a decade ago when neighboring states had very high insurance rates. More recently it has come to the attention to the New Hampshire Insurance Department that the residence forms have become a burden to New Hampshire auto insurance buyers who normally would get their insurance with just a phone call. The amendment clarifies the exemption provision. The entire committee felt it is pro consumer and good for business to repeal the requirement for these forms to be signed prior to purchase of a new car. **Vote 19-0.**

SB 49, relative to the New Hampshire trust code. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill expands the list of persons who may represent the interests of certain beneficiaries, clarifies the meaning of “second trust” in a decanting, and allows trustees to engage in investing strategies focused on social, environmental, governance, or other values or beliefs of the persons interested in the trust, at the express direction of those persons. As we try to be a leader in trust law, the committee felt that this bill makes worthy and appropriate additions to New Hampshire’s trust law. **Vote 19-0.**

SB 66-FN, allowing on-premises licensees to transport beverages and wines for delivery to consumers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill allows an on-premise licensee to purchase a restaurant delivery license in order to deliver beverages and wine with food ordered from the on-premise licensee. The law is modelled after the Governor’s emergency order. Adoption of this legislation will make this a permanent option. The amendment repeals a sunset provision and makes the law effective upon signing by the Governor. **Vote 17-0.**

SB 97, adopting omnibus legislation relative to health insurance. **OUGHT TO PASS WITH AMENDMENT.** Rep. Joseph Depalma IV for Commerce and Consumer Affairs. This bill only included two parts addressing health insurance and was therefore a significantly reduced omnibus bill. The committee amendment removed the first part, relative to direct primary care referral parity, since it was controversial and needed work. As amended, the bill addresses one subject only. It prohibits pharmacy benefit managers from prohibiting in-network retail pharmacies from certain ancillary services. The amendment also adds new language to insure the prohibitions in the bill as introduced would also apply if a pharmacy benefit manager is actually owned by a health insurance company. **Vote 17-0.**

SB 138, (New Title) relative to the definition of an “investment metal contract”. **OUGHT TO PASS.** Rep. Keith Ammon for Commerce and Consumer Affairs. Under the current law, any New Hampshire investor in investment metals or investment gems must have them here in New Hampshire. This legislation allows New Hampshire investors to hold their investment metals and/or gems in another state. **Vote 19-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 40, (New Title) relative to informed consent to search a motor vehicle and amending the statutory requirements for a search warrant. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris True for Criminal Justice and Public Safety. This bill amends the RSA’s so that they are compatible with the statutes concerning electronic warrants. The bill also allows for law enforcement officers to search a motor vehicle without a warrant provided there is video and audio or the written consent of the operator detailing that the operator has been explicitly informed of their right not to consent and that not consenting shall not be a basis for probable cause nor reasonable suspicion. The amendment simply adds the word ‘solely’ to the section of the operator cannot be further detained solely for refusing to consent to a search. **Vote 18-3.**

SB 60-FN, prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV. **INEX-PEDIENT TO LEGISLATE.**

Rep. Casey Conley for Criminal Justice and Public Safety. This bill would establish new rules for transporting cannabis that are akin to the state’s open container law for alcohol. The bill would require motorists to store unsealed cannabis containers in the trunk or another place least accessible to the driver. Among the many problems with this bill, however, is that the least accessible place is not defined. This bill also would create hardships and the threat of fine and loss of license for the state’s 11,000 therapeutic cannabis patients, and treat their medicine differently from more harmful narcotic prescriptions. Lastly, the penalties in this bill exceed that of New Hampshire’s carefully negotiated cannabis decriminalization program. The majority shares the concern of the prime sponsor about the risks from motorists driving while impaired. But this bill as written would have little to no effect on that problem and create new problems for people who can legally possess cannabis, and are among the least likely to operate a vehicle after ingesting it. **Vote 18-0.**

ELECTION LAW

SB 46, relative to the use of electronic poll books by cities and towns. **OUGHT TO PASS.**

Rep. Ross Berry for Election Law. This bill makes permanent the option for towns and cities to use electronic poll books that are currently permitted by RSA 652:27 on a trial basis only. The electronic poll books must be approved by the Secretary of State and the Secretary is required to prepare instructions on how to use them at least once a calendar year. The towns that have used electronic poll books report that they are easy to use and decrease wait times at the polls. **Vote 20-0.**

SB 83, adopting omnibus legislation relative to elections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Torosian for Election Law. This bill was a five part omnibus bill that, as amended, now has three parts. The committee agreed that two parts should be eliminated. The first part of the bill that was eliminated attempted to address the appearance of conflict presented when moderators are doing their job at the polls and also on the ballot as a candidate for office. The proposal provided that moderators could not be in the area with ballots or counting, the core of their constitutional duties. The Secretary of State agreed this was an appearance of a conflict but it was not clear that this would resolve all the associated issues. The committee amendment also removed a requirement that the Secretary of State develop an election information portal by January 1 2022. Testimony received that it was not feasible to get this done by the target date and there were still major decisions to be made as to interconnectivity. The committee agreed that three parts of the bill as received should go forward. In the first part the fees for recounts are raised. The new fee schedule increases the fee for recount of all positions to a level that better covers the cost of the recount, and helps to discourage frivolous recounts for races where there is a large margin between the vote cast for the applying candidate and a candidate declared elected. The second part of the bill relates to the itemized statements filed by political committees and candidates. The requirements of filing, electronically and by hand, are clarified to

ensure compliance and legibility. The committee amendment specified the font size of electronic documents be at least 12 point font. Finally, the third part of the bill, as amended, clarifies RSA 32:13, II that authorizes a local governing body to make expenditures between the beginning of the fiscal year and the date a budget is adopted. It allows those expenditures which are reasonable in light of appropriations and expenditures which were approved for the same purposes in the immediately preceding fiscal period. This new provision eliminates the confusion when fiscal years are not calendar years and ensure the expenditure comparison is only to the prior fiscal period. This amendment was necessary for municipalities that have town meetings after the start of their fiscal year. **Vote 20-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 15, relative to ratification of amendments to the state building code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill ratifies amendments to the State Building Code reviewed and approved by the Building Code Review Board in 2015, 2016, and 2019. It also ratifies amendments to the State Fire Code adopted by the State Fire Marshal and Board of Fire Control on January 15, 2020. The amendment ratifies additional amendments to both codes adopted in 2020 and early 2021. The amendment harmonizes SB 15 with HB 72 that passed the House on the consent calendar on March 7th, 2021. **Vote 17-0.**

SB 33, relative to Native American name restoration. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol McGuire for Executive Departments and Administration. This bill attempted to create a process to restore Native American names to locations or geographic features in the state. It was amended in the Senate, but the sponsor brought an amendment to the hearing to fix issues identified after the Senate passed the bill. The commission on Native American Affairs and several groups of Native Americans opposed the bill. This bill is not necessary, as the current naming process for geographic features works well, and all interested parties seem to prefer the current state of affairs. **Vote 19-0.**

SB 42, restricting public officers from engaging in certain private dealings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Alliegro for Executive Departments and Administration. This bill updates and slightly expands existing statute (RSA 95:1), which went into effect in 1975. RSA 95:1 specifies that a public office holder may not engage in private sales in excess of \$200 with the state or political subdivision in which he or she holds office, except by open, competitive bidding. This bill as amended, revises current statute in the following two ways: (1) It applies the same standard for services as previously indicated for the sale of goods, specifying the term of such service to be one year; (2) It updates the permissible dollar amount from \$200 to \$1,000 to accommodate the rise in costs that have occurred between 1975 and the present. In summary, this is a simple, common sense bill that fortifies the existing conflict of interest statute. **Vote 19-0.**

SB 57, relative to allowing pharmacy technicians and interns to remotely perform non-dispensing tasks. **OUGHT TO PASS.**

Rep. Tony Lekas for Executive Departments and Administration. This bill would allow pharmacy technicians and interns to work remotely when performing administrative activities that do not require the physical possession of prescription drugs. These are activities such as prescription transfers, claims adjudications, refill authorizations, and entering patient and prescription information into a pharmacy's electronic database. This has been permitted by Emergency Order #13. This bill would permit it to continue after the end of the state of emergency. The activities performed by pharmacy technicians and interns will continue to be governed by the rules of the Pharmacy Board. **Vote 19-0.**

SB 58, relative to the administration of occupational regulation by the office of professional licensure and certification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for Executive Departments and Administration. The purpose of this lengthy bill is to streamline the administrative work of the Office of Professional Licensure and Certification (OPLC). The bill primarily makes the application process the same for all 54 boards within the OPLC. It moves the authority of the various boards to set their per-diem rates to the OPLC. The bill makes the requirement for a quorum uniform across the boards. It also centralizes the authority of the OPLC to set procedures and fees. The amendment added sections changing the requirement for physical signatures to electronic signatures and it streamlines the procedure for contracting services for investigators, hearing officers, legal counsel, and experts. The OPLC was created to allow for the centralized administration of certain functions and this language moves the agency forward toward this mandate. **Vote 18-0.**

SB 104-FN-A, (New Title) adopting omnibus legislation relative to the classification of state employee positions and reverse auctions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for Executive Departments and Administration. This bill, as amended, is an omnibus bill containing 3 parts. Part 1 establishes an unclassified salary grade for 16 management-level positions in the executive branch. Some of these positions were formerly classified and others were at a different pay level in the unclassified system. All of these changes were adopted by the Joint Committee on Employee Classification and now need to be codified. Part 2 establishes a procedure for the use of reverse auctions to price state contracts. Part 3 was added by the committee amendment and makes certain administrative functions in the department uniform such as the authority of the commissioner to appoint certain positions rather than the Governor. It also cleans up some language. **Vote 18-0.**

SB 106, adopting omnibus legislation relative to codes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill is a request of the State Fire Marshal and includes two sections. The first section repeals a voluntary certification for fire equipment (sprinklers and alarms, primarily) because these requirements have been included in the mandatory electrical and plumbing codes. It was thought when creating this certification that it might move towards a mandatory license for fire equipment, but other codes have taken precedence and such a license is no longer in consideration. The second section includes a study committee to recommend the next version (2018) of the building codes and fire code, as amended by the technical committees. The committee amendment requires this committee to evaluate the process for updating the codes and suggest improvements. **Vote 19-0.**

SB 114-FN, (New Title) relative to protecting the safe use and enjoyment of publicly-accessible recreation areas. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for Executive Departments and Administration. This bill as amended by the Senate has almost nothing to do with the title. It would just add some additional requirements to the training required for all law enforcement officers. The Police Standards and Training Council is currently involved in rulemaking which is expected to address the areas included in this bill. That rulemaking process should be permitted to proceed. If the result is not satisfactory, the legislature can address it in the future. **Vote 17-2.**

SB 133-FN, adopting omnibus legislation relative to occupational licensure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This is an omnibus bill on professional licensing, consisting of 13 unrelated sections, plus one added via a non-germane amendment. Each is described below with the effect of the committee amendment. Part I specifies the State Fire Marshal's ability to grant an assembly permit in an area without another authority. Part II repeals the interstate compact for emergency medical technicians. Part III expands who can chair a hearing of the Board of Nursing to any qualified person appointed by the board. All of these parts were all accepted with no further amendment. Part IV more narrowly specifies the representation of some members of the professional standards board in the Department of Education. The amendment deleted this part as unnecessary. Part V adopts the Audiology and Speech-Language Pathology interstate compact and the Occupational Therapy compact. This part was amended to confirm that any cost due to these compacts would be covered by the Office of Professional Licensure and Certification (OPLC) from its license fees. Part VI creates a new board and licenses music therapists. This part was deleted as unnecessary. HB 209, which had a similar intent, had been recommended Inexpedient to Legislate by the committee earlier this year. Part VII establishes a standard procedure for investigations, hearings, and appeals within the OPLC. This part was amended to clarify that this procedure did not replace existing investigation procedures for the boards that already have them. Part VIII narrowed the scope of "skilled professional medical personnel" to registered nurses for the purpose of qualifying patients for in-home Medicaid services. This part was deleted as too restrictive. Part IX provides "temporary health partners" a path towards licensure as nursing assistants. This part was amended to eliminate the deadline for having completed at least 100 hours of work and clarify that their on-the-job experience was equivalent to the necessary classroom training. Part X allows emergency medical service units to receive letters of concern, if appropriate, rather than limiting the options for disciplinary action to license suspension or revocation. It was accepted as submitted. Part XI allows schools of barbering and cosmetology to be parts of other schools, (Concord High School, for one) and establishes an apprenticeship certificate (not a license) for training which does not require submitting social security numbers. This part was amended slightly to incorporate the House position from HB 575 and include the certificate language in other parts of the cosmetology statute. Part XII adds a new license level for remote-only psychology treatments from out-of-state professionals. It was amended to better define this license and provide a path to full licensure. Emergency license holders can convert to this "tele-pass" license with minimal additional requirements. Part XIII establishes some exemptions to the requirement for certified

food protection managers and was not changed by the committee. Part XIV allows child care workers to qualify as assistant teachers by “life experience,” rather than formal education. The committee amendment specifies the types of experiences we considered appropriate. This section was added to the bill via a non-germane amendment. To a large degree, this bill, as amended, consists of administrative changes rather than policy decisions. All are supported by the OPLC and the relevant boards. **Vote 19-0.**

FINANCE

SB 77-FN, relative to fees for the services of sheriffs and deputy sheriffs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tracy Emerick for Finance. This bill increases specific user fees for certain services of sheriffs and deputy sheriffs for the first time in eleven years. The amendment provides a mechanism for the county delegation, which is responsible for county budgets and expenditures, to increase such user fees once annually by a vote of the county convention, ensuring that the total increase shall not exceed the Consumer Price Index for All Urban Consumers, Northeast Region as published by the Bureau of Labor Statistics, United States Department of Labor using the amount published for June in the year before the start of the fiscal year on a percentage basis. **Vote 21-0.**

SB 85-FN, establishing a broadband matching grant initiative and fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tracy Emerick for Finance. This bill establishes the broadband matching grant initiative and fund. Because the COVID-19 pandemic has shown the absolute necessity for broadband Internet access for all New Hampshire residents for work, education, medicine, social interaction, and other purposes, this bill establishes a matching grant that utilizes state and federal funds shall be matched by a political subdivision and private funds is essential to improved broadband access. The general court recognizes that a public-private partnership is essential to developing broadband access required in New Hampshire. With the passage of the federal ARA, the state expects to receive infrastructure money from the federal government that can be used to fund the state’s matching grant portion. The amendment allows either the Office of Strategic Initiatives (OSI) of the Department of Energy to manage the grant process. The amendment is necessary because OSI would disband after the passage of the budget. **Vote 21-0.**

FISH AND GAME AND MARINE RESOURCES

SB 51, relative to the sale of lobster meat. **OUGHT TO PASS.**

Rep. Timothy Lang for Fish and Game and Marine Resources. This bill, a.k.a. the Lobster Roll Bill, reduces licensing and regulations on restaurants. Currently, if a restaurant sells pre-processed and packaged lobster meat, they are required to purchase a license from Fish and Game. This bill will remove that requirement if the restaurant purchased from a licensed supplier. If a restaurant has live lobsters, they must still get the license. This bill is supported by the restaurant and lodging industry, the lobster industry, as well as the Fish and Game Department. **Vote 18-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 45, relative to the controlled drug prescription health and safety program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill makes necessary changes to the administration of the controlled drug prescription health and safety program administered by the Office of Professional Licensure and Certification so that the program can be accessed for the purposes of licensing boards, and not be accessed by retired individuals who no longer require access. The amendment introduces contingency language, as the program was moved from RSA 318-B to RSA 126-A in HB 2. It also includes a fix for a drafting error related to retired practitioners found by stakeholders. **Vote 21-0.**

SB 120, relative to physician assistant medical services through the Manchester Veterans Administration Medical Center. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill makes necessary changes to the licensing requirements for physician assistants at the Manchester VA Medical Center to accommodate existing practice. The amendment cleans up language regarding supervision by out of country physicians put into the bill by the other body with the misunderstanding that it had been in existing law. **Vote 21-0.**

JUDICIARY

SB 96-FN-A, (New Title) relative to implicit bias training for judges; establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Judiciary. This bill stemmed from recommendations of the Governor's Commission on Law Enforcement Accountability, Community, and Transparency (LEACT) that was formed in the summer of 2020. The LEACT Commission brought together stakeholders from all areas of the law enforcement accountability debate; the Human Rights Commission, mental health, and others in order to compromise on policy in the wake of the death of George Floyd. The bipartisan majority of the Judiciary Committee believes that the recommendations of the LEACT Commission puts NH in front of many other states by creating compromise from all stakeholders. Members of the LEACT Commission testified in support of the policies in this bill. The amendment removes a section of the bill which simply encouraged the court system to conduct implicit bias training. The majority of the Judiciary Committee believes that there is incredible merit when all sides of a debate come together to compromise on a bill. This bill is governing done right. **Vote 20-1.**

SB 126-FN, adopting omnibus legislation on landlord tenant proceedings. **OUGHT TO PASS.**

Rep. Charlotte DiLorenzo for Judiciary. Part I of this bill permits tenants who have received a seven-day notice to quit for nonpayment of rent to make payments up to the date of the eviction hearing. This does not extend the time of the overall eviction process, but it does give the tenant time to apply for rental assistance through federal relief CARES Act funding for income eligible renters whose income was reduced due to the COVID-19 pandemic. Part II enables tenants to apply for and receive rental assistance payments and requires agencies who provide rental assistance to process payments for rent arrearages without a notice to quit for non-payment and without requiring a housing quality inspection of the tenant's apartment. This saves time, speeds up the process, and the agency makes a direct payment to the landlord. Part III was filed at the request of the New Hampshire Human Rights Commission. This part of the bill is a much-needed housekeeping measure that updates and replaces sections of the New Hampshire Fair Housing Statute to mirror language and definitions that are compliant with existing US Department of Housing and Urban Development (HUD) regulations. HUD's Fair Housing Law applies to the rental and sale of real estate. Under RSA 354- A, the New Hampshire Human Rights Commission has the power to receive, investigate, and pass upon complaints of illegal discrimination. Part III allows New Hampshire to have a work share agreement once again with HUD. The HUD funds will reimburse the commission for expenses incurred for their work on fair housing and will leverage the commission's expenses. This will allow the New Hampshire Human Rights Commission to be reimbursed by HUD for the work the commission does. **Vote 20-0.**

SB 143-FN, adopting omnibus legislation relative to certain agency requests. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Gordon for Judiciary. This bill, as amended, is omnibus legislation which includes eight distinct parts. Part one provides for representation of juveniles by legal counsel from the onset of a delinquency filing in the Circuit Court. The second part establishes a quality assurance program for mediation and arbitration services. The third part allows judicial referees to issue orders in uncontested cases. The fourth part authorizes a Supreme Court Justice to sit in cases in the Circuit Court. The fifth part allows for payment of legal services other than counsel when necessary to provide adequate representation in certain cases. The sixth part clarifies the standard to be met in order to obtain a license to engage in the sale of insurance in this state. Part seven creates a program providing for a \$500 incentive for persons to enroll in the New Hampshire National Guard. And finally, part eight restricts state and local law enforcement from engaging in forfeiture of property unless the seized property includes more than \$100,000 in United States currency. The amendment to this bill removes controversial provisions from part one of the bill regarding the scope of representation for minors. The amendment also deletes five other provisions which were contained in the omnibus legislation. It removes a provision giving authority to Health and Human Services to recoup overpayments made to benefit receivers by withholding their future benefits. It removes a provision authorizing the application of a penalty assessment on violations, a practice which is already engaged in by the court system. It removes a requirement for reporting of cybersecurity incidents and setting cybersecurity standards for political subdivisions. It removes a provision requiring the collection of data regarding emergency medical services which appeared to be an intrusion on personal privacy.

And finally, the amendment removes a provision which would give the Attorney General the authority to overrule the Victim's Assistance Commission. This bill contains many important provisions and received, as amended, the unanimous approval of the House Judiciary Committee. **Vote 21-0.**

LEGISLATIVE ADMINISTRATION

SB 100, adopting omnibus legislation on commissions and committees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Legislative Administration. As unanimously voted, the committee approved the establishment of two study committees. One deals with charitable gaming issues and the other deals with an exploration of ADA access to Hampton Beach State Park. The committee amendment removed other parts of the omnibus bill in order to allow the sponsors to build support for the legislation and re-submit it in future legislative years. **Vote 14-0.**

SB 142-FN, adopting omnibus legislation relative to certain study commissions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Claire Rouillard for Legislative Administration. This bill contains three study commissions. The committee amendment re-establishes commissions to study PTSD in first responders and grand families in NH. The amendment removed a commission to study barriers to increase land development. The committee unanimously determined this commission could be fully addressed in future legislation. **Vote 14-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 84, (New Title) relative to village district public bodies. **OUGHT TO PASS.**

Rep. Tony Piemonte for Municipal and County Government. This bill provides that every legislative body, governing body, board, commission, or committee of any village district shall be deemed a "public body" under RSA 91-A and shall be subject to all applicable provisions of that chapter. **Vote 17-2.**

SB 87, adopting omnibus legislation relative to municipal finance. **OUGHT TO PASS.**

Rep. Tom Dolan for Municipal and County Government. This bill makes common sense updates on method of payments, water fund expenditures, and the proper use of capital funds. **Vote 19-0.**

SB 88, adopting omnibus legislation relative to broadband. **OUGHT TO PASS.**

Rep. Jim Maggiore for Municipal and County Government. This bill is omnibus legislation comprised of three LSRs which, as combined, will improve access, timing and efficacy of municipal broadband infrastructure projects. These improvements to statutes and processes will allow municipalities throughout our state to capitalize on broadband infrastructure funding opportunities from the American Rescue Plan Act. Part I of the omnibus bill permits the governing bodies of multiple municipalities to cooperate on creating communication district planning committees to study the issue of creating communication districts within each community as provided in NH RSA 53-G. With this improvement, the municipalities can begin the study process without waiting for legislative approval at town meeting or on the official ballot. Eventual creation of a municipal communication district in each community would still require legislative approval. Part II of the omnibus bill requires the NH Public Utilities Commission to adopt rules created by the Federal Communication Commission for One Touch Make Ready. One Touch Make Ready streamlines the process for attachments on utility poles, reducing costs, time, and disruptions in telecommunication and broadband service. Part III of the omnibus bill ensures that municipalities receive the necessary information in response to a Request for Information (RFI) for broadband projects that require bonds as provided in NH RSA 33:3-g, and states the NH Office of Strategic Initiatives shall maintain a list by town of all providers interested in receiving RFIs. "Counties" and "communications districts" are added to "municipalities" as entities that may request the RFI. The combined effect of these parts in one omnibus piece of legislation is better access, speed, and reliability of broadband infrastructure for NH. **Vote 19-0.**

PUBLIC WORKS AND HIGHWAYS

SB 28, naming a courtroom in the second circuit courthouse in Plymouth in honor of Judge Edwin W. Kelly. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Ebel for Public Works and Highways. This bill, as amended, will name a courtroom in the second circuit courthouse in Plymouth in honor of Judge Edwin W. Kelly and a roundabout on Route 11 in New London for New London resident, Jessie W. Levine. Judge Kelly is a highly regarded state judge, who recently retired after 30 years of distinguished service. Among his many accomplishments, the committee heard testimony that his transformative work brought New Hampshire's court system into the modern era.

He oversaw technological advances, the consolidation of the court system resulting in greater efficiency and service, instituted regular judicial education and a systematic judicial evaluation process and was praised for his demeanor, fairness and legal knowledge. Naming this courtroom for Judge Kelly is a much-deserved honor showing the state's appreciation for his remarkable, tireless work in the cause of justice. The amendment will name the Route 11 roundabout in New London for Jessie W. Levine, the former New London town manager who oversaw its development and construction. During her 20 years in municipal and county government, Ms. Levine was a dedicated, innovative, compassionate public servant. Ms. Levine's managerial career took her from New London to Hanover, Bedford, and finally to a position as Sullivan County's manager. A recognized leader, she held many state and local volunteer positions, always working in support of better government for the citizens of the Granite State. The New London Board of Selectmen enthusiastically support the naming of the roundabout in her honor. **Vote 20-0.**

SB 32, relative to the fallen state troopers' memorial. **OUGHT TO PASS.**

Rep. Mark McConkey for Public Works and Highways. This bill streamlines the disbursement of funds raised to permit the timely construction of the Fallen State Troopers' Memorial. Each separate part of the memorial has a separate contractor which requires separate approval by the Governor and Executive Council. This bill will expedite the construction process by requiring that only the final design of the memorial has to be approved by the Governor and Executive Council. **Vote 19-0.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 146-FN, adopting omnibus legislation relative to the environment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development. This bill is a seven part omnibus bill containing legislation relative to the environment. Part one of this bill establishes the New Hampshire Coastal Program within the Department of Environmental Services (DES) in order to implement the Coastal Zone Management Act (U.S.C 16 Section 1452) to assist state and federal agencies and coastal zone municipalities in the sustainable use of resources while considering ecological, cultural, historic, and esthetic values, along with the needs for economic development. The New Hampshire DES coastal program gained federal approval in 1982. However, the program was never authorized under state law. This bill corrects that, thus ensuring federal provisions more closely align with state regulations. This bill also establishes a coastal fund at the state treasury that will be nonlapsing and continually appropriated to DES and allows for the Commissioner of DES to make the rules pertaining to the distribution of funds from the coastal fund for the coastal program. New Hampshire DES supports part one. Part two of this bill extends the deadline for the PFAS firefighting foam take-back program. DES requested and supports the deadline extension based on the current inability to identify appropriate disposal facilities for legacy firefighting foams containing PFAS. Currently, thermal destruction ("incineration") is the preferred and best available control technology for disposal. However, regulatory, technical, and industry uncertainties relative to foam disposal persist across the country. Thus, very few approved treatment, storage, and disposal facilities are available, and DES has been unable to identify an acceptable facility. In late August 2020, the United States Environmental Protection Agency (EPA) announced a partnership with the Department of Defense (DOD) and state and local partners to identify innovative ways to destroy PFAS in fire fighting foam. DES believes that extending the deadline to 2023 would allow for time necessary for EPA and others to resolve technical and regulatory issues, and identify suitable facilities to accept legacy foams for disposal. Part three of this bill concerns the prevention of zoonotic disease transmission. Zoonotic disease can spread from animals to humans, with an estimated three out of four new or emerging diseases being zoonotic in nature. Evidence indicates that many of the worst epidemics and pandemics in recent decades have been zoonotic in origin, including COVID-19, ebola virus, avian influenza, swine influenza, and Middle East respiratory syndrome. Wildlife trafficking and trade has been shown to contribute to the transmission and pervasiveness of zoonotic diseases. Part three of this tasks the Fish and Game Department with monitoring available information on animals and fish, not currently restricted under state and federal wildlife trafficking laws, that if transported into the state, will risk zoonotic disease transmission. The department may consult as needed with the Department of Health and Human Services (DHHS), the state veterinarian, and scientific and educational institutions. The department shall make recommendation to the legislature on any legislation or rules needed for import or other restrictions on identified species, and to the Governor if an executive order is deemed necessary. Part three of this bill also lists prohibitions in the operation of live animal markets. No animal shall be offered for sale at a live animal market that is of a taxon (species, family, or class) known or likely to be responsible for zoonotic transmission of a disease. Wildlife species that are identified as known or likely carriers of zoonotic disease shall not be caged, handled, or transported with livestock or domestic animals, and shall not be sold in spaces near livestock or domestic animals. Wildlife species that are identified as known or likely carriers of zoonotic disease shall also not be permit-

ted to be sold in a live animal market or a live wildlife market. In addition to wildlife covered by federal statutes on wildlife trafficking, no bat, rodent, or primate species shall be sold in live animal markets. Part three of this bill also tasks the Department of Agriculture, Markets, and Food to adopt rules governing the storing and sale of animals for live animal markets and live wildlife markets. This part shall not prohibit livestock markets or prohibit the sale or offer for sale of livestock that are currently allowed under New Hampshire law and shall not prohibit seafood or shellfish markets or the sale or offer for sale of seafood or shellfish that are currently allowed under New Hampshire law. Any person who violates this chapter shall be issued a written warning for a first violation. For any subsequent violation, the person shall be guilty of a class B misdemeanor, punishable by a fine of at least \$250, but not exceeding \$1,000. The NH Fish and Game Department supported this bill. Also, the House Fish and Game and Marine Resources Committee participated in the hearing of Part three, and recommended amendments and unanimously recommended passage if amendments adopted. Part four clears up red tape in the testing regimen for pollutants discharged into tidal waters. Currently holders of discharge permits from the National Pollution Discharge System monitor fecal coliform levels by a specific laboratory method. Currently, state statutes also require that those tidal waters where shellfish could potentially be harvested are subject to the requirements of the National Shellfish Sanitation Program. Unfortunately, that program accepts a different laboratory method for measuring fecal coliform levels. This bill alleviates the conflict by providing the specific fecal coliform criteria, but does not specify the laboratory method. The bill is supported by DES. Part five establishes the derelict fishing gear and coastal cleanup fund. This bill would make it so any fines collected for littering on beaches, coastal waters, or abandoning fishing gear shall be deposited into the derelict fishing gear and coastal cleanup fund. This section would also create a surcharge ranging from \$10 to \$25 for licenses for lobster and crab fishing, commercial salt water licenses, commercial shrimp licenses and oyster aquaculture licenses. Those who participate in a coastal cleanup program will not be required to pay this fee. It should be noted that representatives of the regulated industry supported the surcharge because it provides a direct benefit to them through the fund. The NH Fish and Game Department Supported the Bill. Also, the House Fish and Game and Marine Resources Committee participated in the hearing of Part five, recommended amendments and unanimously recommended passage if amendments adopted. Part six makes a technical correction to RSA 483-C:1 regarding the definition of high water mark of public trust shorelands. The NH Supreme Court in *William Purdie vs Attorney General* (1999) overturned the definition of high water mark, changing “the furthest landward limit reached by the highest tidal flow, commonly referred to as the highest spring or highest “syzygy” tide occurring during the 19-year Metonic cycle” to “the average height of all the high waters over a complete tidal cycle commonly referred to as the mean high tide line.” This change brings the state statute into line with the NH Supreme Court Ruling. Part Seven is the text of HB 235 (2021), addressing impacts to other water users from new sources of water for community water systems. HB 235 has passed the House and Senate and has an amendment attached for which a committee of conference has been requested. SB 146, being an omnibus bill, had amendments to several parts. The most prominent amendment is the removal of the original contents of Part two. In this bill as amended by the Senate, part two dealt with Establishing a Solid Waste Disposal Reduction Goal. Solid waste is the purview of the Environment and Agriculture Committee. While we proceeded with the hearing of part two, The Solid Waste Reduction Goal, negotiations between the bill’s sponsor and the leadership of the Environment and Agriculture committee produced an amendment to a bill in that committee still in possession of the Senate that mimicked part two of this bill. This made part two of this bill moot. As such, a non-germane amendment, which was heard along with the bill, concerning extending the date for a PFAS firefighting foam take-back program, was moved into the vacant part two slot. In part three, based on the recommendation of the Fish and Game Committee, the word “emergency” was changed to “executive” so that a specific sentence reads “The department shall make recommendation to the legislature on any legislation or rules needed for import or other restrictions on identified species, and to the governor if an executive order is deemed necessary. Rather than,...” and to the governor if an emergency order is deemed necessary. In Part five, the bill’s sponsor submitted an amendment simplifying the language of the surcharge sections. Also, based on the recommendation of the Fish and Game Committee, the name of the fund was changed to the “Derelict Fishing Gear and Coastal Cleanup Fund” from the “Derelict Fishing Gear, Coastal Cleanup, and Fishing For Energy Fund.” And finally, part seven was added to protect HB 235 which could be the subject of a committee of conference. **Vote 21-0.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 78-FN, relative to continually appropriating the renewable energy fund to the public utilities commission. **ought to pass with amendment.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill allows the expenditure, without interruption, of funds accumulated in the renewable energy fund. Since 2017, these expenditures were often delayed

for administrative purposes by the transition from one fiscal year to the next. As amended by the committee, the funds can be spent from one year to the next without interruption unless there is no budget due to a veto or a failure to pass a budget. Then, approval by the fiscal committee will be required. The committee amendment also adds hydrogen derived from water as a permissible fuel to qualify for renewable energy credits under the renewable portfolio standard. **Vote 20-0.**

TRANSPORTATION

SB 131-FN, (New Title) adopting omnibus legislation relative to vehicles, municipal water maintenance certificates, nondriver's picture identification, and firefighter and emergency medical services decals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. Part one of the bill would include vehicle chargers funded by the Volkswagen trust settlement and federally funded chargers to the definition of publicly funded chargers in RSA 236:133, III. A committee amendment removes municipal tax relief equal to the value of the chargers and removes the charging station rate design standards as both were considered pre-mature by the majority of the committee. Part two of the bill requires the state police to use a newly formed tow list for the removal of vehicles. The bill includes definitions and requirements to get on the list as well as of removal for just cause. This is a fair way of spreading the opportunities to the towing industry who also supports this. Part three amends RSA 489-C:2 by renaming it the commercial applicator certification option. It clarifies the process for obtaining an individual or subordinate salt application certification under a master certification. The individual and subordinate licenses cost significantly less than a master license and they are included in the exemption of liability section unless gross negligence can be proven. Part four is a housekeeping item regarding eligibility for obtaining a non driver I.D. It removes language referring to the defunct "golden granite state discount card" along with minor changes that refer to it. A committee amendment removes a redundant line with no change to the intent of the statute. Part five is also a housekeeping measure. It simply removes the dates that are long past for the roll-out of requiring the boater education certificate for vessels with motors in excess of 25 HP. Part six allows emergency medical services (EMS) personnel to obtain an EMS decal plate. A committee amendment simply adds "leased" vehicles which was missed in drafting. Part seven is a committee amendment that increases the allowable tandem axle weight from 36,000 lbs to 40,000 lbs for trucks carrying raw forest products. These are unprocessed logs and wood chips that have not previously been moved off site. The committee heard of the challenges loading these materials in the woods with no scales available. This change more closely aligns with the limits in our neighboring states. **Vote 19-0.**

WAYS AND MEANS

SB 22-FN, relative to the sale of Lucky 7 tickets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for Ways and Means. This bill, as amended, has three provisions related to Lucky 7. First, for electronic Lucky 7, the bill provides that the devices capable of displaying the outcome on a video monitor shall provide the player with the option of printing a paper ticket. Current rules require that the device print the paper result whether or not the paper result is requested by the player. Testimony made it clear that it is rare that a player will look at this paper that simply falls into a bucket on the floor near the machine. The committee agreed this was wasteful and served no purpose. Second, the bill changes the deal size from 3,500 to giving the Lottery Commission the ability to authorize deal sizes that do not exceed 14,000. With larger deal sizes comes the ability to offer larger dollar prizes for winning tickets which the committee endorsed. Third, this bill corrects an omission from last term when the legislature changed statute to allow a \$1.00 Lucky 7 ticket pack or ticket card as long as a \$0.50 option was still available. This action eliminated the \$0.25 ticket completely. An amendment was required to modify the bill language to ensure that the \$0.25 ticket can be offered only at charitable organizations that would like that ticket amount to be offered at their establishment. The amendment still requires \$0.50 tickets to be sold when \$1.00 tickets are sold. **Vote 20-1.**

SB 23, changing the requirement that a member of the sponsoring charitable organization be present during certain games of chance. **OUGHT TO PASS.**

Rep. Paul Tudor for Ways and Means. This bill makes changes to the requirement that charitable organizations shall be present and on site at least once per day during gaming operations per RSA 287-D:14, XI. Charitable organizations in the past had a much larger role in gaming operations. Today, the game operators control the day-to-day operation and the charitable organization member simply shows up, signs the affidavit, and leaves. They provide no oversight during the charitable event. This bill repeals RSA 287-D:14, XI, eliminating the requirement. **Vote 24-0.**

SB 25, relative to charity gaming licenses. **OUGHT TO PASS.**

Rep. Hershel Nunez for Ways and Means. This bill only changes procedures and dates for renewal of gaming licenses from annually on application date to the end of each year at an annual expiration date at the end of December. This returns the process to a previous standard that was changed, the department feels this works better for them. **Vote 24-0.**

SB 48, relative to the formula used to determine current use tax rates. **OUGHT TO PASS.**

Rep. Walter Spilisbury for Ways and Means. The Senate passed this bill 24-0 and it was referred to the Ways and Means Committee, which unanimously concurs. Currently, the formula used by the Department of Revenue Administration to assist the current use board in their determination of current use tax is the only tax rate determination that New Hampshire law allows to be kept confidential. This bill makes a simple, direct step in the direction of transparency by requiring disclosure of that rate-setting formula. In contrast, the underlying data on private properties may still be kept confidential, consistent with shared understandings when that data was gathered. But the cash-flow based valuation formula could no longer be a secret. This affects, for example, timberlands and the ability to predict consequences of logging, where it values not the timber itself but rather the land underneath the trees that generate the timber. At hearing, no opposition to this bill was received. In the spirit of open government, we should all agree that this is the sort of formulation that should be a matter of public record and open to review. **Vote 24-0.**

SB 103-FN, relative to nexus provisions for certain disaster-related or emergency-related work performed in the state. **OUGHT TO PASS.**

Rep. Alan Bershtein for Ways and Means. This bill waives certain business registration, licensing, and taxation requirements for out-of-state businesses performing work in NH during a declared state of emergency. This narrowly targeted bill will permit out-of-state businesses to focus on emergency restoration of critical utility and communications services during a declared state of emergency. Passage of this bill will enable New Hampshire to join at least 32 other states, including Maine, Vermont, and Connecticut, to streamline emergency infrastructure restoration by allowing out-of-state businesses to bypass onerous licensing and registration requirements so they may promptly restore vital services. **Vote 24-0.**

THURSDAY, JUNE 3 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

SB 93-FN, relative to permanency planning under the child protection act. **OUGHT TO PASS.**

Rep. Debra DeSimone for Children and Family Law. In crafting this legislation, the Model Court's Executive Committee (MCEC) carefully considered the report and recommendations of the Committee to Study Whether Modification Should Be Made to the Timeframe for Determining Permanency to RSA 169-C:24-b, chaired by Representative (and former Circuit Court Judge) Ned Gordon. This bill addresses this and several permanency or post-permanency issues that have been identified by the Model Court including 1) Adoption is a permanency plan; 2) Termination of parental rights is a legal step towards the finalization of such plan; 3) Specifying other circumstances for when a subsequent permanency hearing shall or may be conducted; and 4) Allowing for earlier permanency hearings. If this bill is passed there will be clarity on several permanency concerns. This will allow the Model Court to properly revise our existing permanency protocols to implement best practices for achieving timely permanency for New Hampshire's most vulnerable children. **Vote 14-0.**

SB 94, relative to juvenile diversion programs. **OUGHT TO PASS.**

Rep. Cody Belanger for Children and Family Law. It is the opinion of the committee that this bill will allow police officers and juvenile probation and parole officers to refer a juvenile for a needs assessment without taking the minor into custody. The majority believes this will reduce the recidivism rate among juveniles being detained at the Sununu Youth Service Center (SYSC). **Vote 13-1.**

COMMERCE AND CONSUMER AFFAIRS

SB 35, relative to membership in risk pools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dawn Johnson for the **Majority** of Commerce and Consumer Affairs. This bill allows founding organizations of existing pooled risk management programs to obtain certain coverage through the risk pool if the governing board approves their participation. The majority of the committee felt that this legislation sets a precedent that does not conform with the intent of the law. Risk pools are similar to the federal large employers ERISA health plans that are set up for employees. In this case, the risk pool is for public school teachers and the intent of the bill is to allow the teachers union employees, who are not teachers, to take advantage of the teacher's health plan. The union is free to set up their own ERISA plan or buy their health insurance through the New Hampshire small employers insurance market. **Vote 10-9.**

Rep. Constance Van Houten for the **Minority** of Commerce and Consumer Affairs. The minority of the Committee on Commerce and Consumer Affairs believes that the founding organizations of existing risk pool management programs should be able to participate in the risk pool that they actively support. Passage of this bill would allow founding organizations to join public risk pools and obtain insurance coverage upon approval of the governing board of the risk management program. There would be no cost to taxpayers.

SB 38, relative to the organization of alternative treatment centers. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill has come before the Legislature in the past. Alternative treatment centers dispense medical cannabis. It is now a mature business serving over 10,000 NH patients. However, these businesses are restricted to being able to organize as non-profits only. This restricts their ability to raise capital and borrow money to grow their businesses. As federal law is in conflict with state law, these businesses pay much higher interest rates when they are able to use credit. This cost is passed onto their clients. These same clients who need the legally-acquired medical cannabis cannot be covered under insurance and must pay higher rates than those in neighboring states that do not operate under the same conditions. We heard a great deal of testimony from these patients about their needs for the prescriptions and balancing those costs with other life costs. Some are forced to have to cross state lines to purchase cannabis more cheaply and transport it back home illegally. This bill would allow these licensed treatment centers to operate as any other business does in a for-profit basis. This is no longer an experiment to see whether the products are safe and effective. This has been established, but by tying the hands of the businesses from being unable to raise capital, we are restricting them. This is a pro-business bill and good for NH patients. **Vote 11-8.**

SB 59, relative to the collaborative care model service delivery method. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Keith Ammon for the **Majority** of Commerce and Consumer Affairs. This bill requires individual and group insurers to reimburse a primary care physician for the treatment of mental health and substance use disorders provided through the psychiatric collaborative care model. The process for collaborative care is already available from all New Hampshire health insurance companies and therefore this legislation is un-

necessary. The intent of the bill was to inform and educate primary care doctors to take advantage of the psychiatric collaborative care method. The majority of the committee felt that this is an inappropriate use of state law and urge medical professional organizations to use continuing education as a means to get the word out rather than adding a new statute that most doctors would never see or know about. **Vote 10-9.**

Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. This bill has bi-partisan sponsorship and had unanimous support previously, so it is hard to understand why it has met such a strong headwind in our House committee. This allows for the primary care physician and the specialist to work together to meet the needs of the patient without having to be referred. We heard testimony from the NH Psychiatric Society and several insurance carrier representatives that this is the state of the art standard of practice. It reduces the additional costs to the patient and allows the trusted physician to be able to consult with the psychiatrist. It is common knowledge that in the state of NH, we have a shortage of psychiatric care providers. This bill helps to address our work force issue and would encourage access to care for the patients and for the psychiatrists to be reimbursed by the insurance carriers for care provided. There is a direct correlation between healthcare costs and health insurance premiums. When the healthcare costs decrease, the insurance premiums are affected, as well.

SB 107, relative to financial assistance for businesses affected by the COVID-19 pandemic. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bonnie Ham for the **Majority** of Commerce and Consumer Affairs. This bill provides that new businesses affected by the COVID-19 pandemic will be eligible for federal relief funds. The intent of the bill was to make sure that the new businesses that were started after March 2020 would be allowed to receive funds going forward. The Main Street Program, which was based on looking back to 2019, has ended, so there is no need for this legislation since all businesses, new or old, can qualify for any new money, assuming that they comply with the new Federal rules. **Vote 11-7.**

Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. The Commerce Committee heard from several new businesses that were not eligible for the Main Street Relief Fund because they were established after May 26, 2019. As anyone who has opened a new business knows, the first year is the most vulnerable and planning and financing a new business doesn't start on that first day. Months of planning and sacrifice are invested before that door opens. The NH legislature says they support businesses and entrepreneurs in our state, yet, have voted against allowing these businesses to be covered. This bill is a "shall" for the new money that is forthcoming to support businesses affected by the pandemic, if they qualify, based on the federal guidelines. The minority of the committee would like to be sure that those new businesses that have survived this pandemic year and need some help to continue, will be eligible for the new funds. In case there is any doubt that there is a need, there were 68 people who signed in to support this bill and 0 opposed.

SB 124-FN, adopting omnibus legislation relative to insurance. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. This bill adopts legislation relative to travel insurance, domestic insurance company investments, self-service storage insurance, and medicare supplemental insurance. The sections on travel and storage facilities are to allow these entities to offer insurance products. The section on domestic insurance companies is to allow them to take advantage of new investment opportunities. Finally, the Medicare section requires that upon a Medicare eligible disabled member attaining the age of 65, no issuer shall continue to charge that member the under age 65 premium. **Vote 18-1.**

Rep. Max Abramson for the **Minority** of Commerce and Consumer Affairs. The minority objected to the Senate's decision to send four separate bills over as a single omnibus bill. This practice was widely opposed by the general public last year, and, an election having ensued, it seemed that a clear mandate existed to limit each bill to a single subject. Problems were created at the public hearing as witnesses and members of the committee were forced to address questions and issues that they weren't prepared to handle. Different parts of the bill contained their own definitions, forcing members to compare those definitions in order to ask questions. Part of our time handling these four bills was spent discussing the germaneness of each part and trying to find inconsistencies. Witnesses had to sign up in support of the bill even if some might have opposed other parts of it. Worse, some members of the House might be forced to vote against four bills at once because they differ with only one of them. Every bill is guaranteed its own hearing and vote on the floor. Mergers of this sort deny the voters the right to see how their elected representatives voted on issues that matter to them. For this reason, the minority believes that committees should have the ability to divide such bills and send them on individually.

SB 125-FN, relative to beverage manufacturer licenses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. This bill makes changes to the requirements for serving samples for beverage manufacturers and nano breweries; provides for contract brewing arrangements for nano breweries and brew pubs; and allows for intrastate direct shipping by beverage

manufacturers, nano breweries, brew pubs, wine manufacturers, importers, wholesalers, or retailers. The intent of this was to even the playing field for all beer producers and also to allow for them to ship in state. The majority of the committee felt this legislation was timely and address the inequities among the various producers. **Vote 13-6.**

Rep. Jane Beaulieu for the **Minority** of Commerce and Consumer Affairs. The minority opposes the amended version of this bill which makes several major changes that adversely impact the 3 tier system. This omnibus bill is complex and should be studied later this year by a Commerce subcommittee with the goal of forming a study commission to thoroughly review all the liquor licenses currently in statute. The Liquor Commission identified several provisions that could impact future revenues of the commission. For these reasons we voted to recommend this bill be found Inexpedient to Legislate.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 34-FN, relative to the definition of a controlled drug analog and prohibiting the sale or possession of synthetic urine and urine additives. **OUGHT TO PASS.**

Rep. John Bordenet for Criminal Justice and Public Safety. New Hampshire's definition of a controlled drug analog is inconsistent with the federal definition, does not provide prosecutors with clear guidance, and requires prosecutors to prove who manufactured the drug, the manufacturer's intent, and when the drug was manufactured. This bill creates a new definition of a controlled drug analog giving prosecutors a clear legal standard to follow to provide that a controlled drug analog has the same effects of a particular controlled drug or a controlled drug class. Clarifying the definition of a controlled drug analog will assist New Hampshire's law enforcement in combating the spread of synthetic drugs, including fentanyl. The bill also prohibits the sale or possession of synthetic urine and urine additives, which are specifically used to avoid a banned or illegal substance from being detected from a drug tests. **Vote 13-8.**

SB 110, relative to animals in motor vehicles. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ray Newman for the **Majority** of Criminal Justice and Public Safety. This bill allows a person to rescue a confined animal endangered by extreme temperatures under certain circumstances. Specifically, it allows any individual to take action to rescue an animal confined within a vehicle endangered by extreme temperatures, provided that such actions are expressly authorized by a law enforcement officer and witnessed by another individual. It also provides that no authorized individual shall be liable for damage reasonably necessary to rescue the confined animal. The bill was suggested by a 17-year-old student and is well intentioned. However, after hearing testimony and discussing the bill in committee it became apparent that; deputizing citizens, requiring the solicitation of a witness, documenting identifying information about the witness, and assuring that an untrained citizen could accurately assess the condition of the animal, presented obstacles to the effectiveness of this bill. Testimony of a first responder indicated that deciding what action to take in these instances was difficult even for a well-trained individual. Finally, there was concern for the danger that might be present when the owner of the vehicle returned to find a citizen had broken the window, no matter how well intentioned the person was. **Vote 16-5.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. In 2020, there were 31 incidents in the US involving pets dying from heat stroke in cars—and those were just the ones that were reported. This bill would allow an individual to intervene without being liable for damages to take necessary action to save an animal endangered by extreme temperatures in a vehicle, as long as, authorization is obtained from a law enforcement officer and that any action taken is witnessed by another individual. This bill is different from similar bills introduced in previous sessions because a law enforcement officer may authorize a party to intervene without the officer actually being present on-scene—a potentially life-saving measure when the nearest officer may not be available or may be on the other side of town. Unlike previous versions, this bill also has the support of the American Kennel Club. The minority feels the bill balances the need to protect the property of the vehicle owner with the strong desire to protect the life of an innocent animal.

SB 122-FN, adopting omnibus legislation relative to certain crimes and judicial processes and procedures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill contains three parts. Part one exempts from prosecution victims of human trafficking, it is not a blanket exemption of all crimes. Part two includes great-grandparent and great-great-grandparent as a grandparent. This is needed for children who become victims of the opiate problem. Part three would establish a council on autism spectrum disorders. The committee believes these three measures are worthwhile. **Vote 15-6.**

SB 141-FN, relative to the procedure for conducting firearm background checks. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Linda Harriott-Gathright for the **Majority** of Criminal Justice and Public Safety. This bill seeks to allow the FBI to conduct all National Instant Criminal Background Check System ("NICS") searches concerning the

purchase, sale, and transfer of firearms through Federal Firearm Licensed Dealers operating in the State of New Hampshire. This bill effectively repeals the state's partial point of contact system for handguns, called the "gun line" allowing the authority to remain exclusively with the FBI. It also authorizes county sheriffs to conduct NICS background searches for the purpose of approving or denying the return of firearms to individuals who are subject to a protective order for domestic violence or stalking. We heard testimony from gun line users of past delays to access the system, however the calling system has been updated and appears to be working. More importantly we heard testimony from a lawyer, several dealers, and users of the valuable usage of the gun line. The gun line was able to resolve false issues in the NICS system. Specifically, the gun line gave clear directions, in the form of a letter, on how to resolve the issues, however, when issues occur while using NICS, they are non-specific about how to resolve the issues, resulting in additional costs to the buyer and additional delays. The New Hampshire gun line is an additional check beyond the NICS System, and we prefer to continue the extra measure of security check that the gun line provides. **Vote 15-6.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. The committee received written and oral testimony from gun owners and dealers about the long term problems at the gun line. Through testimony, the committee learned that the lengthy delays being experienced by handgun buyers are not a new problem. For most of its entire existence, the gun line has been operated in a grossly inefficient manner. However, during the COVID-19 pandemic, the typical hours and days long delays turned into weeks and months underscoring the deep seated fundamental problems with the gun line. The committee heard from gun dealers that their businesses have been harmed by the gun line because oftentimes, customers leave and do not return due to the long delays which can last days or weeks. Licensed firearms dealers told the committee that the gun line is only used for handguns. Buyers of rifles and shotguns are checked by a direct call to the FBI NICS Center. For the vast majority of rifle and shotgun sales, calls to the FBI are answered and the buyers approved in as few as five minutes. Background checks and NICS are a federal mandate and the committee learned that the Federal Government, through the FBI, is able to do a better job of checking backgrounds. The FBI performs this task at no cost to the gun buyer or dealer. The State of New Hampshire is spending hundreds of thousands of dollars to perform a federally mandated check that the FBI will do for free and will complete in minutes instead of weeks or months. A check conducted by the gun line is in addition to the Federal NICS check, not instead of it. If the FBI NICS system is not working, for any reason, the gun line will also be non operational.

SB 154, prohibiting the state from enforcing a Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. This bill as amended by the Criminal Justice and Public Safety Committee will protect New Hampshire citizens from unconstitutional anti-gun overreach by the Federal Government. If the amended version of this bill were to become law, state and local government officials will be under order not to enforce federal laws which infringe on citizens Second Amendment rights. Over the years, on many topics, attorneys general of both parties have opined that New Hampshire law enforcement should not be enforcing federal laws. This is a simple concept, state and local police are hired, trained and compensated with state and local tax dollars. It makes no sense to divert those scant resources to enforce federal laws that, if they are to be enforced, should properly be enforced by federal law enforcement officers who are hired, trained and compensated with federal tax dollars. If enacted into law, this bill would not be the first time a state has passed a law that combated tyrannical federal laws. In the late 1800s, some northern states, such as Pennsylvania, passed "Personal Liberty Laws" which made it illegal for citizens of the commonwealth to help enforce specific federal laws which were intended to assist southern states in the oppression of minorities. Likewise, Virginia and Kentucky threatened to nullify the Alien & Sedition Acts of 1798, which essentially jailed people for criticizing government officials. This bill as amended, is wholly consistent with U.S. Supreme Court rulings. In 1997 the Supreme Court ruled in *Printz v. United States* that Congress cannot make states enforce the federal Brady gun control law which attempted to require local sheriffs or police to carry out gun background checks. **Vote 11-10.**

Rep. Linda Harriott-Gathright for the **Minority** of Criminal Justice and Public Safety. This bill would prohibit New Hampshire officials from enacting and enforcing federal regulations and executive orders to reduce gun violence. "prohibiting New Hampshire officials from cooperating with federal laws and regulations is a disturbing overreach of the state legislature and a threat to public safety. This bill solves no existing problem in this state but sadly has serious consequences for the people of New Hampshire. Banning New Hampshire law enforcement and judges from helping to stop the sale and creation of illegal weapons, crack down on firearm trafficking or enact programs to reduce gun violence in our streets is not only alarming but likely unconstitutional. Even more concerning is we believe this bill could prohibit state and federal officials from working together if someone sells a 15-round magazine, that NH laws allow, however the federal law maximum is a 10-round magazine, we could not support the federal enforcement. This can also present an issue with the selling of ghost guns in New Hampshire. Similar pieces of legislation brought forth in other states,

like Arkansas, have been vetoed due to their unconstitutionality, which should be signal enough to legislators in New Hampshire that this will not stand. While sadly a controversial statement, it is possible to both preserve our second amendment freedoms and protect public safety. Efforts by the Biden Administration or any subsequent presidential administration elected by the American people to reduce deadly gun violence should not be blocked here in New Hampshire.

EDUCATION

SB 19, relative to the degree granting authority of Signum university. **INEXPEDIENT TO LEGISLATE.** Rep. Rick Ladd for Education. The committee unanimously voted to recommend this bill Inexpedient to Legislate. This bill authorizes Signum University to grant degrees in New Hampshire; however, due to the recent passage of HB 513 in the House and Senate, which contains the same language as this bill, there is no further need for this bill. **Vote 20-0.**

SB 147-FN, adopting omnibus legislation relative to student aid, the central registry, transportation of students, and special education costs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for the **Majority** of Education. The majority believes that this four-part bill should pass with amendment. As amended, Part I of the bill deletes the requirement that for a graduating high school student to receive a high school diploma, the student shall either 1) file a Free Application for Federal Student Aid (FAFSA) or 2) file a state board of education waiver stating that the student has chosen not to do so. Completing the FAFSA is required by the US government in order for a student to receive federal grants such as the Pell Grant. Currently, New Hampshire public school principals, counselors, or other personnel forward FAFSA information to students and parents, and often provide informative sessions to assist parents and students in understanding the complicated financial aid form. Estimates indicate that the percentage of NH students completing FAFSA forms in various school districts is anywhere from less than 20% to as high as 74%. It is the majority position that graduating high school students and their parents should be informed and provided assistance in completing the FAFSA; however, requiring all students to file or complete a FAFSA waiver in order to graduate is a government overreach. As amended, Part I will only require districts or schools to notify the Department of Education (DOE) of the number and percentage of graduating high school students provided in-person school assistance in completing the complicated FAFSA form. The responsibility, confidentiality, and filing of a FAFSA form is that of students and parents, and not that of the school or government. Part II of the bill was requested by the DOE in consultation with the Department of Safety (DOS). This will allow DOE to submit written requests to DOS for checks in the central registry of founded abuse and neglect reports for applicants seeking teacher credentials. The Part III amendment permits districts to contract with coach carriers to transport students for school activities on trips of at least 150 miles round trip, such as field trips like the longer Washington, D.C. trip taken by many middle schools. There is no current provision in statute permitting school districts to utilize coach bus carriers. As the law is currently written, districts must utilize school buses. The motor vehicle used by the contract carrier of passengers shall bear a valid state inspection sticker and comply with the applicable provisions of RSA 376, and be operated by a driver who holds a valid commercial driver's license. This amendment eliminates potential liability issues for districts. Part IV, as amended, allows the DOE to set aside additional monies, up to \$250,000 in total, to help mitigate the impact of catastrophic special education costs when emergency assistance is necessary to prevent significant financial harm to small school districts. It further provides a framework to enable the creation of special education risk pools where districts can join in groups of five or more to explore ways to share and mitigate risk for unexpected special education costs and placements. The specifics will be determined within the locally-developed agreements, to allow interested districts to explore a way to avoid significant and un-budgeted new special education costs. This is enabling legislation and provides an alternative to the \$6 million in rainy day funds set aside throughout the state by districts to deal with this exact problem. **Vote 11-9.**

Rep. David Luneau for the **Minority** of Education. The minority could not support any of the changes to this omnibus bill. Part I of the bill would require schools to provide assistance to students and families for completing the Free Application for Federal Student Aid (FAFSA), and would make completion of the FAFSA, or obtaining a waiver for such, a requirement for high school graduation. Many high school students do not complete the FAFSA because they think they cannot afford post-secondary education. Oftentimes, completion of the FAFSA reveals otherwise and may confirm that the student is qualified for federal Pell grants. This would open the door for many more high school graduates to further their education and obtain degrees or credentials in fields that are in high demand and improve economic opportunities for themselves and our state as a whole. Other states that have done this, including Louisiana and Texas, have seen a significant increase in FAFSA completion rates. The committee amendment eliminates the requirement for schools to provide FAFSA assistance and for students to complete the form. Part III of the bill would make it legal for

school districts to contract with commercial transportation service providers, like coach bus companies, to transport students on long distance trips. And it would also place specific requirements on the provider for qualified drivers and vehicle inspection. The committee amendment simply makes the practice of contracting with a coach bus company legal without any steps to assure student safety. Part IV of the bill creates a special fund to pay for special education costs only available to towns with populations of less than 1,000 people. The committee amendment expands this to allow schools to participate in an insurance risk pool that could mitigate unanticipated special education costs, but this could have unintended and even adverse consequences as a public hearing has not been held on this significant policy change. A minority amendment eliminates the entirety of part IV.

SB 148-FN, adopting omnibus legislation relative to vocational and career education, environmental education, and emergency plans for sports injuries. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for the **Majority** of Education. There was bi-partisan support for passage of this omnibus bill. Part I repeals statutes that are outdated due to a reorganization of service provisions several years ago and allows for state Board of Education rulemaking for the provision of vocational rehabilitation services. The amendment for Part II of the bill received unanimous support from the committee. The amendment makes needed policy change to RSA 188-E:8 regarding transportation support for students traveling from a high school to a career and technical education (CTE) center. Currently, there are three districts that transport students from a district high school to a CTE center located within the district: Exeter, Nashua, and Manchester. Although these districts incur transportation costs, they do not qualify for CTE center travel reimbursement. Amending language removes the word “sending” district as the qualifier to receive state assistance and replaces it with “resident” district. This means the resident district, not the sending district, will be reimbursed transportation costs. The amendment also addresses support for certain situations in which it is less costly for the district to allow a student(s) to self-transport to the center. District CTE transportation is currently reimbursed at a rate of 10 cents per student per mile, and not the actual cost incurred. For FY 20, the reimbursed amount was \$680,000. The actual amount spent by districts was over \$2.6 million. Based upon district and department approval, self-transporting is reimbursed at 25 cents per student per mile. As with current law for regular high school programming, this bill enables 10th grade CTE students to be eligible for dual and concurrent enrollment. NH students are encouraged to access career and technical education to learn and apply technical, academic, and employability skills needed for NH’s growing economy. CTE is identified in statute as a critical and necessary component for the opportunity for an adequate education. Part III of the bill was amended to expand required district emergency plans for student injuries and emergencies related to cocurricular activities to include clubs, performing groups, intramurals, and athletics. The plans shall include procedures for handling emergencies or a student sustaining an injury while participating in a school sponsored cocurricular activity, as well as identify trained staff attending the activities. The plans are required to be posted and made available to emergency services, including fire department and law enforcement. Access, filing, and confidentiality of student-participant medical information shall be managed in accordance with the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA). This is a student safety issue. Part IV of the bill relates to postsecondary career schools and was amended to exclude entities with an annual gross tuition income of \$100,000 or less. This was done based upon Department of Education discussion with yoga studios who train individuals to be yoga trainers but have lower incomes and need not be considered career schools. The amendment to Part V deletes references to climate and amends within the criteria for an adequate education a broader appreciation for the complexity of the physical, chemical, and biological processes that take place on the earth to enable students to understand and appreciate the world of engineering, socio-economic, and geopolitical challenges around them and their environment. This legislation also amends current criteria for an adequate education by including outdoor recreation that further enables career and technical education center instruction and curriculum to prepare job-ready students for NH’s tourism and outdoor recreation industry. An appreciation and understanding of outdoor recreation benefits students and the state’s economy. **Vote 12-8.**

Rep. David Luneau for the **Minority** of Education. The minority could not support all of the changes to this omnibus bill. Part III of the bill requires schools to establish an emergency action plan for responding to serious or potentially life-threatening sports-related injuries, including policy on hydration, the location of automated external defibrillators (AEDs), and identification of trained personnel, all based on best practices developed by trainers’ associations and the Korey Stringer Institute. The committee amendment expands the requirement to include all co-curricular activities, and drops all references to emergencies that are much more common during athletics, and more alarming; drops all references to the best practices proven to save lives. Current law already requires emergency plans to be in place for all school-related events, but does not contain language necessary for consistent response to sports-related emergencies. The minority believes that the emergency plans should focus on sport injuries with specific directives on the need for

athletic trainers with respective protocols for injured students to return after recovery. Since sport injuries are more severe and numerous in contrast to co-curricular incidents, the minority believes that more specific attention should be focused on sports. A minority amendment restores the focus of these emergency plans to sports-related injuries. For these reasons, the minority could not support this bill as amended.

ELECTION LAW

SB 31, relative to voter checklists and modifying the absentee ballot affidavit. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Hayward for the **Majority** of Election Law. This bill modifies the actions taken by Supervisors of the Checklist so that, upon adding applications to the checklist, they record prior registration location information in our statewide voter registration database. This bill also provides a process for the exchange of information with other states and directs the Secretary of State to develop the process for the exchange of such information securely. It also simplifies, clarifies, and modernizes the absentee ballot request process and the affidavit form by eliminating redundant language. The committee amendment returns the provision for claiming a disability as the reason for requesting an absentee ballot to its pre-emergency order status by deleting a reference to infectious diseases. The majority of the committee notes that there was no testimony provided that concerns over infectious diseases had been an issue for voters prior to 2020 and that the language of bill failed to define such a condition. **Vote 14-6.**

Rep. Russell Muirhead for the **Minority** of Election Law. This bill simplifies the absentee ballot envelope, something that the minority appreciates could make absentee voting easier for many voters. It also directs voter checklist supervisors to utilize a digital statewide voter registration database, which we hope could eventually be used to facilitate an easier process for voter registration. While the minority appreciates both of these effects of the bill, we nonetheless oppose it as amended because the amendment deletes from the original bill language that would allow disabilities including “medical conditions that pose a risk of infection to others” as a qualifying condition for absentee voting. We think that voters suffering from communicable diseases should qualify and be encouraged to vote by absentee ballot.

SB 89, adopting omnibus legislation relative to election procedures and registers of probate. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for the **Majority** of Election Law. This is an omnibus piece of legislation that came to the committee with 5 parts and, as amended, contains 4. Part I is a housekeeping measure meant to clear up any confusion about the roles of city clerks in the election process by making clear that they are the ones in charge of running elections for New Hampshire’s cities. Part II prohibits the photographing by a voter of any other person casting a ballot, or their ballot, who is within the guardrail. This is to ensure that voters have the confidence that their vote is secret. Part III, as amended by the committee, creates a study committee for the auditing of elections results and ballots. A part reinstating the duties of the registrar of probate was eliminated by the committee in response to testimony that the duties had been assumed by the court for over a decade and there was no practical way to implement the provisions for this elected county position. The committee amendment also added a new Part IV that asserts New Hampshire’s right to run its own elections by specifically prohibiting the implementation of the procedures and requirements stemming from the “For the People Act of 2021” on any election where the Federal Government is not permitted direct oversight, including but not limited to: state, county, municipal, and presidential races. Consistent with our Constitution, current New Hampshire election law would remain in full force. Whether the federal legislation will pass and its exact impact is yet to be determined and can be assessed in the second year of this session as there are no federal elections until the fall of 2022. There are a variety of means in which the law could be implemented that would leave our state election procedures intact. The majority of the committee disagreed that the supremacy clause or federal constitution would affect continuing state processes – S1 on its face applies only to federal elective offices – and urges adoption of the bill to ensure that whatever processes are adopted, NH shall continue to conduct elections in compliance with its own constitution. **Vote 11-8.**

Rep. Paul Bergeron for the **Minority** of Election Law. This bill, as amended, proposes to create separate election procedures for federal offices and for state and local offices – on one election day -- and addresses a federal proposal which hasn’t even become law: U.S. House Resolution 1. This bill is blatantly unconstitutional. The Supremacy Clause of the US Constitution establishes that the federal constitution, and federal law generally, take precedence over state laws. Kansas enacted a similar law with a bifurcated system, and it was overturned by federal courts. No other state currently has a two-tiered election system. The bill does not provide any of the specific procedures and requirements that will be needed to create parallel election systems or offer any estimates on what the costs for doing so would be. A major rewrite of all of our election laws will be required if this bill passes – but we have no idea what those changes could entail, how they would be implemented, or how they will be paid for. SB 89 in its original form was a thoughtful and necessary bill

intended to assist our hardworking NH election officials and voters. In its amended form, SB 89 would create a logistical nightmare for state elections. It would violate the supremacy clause of the U.S. Constitution, double the work of election officials, increase costs to taxpayers, and create vast, unnecessary confusion for voters throughout the state.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 105, adopting omnibus legislation relative to memorials and commemorations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill came to the House as a small omnibus bill with three unrelated sections. Part 1 declared “My 603” a state song, part 2 declared Metastatic Breast Cancer Day, and part 3 declared April 8, 2024 Solar Eclipse Day. The committee amendment deletes parts 1 and 2, leaving only the declaration of Solar Eclipse Day. There was strong, unanimous support for declaring this day, as there will be a total eclipse in northern Coos county and the entire state will be above 95% coverage. This is a prime tourism and educational opportunity, but preparations need to begin now. Part 2 of the bill was problematic, not because the disease is not serious or worthy of commemoration, but because the committee has found that once a “day” gets added to statute, it tends to be forgotten. Supporters who need to arrange a memorial and petition the governor to declare a special day are more active and more involved. In addition, the state already has, in statute, Cancer Prevention Month, Cure All Cancers Month, and Childhood Cancer Month, and the federal government has established a Breast Cancer Month, so a specific Metastatic Breast Cancer Day seemed redundant. Part 1 raised questions about copyrights that neither the sponsor nor the songwriter was able to address. “My 603” as a title may be dated if New Hampshire gets another area code, which seems likely in the near future. Finally, New Hampshire already has ten state songs and the committee felt adding an eleventh was superfluous, regardless of the quality of the song. **Vote 14-4.**

SB 155-FN, codifying provisions included in select emergency orders issued by the governor in response to the COVID-19 pandemic. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: 2021-1685h: This omnibus bill originally had seven sections codifying emergency orders. The first, establishing temporary health partners (THP) as assistants to nurses and licensed nursing assistants, was amended to define THP and clarify their scope of practice. The second, licensing some medical providers during the emergency, was modified for clarity. The third, authorizing pharmacists and pharmacy technicians to administer COVID tests and vaccines, was narrowed to the testing section since vaccinations are covered in another bill. The fourth, allowing out of state pharmacies providing experimental drugs to be temporarily licensed as mail-order pharmacies, was also amended for clarity. The fifth section, protecting the non-conforming use of summer camps unable to operate due to COVID, was amended to cover both 2020 and 2021. A sixth section, on continuing construction during the pandemic, was agreed by all parties to be unnecessary and deleted. Section seven, on expanded outdoor dining, was amended for simplicity and to clarify that local ordinances must be followed, and that any expansion of capacity must be approved by the relevant water and sewer authority (the Department of Environmental Services in the case of septic.) The most important section of the bill was added as a non-germane amendment: it would ban public and private entities, with certain limited exceptions, from requiring employees, customers or anyone else from receiving vaccinations as a condition of their employment, use of accommodation, or a condition of housing. It would further extend the right to claim a religious and or medical exemption to vaccine requirements issued by institutions of higher learning. Elementary and high school students would continue to be vaccinated according to the existing vaccine schedule but any new vaccine not currently identified in the law would have to be approved by the legislature. The members in support of this amendment, while respecting the rights of businesses to conduct their business and deal with employees as they see fit within the limits of the law, feel that a line must be drawn when it comes to mandating citizens obtain and provide proof of certain health care as a condition of employment, residency or being able to engage in commerce. The right of the people to control their own health care must always supersede the rights of business or other citizens need to feel safe at the expense of others.

Rep. Terry Roy

Statement in support of Ought to Pass with Amendment: 2021-1646h: This omnibus bill came to the ED&A Committee with seven components most of which dealt with codifying licensure or certification provisions which were put in place temporarily to accommodate the health care needs of Granite Staters during the Covid-19 pandemic. The committee held several lengthy subcommittee meetings involving those providers and the Office of Professional Licensure and Certification (OPLC) to ensure that our final product included the proper vetting, credentialing and investigation for the safety of the populations that they serve. These include Temporary Health Partners (THPs) who took care of menial tasks freeing nursing professionals to do the more critical medical processes for patients. This amendment will allow THPs to become certified to work under supervision of RNs, LPNs or LPAs under federal waivers. It also authorizes the emergency licensing

of certain medical providers, e.g. recently retired physicians and senior nursing students who were enabled to work in various undermanned health care facilities. These licenses will expire on or before January 31, 2022. It also permits out-of-state pharmacies to be temporarily licensed as mail-order pharmacies until January 31, 2022. Another section assures the continuation of pre-existing, non-conforming use status of summer camps which were in danger of losing that status because they were not able to operate during 2020 and/or 2021. And the final section allows our hard-pressed hospitality sector restaurants to continue using expanded outdoor dining with local approval so long as they do not exceed either waste disposal limits of the Department of Environmental Services or water and sewer limits permitted by local authorities. A few sections were deleted because the subcommittee found that the need had already lapsed. Each of these sections and deletions in this germane amendment were carefully examined, changed as necessary and adopted unanimously by the bipartisan members of the committee. The non-germane amendment which was proposed to this bill was rejected by the opponents because it deals solely with medical issues which should have been sent to the committee with expertise in that field.

Rep. Dianne Schuett

FINANCE

SB 82-FN-A, relative to funding kindergarten adequate education grants and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen Umberger for Finance. This bill requested funding for six kindergarten programs; Chester, Salem, Windham, Brookline, Derry and Epsom, that were left out of the FY20/21 budget. These kindergarten programs did not receive the supplemental grants for opening new full day kindergarten programs. Recognizing this error the funding of \$1,906,313 was placed in the House passed budget. Since the funding is already included in the budget no further action is required on this bill. **Vote 12-9.**

SB 152-FN-A, relative to affordable housing program funding. **INEXPEDIENT TO LEGISLATE.**

Rep. Jess Edwards for Finance. The bill has two sections. The first section was passed into law in HB 4, in 2019, as part of the budget. DHHS is actively engaging the Center for Medicare and Medicaid Services to amend the state plan enabling state assistance to individuals and families needing to obtain housing. The second section is being addressed in a Senate omnibus bill which would substitute a Housing Stability Fund for the more narrowly constrained Homeless and Access Revolving Fund. Since progress is being made on both issues, the committee considered the bill redundant, and unanimously recommends Inexpedient to Legislate. **Vote 20-0.**

FISH AND GAME AND MARINE RESOURCES

SB 129, relative to minimizing environmental impacts on the habitats of endangered or threatened species.

MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. James Spillane for the **Majority** of Fish and Game and Marine Resources. This bill addresses an untenable situation brought about by a supreme court case that reinterpreted the role of Fish and Game in the Department of Environmental Services (DES) land use permitting process. The decision by the court changed the way DES evaluated permits for the last 100 years, and required Fish and Game be part of evaluating all permit requests, even those without any known impact to endangered non-game species and habitats. This requirement caused a critical bottleneck that tripled the time to receive permitting for construction around the state, putting dire financial strain on the industry and costing thousands of jobs. This bill correctly allows Fish and Game to define the scope of their necessary involvement, defines when the Fish and Game non-game and endangered species biologists are required to investigate, and establishes a fund so Fish and Game can accept donations for habitat preservation and mitigation for non-game and endangered species. **Vote 10-8.**

Rep. Cathryn Harvey for the **Minority** of Fish and Game and Marine Resources. This is a bill that impacts the habitats of endangered or threatened species. The minority believes that by adding the undefined word "appreciable" when determining the results of the destruction or modification of habitats of such species weakens the Endangered Species Conservation Act, RSA 212-A. The minority further believes the bill provides a mechanism in which realtors and developers may bypass the Endangered Species Conservation Act by making a donation to the nongame species account, the threatened and endangered species account, or the threatened and endangered species compensatory mitigation fund established in this bill.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 74, relative to advance directives for health care decisions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the **Majority** of Health, Human Services and Elderly Affairs. The entire bill is the product of a diverse group of stakeholders, including the Roman Catholic Diocese, who came to consensus

about measures to make NH law about advanced directives more accessible to the general public (and therefore more likely to be completed before it becomes necessary) while still retaining the ability of individuals to specify their wishes. A key element is the bill strengthens RSA 137-J:6 "Requirement to Act in Accordance With Principals Wishes and Best Interests" and adds to existing law the requirement for agents and surrogates to act in accordance with this when making decisions. By adding the Physicians Orders for Life-Sustaining Treatment (POLST) to NH law, as the POLST is a signed medical order, we significantly increase the likelihood a person's wishes will be respected. A closer reading of the bill, especially in tandem with reading the existing law, makes it clear that concerns about aspects of the bill that were later raised, had, in fact have been anticipated and addressed by the stakeholder group that suggested the bill's language. **Vote 16-5.**

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. This bill changes the advance directive and durable power of attorney (DPOA) form to a more confusing, less transparent version that will result in many people misunderstanding what options they have. It removes the requirement for the advance directive form to have an explicit statement that the signer's wishes can be overridden and makes it the default. It allows DPOAs to enroll patients in clinical trials for conditions that are not life-threatening. The disclosure statement explains that the default position is that the DPOA can consent to enrolling you in clinical trials unless you write otherwise on the form. Furthermore, the bill strikes language that requires the signer to confirm that they have read and understand the disclosure form. It also removes a section on the current form to write "specific types of treatment that are inconsistent with your religious beliefs or are unacceptable to you for any other reason." Lastly, it removes the ability of a common law spouse to be considered when choosing a surrogate decision-maker.

SB 149-FN, adopting omnibus legislation on health and human services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for the **Majority** of Health, Human Services and Elderly Affairs. Part I. clarifies Medicaid spend-down requirements by including mental health expenditures as medical expenditures and requiring a report to the Oversight Committee on Health and Human Services to be made by October 1, 2021. The report is to include a description of how the revised spend-down requirements were addressed in remedial staff training and in changes to the policy manual and department publications. Part II allows automated pharmacy systems at long term care facilities and hospices. The amendment removes language granting authority which the Pharmacy Board already has. Part III holds harmless health facilities which provided care in the Covid-19 emergency in accordance with applicable emergency orders. This section does not apply to those actions taken by facilities or by caregivers that were not related to the practice of medicine outside of the current emergency order or rule, or to future actions once the order or rule is no longer in effect. The majority believes that due to the emergency nature of the pandemic, those making good faith efforts in what are uncharted waters should be protected. The question was raised as to the limiting of the hold harmless provisions to just the COVID-19 pandemic. This narrow focus was done intentionally with the thought that legislation addressing future pandemics resulting in emergency orders would best be done separately from the emergency we are currently in. The original Senate bill had a section addressing the proposal for a harm reduction and overdose program in the Department of Health and Human Services. Some were of the belief that this section duplicated legislation already before the Senate. Others believed that this program would be controversial, and rather than risk causing the entire omnibus bill to be defeated, determined that the program should be addressed in a stand-alone bill. **Vote 18-2.**

Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. This omnibus legislation addresses three unrelated topics. Part III of the bill shields health facilities from liability in cases relating to a state of emergency declared under state and/or federal law in response to COVID-19, including liability arising from a patient's death, injury, or damage to property; provided that it happened as a result of compliance with, or reasonable attempts to comply with, emergency orders. Shielding medical professionals from liability shifts their priorities away from patient care and toward compliance with state mandates, making it less likely that they will push back against potentially harmful emergency orders. The minority believes that patients and their families should have access to the same legal remedies that they would have under any other circumstances, that legal criteria already exists to establish whether liability exists, and that no extraordinary exemption from liability is justified in this case.

SB 162-FN, relative to the department of health and human services, the New Hampshire granite advantage health care trust fund, and health facility licensure. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the **Majority** of Health, Human Services and Elderly Affairs. This bill was requested by the Department of Health and Human Services (DHHS) and makes numerous revisions to funds, positions, and programs within DHHS offered services, including the therapeutic cannabis program; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The

bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight. The largest section of this bill updates the Interstate Compact for the Placement of Children (ICPC), first adopted in 1965, to its current version. The amendment corrects a drafting issue which may have had the unintended consequence of allowing persons with a therapeutic cannabis card to sell cigarettes to minors in New Hampshire. It also adds language to section 48 updating RSA 170-A:2-7 allowing implementation of the updated ICPC. Lastly, it adds language to ensure the courts have the necessary authority to order and review the independent assessments for the Department of Children, Youth and Families youth in placement. This language is necessary to ensure compliance with the Family First Prevention Services Act (2018) as required to access Title IV-E funds. In addition to the funding, we believe this assessment will be a valuable tool in ensuring that youth are only placed in residential placements for therapeutic purposes. In committee, an objection was raised that the new version of the ICPC would allow rule-making by a body not subject to RSA 541-A. RSA 10-A:7, both under current law. This bill as amended would make clear that rule-making is subject to 541-A. **Vote 19-2.**

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. This 72-section omnibus legislation contains mostly housekeeping measure, updating statutes to reflect revisions in funding, programs, and positions within the Department of Health and Human Services (DHHS). However, in the middle of the bill, is a section updating the Interstate Compact for the Placement of Children (ICPC). Within that is an allowance for a state receiving a child under the jurisdiction of NH Department of Children, Youth, and Families (DCYF) to take jurisdiction over that child in an emergency, without any limitations on how long that jurisdiction may last. The minority of the committee therefore believes this bill should be inexpedient to legislate.

JUDICIARY

SB 95-FN, (New Title) adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Michael Sylvia for the **Majority** of Judiciary. This bill, as amended, establishes a committee to study remote access to meetings under RSA 91-A, the state's right-to-know Law, and review authorizing governing bodies of municipalities to hold virtual meetings. The majority of the committee is pleased by the public participation made possible by the adoption of remote access technology deployed over the past year. This means of access requires no changes to our right-to-know statutes and should continue into the future. RSA 91-A represents a significant portion of bills heard by the Judiciary Committee each year, it is justly an important implementation of the New Hampshire Constitution Part I, Article 8. Changes to this section of our law need and deserve very careful consideration and this study is the proper vehicle to do it with precision. **Vote 12-9.**

Rep. Timothy Horrigan for the **Minority** of Judiciary. This bill came to the House as a three-part omnibus bill. The minority believes that all three parts are good, and that the bill should be passed as is, with no amendments. Part I deals with remote meetings. The Governor's emergency orders made various temporary modifications to our open meetings law, allowing public bodies to meet remotely. Those changes proved to be very popular with the public, and the revised procedures have worked very well. Part I, if passed, would write these changes into statutory law and extend them for an additional year, with a sunset date of July 1, 2022. Part II allows the state to charge repeat offenders of RSA 644:9 "Violation of Privacy" with a class B Felony. Under current law, no matter how often a previously convicted offender re-offends, they can only be charged with a class A misdemeanor. Part III simply proposes a study committee.

SB 134-FN, adopting omnibus legislation relative to civil actions and criminal liability. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for the **Majority** of Judiciary. This bill, as amended, is omnibus legislation addressing civil actions and criminal liability. The first part of the bill revisits 2016 legislation which made it illegal to point laser pointers at airplanes, people, and structures. The unintended consequence of the law was that many legitimate uses of lasers, such as medical lasers, research, emergency signaling, land surveying, and construction were all made illegal. Part one of the omnibus bill recognizes this, and grants exemptions for laser use in these areas. The second part of the bill allows for the electronic notarization of documents and recording of property interests. This part of the bill was amended to ensure that electronic signatures consisted of a two-part encryption key as required by the FDIC (Federal Deposit Insurance Corporation), and to exclude the allowance of electronic documents for the recording of plats, maps, surveys, and plats of land. The third part of the bill allows an incarcerated person to apply for parole 12 months prior to the date of eligibility. This will allow resources to be assigned to the applicant so that they can complete training and meet the other pre-requisites to allow the application to go forward. The fourth part of the bill codifies structured settlement protections in law and requires that no transfer of payment rights be effective until the transfer has been approved by a court order based on findings that the transfer is in the best interests of the payee, while also taking into account the

welfare of the payee's dependents. The fifth part of the bill establishes the NH Collaborative Law Act, which codifies and standardizes an alternate path where disputes related to divorce, annulment, property distribution, parental rights, and other matters may be resolved outside of the courts. The practice has seen increased usage in recent decades, and this part of the bill provides a guideline to help navigate through the process. The sixth part of the bill deals with probate administration. It establishes guidelines for a waiver of administration where an estate inventory, bond, and accounting of assets may be waived. The bill allows a waiver to be granted when a decedent dies testate and an administrator is appointed with the assent of all the beneficiaries, or if the beneficiary is a trust and an administrator is appointed with the assent of all the trustees. It also allows for a waiver to be granted in certain cases of intestacy, such as when a surviving spouse is appointed to serve as an administrator with the assent of all the other heirs. The bill also clarifies guidelines for distribution on intestacy, provides the Statutory Form Power of Attorney, and updates the Uniform Disclaimer of Property Interests Act to allow for the disclaiming of interest in, or power over, property. The amended version also adds a provision for supported decision-making in the consideration of guardianships. The seventh part of the bill modifies the process for performing criminal background checks in public and charter schools. The bill directs the superintendent or school CEO to perform criminal background checks on all applicants and instructs that all records gathered must be destroyed within 60 days. The bill shifts the responsibility for performing background checks on substitute teachers and individuals and entities that contract with a school administrative unit from the division of state police to the superintendent. This part of the bill also creates a study committee to examine Department of Education oversight of criminal history background checks by private schools. The eighth part of the bill makes an appropriation of \$210,000 for the biennium ending June 30, 2023 for the purpose of funding mental health intervention training programs through the police standards and training council. The sponsors believed that further training in de-escalation techniques will help reduce unnecessary injury or death in situations where individuals with mental health issues may become belligerent during an encounter with police. It authorizes the Governor to draw a warrant for the sums out of any money in the treasury not otherwise appropriated. The ninth part of the bill authorizes entities that employ drivers in the course of their business to gather driving records on their employees electronically. This would allow for easier flagging of problem drivers as the employers would have access to a continuum of data and not just a snapshot at the time of hiring. This part of the bill explicitly forbids the selling or transferring of any of this data to any other persons or entities. The final part of the bill allows institutions of higher learning to grow, and contract with a private entity to grow, industrial hemp as part of a pilot program or research. The bill was further amended by the committee to recognize hemp as an agricultural product which may be grown as a crop and commercially traded in New Hampshire. **Vote 16-4.**

Rep. Michael Sylvia for the **Minority** of Judiciary. The minority of the committee feel that there are too many glaring problems contained in this eleven-part omnibus bill. The most significant are: Part I – which builds upon an unstable foundation referring to a laser pointing device which in 1999 had a common understanding as a hand held laser used to torment cats or distract drivers and pilots; industries have come to use lasers in an extraordinary number of applications and they fear misapplication of the law. This amendment to the statutes is but a poor patch. Part II -among the problems of this part is a fee of \$25 for remote notarization which is 2.5 times the fee for customary in person notarization allowed. Part VI adds a new chapter; unnecessarily instituting the New Hampshire Collaborative Law Act. The process of collaborative law is currently being used and is successful. Supporters seem to think that putting it in statute will bring awareness to the process. If true, are our laws anything more than a marketing campaign? Part IX makes an appropriation of \$210,000 for a program that may not be properly integrated into training programs at police standards and training council. Part X puts drivers' license information at risk of being abused by data harvesting corporations. While data are restricted, a loophole is built into the statute. Part XI allows an institution of higher education to contract out the growing of industrial hemp under the guise of research. Every farmer is a researcher seeking to find the best genetics and methods of producing the best yields from their crops, limiting those allowed to grow limits the degree of learning to those selected by an institution of higher education.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 61, prohibiting collective bargaining agreements that require employees to join a labor union. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregg Hough for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would make it illegal for labor unions and others to compel membership and payment of dues to the labor union or elsewhere without the consent of the employee. Labor unions would be free to negotiate with employers whatever contract they see fit, including the decision to represent all company employees or only union member employees. The committee found that the language in section 273-D:11, Duty to investigate, may have put a restrictive burden on county attorneys and did not allow for prosecutorial digression as well as possible double jeopardy issues. Amendment 2021-1047h was offered and accepted by the committee to remedy the concerns of this section. **Vote 11-9.**

Rep. Donald Bouchard for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority feels that it is unfair for non-union employees to acquire the benefits of a collective bargaining agreement without contributing to the cost. Their fellow employees who belong to the union support that collective bargaining agreement with their union dues. The federal government already protects workers' freedom not to join a union. Workers can decide to opt-out of membership at a unionized workplace and pay a reduced fee (agency fee) that covers the costs that the union pays to negotiate for raises, benefits and to represent employees if they have grievances. Workers living in states that have right to work laws earn about \$1,500 less per year than workers in states without these laws, and the wage penalty is even higher for women and workers of color. According to data from the Bureau of Labor Statistics, the rate of workplace deaths is higher in states that have similar laws like this bill. There is no empirical data that has been peer reviewed, showing states that have right to work laws have attracted businesses exclusively because of this law.

SB 123, (New Title) relative to employer payment of required COVID-19 testing. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregg Hough for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill as amended would make it unlawful for employers to require employees to pay for a medical test that the employer may require as a term of employment. Also, it would make it unlawful for employers to require a COVID-19 vaccination as a condition of employment until such time the FDA has given full approval of the vaccine's safety and efficacy. **Vote 11-9.**

Rep. Dan Toomey for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the NH Labor, Industrial and Rehabilitation Services Committee voted against passage of this bill, mainly due to the inclusion of an amendment that made it unlawful for an employer to require an employee to have received a COVID-19 vaccination as a condition of employment until such time as the vaccine had received final approval of the Federal Drug Administration (FDA). The minority felt that there is sufficient evidence to conclude that current COVID-19 vaccines are safe and that a wait for final approval by the FDA would constitute an unnecessary obstacle to employers who are acting out of a concern to protect the health and safety of all of their employees.

SB 137, relative to the minimum hourly rate for tipped employees. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill addresses the statutory "base rate" for tipped employees and corrects a potential problem with the existing law. Employees who earn their pay through tips still must receive the \$7.25 minimum wage and the employer is responsible to see that this happens. Federal law allows an employer to consider income received through tips, but up to a limit. That limit is \$5.12, meaning a minimum of \$2.13 must be paid directly by the employer. The NH number is higher, codified as a percentage of \$7.25. Tying our rate to a calculation deprives us of the opportunity to evaluate whether rate changes make sense for NH. As amended, his bill ties our rate to the Federal figure, as we do the minimum wage itself, but sets a floor at the current state rate. In addition, it adds recently-allowed Cigar Bars to the list of authorized employers. The bill is written so as to take effect only after the Federal rate is raised. If the Federal rate remains unaltered, state law will also remain as-is. The majority believes that passing this law will provide stability for the hospitality segment of NH's economy. The amendment removes some complexity from the original language of the bill. **Vote 11-8.**

Rep. Joshua Adjutant for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the Labor Committee believes that this bill is bad for workers, and at the same time, bad for the businesses in the hospitality industry. A recent article in Newsweek Magazine talked about the restaurant chain Denny's and their fight to leave the National Restaurant Association because, while this organization howls calamity all over the country about how raising the minimum wage will be devastating, they're admitting to these businesses that this isn't actually the case. The minority believes that workers should reasonably be able to expect what their paychecks will be at the end of the week, and as such, freezing the tipped minimum at the ghastly \$3.27 and having those hard working people rely on tips doesn't accomplish that goal. The minority would support an Inexpedient To Legislate motion on this bill, so that a real minimum wage bill could be brought before the House and those who labor can get a fair shake.

MUNICIPAL AND COUNTY GOVERNMENT

SB 52, (New Title) relative to municipal charter provisions for tax caps. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Diane Pauer for the **Majority** of Municipal and County Government. This bill clarifies legislative intent and resolves technical issues in current state statute. First, this bill validates tax or spending caps adopted by municipalities before July 5, 2011. When NH laws were revised in 2011 to authorize cities and

towns to locally adopt a cap on taxes or spending, subject to an override provision, the clear intent of the NH legislature was to protect previously adopted tax or spending caps “of any kind” with a grandfather provision in RSA 49-B:13, II-a. In 2019, the N.H. Supreme Court ruled with a 3-2 split decision that the last sentence in RSA 49-B:13, II-a invalidates this grandfather provision, thereby threatening the validity of all tax or spending caps adopted by municipalities prior to 2011. SB 52 reinforces the legislature’s unambiguous intent that tax or spending caps adopted, revised or amended by municipalities before July 5, 2011 are valid, legal and fully enforceable after that date. Second, this bill addresses a technical issue in RSA 49 Sections C and D relating to budget items not subject to the cap. According to the 2011 statute, a tax or spending cap adopted by cities or towns allows for specific enumerated budget items, such as enterprise funds, to be excluded from the cap. SB 52 adds additional budget items that may be excluded from the cap, namely interest and principal payments on municipal bonded debt, and capital expenditures. Both the exclusion provision and the override provision lower the limit of the municipal budget subject to the cap. At present, state statute is silent with regard to the vote requirement for exclusion. SB 52 requires that any municipal action that redistributes excludable budget items from within the limit of the capped budget to outside such limit shall require a supermajority vote which is the same supermajority vote requirement to override the cap. **Vote 10-9.**

Rep. Julie Gilman for the **Minority** of Municipal and County Government. This bill proposes to repair an issue perceived by a few residents of Nashua to be a problem in the city’s charter and actions taken under that charter. Nashua’s charter provides for spending limits (so called tax cap) with certain defined exclusions, exceptions and exemptions as approved by a supermajority of their legislative body. Voters of Nashua have voted in support of using exceptions and exclusions since this was established in 1993. The sponsor and bill proponents argued that a lawsuit they brought against the city proved their interpretation of the charter is correct. However, the court found these residents had no standing in the matter and dismissed the case. This bill is a local issue that can be solved through the democratic process of charter amendments or elections. A majority of those registering an opinion on this bill are opposed. The state does not need to revise state-wide law because a small group of people are unhappy with local decisions approved by a majority of their voters. For these reasons, the minority of the committee recommends Inexpedient to Legislate.

SB 86-FN, adopting omnibus legislation relative to planning and zoning. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Lascelles for the **Majority** of Municipal and County Government. The majority felt this omnibus legislation ought to pass as amended. Part I of the bill streamlines the procedures performed by local planning boards with respect to third-party inspections. Part II of the bill prohibits requiring electric heat as the only alternative for new construction. **Vote 10-9.**

Rep. Laurel Stavis for the **Minority** of Municipal and County Government. This bill attempts to deal with the state’s housing shortage by creating a New Hampshire Housing and Conservation program, allowing developers to conduct third-party inspections pursuant to planning board approval, and prohibiting municipalities from mandating certain types of heating and energy systems. The minority of the committee offered an amendment removing the prohibition against heating systems, as it was seen as a concession to the propane industry. The bill, however, was a good and necessary step towards addressing the lack of housing in our state. Instead, the majority of the committee amended it by stripping it of its core, removing the Housing and Conservation program and leaving the sections on inspections and heating systems intact. We now have a bill the minority believes favors developers and the fossil fuel industry while ignoring the Granite State’s housing crisis. The minority of the committee recommends ought to pass on the bill as amended by the minority, and we continue to hope that the legislature will recognize that something must be done to address New Hampshire’s lack of affordable housing.

SB 102, adopting omnibus legislation on property taxation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Porter for the **Majority** of Municipal and County Government. This bill is enabling legislation consisting of two parts. Part I allows municipalities to establish residential property revitalization zones under the provisions of RSA 79 E. The property tax relief under this provision is for a limited time and incentivizes the repair and rehabilitation of unused or underused residential units, with the goal of increasing available housing. The increased value of the revitalized property will result in increased revenues to the municipality after the relief period lapses. Part II allows municipalities to adopt a property tax exemption for some renewable generation and energy storage systems, protecting the savings these systems produce. **Vote 15-4.**

Rep. Tony Piemonte for the **Minority** of Municipal and County Government. This bill allows for property tax relief for revitalization zones. The minority does not disagree with the content of the bill. However, the minority on the committee felt that this type of property tax relief should be studied and considered all at once rather than piece meal.

PUBLIC WORKS AND HIGHWAYS

SB 26, relative to roads within the Woodsville Fire District. **OUGHT TO PASS.**

Rep. David Milz for Public Works and Highways. The town of Haverhill and the Woodsville Fire District have had a long standing issue over the distribution of highway funds for the maintenance of eight miles of precinct roads since at least 1990. In March of 1990, HB 1138 was passed at the request of the Woodsville Fire District and the state became involved in setting a formula for fund distribution. Since that time there have been numerous memorandums of understanding negotiated between the two parties to adjust the formula as well as both successful and unsuccessful attempts to change the legislation to alter the formula. This bill modifies the law on funding to remove the state's participation and returns negotiations to local control. The committee made an effort to retain the bill to possibly try and work out an agreement between the two parties, but soon realized that the proper way to move forward was to remove any legislative involvement and to return control to both of the local parties involved. **Vote 18-3.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 91, (New Title) adopting omnibus legislation on renewable energy and utilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This omnibus bill originally contained five parts. As amended by the committee, it now has four parts, with the original part V, a mirror image of HB 315, deleted. Together, these sections enhance or explore certain renewable energy technologies. Part I modifies the statute governing customer energy storage and provides direction for the Public Utilities Commission (PUC) to adopt rules for the installation, interconnection, and use of energy storage systems by customers. The committee amendment made language changes to give more precise direction to the commission. Part II makes possible net metering for hydroelectric generators who own multiple facilities that each individually qualify for net metering but exceed the one megawatt limit when their facilities use the same connection point to the distribution grid. The committee amendment also added language to statute to provide clarity to the PUC as it deliberates future net metering tariffs by ensuring that no cost shifts shall occur between net metering and non-net metering customers. Part III clarifies that increases in net metering credits for low-income community solar projects applied after July 1, 2021 would affect the rate then in effect and be subsequently grandfathered similarly to other such statutory net metering protections. Lastly, Part IV sought to enable the purchase of the output of limited electrical energy producers in intrastate commerce, which could foster innovation in the community aggregation authority provided in the earlier-passed HB 315. The committee found that the submitted legislation, similar to the earlier-rejected HB 407, lacked clarity as to the mechanics of this process and changed this section of the bill into a study committee, which will determine if new legislation can be offered in the fall of 2021. **Vote 11-9.**

Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. This is an omnibus bill that the minority largely supports. However, the minority cannot accept the amended language proposed for part II, section 2. This language received no public consideration – neither at a public hearing nor any work session in either the originating body or the House. Furthermore, this amendment seeks to amend a section of the law that was not part of this bill as introduced, nor as passed by the Senate, nor in any other bill. Equally importantly, this language would create an entirely new, and unattainable, legal standard for the Public Utilities Commission (PUC), one that goes beyond the well-established principle that electric rates should be “just and reasonable.” This new standard would be unworkable and would stymie the PUC's three-year effort to develop new net metering rates. The minority believes adopting this bill as currently amended will lead to years of costly litigation and leave the current “rough justice” tariffs in place far longer than was intended, for better or worse.

WAYS AND MEANS

SB 3-FN, clarifying the tax treatment of federal Paycheck Protection Program loans. **OUGHT TO PASS.**

Rep. Patrick Abrami for Ways and Means. This bill changes the tax treatment, under the New Hampshire business profits tax (BPT) statutes, of income created by the forgiveness of loans issued as a result of the federal Paycheck Protection Program (PPP). New Hampshire is not a conforming state to federal law changes, meaning that New Hampshire tax laws do not automatically change to reflect federal law without action by the NH legislature. This bill, if passed, will place NH in conformity with federal law, thus treating all income from the forgiven PPP loans as not taxable under the NH BPT statutes. If this bill does not pass, all PPP loans that the Small Business Administration (SBA) forgives, based upon the authority given it by the federal PPP statute, will be considered taxable income under current NH BPT law, even though at the federal level that same income would not be taxable. Whether or not this bill passes, all tax liabilities under the NH Business Enterprise Tax (BET) remain unchanged. Also, in either case, all salaries and other expenses paid for by the PPP program, may be deducted as business expenses. The committee heard much testimony from

the business community indicating that the PPP program was a relief program designed to aid businesses to survive the ravages of an economy being temporarily slowed in NH, and the country, to allow time to fight the spread of the COVID-19 virus. As of this report writing, the PPP program helped 41,173 NH businesses by loaning them \$3.7 billion, most of which is estimated to be forgiven. The argument was simple; why would NH tax revenues from a relief program? The committee took time to understand the ramifications on NH business tax revenues. Working with the Department of Revenue Administration (DRA), it was estimated that passing this bill would reduce BPT revenues by \$99.4 million. As of the writing of this report, NH business tax revenues have exceeded budget estimates by \$173.7 million, with approximately one month to go in the fiscal year. The revenue surplus this 2021 fiscal year more than covers the lost revenue caused by the passage of this bill. After much fact finding and discussion, the committee concluded that it was in the best interest of NH businesses, and thus the NH economy, to recommend passage of this bill. This action will help strengthen many NH businesses as they struggle to fully recover from an economy that was intentionally slowed by government to allow the needed time to eradicate the negative health effects of the COVID-19 pandemic. Not taxing relief funds is a way in which the NH government can help its businesses fully recover from a downturn in business levels not caused by business, but by the necessary action of government to ensure the health of all its citizens. **Vote 23-0.**

SB 27, relative to the sale of lucky 7 tickets. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for the **Majority** of Ways and Means. This bill is largely a housekeeping bill filed for the Lottery Commission that has four sections as well as an amendment suggested by the Lottery Commission during committee work sessions. First, the bill changes the term of a charitable gaming license from 12 months from issue to annually expiring on December 31. The majority of the committee agreed this would streamline the charitable gaming licensing process. Second, it makes identical the definition of what a charitable organization is within both the games of chance statutes and the bingo and Lucky 7 statutes. The major changes to actual content are that the bill changes that a charity must be registered with the Secretary of State for at least two years to one year in both sections of the statutes. In addition, the bill adds to the games of chance statutes a requirement that says a charity must be in existence and organized under the laws of the state for at least one year in a town or city in the state as well as amends the identical language in the bingo and Lucky 7 statutes that already exists by changing the two years to one year. The majority of the committee felt that these changes were a positive step forward in unifying these related statutes. Third, the bill corrects a long-standing error in the pari-mutuel pool statutes within RSA 284:22 which nine times refers to the "lottery commission" when it should have read just "commission." In this context "commission" means earnings. These were clearly content errors that needed to be fixed. Fourth, the meaning of a "deal" within Lucky 7 is a single game of uncirculated Lucky 7 tickets bearing a serial number. This was a less clumsy way of defining a Lucky 7 deal. The amendment suggested by the Lottery Commission gives them flexibility to issue a waiver to an organization doing charitable work that may not fit within the current definitions. The majority of the committee felt that the waiver requirements were strict enough to ensure the exception to the rule cannot be abused. **Vote 23-1.**

Rep. Susan Almy for the **Minority** of Ways and Means. This bill merges existing bingo and charitable gaming language, expanding the reach of charities able to sponsor the latter's games, and continuing confusing language as to the definition of a charity that the committee hopes will be studied by one of the bills passed to set up a charitable gaming study committee this term. The last section contradicts language in another bill sent to the committee from the Senate which is also being passed. The legislature this term has passed a bill to expand charitable gaming into the most addictive form of gaming, and consideration of its regulation should have awaited the results of the study committee. The bill should have been retained, but that motion is not allowed here.

SB 101-FN, increasing the minimum gross business income required for filing a business profits tax return. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jordan Ulery for Ways and Means. This bill, as amended, raises the filing threshold for the business profits tax from the current \$50,000 to \$92,000, the equivalent amount after 28 years of inflation. The amendment further enters language mirroring the existing biennial inflation adjustments to the business enterprise tax so as to protect smaller businesses from being "bumped" into a higher tax bracket without consideration for a lower dollar value. The Department of Revenue Administration (DRA) reported 6,169 filers as of tax year 2018 being forced by law to file a return but owing no tax liability. Enacting this bill at this time would lessen the impact on state revenues and soften the blow of estimated revenue losses when a decades-delayed adjustment is made to a threshold. Because of the time interval, the bill is estimated by the DRA to cost \$2.6 million based on 2018 revenues. This bipartisan bill, as amended, reduces the needless filings, raises the threshold to what it would be if this had been in place for years, and establishes an ongoing, biennial, inflation review. Thus, it helps our smaller businesses and the department by reducing unnecessary accountancy work. **Vote 24-0.**

NOTICE ON COMMITTEE TESTIMONY

Those wishing to testify or register their position on legislation before House committees, can register online at <http://gencourt.state.nh.us/house/committees/remotetestimony/default.aspx>, additional instructions for sending testimony is included on the instruction page. Those wishing to watch committee proceedings but not participate are encouraged to log in to the NH House YouTube channel at https://www.youtube.com/channel/UCxqjz56akoWRL_5vyaQDtvQ and view the meetings.

COMMITTEE MEETINGS

FRIDAY, MAY 28

NEW HAMPSHIRE OPIOID ABATEMENT ADVISORY COMMISSION (RSA 126-A:85)

9:00 a.m. Regular meeting.

Please click the link below to join the webinar:

<https://nh-dhhs.zoom.us/j/98667689586?pwd=WlpFZGZwYWl2elBvejhTZnp1UXU1UT09>

1. Passcode: 834718
2. Or One tap mobile: US: +13017158592,,98667689586#,,,,*834718# or +13126266799,,98667689586#,,,,*834718#
3. Or Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128
4. Webinar ID: 986 6768 9586
5. International numbers available: <https://nh-dhhs.zoom.us/j/abswn0Nlbi>

TUESDAY, JUNE 1

COMMISSION ON HOLOCAUST AND GENOCIDE EDUCATION (RSA 193-E:2-f)

3:30 p.m. Regular meeting.

Members of the public may attend using the following links:

1. To join the webinar: <https://zoom.us/j/91844629737>
2. Or Telephone: Dial (for higher quality, dial a number based on your current location):
1-301-715-8592 or 1-312-626-6799 or 1-929-205-6099 or 1-253-215-8782 or 1-346-248-7799 or 1-669-900-6833
3. Or iPhone one-tap: US: : +13017158592,,99695905362# or +13126266799,,99695905362#
4. Webinar ID: 918 4462 9737
5. To view on YouTube, click here:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a)

3:00 p.m. Environmental Subcommittee meeting.

This meeting will take place by remote conference. To listen in please follow the instructions below:

1. Dial the call in number: 1-213-929-4212
2. Enter the Meeting ID (Access Code): 485-496-216
3. If prompted for an additional ID, please press #

The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: Amy.E.Rousseau@DES.NH.gov. You may also call Amy Rousseau at 603-848-1372.

COUNTY-STATE FINANCE COMMISSION (RSA 28-B:1)

1:30 p.m. Regular meeting.

Please click the link below to join the webinar:

<https://nh-dhhs.zoom.us/j/92835222786?pwd=U3FJNjhxSWJzYVVFZHQ1eEk0ampKdz09>

1. Passcode: 325735

2. Or One tap mobile:
US: +13017158592,,92835222786#,,,,*325735# or
+13126266799,,92835222786#,,,,*325735#
3. Or Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or
+1 346 248 7799 or +1 669 900 9128
4. Webinar ID: 928 3522 2786
5. International numbers available: <https://nh-dhhs.zoom.us/j/92835222786>

NEW HAMPSHIRE DRUG OVERDOSE FATALITY REVIEW COMMISSION (RSA 126-BB:1)

4:00 p.m. Regular meeting.

Please click the link below to join the webinar:

<https://nh-dhhs.zoom.us/j/96017600219?pwd=ZEgvTm5TTndKVCtRazRXY3IrYlh5UT09>

1. Passcode: 286653
2. Or One tap mobile: US: +13126266799,,96017600219#,,,,*286653# or
+16465588656,,96017600219#,,,,*286653#
3. Or Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or
+1 669 900 9128 or +1 253 215 8782
4. Webinar ID: 960 1760 0219
5. International numbers available: <https://nh-dhhs.zoom.us/j/96017600219>

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2)

5:00 p.m. Regular meeting.

This meeting will take place via phone/zoom conference. Please call Paul Lloyd at (603) 715-5579 for the conference call information.

WEDNESDAY, JUNE 2

COMMISSION TO STUDY ENVIRONMENTALLY-TRIGGERED CHRONIC ILLNESS (RSA 126-A:73-a)

11:00 a.m. Data Subcommittee meeting.

Subcommittee members and members of the public may attend using the following links:

Link to join Zoom Webinar:

<https://unh.zoom.us/j/97271724358?pwd=WWRtTHJrL2d3ZW9Ta0ordGILSFdrdz09>

1. Password: 540500
 2. Dial: +1 646 876 9923 (US Toll)
 3. Meeting ID: 972 7172 4358
 4. International numbers available:
<https://unh.zoom.us/j/97271724358>
 5. Or iPhone one-tap: 16468769923,97271724358# or 13017158592,97271724358#
- The following email will be monitored throughout the meeting by someone who can assist with and alert the subcommittee to any technical issues: jennifer.horgan@leg.state.nh.us

FRIDAY, JUNE 4

MOUNT WASHINGTON COMMISSION (RSA 227-B:3)

9:00 a.m. Regular meeting.

This meeting will be held in-person at Cannon Mountain Peabody Lodge.

TUESDAY, JUNE 8

COMMISSION TO STUDY TELEHEALTH SERVICES (RSA 329:1-f)

2:00 p.m. Regular meeting.

Members of the public may attend using the following links:

1. To join the webinar: <https://zoom.us/j/94741044711>
2. Or Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or
+1 346 248 7799 or +1 669 900 6833
3. Or iPhone one-tap: US: +13017158592,,94741044711# or +13126266799,,94741044711#
4. Webinar ID: 947 4104 4711

5. To view on YouTube, click here:

<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

FISCAL COMMITTEE (RSA 14:30-a)

10:00 a.m. Special Meeting.

Committee members will receive secure Zoom invitations by e-mail.

Members of the public and state agency personnel may attend using one of the following alternatives:

1. Join the webinar: <https://zoom.us/j/93479421129>
2. iPhone one-tap : US: +13017158592,,93479421129# or +13126266799,,93479421129#
3. Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 or +1 253 215 8782 or
+1 346 248 7799 or +1 669 900 6833
4. Webinar ID: 934 7942 1129
5. International numbers available: <https://zoom.us/u/adHo3nxdGQ>

The following e-mail address will be monitored throughout the meeting by staff who can assist with and alert the committee of any technical issues: LBA_Fiscal@leg.state.nh.us.

FRIDAY, JUNE 11

COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a)

8:30 a.m. Regular meeting.

This meeting will take place by remote conference. To listen in please follow the instructions below:

1. Dial the call in number: 1-213-929-4212
2. Enter the Meeting ID (Access Code): 982-726-912
3. If prompted for an additional ID, please press #

The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: Amy.E.Rousseau@DES.NH.gov.

You may also call Amy Rousseau at 603-848-1372.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

10:00 a.m. Regular meeting.

Please click the link below to join the webinar:

<https://nh-dhhs.zoom.us/j/92176458380?pwd=OHlKdjRpMGZySTlIdFpmU0NIeE84Zz09>

1. Passcode: 993883
2. Or One tap mobile: US: +13126266799,,92176458380#,,, *993883# or
+16465588656,,92176458380#,,, *993883#
3. Or Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or
+1 669 900 9128 or +1 253 215 8782
4. Webinar ID: 921 7645 8380
5. International numbers available: <https://nh-dhhs.zoom.us/j/ab0U8JAAzZ>

For any technical assistance or problems, Kathleen Capron will be our contact and may be reached at either (603) 271-9445 or Kathleen.Capron@dhhs.nh.gov.

FRIDAY, JUNE 18

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Regular meeting.

This meeting will take place as a Zoom webinar.

Committee and staff members will receive secure Zoom invitations by e-mail.

Members of the public and state agency personnel may attend using one of the following alternatives:

1. Join the webinar: <https://zoom.us/j/99054565866>
2. iPhone one-tap:
US: +13017158592,,99054565866# or +13126266799,,99054565866#

3. Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833
 4. Webinar ID: 990 5456 5866
 5. International numbers available: <https://zoom.us/j/abansboGB>
- The following e-mail address will be monitored throughout the meeting by JLCAR staff who can assist with and alert the JLCAR to any technical issues: cheryl.walsh@leg.state.nh.us or call 603-271-6647.

LONG-TERM SEACOAST COMMISSION ON DRINKING WATER (RSA 485-F:6)

- 2:00 p.m. Regular meeting.
This meeting will take place by remote conference. To participate in the meeting, please use the following instructions:
Video access is available at:
<https://nhgov.webex.com/nhgov/j.php?MTID=m4d318419c245a833190a069c2eae3525>
1. Meeting number (access code): 160 618 3981
 2. Meeting password: water
 3. Join by phone: +1-415-655-0001
- The following phone number will also be monitored during the meeting: 603-677-2478

MONDAY, JUNE 21

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)

- 8:00 a.m. Regular meeting.
Committee members will receive secure Zoom invitations by e-mail.
Members of the public may attend using the following links:
1. To join the webinar: <https://zoom.us/j/91618469592>
 2. Or Telephone: Dial (for higher quality, dial a number based on your current location): 1 929 436 2866
 3. Webinar ID: 916 1846 9592
- The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: LBA_CBOC@leg.state.nh.us.

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)

- 9:30 a.m. Regular meeting.
Committee members will receive secure Zoom invitations via email.
Members of the public may attend using the following links:
1. To join the webinar: <https://zoom.us/j/96186932269>
 2. Or Telephone: Dial (for higher quality, dial a number based on your current location): 1 301 715 8592
 3. Webinar ID: 961 8693 2269
- The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: LBA_LRCPUC@leg.state.nh.us.

MONDAY, JUNE 28

COMMISSION TO STUDY TESTING FOR LYME AND OTHER TICK-BORNE DISEASES (RSA 141-C:6-a)

- 9:00 a.m. Regular meeting.
This is the attendee link and invitation that will be used for all future meetings:
<https://us06web.zoom.us/j/93853725191?pwd=ckNhbmsrTHNiQ3ppOU1Mc0dyUkFGdz09>
Please download and import the following iCalendar (.ics) files to your calendar system.
Monthly: https://us06web.zoom.us/webinar/tJclcuqvrD4rE9VfZFtoeiQsnE_k5Tlrh5_C/ics?icsToKen=98tyKuCrpj4pHdaQsRCGRowqGo_4b-3zpiVcj_prmiXDFy9WazLIOMd9OedLHMrY
Topic: Commission to Study Testing on Lyme and Other Tick-borne Diseases
Please click the link below to join the webinar:
<https://us06web.zoom.us/j/93853725191?pwd=ckNhbmsrTHNiQ3ppOU1Mc0dyUkFGdz09>
1. Passcode: 313494
 2. Or One tap mobile:
US: +13126266799,,93853725191#,,,313494# or
+19292056099,,93853725191#,,,313494#

3. Or Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or
+1 669 900 6833 or +1 253 215 8782
 4. Webinar ID: 938 5372 5191
 5. International numbers available: <https://us06web.zoom.us/j/kbQKH16zM7>
- The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: mwagner@naminh.org or call (603) 505-7167

NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4)

2:00 p.m. Regular meeting.

Board members and members of the public may attend using one of the following:

1. Link to join Zoom Meeting:
<https://us02web.zoom.us/j/89797163692?pwd=SmRyb2k2ZXFhd2MvdHU0S2VqS1ZlQT09>
2. iPhone one-tap:
+19292056099,,89797163692#,,, *836558# (New York)
+13017158592,,89797163692#,,, *836558# (Washington DC)
3. Telephone: Dial by your location:
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
4. Meeting ID: 897 9716 3692
5. Passcode: 836558
6. Find your local number: <https://us02web.zoom.us/j/khefkadab4>

OFFICIAL NOTICES

The Executive Committee of the **Grafton County** Delegation will meet on **Tuesday, June 1, at 3 pm** to discuss the Commissioners' budget proposals. This meeting will be held via Zoom, with limited availability for attendance at the Grafton County Administration Building, 3855 Dartmouth College Hwy, North Haverhill. Additional meetings for the same purpose will be held on **June 8, June 11, and June 15, all at 3pm**. Zoom Meeting: <https://us02web.zoom.us/j/82061945194?pwd=VXJSK1JBZEVvc3k4SWFiSFBjWHlwUT09>
Meeting ID: 820 6194 5194; Passcode: 243632

Rep. Joyce Weston

The Executive Committee of the **Merrimack County** Delegation will hold a Zoom meeting and/or in person on **Friday, May 28th, 2021** at 10:00 a.m. at the Old Courthouse, 163 N. Main Street in Concord, NH. The purpose of the meeting is as follows: 1. Review/Approve 1st Quarter Financial Review. 2. Hear a report on the American Rescue Plan Act. 3. Any other business.

For more information, including how to attend the Zoom meeting, please visit the County website at www.merrimackcounty.net or contact Office Manager, Melinda Harrison at 796-6872.

Rep. James MacKay, Chairman

The **Rockingham County** Executive Committee will meet on **Friday, May 28, 2021 at 9:30 a.m.** This meeting will be held remotely by Audio Conference. The purpose of the meeting is for Subcommittee Chairs to report budget recommendations and vote on budget to be presented at Executive Committee Public Hearing. To join the meeting follow the instructions below:

Dial one of the following call-in numbers:

1-929-205-6099

888-788-0099 (US Toll Free)

833-548-0276 (US Toll Free)

833-548-0282 (US Toll Free)

877-853-5247 (US Toll Free)

Enter the Meeting ID: 571-325-5541#

Participant IDs will not be provided for this meeting; simply press # to continue.

Enter the Meeting Password: 312900#

The following email address will be monitored throughout the meetings by someone who can alert the committee to any issues: rbernier@co.rockingham.nh.us. The meetings will be adjourned if the public cannot access the meeting. Convention Members will be emailed the link to access the meetings electronically. Please contact Cheryl Hurley, Delegation Coordinator, at (603) 679-9369 or by email at delegation@co.rockingham.nh.us if you have any questions or need further instructions on how to access the meeting.

Rep. David A. Welch, Clerk

Rockingham County Executive Committee

Pursuant to RSA 24:23, there will be an **Hillsborough County** Executive Committee Regular Meeting -- **Tuesday, June 1, 2021 at 9:00am** and immediately following the Executive Committee's Regular Committee meeting on June 1, 2021, the Hillsborough County Executive Committee will move into the Executive Committee Budget Review Meeting via zoom of the Hillsborough County Executive Committee. It is anticipated the budget review will take all day, please plan accordingly. The purpose of the meeting is to consider the agenda items before them. This meeting will be held using zoom meeting technology, with limited availability for attendance at the Bouchard Building located at 329 Mast Road, Goffstown, NH.

For more information, including how to attend the Zoom meeting, please visit the Hillsborough County website at www.hcnh.org or contact Delegation Coordinator, Paul Hunt, at 603-627-5631. Paul Hunt will also be monitoring the following email address during the meeting: phunt@hcnh.org. To enter the meeting telephonically follow the following steps:

Dial the following call in number: 1-929-436-2866 (US Toll Free)

When prompted enter the following Meeting ID: 820 5577 0305#

Then, when prompted enter the Meeting Password: 781491#

The following codes are used when participating by telephone only: *6 to mute/unmute and *9 to Raise hand
Digital Access Link is below:

<https://us02web.zoom.us/j/82055770305?pwd=cVo2ellBOUJlZ1RFSi9TZnlBaUt6dz09>

Meeting ID: 820 5577 0305 Passcode: 781491

Rep. Megan Murray

The **Rockingham County** Executive Committee will have a Public Hearing, **Monday, June 7, 2021 at 6:00 p.m.** It will be held remotely by Audio Conference. The purpose of the meeting is to present the Executive Committee's Fiscal Year 2022 Budget and vote to consider any changes.

To join the meeting follow the instructions below:

Dial one of the following call-in numbers:

1-929-205-6099

888-788-0099 (US Toll Free)

833-548-0276 (US Toll Free)

833-548-0282 (US Toll Free)

877-853-5247 (US Toll Free) Enter the Meeting ID: 571-325-5541#

Participant IDs will not be provided for this meeting; simply press # to continue.

Enter the Meeting Password: 312900#

The following email address will be monitored throughout the meetings by someone who can alert the committee to any issues: rbernier@co.rockingham.nh.us. The meetings will be adjourned if the public cannot access the meeting. Please note: Convention Members will be emailed the link to access the meetings electronically. Please contact Cheryl Hurley, Delegation Coordinator, at (603)679-9369 or by email at delegation@co.rockingham.nh.us if you have any questions or need further instructions on how to access the meeting.

Rep. David A. Welch, Clerk

Rockingham County Executive Committee

Rockingham County Executive Committee Meeting, **Wednesday, June 23, 2021 at 9:00 a.m.**, to be held remotely by Audio Conference. The purpose of the meeting is to finalize any unfinished business prior to Convention Meeting.

Rockingham County Convention Meeting, **Wednesday, June 23, 2021 at 10:00 a.m.**, to be held remotely by Audio Conference. The purpose of the meeting is to Adopt County's Fiscal Year 2022 Budget; Additional Convention Meeting, if needed, Friday, June 25, 2021 at 9:30 a.m., to be held remotely by Audio Conference.

To join the meetings follow the instructions below:

Dial one of the following call-in numbers:

1-929-205-6099

888-788-0099 (US Toll Free)

833-548-0276 (US Toll Free)

833-548-0282 (US Toll Free)

877-853-5247 (US Toll Free)

Enter the Meeting ID: 571-325-5541#

Participant IDs will not be provided for this meeting; simply press # to continue.

Enter the Meeting Password: 312900#

The following email address will be monitored throughout the meetings by someone who can alert the committee to any issues: rbernier@co.rockingham.nh.us. The meetings will be adjourned if the public cannot access the meeting. Please note: Convention Members will be emailed the link to access the meetings electronically. Please contact Cheryl Hurley, Delegation Coordinator, at (603) 679-9369 or by email at delegation@co.rockingham.nh.us if you have any questions or need further instructions on how to access the meeting.

Rep. David A. Welch, Clerk
Rockingham County Convention

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB10, HB20, HB95, HB103, HB121, HB123, HB179, HB180, HB188, HB209, HB222, HB239, HB346, HB369, HB425, HB497, HB498, HB 532, HB590, HB591, HB592, HB593, HB594, HB595, HB601, HB610, HB611, HB615, HB619, HB620, HB623, HB624, HB625, HB626, HB627, SB3, SB22, SB59, SB 60, SB66, SB92, SB93, SB96, SB104, SB125, SB133, SB141, SB143, SB146, SB148, SB155.

Paul C. Smith, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House Record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

The Disabled American Veterans of NH cordially invite all members to a Memorial Day Ceremony on **Sunday, May 30th** at 6:00 PM at the NH State Veterans Cemetery, 110 Daniel Webster Hwy, Boscawen, NH. Bring a folding chair, as seating is limited. All guests are encouraged to follow CDC & DHS guidelines regarding face coverings and social distancing. The ceremony will last one hour and be live-streamed on <https://www.facebook.com/NHSVC>. RSVP is not required. The point-of-contact is the cemetery director, Shawn Buck, at sbuck@nhsvc.com.

Rep. Jess Edwards

Members of the Legislature and the general public are invited to attend a Zoom Webinar on **Tuesday, June 1, at 4 p.m.** to learn about the fiscal and economic benefits/cost savings of the Education Freedom Account program being considered by the Legislature. The webinar is presented by the Josiah Bartlett Center for Public Policy and features Dr. Ben Scafidi, director of the Education Economics Center at Kennesaw State University. Dr. Scafidi is author of a report for Josiah Bartlett Center on the Education Freedom Account program and is a nationally recognized expert on education economics. Dr. Scafidi will discuss the EFA program's impact on state spending, on local school district budgets, and on student outcomes. Register for this webinar at EFAwebinar.eventbrite.com.

Rep. Glenn Cordelli

On Tuesday, **June 1, from 9 to 10 a.m.**, there will be a presentation about Senate Bill 74, "relative to advance directives for health care decisions." Hosting the meeting will be a coalition of diverse stakeholders to include: NH Hospital Association, Granite State Home Health & Hospice Associations, NH Association of Counties, NH Health Care Association, NH Chapter of the National Academy of Elder Law Attorneys, and Trust and Estate Legislative Working Group. They were part of the group which drafted the bill and some of them will serve as panelists for this meeting.

Join Zoom Meeting:

<https://us02web.zoom.us/j/86388696258>

Meeting ID: 863 8869 6258

Passcode: 680147

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 646 558 8656 US (New York)

Rep. Mark Pearson

The New Hampshire Insurance Department cordially invites all Legislators and Staff to a brown bag lunch webinar on the state's Health Cost tool (<https://nhhealthcost.nh.gov/>), which allows consumers, including employers, the opportunity to compare costs for healthcare services in New Hampshire. It will be held on **Monday, June 7th, at 12:00 pm**. For more information, long-in details or to RSVP to this event, please contact Tiffany Fuller, Public Outreach Coordinator for the Insurance Department, at 271-3886, or by e-mail: tiffany.d.fuller@ins.nh.gov.

Speaker Sherman Packard

The next Children's Caucus will be on **June 7, 12:00-1:00**. The speaker will be Cheri White from the Department of Education who will discuss the impact of Covid on food service programs.

The notice and zoom will also be in the calendar.

<https://zoom.us/j/94803654155?pwd=V0hmZUFYU9tYjd3ZFM0ZkltU2lYdz09>

Meeting ID: 948 0365 4155 Passcode: 670881

Rep. Patty Cornell

Each month over this summer, NH-RCV is hosting "Ranked Choice Voting: The Unofficial Study Committee", a three-part mini-course that deep dives on the details of RCV and how it would look in NH. All legislators, as well as Secretary of State and municipal officials, are invited to attend, learn everything there is to know about RCV, as well as get all questions answered.

This mini course consists of:

Part I - Why Ranked Choice Voting? The Problems it Solves and the Basics of How it Works

Part II - RCV in Multi-Winner Elections (NH House), primaries, and municipalities; and alternative systems

Part III - Constitutionality; RCV Implementation, Administration, and Cost

The June dates for the Unofficial Study Committee are **Mon June 28th (Part I), Tues 29th (Part II), and Wed 30th (Part III), at 7:30 p.m.** The mini course will be repeated again on differing days and times in July and August, and a full Saturday course combining all three parts is being offered on **Saturday July 10th at 9am**, so please follow the link to choose your preferred dates: https://www.nhrankedchoice.org/rcv_informal_study_committee

Reps. Ellen Read, Tony Lekas and Mark Warden

Vegas Caucus now has enough members to hold our second organizational meeting. Any members who have bills in the works to relegalize or decriminalize activities that are allowed in other states are welcome to join us. Our plan is to put together a slate of bills and cosponsorships next session and discuss our plans for moving forward for the remainder of this session. Email me at Max.Abramson@leg.state.nh.us to join up. But remember that all ideas and bills discussed in this caucus are confidential because, "What happens in Vegas stays in Vegas."

Rep. Max Abramson

AMENDMENTS (LISTED IN NUMERICAL ORDER)

Amendment to SB 15 (2021-1155h)

Proposed by the Committee on Executive Departments and Administration – c

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

AN ACT relative to ratification of amendments to the state building code and state fire code.

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

1 State Building Code; Ratification of Amendments. Pursuant to RSA 155-A:10, IV(b), the general court hereby ratifies the amendments to the state building code, as defined in RSA 155-A:1, approved by the state building code review board from July 10, 2015 through March 11, 2016 and from March 8, 2019 through January 8, 2021, in administrative rules Bcr 300; with the exception of state building code review board Exhibits RE-15-35-18 and RE-15-36-18, which shall not take effect. Further provided that the following amendments shall expire as provided in 2019, 250:4:

I. RE-15-33-18, an amendment to International Residential Code (IRC) 2015, table N1102.1.2, relative to climate zone 6, wood frame wall r-value.

II. RE-15-37-18, an amendment to IRC 2015, section N1101.5, relative to information on construction documents.

III. RE-15-39-18, an amendment to IRC 2015, section N1102.1, relative to the building thermal envelope.

IV. RE-15-40-18, an amendment to IRC 2015, section N1102.4.1.2, relative to testing.

V. RE-15-42-18, an amendment to IRC 2015, section N1103.6, relative to mechanical ventilation.

VI. RE-15-43-18, an amendment to IRC 2015, table N1102.1.2, relative to insulation and fenestration requirements by component.

2 State Fire Code; Ratification of Amendments.

I. Pursuant to RSA 153:5, the general court hereby ratifies the amendments to the state fire code adopted by the state fire marshal and the state board of fire control on January 15, 2020.

II. Pursuant to RSA 153:5, the general court hereby ratifies exhibits RE 20-04-15, RE 20-05-15, RE 20-06-15, and RE 20-07-15 adopted by the board of fire control and the state fire marshal on December 16, 2020, and approved by the commissioner of safety on January 21, 2021.

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

2021-1155h

AMENDED ANALYSIS

This bill ratifies certain amendments to the state building code and state fire code adopted by the fire marshal and state building code review board in 2015, 2016, 2019, 2020, and 2021.

Amendment to SB 18

(2021-1403h)

Proposed by the Committee on Commerce and Consumer Affairs – c

Amend RSA 178:6, IV as inserted by section 2 of the bill by replacing it with the following:

IV. A liquor manufacturer may provide to visitors of legal drinking age at its facility samples of liquor manufactured on the premises for tasting. Samples may be provided either free or for a fee and shall be limited to one 1/2-ounce sample per label per person. Samples sold under this section shall be subject to fees as established in paragraph VI. *A liquor manufacturer that produces fewer than 10,000 bottles during their licensing year and that operates and produces liquor solely within the state may transport to and sell its products at a farmers market at retail in the original sealed containers and may offer samples as provided in this paragraph.*

Amendment to SB 22-FN

(2021-1491h)

Proposed by the Committee on Ways and Means – c

Amend the bill by replacing section 3 with the following:

3 Lucky 7 Ticket Prices. Amend RSA 287-E:20, II to read as follows:

II. The price of any lucky 7 ticket pack or ticket card shall ~~be either \$.50 or~~ **not exceed** \$1, provided that at any location where a charitable organization offers \$1 tickets for sale the charitable organization shall also offer \$.50 tickets for sale.

Amendment to SB 27

(2021-1236h)

Proposed by the Majority of the Committee on Ways and Means – r

Amend the bill by inserting after section 5 the following and renumbering the original section 6 to read as 7:

6 New Paragraph; Charitable Organization; Waiver. Amend RSA 287-D:6 by inserting after paragraph V the following new paragraph:

VI. An applicant who does not meet the definition of a charitable organization as set forth in RSA 287-D:1, IV may apply to the executive director of the lottery commission for a waiver of these requirements if it can establish the following:

(a) The organization was established with the charitable trusts unit of the attorney general's office, and has been in existence for a period of at least 2 years prior to the application;

(b) The charitable works of the organization take place primarily in the state of New Hampshire; and

(c) All charitable gaming revenue raised by the organization will be used to benefit the state of New Hampshire and its residents.

Amendment to SB 28

(2021-1112h)

Proposed by the Committee on Public Works and Highways – c

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

AN ACT naming a courtroom in the second circuit courthouse in Plymouth in honor of Judge Edwin W. Kelly and naming a roundabout in New London in honor of Jessie Levine.

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

2 Jessie Levine Roundabout. Pursuant to RSA 4:43, the roundabout located at N.H. route 11, also known as the intersection of Newport Road and County Road in the town of New London, is hereby named the Jessie Levine Roundabout in honor of municipal and county government leader and New London resident, Jessie W. Levine. Among her many career achievements in the pursuit of good local government, Ms. Levine advocated for and oversaw the roundabout construction while serving as New London's town administrator. An appropriate marker may be placed on the center island of the roundabout.

3 Signage. The cost of design, construction, maintenance, and installation of any signage, replacement signage, or other markers authorized under section 2 of this act shall not be a charge to the state. However, the design, construction, and installation of any signage or other markers authorized shall be approved by the department of transportation.

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

2021-1112h

AMENDED ANALYSIS

This bill renames a courtroom in the second circuit courthouse in Plymouth in honor of Judge Edwin W. Kelly and names a roundabout in the town of New London in honor of Jessie Levine.

Amendment to SB 31

(2021-1486h)

Proposed by the Majority of the Committee on Election Law - r

Amend the bill by replacing section 2 with the following:

2 Absentee Affidavit Envelopes. Amend RSA 657:7, II to read as follows:

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following:

~~[(a) Absence from City or Town. A person voting by absentee ballot because of absence from the city or town in which he or she is entitled to vote shall fill out and sign the following certificate:-~~

~~I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of _____, New Hampshire, in ward _____; that I will be unable to appear at any time during polling hours at my polling place because I will be working on election day, or I am voting on the Monday immediately prior to the election, the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning, and I am elderly or infirm, have a physical disability, or have to care for children or infirm adults, or I will be otherwise absent on election day from said city or town and will be unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind). For the purposes of this certification, the term "working" shall include the care of children and infirm adults, with or without compensation.~~

~~(Signature) _____~~

~~In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.~~

~~(b) Absence Because of Religious Observance or Physical Disability. A person voting by absentee ballot because of religious observance or physical disability shall fill out and sign the following certificate:-~~

~~I do hereby certify under the penalties for voting fraud set forth below that I am a voter in the city or town of _____, New Hampshire, in ward _____; that I will be observing a religious commitment which prevents me from voting in person or that on account of physical disability I am unable to vote in person; that I have carefully read (or had read to me because I am blind) the instructions forwarded to me with the ballot herein enclosed, and that I personally marked the ballot within and sealed it in this envelope (or had assistance in marking the ballot and sealing it in this envelope because I am blind).~~

~~(Signature) _____~~

~~The signature on this affidavit must appear to be executed by the same person who signed the absentee ballot application.]~~

YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

I do hereby certify under the penalties for voting fraud set forth below that:

I am a voter in the city or town of _____, New Hampshire.

One of the following applies to me:

1) I will be absent on election day. Absence includes:

a) I will be out-of-town on election day.

b) I will be unable to vote in person because I will be working.

c) I will be unable to vote in person because I will be caring for children or infirm adults, with or without compensation.

d) I am voting absentee on the Monday immediately before the election, the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning that applies to my town/ward, and I have concerns for traveling in the storm.

2) I am unable to vote in person due to disability.

3) I am unable to vote in person due to observance of a religious commitment, which prevents me from voting in person.

I have carefully read or had read to me the absentee voting instructions. I personally marked the absentee ballot enclosed in this envelope or, due to a disability, I had assistance in marking the absentee ballot.

Voter Signature _____

A person assisting a ~~[disabled or blind]~~ voter ***with a disability*** shall ~~[make and]~~ sign ~~[a]~~ ***this*** statement on this envelope ~~[in the space provided]~~ acknowledging the assistance. ~~[The moderator will not compare the voter's signature on this affidavit with the signature on the absentee ballot application when a person assisting the voter has signed the statement on the affidavit that assistance was provided.]~~

I attest that I assisted (print voter name) _____ because the voter is a person with a disability. I marked the ballot and/or this form as instructed by the voter.

In accordance with RSA 659:34, the penalty for knowingly or purposefully providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

Amendment to SB 36

(2021-1303h)

Proposed by the Committee on Commerce and Consumer Affairs – c

Amend the bill by replacing section 2 with the following:

2 Automobile Insurance; Cancellation; Grounds. Amend RSA 417-A:4, IV to read as follows:

IV. [Failure to sign the New Hampshire residency form as required by RSA 417-A:3-b.] Named insured was not a resident of the state of New Hampshire at the time the policy was issued or renewed, unless the insured vehicle at issue was exclusively garaged in New Hampshire when the policy was issued or renewed.

Amendment to SB 40

(2021-1357h)

Proposed by the Committee on Criminal Justice and Public Safety - c

Amend RSA 595-A:10, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) The operator cannot be further detained solely for refusing to consent to a search.

Amendment to SB 42

(2021-1281h)

Proposed by the Committee on Executive Departments and Administration – c

Amend the bill by replacing section 1 with the following:

1 Public Officials Barred from Certain Private Dealings. Amend RSA 95:1 to read as follows:

95:1 Public Officials Barred From Certain Private Dealings. No person holding a public office, as such, in state or any political subdivision governmental service shall, by contract or otherwise, except by open competitive bidding, buy real estate, sell or buy goods, commodities, or other personal property of a value in excess of ~~[\$200]~~ **\$1000 at any one sale, **or provide services of a value in excess of \$1000 in any one year**, to or from the state or political subdivision under which he **or she** holds ~~[his]~~ public office.**

2021-1281h

AMENDED ANALYSIS

This bill prohibits a public official from contracting with the state or a political subdivision for goods or services valued at more than \$1000 unless the contract is obtained through open competitive bidding.

Amendment to SB 45

(2021-1253h)

Proposed by the Committee on Health, Human Services and Elderly Affairs – c

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

1 Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 318-B:31, IV to read as follows:

IV. “Dispenser” means a person or entity who is lawfully authorized to deliver a schedule II-IV controlled substance, but does not include:

(a) A licensed hospital pharmacy ***under RSA 318*** that dispenses less than a 48-hour supply of a schedule II-IV controlled substance from a hospital emergency department or that dispenses for administration in the hospital;

(b) A practitioner, or other authorized person who administers such a substance;

(c) A wholesale distributor of a schedule II-IV controlled substance or its analog;

(d) A prescriber who dispenses less than a 48-hour supply of a schedule II-IV controlled substance from a hospital emergency department to a patient; [or]

(e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV controlled substance to a patient; ***or***

(f) A practitioner who does not hold or operate under an active Drug Enforcement Agency registration number to prescribe or dispense controlled substances.

2 New Paragraph; Controlled Drug Prescription Health and Safety Program; Information. Amend RSA 318-B:32 by inserting after paragraph I the following new paragraph:

I-a. The office may enter into agreements or contracts to facilitate the confidential sharing of information relating to the prescribing and dispensing of schedule II-IV controlled substances, by practitioners within the state and to establish secure connections between the program and a practitioner’s electronic health record keeping system. An electronic health record keeping system may allow for the query and retrieval of the provider specified, individual’s program information for display and retention in the patient’s medical information; provided that nothing in this section shall allow the electronic health record keeping system owner or license holder to perform data queries unrelated to individuals under the practitioner’s care. The electronic health record keeping system owner or license holder shall be responsible for ensuring that only authorized individuals have access to program information. The program shall record and retain in its database what information was transferred and the identity of the organization who received the information. The program shall include this information when a patient requests a report pursuant to RSA 318-B:35, I(b)(1).

3 New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 318-B:34 by inserting after paragraph II the following new paragraph:

II-a. A practitioner who intends to request and use information from the program about a patient shall post a sign that can be easily viewed by the public that discloses to the public that the practitioner may access and use information contained in the program. In lieu of posting a sign, the practitioner may provide such notice in written material provided to the patient.

4 Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 318-B:35, I(a)(2) and (3) to read as follows:

(2) For reviewing information regarding prescriptions issued or dispensed ***or for conducting medication reconciliation*** by the requester; [or]

(3) For the purpose of investigating the death of an individual; ***or***

(4) For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA 329:13-b, and other participating health professional boards.

5 Repeal. RSA 318-B:35, I(b)(5), relative to a practitioner or consultant retained by the office of professional licensure and certification to review certain information, is repealed.

6 Contingent Version; Controlled Drug Prescription Health and Safety Program; Definitions. Amend RSA 126-A:89, VI to read as follows:

VI. “Dispenser” means a person or entity who is lawfully authorized to deliver a schedule II-IV controlled substance, but does not include:

(a) A licensed hospital pharmacy ***under RSA 318*** that dispenses less than a 48-hour supply of a schedule II-IV controlled substance from a hospital emergency department or that dispenses for administration in the hospital;

(b) A practitioner, or other authorized person who administers such a substance;

(c) A wholesale distributor of a schedule II-IV controlled substance or its analog;

(d) A prescriber who dispenses less than a 48-hour supply of a schedule II-IV controlled substance from a hospital emergency department to a patient; [or]

(e) A veterinarian who dispenses less than a 48-hour supply of a schedule II-IV controlled substance to a patient; ***or***

(f) A practitioner who does not hold or operate under an active Drug Enforcement Agency registration number to prescribe or dispense controlled substances.

7 Contingent Version; New Paragraph; Controlled Drug Prescription Health and Safety Program; Information. Amend RSA 126-A:90 by inserting after paragraph I the following new paragraph:

I-a. The department may enter into agreements or contracts to facilitate the confidential sharing of information relating to the prescribing and dispensing of schedule II-IV controlled substances, by practitioners

within the state and to establish secure connections between the program and a practitioner's electronic health record keeping system. An electronic health record keeping system may allow for the query and retrieval of the provider specified, individual's program information for display and retention in the patient's medical information; provided that nothing in this section shall allow the electronic health record keeping system owner or license holder to perform data queries unrelated to individuals under the practitioner's care. The electronic health record keeping system owner or license holder shall be responsible for ensuring that only authorized individuals have access to program information. The program shall record and retain in its database what information was transferred and the identity of the organization who received the information. The program shall include this information when a patient requests a report pursuant to RSA 126-A:93, I(b)(1).

8 Contingent Version; New Paragraph; Controlled Drug Prescription Health and Safety Program; Confidentiality. Amend RSA 126-A:92 by inserting after paragraph II the following new paragraph:

II-a. A practitioner who intends to request and use information from the program about a patient shall post a sign that can be easily viewed by the public that discloses to the public that the practitioner may access and use information contained in the program. In lieu of posting a sign, the practitioner may provide such notice in written material provided to the patient.

9 Contingent Version; Providing Controlled Drug Prescription Health and Safety Information. Amend RSA 126-A:93, I(a)(2) and (3) to read as follows:

(2) For reviewing information regarding prescriptions issued or dispensed *or for conducting medication reconciliation* by the requester; [or]

(3) For the purpose of investigating the death of an individual; *or*

(4) For the purpose of administering RSA 318:29-a, VI, RSA 326-B:36-a, RSA 329:13-b, and other participating health professional boards.

10 Contingent Version; Repeal. RSA 126-A:93, I(b)(4), relative to a practitioner or consultant retained by the department of health and human services to review certain information, is repealed.

11 Contingency.

I. If HB 2-FN-A-L of the 2021 legislative session becomes law and contains provisions transferring the administration of the controlled drug prescription health and safety program from the office of professional licensure and certification under RSA 318-B to the department of health and human services under RSA 126-A, then sections 1-5 of this act shall take effect upon its passage and until July 1, 2021 and then sections 6-10 of this act shall take effect July 1, 2021 at 12:01 a.m.

II. If HB 2-FN-A-L of the 2021 legislative session becomes law and does not contain provisions transferring the administration of the controlled drug prescription health and safety program from the office of professional licensure and certification under RSA 318-B to the department of health and human services under RSA 126-A, or if HB 2 FN-A-L does not become law, then sections 6-10 of this act shall not take effect and sections 1-5 of this act shall take effect upon its passage.

12 Effective Date.

I. Sections 1-10 of this act shall take effect as provided in section 11 of this act.

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

2021-1253h

AMENDED ANALYSIS

This bill modifies requirements for participation in and sharing of information from the controlled drug prescription health and safety program.

Amendment to SB 58

(2021-1531h)

Proposed by the Committee on Executive Departments and Administration – c

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

1 Administration of the Office. Amend RSA 310-A:1-d to read as follows:

310-A:1-d Administration of the Office of Professional Licensure and Certification.

I. The office of professional licensure and certification shall operate under the supervision of the executive director appointed under RSA 310-A:1-b. The office may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures for any purpose which are reasonably necessary, according to the executive director, for the proper performance of its duties under this chapter. ***The office may contract for the services of investigators, hearing officers, legal counsel and experts as necessary and in consultation with the appropriate board, council, or commission.***

II. The executive director of the office of professional licensure and certification shall be responsible for:

(a) Supervision of the division directors;

(b) The performance of the administrative, clerical, and business processing responsibilities of the boards, commissions, and councils;

(c) Employment of such personnel needed to carry out the functions of the boards;

(d) The issuance of a license or certification to any applicant who has met the requirements for licensure or certification and denying a license or certification to applicants who do not meet the minimum qualifications;

(e) Maintenance of the official record of all applicants and licensees ***in accordance with the retention policy established by the office of professional licensure and certification***;

(f) Supervision, coordination, and assistance to the boards, commissions, and councils in rulemaking, pursuant to RSA 541-A;

(g) Maintaining the confidentiality of information, documents, and files in accordance with RSA 91-A;

(h) Establishing by rule, pursuant to RSA 541-A:

(1) All fees authorized by statute for all boards, commissions, ~~and~~ councils, ***and programs*** within the office of professional licensure and certification, in consultation with the affected boards, commissions, and councils on a biennial basis in conjunction with the preparation of the biennial budget;~~and~~

(2) Such organizational and procedural rules necessary to administer the boards, commissions, ~~and~~ councils, ***and programs*** in the office of professional licensure and certification, including rules governing the administration of complaints and investigations, payment processing procedures, and application procedures. ***The boards shall retain the authority to determine the criteria necessary for licensing applications;***

(3) ***The rate of per diem compensation and reimbursable expenses for all boards, commissions, councils, and programs within the office of professional licensure and certification; and***

(4) ***Rules governing the professionals' health program as set forth in RSA 310-A:1-e; and***

(i) Submitting, by November 1, to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate executive departments and administration committees, and the governor, an annual report summarizing the transactions of the preceding fiscal year and a complete statement of the receipts and expenditures of the office of professional licensure and certification. Such report shall satisfy the requirements for any annual or biennial report imposed by statute on any board, commission, or council administered by the office of professional licensure and certification. The report shall be posted on the website of the office of professional licensure and certification immediately upon submission.

2 Acupuncture; Quorum. Amend RSA 328-G:6 to read as follows:

328-G:6 Organization and Meetings. The board shall hold regular meetings at least semi-annually and shall give notice to its members of the time and place for holding all regular and special meetings. A quorum of the board shall consist of ~~[not less than 3 members]~~ ***a majority of the members of the board who have been approved by the governor and council.*** The board shall biennially elect a chairperson, a vice-chairperson, and a secretary from among its members.

3 Acupuncture; Rulemaking. Amend RSA 328-G:7, I-III to read as follows:

I. ~~[Procedures and forms for application]~~ ***Eligibility requirements*** for an acupuncture license.

II. Scope of practice ~~[and fees for applications]~~.

III. ~~[Procedures]~~ ***Eligibility requirements*** for license renewal, including continuing education requirements, testing, peer review, ~~[or other appropriate procedures,]~~ and methods to ensure compliance with such requirements.

4 Acupuncture; Rulemaking. Amend RSA 328-G:7, XIV to read as follows:

XIV.(a) ~~[Procedures and forms for application]~~ ***Eligibility requirements*** for certification as an acupuncture detoxification specialist.

(b) Renewal, revocation, or suspension of certification of an acupuncture detoxification specialist.

~~[(c) Any fees required under subparagraphs (a) and (b).]~~

~~[(d) Maintaining a register of persons certified as acupuncture detoxification specialists.]~~

5 Acupuncture; Powers of the Board. Amend RSA 328-G:11, I to read as follows:

I. The board shall:

(a) ~~[Insure]~~ ***Ensure*** that licensed acupuncturists serving the public meet minimum standards of proficiency and competency to protect the health, safety, and welfare of the public.

(b) Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the board under the authority granted in this chapter.

(c) Maintain an accurate account of all receipts, expenditures, and refunds granted under this chapter through the office of licensure and certification ***and in accordance with the retention policy established by the office of professional licensure and certification.***

(d) Maintain a record of its acts and proceedings, including the issuance, refusal, suspension, or revocation of licenses ***in accordance with the retention policy established by the office of professional licensure and certification.***

~~(e) [Maintain a roster of all acupuncturists licensed under this chapter which indicates:-]~~

~~(1) The name of the licensee.-~~

~~(2) Current professional office address.-~~

~~(3) The date of issuance and the number of the licensee's license.-~~

~~(4) Whether the licensee is in good standing.-~~

~~(f)~~ Keep all applications for licensure ~~[as a permanent record]~~ ***in accordance with the retention policy established by the office of professional licensure and certification.***

~~(g)~~ ***(f)*** Maintain a ~~[permanent]~~ record of the results of all examinations it gives ***in accordance with the retention policy established by the office of professional licensure and certification.***

~~(h)~~ ***(g)*** Keep all examination records including written examination records and tape recordings of the questions and answers in oral examinations ***in accordance with the retention policy established by the office of professional licensure and certification.***

~~(i)~~ ***(h)*** Keep the records of the board open to public inspection at all reasonable times.

~~(j)~~ ***(i)*** Adopt and use a seal, the imprint of which, together with the signatures of the chairperson or vice-chairperson and the secretary-treasurer of the board, shall evidence its official acts.

~~(k) Annually compile and publish a directory.]~~

6 Repeals; Acupuncture. The following are repealed:

I. RSA 328-G:5, relative to mileage for the board of acupuncture licensing.

II. RSA 328-G:7, IV, relative to rulemaking on a register.

7 Alcohol and Other Drug Use Professionals; Board; Quorum. Amend RSA 330-C:3, IX to read as follows:

IX. The board shall elect a chairperson annually from among its membership. ~~[Four members]~~ ***A majority of the members*** of the board ***who have been approved by the governor and council*** shall constitute a quorum.

8 Alcohol and Other Drug Use Professionals; Board; Removal. Amend RSA 330-C:3, XIII to read as follows:

XIII. The governor may remove any member from the board for neglect of any duty under RSA 330-C:5 or for incompetence, or unprofessional or dishonorable conduct. Any person may file a complaint against a board member or board members with the executive director of the office of professional licensure and certification. Upon receipt of a complaint, the ~~[commissioner]~~ ***executive director*** shall conduct an investigation and take any appropriate action and report his or her findings to the complainant. The provisions of RSA 4:1 controlling the removal of public officials from office shall be followed in dismissing board members.

9 Alcohol and Other Drug Use Professionals; Board; Duties. Amend RSA 330-C:5, VIII to read as follows:

VIII. Maintain records of proceedings as required by the laws of New Hampshire ***and as set forth by the retention policy established by the office of professional licensure and certification.***

10 Alcohol and Other Drug Use Professionals; Records. RSA 330-C:7 is repealed and reenacted to read as follows:

330-C:7 Records. A true record of all of the board's official acts shall be made and preserved by the board through the office of professional licensure and certification in accordance with the retention policy established by the office. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A or other applicable statutes.

11 Alcohol and Other Drug Use Professionals; Rulemaking. Amend RSA 330-C:9, I - V-b to read as follows:

I. ~~[Application procedures and]~~ Eligibility requirements for the issuance of all initial and renewal licenses issued by the board, including without limitation:

(a) The ***eligibility requirements for the*** issuance of LADC licenses to applicants holding a currently valid license or other authorization to practice substance use counseling in another jurisdiction;

(b) The ***eligibility requirements for the*** issuance of MLADC licenses to applicants holding a currently valid license or other authorization to practice substance use counseling and co-occurring disorder counseling in another jurisdiction;

(c) The ***eligibility requirements for the*** issuance of such licenses to applicants holding a current license issued by the board of nursing or the board of medicine; and

(d) The ***eligibility requirements for the*** issuance of a MLADC license under RSA 330-C:16.

II. ~~[Application procedures and]~~ Eligibility requirements for the reinstatement of licenses after lapse and after disciplinary action.

III. ~~[Application procedures]~~ ***Eligibility requirements***, training requirements, and other criteria for the issuance of certification, renewal of certification, and reinstatement of certification for certified recovery support workers and certified recovery support worker supervisors.

IV. ~~[The establishment of license and certificate application, late renewal, and reinstatement fees required under this chapter.]~~

V. ~~[The process standards for approval of education programs for the continuing education requirements of this chapter and providers of such programs, and the process for approval of providers engaged in clinical supervision.]~~

~~[V-a.]~~ ***V.*** The process standards for approval of individuals engaged in clinical supervision.

~~[V-b.]~~ ***V-a.*** The requirements for clinical supervision and the documentation of clinical supervision hours.

12 Alcohol and Other Drug Use Professionals; Applications. Amend RSA 330-C:15, I(a) to read as follows:

(a) Submit a completed application and pay fees established by the ~~[board]~~ ***office of professional licensure and certification;***

13 Alcohol and Other Drug Use Professionals; Applicants From Other States. Amend RSA 330-C:21, I-a to read as follows:

I-a. An applicant whose state licensure meets the requirements in paragraph I shall be deemed able to practice in this state not more than 60 days after the application is received by the board pending final approval or denial for other reason by the board. ~~[The board shall adopt rules under RSA 541-A to ensure the timely review and approval of applications under this section.]~~

14 Alcohol and Other Drug Use Professionals; Hearings. Amend RSA 330-C:29, I to read as follows:

I. The board may hold adjudicative hearings concerning allegations of misconduct or other matters within the scope of this chapter. Such hearings shall be public proceedings. Any member of the board ~~[other than the public members]~~, or any other qualified person appointed by the board, shall have authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

15 Repeals; Alcohol and Other Drug Use Professionals. The following are repealed:

I. RSA 330-C:3, XI, relative to mileage for board members.

II. RSA 330-C:28, II, relative to retaining experts for investigations or hearings.

16 Allied Health Professionals; Legal Counsel. Amend RSA 328-F:3, II to read as follows:

II. The governing boards' chairpersons or their appointees shall make up the board of directors of the office of licensed allied health professionals. ~~[The board of directors shall contract for the services of investigators and legal counsel retained through the office of professional licensure and certification]~~. The board of directors shall have the authority to delegate to the person in the supervisory position matters of administrative and personnel management.

17 Allied Health Professionals; Records. Amend RSA 328-F:9 to read as follows:

328-F:9 Records of the Boards. A true record of all of each board's official acts shall be made and preserved ***in accordance with the retention policy established by the office of professional licensure and certification***. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A or other applicable statutes.

18 Allied Health Professionals; Records. RSA 328-F:10 is repealed and reenacted to read as follows:

328-F:10 Records of Disciplinary History. Each governing board shall maintain a list of persons against whom the board has taken any disciplinary action in accordance with the retention policy established by the office of professional licensure and certification. This list shall include the name of the person, the reason for the disciplinary action, the date of the disciplinary action, and the nature of the disciplinary action.

19 Allied Health Professionals; Rulemaking. Amend RSA 328-F:11 to read as follows:

328-F:11 Rulemaking by the Governing Boards.

I. The governing boards shall adopt rules pursuant to RSA 541-A establishing:

(a) The eligibility requirements for initial licensure and for initial certification if certification of individuals is authorized by their practice acts.

(b) The eligibility requirements for license renewal, including any continuing competency requirements and any requirements for education, clinical experience, and training.

(c) The eligibility requirements for renewal of certification, including any continuing competency requirements and any requirements for education, clinical experience, and training.

(d) If the governing boards issue conditional licenses or certifications, conditional renewal of licenses or certifications, or conditional reinstatement after lapse or suspension of licenses or certifications, the circumstances under which these are issued and the standards for the imposition of the conditions.

(e) The ~~[application procedures and]~~ eligibility requirements, including any continuing competency requirements, for the reinstatement of licenses suspended for disciplinary reasons and for such reinstatement of certifications if authorized by their practice acts.

(f) The ~~[application procedures and]~~ eligibility requirements, including any continuing competency requirements, for the reinstatement of lapsed licenses and for such reinstatement of certifications if authorized by their practice acts.

(g) ~~[The design and content of supplemental application forms requesting applicant information specific to the profession for which the applicant is applying, which forms may require a notarized affidavit that the information provided in the application is complete and accurate, and which do not request information already provided on forms adopted under RSA 328-F:13, IV.]~~

~~(h) Application procedures.~~

~~(i) The allocation of disciplinary sanctions in cases of misconduct by licensees and by certified individuals.~~

II. The governing boards may adopt rules pursuant to RSA 541-A that specify, for their respective professions:

(a) The scope of practice.

(b) The ethical standards.

(c) The eligibility requirements ~~[and procedures]~~ for the issuance of licenses to applicants currently licensed in foreign countries and territories and in the territories of the United States.

(d) What constitutes, for disciplinary purposes, sexual relations with and sexual harassment of, a client or patient.

20 Allied Health Professionals; Licenses. Amend RSA 328-F:18, I through IV to read as follows:

I. Each governing board shall issue initial licenses and license renewals to applicants who have completed the ~~[required]~~ application procedures ***established by the office of professional licensure and certification*** and have met the eligibility requirements established by the practice act and the rules of the governing board. If a governing board is authorized by its practice act to issue provisional licenses, it shall issue such licenses to applicants who have completed the ~~[required]~~ application procedures ***established by the office of professional licensure and certification*** and have met the eligibility requirements for provisional licensure established by the practice act and the rules of the governing board.

II. The governing boards shall take no action on an application for any type of license, or reinstate any lapsed or suspended license, until the applicant has completed the application procedures ~~[required by the practice acts and the rules of the governing boards]~~ ***established by the office of professional licensure and certification***.

III. To ~~[insure]~~ ***ensure*** the competency of licensees, the governing boards are authorized to issue initial licenses, license renewals, and reinstatements of licensure after lapse or suspension for disciplinary reasons that are conditional in nature. Such conditional licenses may include the following conditions on the licensee's authorization to practice:

(a) A limit on the duration of the license.

(b) A requirement that specified education, clinical experience, or training is completed by the licensee before removal of the condition.

(c) A requirement that the conditional licensee be supervised in his or her practice.

(d) A limitation on the scope of the practice of the conditional licensee.

IV. Initial licenses, including conditional licenses that are the first license issued to the individual, and provisional licenses shall be:

~~(a) Signed and dated by the chairperson of the governing board issuing them.~~

~~(b)]~~ numbered consecutively and recorded.

21 Allied Health Professionals; Reinstatement. Amend RSA 328-F:24, III to read as follows:

III. Governing boards are authorized to conduct disciplinary proceedings in accordance with procedural rules adopted by the ~~[board of directors]~~ ***office of professional licensure and certification***.

22 Repeals; Allied Health. The following are repealed:

I. RSA 328-F:6, relative to compensation for governing board members.

II. RSA 328-F:12, I and IV, relative to a report of funds.

III. RSA 328-F:13, II-V, relative rulemaking by the allied health board of directors.

23 Repeals; Genetic Counselors. The following are repealed:

I. RSA 326-K:7, relative to compensation of the genetic counselors governing board.

II. RSA 326-K:9, II, relative to application procedures.

24 Physical Therapists; Powers of the Board. Amend RSA 328-A:3, IV to read as follows:

IV. Employ or contract with any entity for the purpose of administering examinations authorized by this chapter ***through the office of professional licensure and certification***.

25 Repeals; Physical Therapists. The following are repealed:

I. RSA 328-A:3, VIII-XI, relative to duties of the board.

II. RSA 328-A:15, I, relative to licensee information.

26 Respiratory Care; Rulemaking. Amend RSA 326-E:2, III to read as follows:

III. Specifying the ~~[application procedures and]~~ eligibility requirements to be met by persons or entities seeking approval as providers of continuing education programs.

27 Respiratory Care; Rulemaking. Amend RSA 326-E:11, III to read as follows:

III. The board shall establish, through rules adopted pursuant to RSA 541-A, ~~[application procedures and]~~ eligibility requirements for the approval of persons and entities as providers of continuing education programs.

28 Repeals; Respiratory Care. The following are repealed:

I. RSA 326-E:5, II(b) and (c), relative to duties of the governing board.

II. RSA 326-E:7, I, relative to licensee and governing board information.

29 Speech-language Pathology; Reinstatement. Amend RSA 326-F:7-a, III and IV to read as follows:

III. Complies with any reinstatement application procedures established by the ~~[board]~~ ***office of professional licensure and certification*** in rules adopted pursuant to RSA 541-A.

IV. Pays the reinstatement fee ***established by the office of professional licensure and certification***.

30 Repeal; Speech-language Pathology. RSA 326-F:5, II, relative to rules for applications, is repealed.

31 Barbering, Cosmetology, Esthetics; Board; Quorum. Amend RSA 313-A:2, V to read as follows:

V. The board shall hold at least 6 regular meetings each year. Special meetings may be called at such times as the rules of the board may provide. A quorum of the board shall consist of ~~[no fewer than 4 members]~~ **a majority of the members of the board who have been approved by the governor and council.** All meetings of the board shall be open to the public, except when the board conducts a nonpublic session under RSA 91-A.

32 Barbering, Cosmetology, Esthetics; Records. Amend RSA 313-A:4 to read as follows:

313-A:4 Maintenance of Records. The board shall maintain a record containing the names and addresses of all licensees and of all salons, barbershops and schools licensed pursuant to this chapter ~~[and]~~ **in accordance with the retention policy established by the office of professional licensure and certification.** The board shall issue all notices, license and registration certificates. The record shall include the date of issuance, renewal, suspension or revocation of all licenses. This record shall be open to public inspection at all reasonable times.

33 Barbering, Cosmetology, Esthetics; Board Duties. Amend RSA 313-A:7, I(a)-(d) to read as follows:

(a) Prescribe the duties of its officers ~~[and employees];~~

(b) Establish an office, within the office of professional licensure and certification at which all records and files of the board shall be kept **in accordance with the retention policy established by the office of professional licensure and certification;**

(c) Maintain a telephone line or an electronic mail address for the purpose of accepting consumer complaints;

(d) Keep a record of its proceedings **in accordance with the retention policy established by the office of professional licensure and certification;**

34 Barbering, Cosmetology, Esthetics; Applications. Amend RSA 313-A:16 to read as follows:

313-A:16 Applications. Applicants shall make written application to the ~~[secretary of the]~~ board on a form prescribed and supplied by the ~~[board]~~ **office of professional licensure and certification** which shall contain satisfactory evidence of the qualifications required of the applicant; and the applicant shall also pay the examination fee.

35 Repeals; Barbering, Cosmetology, Esthetics. The following are repealed:

I. RSA 313-A:6, relative to compensation of board members.

II. RSA 313-A:7, I(f) and (g), relative to reports and fees.

36 Body Art; Advisory Board; Compensation. Amend the introductory paragraph of RSA 314-A:14 to read as follows:

314-A:14 Advisory Board of Body Art Practitioners. The executive director shall establish the advisory board of body art practitioners. The board shall consist of 3 body art practitioners who are licensees in the state of New Hampshire. Each member shall be appointed to a term of 3 years. No member shall serve more than 2 consecutive full terms. ~~[Each member of the advisory board shall receive as compensation the sum of \$45 for each day actually devoted to the work of the advisory board and shall be reimbursed for necessary traveling expenses incurred in the discharge of such duty.]~~ The advisory board shall:

37 Chiropractic; Rulemaking. Amend RSA 316-A:3, IV to read as follows:

IV. Procedures for oral examinations and interviews, if appropriate. Such rules shall include a listing of permissible areas of inquiry and a statement of the means by which the inquiry shall be recorded. Transcripts or recordings shall be maintained by the board or commission ~~[for a period of not less than 90 days]~~ **in accordance with the retention policy established by the office of professional licensure and certification.**

38 Chiropractic; Board Meetings. Amend RSA 316-A:7 to read as follows:

316-A:7 Organization; Meetings. The board shall elect a chairperson ~~[and a secretary-treasurer]~~. The board shall meet quarterly and at such other times as the business of the board shall require. **A quorum shall consist of a majority of the members of the board who have been approved by the governor and council.**

39 Repeals; Chiropractic. The following are repealed:

I. RSA 316-A:3, VIII, IX, and XVII, relative to rules on licensee information and fees.

II. RSA 316-A:6, relative to board member successors.

III. RSA 316-A:9, relative to compensation of board members.

IV. RSA 316-A:10, relative to a report.

V. RSA 316-A:16, relative to licensure without exam of certain persons.

40 Dentistry; Board Meetings. Amend RSA 317-A:4, II to read as follows:

II. The board shall choose one of its members as its president and one of its members as vice-president. ~~[Five members]~~ **A majority of the members of the board who have been approved by the governor and council** shall constitute a quorum. No board action shall be taken without an affirmative vote of the majority of board members present and eligible to participate in the matter in question. Board members shall not be eligible to participate in a vote when the board member has recused himself or herself from participation due

to a conflict of interest. The board shall meet once a year and at such other times and places as it may deem proper. A true record of all their official acts shall be made and preserved by the ~~[board's executive director]~~ **office of professional licensure and certification in accordance with the retention policy established by the office**. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary proceedings, which are subject to RSA 317-A:18.

41 New Paragraph; Dentistry; Professional Health Program. Amend RSA 317-A:16-a by inserting after paragraph VI the following new paragraph:

VII. Rules governing the professional health program shall be implemented through the office of professional licensure and certification pursuant to RSA 310-A:1-d, II(h)(4).

42 Dentistry; Licensure of Hygienists. Amend RSA 317-A:21, II to read as follows:

II. Applications for licensure as a dental hygienist shall be made to the board in writing and shall be accompanied by a fee established by the ~~[board]~~ **office of professional licensure and certification** and by satisfactory proof that the applicant is a graduate of a school of dentistry or a school of dental hygiene with a minimum of a 2-year program in an institution of higher education, the program of which is accredited by a national accrediting agency recognized by the United States Department of Education and the Commission on Dental Accreditation.

43 Repeals; Dentistry. The following are repealed:

I. RSA 317-A:2, III, relative to compensation of board members.

II. RSA 317-A:2-a, I(d), relative to compensation of hygienists committee members.

III. RSA 317-A:4, I(d)-(f), relative to duties of the board.

IV. RSA 317-A:5, relative to reports and receipts.

V. RSA 317-A:10, relative to attested licenses.

VI. RSA 317-A:12, I, II, V, VII, VIII, and X, relative to rules on applications and fees.

VII. RSA 317-A:18, II, relative to retaining experts for investigations.

44 Dieticians; Board Records. Amend RSA 326-H:9, III to read as follows:

III. Maintain a true record of the board's official acts **through the office of professional licensure and certification and in accordance with the retention policy established by the office**, which shall be public and open to inspection at all reasonable times, except for records compiled in connection with disciplinary proceedings.

45 Dieticians; Rules. Amend RSA 326-H:10, I to read as follows:

I. The ~~[application procedures]~~ **eligibility requirements** for licensure or temporary licensure to practice as a licensed dietitian in this state.

46 Dieticians; License Fees. Amend RSA 326-H:12, V to read as follows:

V. Pay the ~~[\$110]~~ license fee **established by the office of professional licensure and certification**.

47 Dieticians; License Renewals. Amend RSA 326-H:14, II to read as follows:

II. All licenses issued by the board shall be renewed biennially or reissued pursuant to rules adopted and upon payment of a ~~[\$110]~~ license renewal fee **established by the office of professional licensure and certification**. The board shall cause notification of impending license expiration to be sent to each licensed person at least 60 days prior to the expiration of the license. Licenses shall continue as valid until final action is exercised by the board on an application for renewal, provided that the application is filed before the expiration date of the license.

48 Repeal; Dieticians. The following are repealed:

I. RSA 326-H:7, IV, relative to travel expenses for board members.

II. RSA 326-H:10, III, V, and VIII, relative to rules on fees.

49 Repeal; Electrologists. RSA 314:2-a, IV, relative to compensation for the electrology advisory committee, is repealed.

50 Funeral Directors; Board. Amend RSA 325:2, I to read as follows:

I. There shall be a board of registration of funeral directors and embalmers consisting of 5 members, including 4 funeral directors or embalmers and one public member, appointed by the governor, with the approval of the council, to serve terms of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. ~~[The commissioner of the department of health and human services, or his designee, shall serve as a non-voting secretary of the board.]~~

51 Funeral Directors; Quorum. Amend RSA 325:8 to read as follows:

325:8 Organization; Quorum. Within 30 days after appointment and qualification of a member, the board shall meet and elect from among its members a chairperson and such other officers as the board may provide for by rule. This organization shall continue until the appointment of a new member or upon the resignation of an existing board officer. The office of secretary and treasurer may be held by one member. ~~[Three members]~~ **A majority of the members of the board who have been approved by the governor and council** shall constitute a quorum for the transaction of business.

52 Funeral Directors; Rules. Amend RSA 325:9, IV to read as follows:

IV. ~~[How a license to practice under this chapter shall be renewed]~~ ***Eligibility requirements for renewal of license***, including the requirements for continuing education;

53 Funeral Directors; Licensure. Amend RSA 325:20 to read as follows:

325:20 Licensure. The board shall issue to each applicant successfully passing the examination, where an examination is required, and who otherwise satisfies the board of ***her or*** his qualifications, a license, ~~[signed by all the members of the board,]~~ entitling ***her or*** him to practice or engage in the business in this state as a funeral director, embalmer, or both, as the case may be.

54 Funeral Directors; Interstate Agreements. Amend RSA 325:22-a to read as follows:

325:22-a Interstate Agreements. The board may enter into an agreement with the corresponding licensing authority of any other state competent to enter into such agreement which shall permit a nonresident person duly registered and licensed as a funeral director or embalmer in any state signing the agreement with the board to go into the other state for the purpose of handling, embalming, transporting, and burying dead human bodies and directing funerals as though he ***or she*** were licensed under the laws of New Hampshire, except that he ***or she*** shall not maintain an establishment, advertise, have any agent or agency, or otherwise hold himself ***or herself*** out as a funeral director or embalmer other than in his ***or her*** native state; provided that the agreement will set forth that the licensing authority of the state in which the funeral director or embalmer is licensed will assume the responsibility for instituting disciplinary action against any licensed funeral directors or embalmers who may be guilty of unprofessional conduct in the practice of their business in New Hampshire when such is reported by this board and the same to apply to New Hampshire ***individuals*** licensed ~~[men]~~ ***under this chapter***.

55 Funeral Directors; Notification. Amend RSA 325:24 to read as follows:

325:24 Notices of Expiration. On or before May 15 of each odd-numbered year, the board shall ~~[mail to]~~ ***notify*** each holder of a license ~~[a notice]~~ of the expiration of ***her or*** his license and an application for the renewal thereof.

56 Repeal; Funeral Directors. The following are repealed:

- I. RSA 325:6, relative compensation of board members.
- II. RSA 325:9, I and V, relative to rules on applications and fees.
- III. RSA 325:11, relative to a register of licensees.
- IV. RSA 325:12, relative to a board treasurer.
- V. RSA 325:33, II, relative to investigations.
- VI. RSA 325:39, relative to an account.
- VII. RSA 325:42, relative to a special fund.

57 Hearing Care Providers; Board of Hearing Care Providers. Amend RSA 137-F:3, VII to read as follows:

VII. A quorum of the board shall be ~~[4 members]~~ ***a majority of the members of the board who have been approved by the governor and council***.

58 Hearing Care Providers; Rulemaking. Amend RSA 137-F:6, I and II to read as follows:

- I. The ~~[form and]~~ content of audiologist license applications and examinations.
- II. The ~~[form and]~~ content of hearing aid dealer registration applications and examinations.

59 Hearing Care Providers; Application for Registration; Fees. RSA 137-F:9 is repealed and reenacted to read as follows:

137-F:9 Application for Registration. An application for a certificate of registration under this chapter shall be filed with the board in such form and detail as required in accordance with rules adopted under RSA 541-A.

60 Hearing Care Providers; Record. RSA 137-F:29 is repealed and reenacted to read as follows:

137-F:29 Record. The board shall maintain a record of its proceedings in accordance with the retention policy established by the office of professional licensure and certification.

61 Repeal; Hearing Care Providers. The following are repealed:

- I. RSA 137-F:3, V, relative to mileage for members of board of hearing care providers.
- II. RSA 137-F:4, relative to board subcommittees.
- III. RSA 137-F:5, VIII and IX, relative to certain powers and duties of the board.
- IV. RSA 137-F:6, V, relative to the board's rulemaking authority.
- V. RSA 137-F:21, III, relative to the board's authority to appoint legal counsel and investigatory experts.

62 Medical Imaging and Radiation Therapy; Board Responsibilities. Amend RSA 328-J:7 to read as follows:

328-J:7 Board Responsibilities; Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

- I. ~~[The application procedure for any license issued under this chapter.]~~
- II. The qualifications of applicants in addition to those required by statute.
- III. ~~[The design and]~~ The content of all forms required under this chapter.
- IV. ~~[The establishment of all fees required under this chapter.]~~
- V. ***How an applicant shall be examined, including:***
 - (a) Time and place of examination.

- (b) The subjects to be tested.
- (c) Passing grade.
- (d) Disposition of examination papers.

~~[VI.] How a license shall be renewed, reinstated, or placed on inactive status.~~

~~VII.]~~ **IV.** Ethical standards, required to be met by each limited x-ray machine operator, medical imaging professional, and radiation therapist licensed under this chapter, and how a license may be revoked for violation of these standards.

~~VIII.]~~ **V.** Establishment of the scope of practice for limited x-ray machine operators, medical imaging professionals, and radiation therapists.

~~IX.]~~ **VI.** Procedures for assuring the continuing competence of limited x-ray machine operators, medical imaging professionals, and radiation therapists licensed under this chapter including, but not limited to, continuing education requirements and the professional's health program.

~~X.]~~ **VII.** How licensees shall provide evidence of good professional character and reliability to satisfy the board that they shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

~~XI.]~~ **VIII.** Procedures for accepting and responding to written complaints, publicizing the complaint procedure, standards of and procedures for conducting investigations, investigator training requirements, and procedures for conducting disciplinary hearings and alternative dispute resolution under this chapter.

~~XII.]~~ **IX.** Procedures relative to the disclosure to the public of final disciplinary actions by the board, including those actions that occur without holding a public hearing. Dismissed complaints shall not be made public.

~~XIII.]~~ **X.** Standards of care for the practice of telemedicine or telehealth.

~~XIV.]~~ **XI.** Interstate licensure and temporary permits under RSA 328-J:20.

~~XV.]~~ **XII.** ~~[Procedures for an educational program review and approval to follow in making application for]~~ **Standards for educational program** approval by the board.

~~XVI.]~~ **XIII.** A process for reviewing the accreditation status of an educational program which is currently accredited by a recognized national educational accreditation organization.

63 Medical Imaging and Radiation Therapy; Hearings. Amend RSA 328-J:18, V to read as follows:

V. Any disciplinary action by the board shall be ~~[published in the report of the board and shall be]~~ a public record in accordance with RSA 91-A.

64 Repeal; Medical Imaging and Radiation Therapy. RSA 328-J:3, IV, relative to compensation for members of the board of medical imaging and radiation therapy, is repealed.

65 Board of Registration of Medical Technicians; Rulemaking. RSA 328-I:4 is repealed and reenacted to read as follows:

328-I:4 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. Registration eligibility requirements.

II. Eligibility requirements for renewal or reinstatement of a registration to work as a medical technician.

III. The conduct of investigations and hearings, in accordance with RSA 328-I:11.

IV. Procedures for notice and hearing prior to denial, suspension, or revocation of a registration and the imposition of administrative fines.

V. Procedures for the approval or denial of an application.

VI. Procedures for sharing information with other in-state boards, the office of inspector general, department of health and human services, out-of-state boards, and law enforcement entities.

66 Repeals; Board of Registration of Medical Technicians. The following are repealed:

I. RSA 328-I:2, III, relative to compensation for members of the board of registration of medical technicians.

II. RSA 328-I:3, V, VII, VIII, IX, and X, relative to certain duties of the board.

III. RSA 328-I:10, XI, relative to notice of disciplinary actions by the board.

IV. RSA 328-I:15, relative to the board's annual report.

67 Physician Assistants; Conditions for Licensure. Amend the introductory paragraph of RSA 328-D:3, I to read as follows:

I. To apply for licensure by the board as a physician assistant, an applicant shall file a written application on forms provided by the ~~[board]~~ **office of professional licensure and certification** and pay an application fee. The applicant to be licensed shall:

68 Physician Assistants; Rulemaking. Amend RSA 328-D:10, I,(b) to read as follows:

(b) ~~[Form and]~~ Content of the application for licensure.

69 Physician Assistants; Recordkeeping. RSA 328-D:11 is repealed and reenacted to read as follows:

328-D:11 Recordkeeping. The board shall keep a record of its proceedings under this chapter in accordance with the retention policy established by the office of professional licensure and certification.

70 Repeal; Physician Assistants. RSA 328-D:10, I(c) relative to the board of medicine's rulemaking authority regarding application procedures, is repealed.

71 Physicians and Surgeons; Records. Amend RSA 329:8 to read as follows:

329:8 Records. A true record of all of the board's official acts shall be made and preserved ~~by the administrator~~ **in accordance with the retention policy established by the office of professional licensure and certification**. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A, RSA 329:18, or other applicable statutes.

72 Physicians and Surgeons; Professionals' Health Program. Amend RSA 329:13-b, V(a) to read as follows:

V.(a) The ~~board~~ **office of professional licensure and certification** may contract with other organizations to operate the professionals' health program for physicians and physician assistants who are impaired or potentially impaired because of mental or physical illness including substance abuse or disruptive behavior. This program shall be available to all physicians and physician assistants licensed in this state, all physicians and physician assistants seeking licensure in this state, and all resident physicians in training, and shall include, but shall not be limited to, education, intervention, ongoing care or treatment, and post-treatment monitoring.

73 New Paragraph; Physicians and Surgeons; Professionals' Health Program. Amend RSA 329:13-b by inserting after paragraph VI the following new paragraph:

VII. Rules governing the program shall be implemented through the office of professional licensure and certification pursuant to RSA 310-A:1-d, II(h)(4).

74 Physicians and Surgeons; Notice of Renewal. Amend RSA 329:16-d to read as follows:

329:16-d Notice of Renewal. On or before March 1 of each licensee's renewal year, the board shall ~~mail~~ **notify** each licensee, except those on the inactive list, an application for renewal of license.

75 Physicians and Surgeons; Disciplinary Action. Amend RSA 329:17, V-a to read as follows:

V-a. A medical review subcommittee of 13 members shall be nominated by the board of medicine and appointed by the governor and council. The subcommittee shall consist of 13 persons, 9 of whom shall be physicians, one of whom shall be a physician assistant, and 3 of whom shall be public members. One of the physician members shall practice in the area of pain medicine and anesthesiology. No public member of the subcommittee shall be or ever have been a member of the medical profession or the spouse of a member of the medical profession. No public member shall have or ever have had a material financial interest in either the provision of medical services or an activity directly related to medicine, including the representation of the board or profession for a fee. The terms of the public members shall be staggered so that no 2 public members' terms expire in the same year. The subcommittee members shall be appointed for 3-year terms, and shall serve no more than 2 terms. Upon referral by the board, the subcommittee shall review disciplinary actions reported to the board under paragraphs II-V of this section, except that matters concerning a medical director involved in a current internal or external grievance pursuant to RSA 420-J shall not be reviewed until the grievance process has been completed. Following review of each case, the subcommittee shall make recommendations to the board. ~~[Funds shall be appropriated from the general fund for use by the subcommittee to investigate allegations under paragraphs I-V of this section.]~~ The state of New Hampshire, by the board and the office of professional licensure and certification, and with the approval of governor and council, shall contract with a qualified physician to serve as a medical review subcommittee investigator.

76 Physicians and Surgeons; Disciplinary Action. Amend RSA 329:17, XIII to read as follows:

XIII. When an investigation of a complaint against a licensee is determined to be unfounded, the board shall dismiss the complaint and explain in writing to the complainant its reason for dismissing the complaint. The board may destroy all information collected during the course of the investigation ~~[after 3 years]~~ **in accordance with the retention policy established by the office of professional licensure and certification**. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the board, does not relate to the actions of the licensee, or is determined by the board to be frivolous.

77 Physicians and Surgeons; Denial or Revocation of License. Amend RSA 329:18, II to read as follows:

II. The board through the office of professional licensure and certification may retain expert witnesses or other qualified persons to assist with any investigation or adjudicatory proceeding. Members of the board are not eligible for retainment. ~~[The board may also retain special legal counsel in instances when recommended by the attorney general. To the extent the board's existing appropriation does not include funds covering such expenditures, the board through the office of professional licensure and certification may request the governor and council to expend funds not otherwise appropriated on the condition that such funds be recovered in the board's next budget at the rate of 125 percent.]~~

78 Repeal; Physicians and Surgeons. The following are repealed:

I. RSA 329:2, II(e), III, and IV, relative to duties of the board of medicine regarding physicians and surgeons.

II. RSA 329:5, relative to compensation for members of the board and the medical review subcommittee.

III. RSA 329:9, I and VII, relative to rulemaking authority regarding applications, and fees.

IV. RSA 329:14, IV, relative to license format.

V. RSA 329:19, relative to record of accounts.

79 Mental Health Practice; Committees Established; Duties. Amend RSA 330-A:4, I and I-a to read as follows:

I. The board ~~shall~~ **may** create an advisory committee for each mental health discipline it licenses for the purpose of assisting the board in its responsibilities under RSA 330-A:10, II, and RSA 330-A:10, VII-XV. The board member of each mental health discipline shall serve as the chair of that advisory committee. The balance of the membership of each of the advisory committees shall be composed of at least 2 persons and no more than 4 persons licensed in the mental health discipline of that committee.

I-a. The board ~~shall~~ **may** create a professional conduct investigation committee for the purpose of assisting the board in its responsibilities under RSA 330-A:28 and RSA 330-A:29. A board investigator, appointed by the chairperson of the board with the advice of the board, shall serve as the chair of the professional conduct investigation committee. The balance of the membership of the professional conduct investigation committee shall be composed of one licensed clinical social worker, one licensed clinical mental health counselor, and additional members from the professions licensed by the board to a maximum of 12 members.

80 Mental Health Practice; Organization and Meetings. Amend RSA 330-A:9, I to read as follows:

I. The board shall hold regular annual meetings. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. ~~[Five members]~~ **A majority of the members of the board who have been approved by the governor and council** shall constitute a quorum.

81 Mental Health Practice; Board; Responsibilities and Rulemaking Authority. RSA 330-A:10 is repealed and reenacted to read as follows:

330-A:10 Board; Responsibilities and Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. Procedures for expedited licensure for applicants from other states who qualify under RSA 330-A:26.

II. The qualifications of applicants in addition to those requirements set by statute.

III. How an applicant shall be examined, including:

(a) Time and place of examination.

(b) The subjects to be tested.

(c) Passing grade.

(d) Disposition of examination papers.

IV. Ethical standards, as promulgated by the American Association of Pastoral Counselors, required to be met by each pastoral psychotherapist licensed under this chapter, and how a license may be revoked for violation of these standards.

V. Ethical standards, as promulgated by the National Association of Social Workers, required to be met by each licensed clinical social worker, and how a license may be revoked for violation of these standards.

VI. Ethical standards, including those promulgated by the American Clinical Mental Health Counselors Association, required to be met by each licensed clinical mental health counselor, and how a license may be revoked for violations of these standards.

VII. Ethical standards, including those promulgated by the American Association of Marriage and Family Therapy, required to be met by each licensed marriage and family therapist, and how a license may be revoked for violations of these standards.

VIII. Compliance with the mental health client bill of rights as authorized under RSA 330-A:15.

IX. Procedures, standards, and supervision requirements for candidates for licensure as a member of one of the licensed mental health disciplines, consistent with the standards established by the advisory committee for each of the licensed mental health disciplines. All candidates for licensure shall be documented with the board. The supervision shall be at a location mutually convenient to both the supervisor and the candidate for licensure.

X. Establishment of the scope of practice for each mental health discipline licensed under this chapter, consistent with the standards established by the advisory committee for each of the licensed mental health disciplines.

XI. Procedures for assuring the continuing competence of persons licensed under this chapter including, but not limited to, continuing education requirements, provided that at least 3 hours of the required continuing education units for biennial renewal shall be from a nationally recognized, evidence-based or best practices training organization in the area of suicide prevention, intervention, or post-vention and how mental illness, substance use disorders, trauma, or interpersonal violence directly impacts risk for suicide.

XII. How licensees shall provide evidence of good professional character and reliability to satisfy the board that they shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

XIII. Procedures for accepting and responding to written complaints, publicizing the complaint procedure, standards of and procedures for conducting investigations, investigator training requirements, and procedures for conducting disciplinary hearings under this chapter.

XIV. The content of the materials and information to be distributed under RSA 330-A:14.

XV. Procedures for receiving and addressing complaints against licensees who have had a personal or professional relationship with a board member.

XVI. Requirements to be met by licensees relative to the disclosure of information to patients and the general public concerning the nature of mental health care and the responsibilities of mental health practitioners to clients in RSA 330-A:15, XV. Procedures and mechanisms for providing interdisciplinary collaboration among the mental health disciplines.

82 Mental Health Practice; Applicants From Other States. Amend RSA 330-A:26, II to read as follows:

II. An applicant whose state licensure meets the requirements in paragraph I shall be allowed to practice in this state not more than 30 days after the application is received by the board, pending final approval or denial of the license for other reason by the board. The board shall adopt rules under RSA 330-A:10, I ~~and I-a~~ **relative** to ~~[ensure the timely review and approval of applications under this section]~~ **procedures for expedited licensure for applicants from other states.**

83 Mental Health Practice; Hearings. Amend RSA 330-A:29, IV to read as follows:

IV. The respondent shall be heard in his or her defense either in person or by counsel and may produce witnesses and testify in his or her behalf. A ~~[stenographic]~~ record of the hearing shall be taken and preserved. The hearing may be adjourned from time to time.

84 Repeal; Mental Health Practice. The following are repealed:

I. RSA 330-A:7, relative to compensation and expenses.

II. RSA 330-A:13, relative to records and reports.

85 Midwifery; Powers and Duties of the Council. Amend RSA 326-D:4, I to read as follows:

I. The powers and duties of the council shall include:

(a) Certifying eligible applicants for certification under this chapter.

(b) ~~[Establishing fees for examination of applicants.]~~

(c) Investigating complaints against persons certified under this chapter.

~~[(d)]~~ (e) Undertaking, when appropriate, disciplinary proceedings and disciplinary action against persons certified under this chapter.

~~[(e) Reporting to the commissioner immediately on all complaints received and disciplinary action taken.]~~

86 Midwifery; Rulemaking. Amend RSA 326-D:5 to read as follows:

326-D:5 Rulemaking.

I. The council shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Qualifications for the practice of midwifery.

(b) The teaching of midwifery.

(c) The scope of practice and procedures in the practice of midwifery, including policies for professional direction and supervision.

(d) ~~[Procedures]~~ **Eligibility requirements** for the certification of midwives and the issuance of certificates of midwifery, including procedures for provisional certification and recertification after certification has lapsed.

(e) Renewal ~~[procedures]~~ **eligibility requirements**, including requirements for continuing education and peer review.

(f) Diagnostic and laboratory tests midwives may administer and perform and the proper administration of RSA 326-D:12.

(g) Standards for reciprocity.

(h) ~~[Establishing examination fees authorized under RSA 326-D:4, I(b)]~~

(i) Establishing all administrative fines authorized under RSA 326-D:8, III(a)(4).

~~[(j)]~~ (i) Reporting requirements relative to client information and notification of transfers.

II. No rule relative to the scope of midwifery practice shall exceed the parameters of the definition of "midwifery" under RSA 326-D:2, V.

III. Notwithstanding RSA 541-A:16, I(b)(2), the council shall adopt the model rules for adjudicative hearings adopted by the attorney general under RSA 541-A:30-a. The council may adopt supplements or modifications to the model rules pursuant to RSA 541-A:30-a, IV. Rehearings and appeals to the council shall be conducted pursuant to the provisions of RSA 541.

87 Midwifery; Council Established. Amend RSA 326-D:3, IV to read as follows:

IV. Members of the council shall elect a chairperson annually from among their members. The council shall meet at least quarterly and may hold additional meetings at such times as it may deem necessary. A quorum of the council shall consist of ~~[no fewer than 4 members]~~ **a majority of the members of the council who have been approved by the governor and council.**

88 Midwifery; Certificate of Renewal; Continuing Education. Amend RSA 326-D:11 to read as follows:

326-D:11 Certificate Renewal; Continuing Education. Every person certified under this chapter shall apply to the council for certificate renewal every 2 years. Renewals of certificates shall be contingent upon presenta-

tion of satisfactory evidence to the council of having met the continuing education requirements established by the council pursuant to RSA 326-D:5, I(e) and shall be accompanied by the renewal fee established ~~[pursuant to RSA 326-D:4, I(b)]~~ **by the office of professional licensure and certification**. All certificates shall automatically lapse 2 years after the date of issuance unless a timely and complete renewal application has been filed with the council. In no event shall a certificate, for which a timely and complete application for renewal has been submitted, expire before the council has taken final action upon the application.

89 Repeals; Midwifery. The following are repealed:

I. RSA 326-D:2, III relative to a definition of commissioner.

II. RSA 326-D:9, relative to a report.

III. RSA 326-D:10, relative to powers and duties of commissioner.

90 Naturopathic Health Care Practice; Naturopathic Board of Examiners. Amend RSA 328-E:7, V to read as follows:

V. Members of the board shall elect a chairperson annually from among the members. ~~[Three]~~ **A majority of the** members of the board **who have been approved by the governor and council** constitute a quorum for the transaction of business.

91 Naturopathic Health Care Practice; Powers and Duties of the Board. RSA 328-E:8 is repealed and re-enacted to read as follows:

328-E:8 Powers and Duties of the Board.

I. The board shall:

(a) Insure that doctors of naturopathic medicine serving the public meet minimum standards of proficiency and competency to protect the health, safety and welfare of the public.

(b) Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the board under the authority granted in this chapter.

(c) Maintain a record of its acts and proceedings, including the issuance, refusal, renewal, suspension or revocation of licenses in accordance with the retention schedule established by the office of professional licensure and certification.

(d) Keep all applications for licensure in accordance with the retention policy established by the office of professional licensure and certification.

(e) Maintain a record of the results of all examinations it gives in accordance with the office of professional licensure and certification.

(f) Keep all examination records including written examination records and tape recordings of the questions and answers in oral examinations in accordance with the retention policy established by the office of professional licensure and certification.

(g) Keep the records of the board open to public inspection at all reasonable times.

(h) Adopt and use a seal, the imprint of which, together with the signatures of the chairman or vice-chairman and the secretary-treasurer of the board, shall evidence its official acts.

(i) Annually compile and publish a directory.

II. The board shall have the power to subpoena witnesses and administer oaths in any hearing or disciplinary proceedings, and to compel, by subpoena duces tecum, the production of papers and records.

III. Witnesses summoned before the board shall be paid the same fees as witnesses summoned to appear before the superior court, and such summons shall have the same effect as though issued for appearance before such court.

IV. The board shall accept written complaints from the public against licensees and conduct necessary investigations of such complaints.

92 Repeal; Naturopathic Health Care. RSA 328-E:7, VI, relative to the board serving without pay, is repealed.

93 Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9, I and II to read as follows:

I. ~~[Application procedures and]~~ Eligibility requirements for the issuance of all initial, temporary, and renewal licenses, specialty licenses, and certificates issued by the board, including the issuance of such licenses to applicants holding a currently valid license or other authorization to practice in another jurisdiction.

II. ~~[Application procedures and]~~ Eligibility requirements for the reinstatement of licenses after lapse and after disciplinary action.

94 Nurse Practice Act; Alternative Recovery Monitoring Program. Amend RSA 326-B:36-a, VI to read as follows:

VI.(a) The ~~[board]~~ **office of professional licensure and certification** shall contract with other organizations to operate the alternative recovery monitoring program for licensees who are impaired by substance use disorder or mental or physical illness. This program may include, but shall not be limited to, assessment, education, intervention, drug and alcohol testing, temporary suspension or limitation of clinical privileges, drug addiction counseling, participation in peer support groups, record keeping with respect to success and failure rates, post-treatment assessment and monitoring, and other alternatives approved by the board.

(b) The [board] **office of professional licensure and certification** may allocate amounts determined by the board from the annual license renewal fees it collects from licensees in each class of nurses licensed by the board, to provide funding for the alternative recovery monitoring program as set forth in subparagraph (a).

(c) ~~[No later than July 1, 2019, the board shall adopt rules under RSA 541-A for the procedures and other matters required to implement this section]~~ **Rules governing this program shall be implemented through the office of professional licensure and certification pursuant to RSA 310-A:1-d, II(h)(4).**

95 Repeal; Nurse Practice Act. RSA 326-B:3, VII, relative to compensation of members of the board of nursing, is repealed.

96 Nursing Home Administrators; Licenses. Amend RSA 151-A:7, III and IV to read as follows:

III. ~~[Any license issued by the board under or pursuant to the provisions of this section shall be under the hand and seal of the secretary of the board.]~~

IV. If the board finds that programs of training and instruction conducted within the state are not sufficient in number or content to enable nursing home administrators to meet requirements established pursuant to this chapter, the board may request the department of health and human services to institute and conduct or arrange with others to conduct one or more such programs, and shall make provision for their accessibility to residents of this state. The department of health and human services may approve programs conducted within and without this state as sufficient to meet education and training requirements established pursuant to this chapter. For purposes of this paragraph, the department of health and human services shall have the authority to receive and disburse state funds allocated for this purpose and federal funds received pursuant to section 1908(e)(1) of the Social Security Act.

97 Nursing Home Administrators; Registration. Amend RSA 151-A:8, II-IV to read as follows:

II. Upon making an application for a new certificate of registration such individual shall pay a [\$300] biennial registration renewal fee **established by the office of professional licensure and certification.**

III. Upon receipt of such application for registration, the registration fee and the evidence required with respect to the rules and regulations of the board, the board shall issue a certificate of registration to such nursing home administrator.

IV. Upon complaint or other knowledge of a nursing home administrator's violation of any provision of this chapter and for the health, safety, and protection of the public, the board is granted emergency license suspension authority. The ~~[secretary of the]~~ board may ~~[upon recommendation of the board,]~~ immediately suspend an administrator's license to practice, pending notice and hearing as provided under RSA 541-A. For any license so suspended, the ~~[secretary]~~ **board** shall also notify the bureau of health facilities administration.

98 Repeal; Nursing Home Administrators. The following are repealed:

I. RSA 151-A:3, III(d), relative to compensation for members of the board of examiners of nursing home administrators.

II. RSA 151-A:3, V and VI, relative to the secretary of the board and administrative attachment.

III. RSA 151-A:8, VII, relative to maintaining a register of applications for licensing and registration of nursing home administrators.

99 Ophthalmic Dispensing; Rulemaking. Amend RSA 327-A:12, I and II to read as follows:

I. ~~[The]~~ **Eligibility requirements for** registration ~~[application form and content, and the license application procedures].~~

II. ~~[The application form, content, and procedure]~~ **Eligibility requirements** for a renewal or reinstatement of a registration to practice ophthalmic dispensing, in accordance with RSA 327-A:3.

100 Optometry; Rulemaking Authority. RSA 327:31, I-X are repealed and reenacted to read as follows:

I. The qualifications of applicants in addition to those requirements set by RSA 327:6 and RSA 327:6-a;

II. How an applicant shall be examined including:

(a) Time and place of examination, and

(b) Passing grade;

III. How a license to practice optometry shall be renewed or reinstated;

IV. Ethical and professional standards, in addition to those specified by RSA 327:20, required to be met by each holder of a license to practice optometry and how disciplinary actions by the board shall be implemented pursuant to RSA 327:21, RSA 327:22, and RSA 327:27 for violations of these standards;

V. Requirements for continuing education in addition to those requirements set by RSA 327:33 and RSA 327:33-a;

VI. Additions or alterations to the defined pharmaceutical agents for diagnostic purposes as set forth in RSA 327:1, III;

VII. Procedural and substantive requirements for assessing, compromising, and collecting administrative fines as authorized by RSA 327:20, III(e); and

VIII. Prescribing controlled drugs pursuant to RSA 318-B:41.

101 Repeal; Optometry. The following are repealed.

I. RSA 327:4, relative to organization and reports.

II. RSA 327:5, relative to compensation.

III. RSA 327:33-b, relative to consumer publication.

102 Pharmacy Board; Inspectional Services. Amend RSA 318:9-a to read as follows:

318:9-a Inspectional Services. The pharmacy board *through the office of professional licensure and certification* shall provide inspectional services under this chapter and RSA 318-B:25 to the board of medicine, the board of veterinary medicine, the board of podiatry, the board of registration in optometry, the board of dental examiners, the board of nursing, and the naturopathic board of examiners. ***Pharmacy board inspections shall be provided by pharmacists or pharmacy technicians licensed by the New Hampshire board of pharmacy who have training and experience regarding pharmacy statutes and rules.***

103 Pharmacy Board; Required; Compliance. Amend RSA 318:37, II(b)(2) to read as follows:

(2) Submit to the New Hampshire pharmacy board an application for registration as provided by the ~~[New Hampshire pharmacy board]~~ ***office of professional licensure and certification***;

104 Pharmacy Board; Penalties. Amend RSA 318:55, III to read as follows:

III. For any order issued in resolution of a disciplinary proceeding before the board, the board may require that any licensee, permittee, registrant, or certificate holder found guilty of a charge involving any drug law or rule to pay to the board a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. The sum shall not exceed \$5,000. The costs to be assessed shall be fixed by the board and any sums recovered shall be paid to the state treasurer for deposit in the ~~[general fund]~~ ***office of professional licensure and certification fund***.

105 Repeal; Pharmacy Board. The following are repealed:

I. RSA 318:4, relative to the compensation of pharmacy board members.

II. RSA 318:5-a, I, III, V, VII, XI, and XI-b, relative to rulemaking on applications, forms and fees.

III. RSA 318:6, relative to the pharmacy board secretary.

IV. RSA 318:11, relative to pharmacy board reports.

V. RSA 318:51-e, I and IV, relative to rules for outsourcing facilities.

106 Podiatry; Requirements; Cross Reference Change. Amend RSA 315:2, II to read as follows:

II. Any person applying for licensure under this chapter, including any person seeking to restore or renew, shall provide the board with information relating to podiatric competence and professional conduct, in accordance with rules adopted under ~~[RSA 315:4, X]~~ ***RSA 315:4, V***.

107 Podiatry; Peer Review Committee. Amend RSA 315:2-a to read as follows:

315:2-a Peer Review Committee. The board ~~[shall]~~ ***may*** establish a peer review committee consisting of 2 podiatrists appointed by the board and one medical practitioner, appointed by the board subject to the approval of the board of medicine. Each appointee shall serve for a 2-year term.

108 Podiatry; Rulemaking Authority. RSA 315:4 is repealed and reenacted to read as follows:

315:4 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The qualifications of applicants in addition to those requirements set by statute.

II. Eligibility requirements for renewal of licensure, including the requirements for continuing education.

III. Ethical standards required to be met by each holder of any license issued under this chapter and how such license may be revoked for violation of these standards.

IV. Procedures for the conduct of hearings.

V. The imposition of administrative fines authorized under RSA 315:9, III(f).

VI. Information required by the board in its application relative to the applicant's podiatric competence and professional conduct.

VII. Prescribing controlled drugs pursuant to RSA 318-B:41.

109 Podiatry; Records and Reports. Amend RSA 315:5 to read as follows:

315:5 Records and Reports.

~~[F.]~~ The board shall keep a true record of its official acts ***in accordance with the retention policy established by the office of professional licensure and certification***. With the exception of records compiled in connection with investigatory and deliberative aspects of disciplinary investigations and material otherwise exempt from disclosure under RSA 91-A or other applicable statutes, the board's records shall be subject to inspection at the board's office upon reasonable notice during ordinary business hours.

~~[H.]~~ The board shall keep a record of the names and residences of all persons holding licenses or privileges under this chapter and a record of all money received and disbursed by the board.

~~[H.]~~ The board shall report to the governor and council biennially in September. This report shall contain a full and complete account of all official actions taken during the preceding 2-year period, together with a statement of the receipts and disbursements of the board and such comments as the board in its discretion deems necessary.]

110 Podiatry; Notice of Expiration. Amend RSA 315:13 to read as follows:

315:13 Notice of Expiration. The secretary shall ~~[mail-a]~~ ***provide*** notice to each holder of a license that has not been renewed within 90 days of the expiration date, advising him or her of the expiration of the license and the penalty of practicing podiatry without holding a license and the condition and terms upon which his or her license may be reinstated.

111 Repeal; Podiatry. RSA 315:3, relative to compensation of members of the board of podiatry, is repealed.

112 Controlled Drug Prescription Health and Safety Program; Operation. Amend RSA 318-B:33, VI-VII to read as follows:

VI. The ~~[program administrator]~~ **executive director** may issue a waiver to a dispenser that is unable to submit prescription information by electronic means. Such waiver may permit the dispenser to submit prescription information by paper form or other means, provided all information required by paragraph IV is submitted in this alternative format and within the established time limit.

VII. The ~~[program administrator]~~ **executive director** may grant a reasonable extension to a dispenser that is unable, for good cause, to submit all the information required by paragraph IV within the established time limits.

113 Controlled Drug Prescription Health and Safety Program; Information. Amend RSA 318-B:35 to read as follows:

318-B:35 Providing Controlled Drug Prescription Health and Safety Information.

I. The ~~[program administrator]~~ **executive director** may provide information in the prescription health and safety program upon request only to the following persons:

(a) By electronic or written request to prescribers, dispensers, and the chief medical examiner and delegates within the state who are registered with the program:

(1) For the purpose of providing medical or pharmaceutical care to a specific patient;

(2) For reviewing information regarding prescriptions issued or dispensed by the requester; or

(3) For the purpose of investigating the death of an individual.

(b) By written request, to:

(1) A patient who requests his or her own prescription monitoring information.

(2) The board of dentistry, the board of medicine, the board of nursing, the board of registration in optometry, the board of podiatry, the board of veterinary medicine, and the pharmacy board; provided, however, that the request is pursuant to the boards' official duties and responsibilities and the disclosures to each board relate only to its licensees and only with respect to those licensees whose prescribing or dispensing activities indicate possible fraudulent conduct.

(3) Authorized law enforcement officials on a case-by-case basis for the purpose of investigation and prosecution of a criminal offense when presented with a court order based on probable cause. No law enforcement agency or official shall have direct access to query program information.

(4) [Repealed.]

(5) A practitioner or consultant retained by the office to review the system information of an impaired practitioner program participant or a referral who has agreed to be evaluated or monitored through the program and who has separately agreed in writing to the consultant's access to and review of such information.

(c) By electronic or written request on a case-by-case basis to:

(1) A controlled prescription drug health and safety program from another state; provided, that there is an agreement in place with the other state to ensure that the information is used or disseminated pursuant to the requirements of this state.

(2) An entity that operates a secure interstate prescription drug data exchange system for the purpose of interoperability and the mutual secure exchange of information among prescription drug monitoring programs, provided that there is an agreement in place with the entity to ensure that the information is used or disseminated pursuant to the requirements of this state.

(3) [Repealed.]

II. The ~~[program administrator]~~ **executive director** shall notify the appropriate regulatory board listed in subparagraph I(b)(2) and the prescriber or dispenser at such regular intervals as may be established by the office if there is reasonable cause to believe a violation of law or breach of professional standards may have occurred. The program administrator shall provide prescription information required or necessary for an investigation.

III. The ~~[program administrator]~~ **executive director** shall review the information to identify information that appears to indicate whether a person may be obtaining prescriptions in a manner that may represent misuse or abuse of schedule II-IV controlled substances. When such information is identified, the program administrator shall notify the practitioner who prescribed the prescription.

IV. The ~~[program administrator]~~ **executive director** shall make a report, at least annually, commencing on November 1, 2019, to the senate president, the speaker of the house of representatives, the oversight committee on health and human services, established in RSA 126-A:13, the advisory council established in RSA 318-B:38 and the licensing boards of all professions required to use the program relative to the effectiveness of the program.

114 Psychologists; Organization and Meetings. Amend RSA 329-B:9, I to read as follows:

I. The board shall hold regular annual meetings. Other meetings of the board shall be held at such times and upon such notice as the rules of the board provide. ~~[Five members]~~ **A majority of the members of the board who have been approved by the governor and council** shall constitute a quorum.

115 Psychologists; Records. Amend RSA 329-B:13 to read as follows:
329-B:13 Records and Reports.

[E.] The board shall keep records of its proceedings and separate registers of all applications for licensure and all complaints filed against licensees ***in accordance with the retention policy established by the office of professional licensure and certification***. Such records shall show information relative to the application or complaint and the board's response to the application or complaint, without disclosing the identity of those involved, as the rules of the board may prescribe. The records shall be public and shall be open to inspection at all reasonable times, except for records compiled in connection with disciplinary investigations and records otherwise exempt from disclosure under RSA 91-A or other applicable statutes.

[H. ~~Biennially, as of October 1, the board shall submit to the governor a report of the applications, licensure, and other activity of the preceding biennium, and shall also transmit a complete statement of the expenditures of the board.~~]

116 Psychologists; Hearings. Amend RSA 329-B:23, IV to read as follows:

IV. The respondent shall be heard in his or her defense either in person or by counsel and may produce witnesses and testify in his or her behalf. A ~~[stenographic record]~~ ***recording*** of the hearing shall be taken and preserved. The hearing may be adjourned from time to time.

117 Psychologists; Notice. Amend RSA 329-B:24, I to read as follows:

I. Licenses shall be valid for a period of 2 years and shall become invalid on the expiration date unless renewed or reinstated. It shall be the duty of the board to notify every person licensed by the board under this chapter of the date of expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be ~~mailed~~ ***provided*** at least 2 months in advance of the date of expiration of such license. Renewal shall be conditional upon filing a timely and complete renewal application and payment of the renewal fee.

118 Repeals; Psychologists. The following are repealed:

I. RSA 329-B:4, relative to advisory committees to the board.

II. RSA 329-B:7, relative to compensation of members of the board of psychology and related committees.

III. RSA 329-B:10, I, IV, VI, and XVI, relative to rulemaking authority.

IV. RSA 329-B:27, IV, relative to certain administrative rules relative to psychologists.

119 Repeal; Reflexologists, Structural Integrators, and Asian Bodywork Therapists. RSA 328-H:6, II, relative to the compensation of members of the advisory board, is repealed.

120 New Hampshire Veterinary Practice Act; Meetings and Duties. Amend RSA 332-B:5 to read as follows:

332-B:5 Meetings and Duties. The board shall meet at least 6 times a year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. The quorum and the actions of the board shall be in accordance with RSA 91-A. At its annual meeting, the board shall organize by electing a president and such other officers as may be prescribed by rule. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall preside at board meetings and serve as administrative head of the board. ~~[The board shall submit annually to the governor a report on the transactions of the board, including an account of monies received and disbursed as shall be required by the state auditors.]~~ Records shall be kept ~~[by the administrative assistant]~~ pursuant to RSA 91-A:3 ***and in accordance with the retention policy established by the office of professional licensure and certification***.

121 New Hampshire Veterinary Practice Act; Hearing, Decisions, and Appeals. Amend RSA 332-B:16, I to read as follows:

I. Adjudicatory proceedings shall be open to the public. The board's public docket file for each such proceeding shall include a taped or written account of all oral hearings and shall be retained by the board ~~[for 6 years from the issuance of the final decision]~~ ***in accordance with the retention policy established by the office of professional licensure and certification***.

122 Repeal; Veterinary Practice Act. The following are repealed:

I. RSA 332-B:3, III, relative to compensation of members of the veterinary medicine board.

II. RSA 332-B:7, III, relative to the power of the board of veterinary medicine to set certain fees.

III. RSA 332-B:7, V-a, relative to the power of the board of veterinary medicine to compensate board counsel, assistants, and investigators.

IV. RSA 332-B:7-a, I, III, and VII, relative to certain rulemaking authority of the board of veterinary medicine.

123 General Administration of Regulatory Boards and Commissions; Reciprocity Information. Amend the introductory paragraph of RSA 332-G:12, I to read as follows:

I. All boards or commissions, including the board of hearing care providers established in RSA 137-F:3, ***shall grant a license to an individual certified or licensed in another state if it determines that the requirements or standards for certification or licensure in that state are equivalent to, or greater than, those established in New Hampshire. All boards and commissions*** shall post information on

their website relative to reciprocal licensure or certification for persons holding a current and valid license or certification for the practice of the regulated profession in another state. Such information shall include a list of the states which the board or commission has determined to have license or certification requirements equal to, or greater than, the requirements of this state. The posting shall also list states with which the board or commission has:

124 Board of Engineers; Establishment. Amend RSA 310-A:3, V and VI to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect a chairperson, vice-chairperson, and secretary. ~~[Three members]~~ ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings ~~[and a register of all applications for licensure, which shall show:]~~ ***in accordance with the retention policy established by the office of professional licensure and certification.***

~~[(1) The name, age, and residence of each applicant.]~~

~~[(2) The date of application.]~~

~~[(3) The place of business of such applicant.]~~

~~[(4) The applicant's educational and other qualifications.]~~

~~[(5) Whether or not an examination was required.]~~

~~[(6) Whether the applicant was rejected and the reasons for such rejection.]~~

~~[(7) Whether a license was granted.]~~

~~[(8) The date of the action of the board.]~~

~~[(9) Such other information as may be deemed necessary by the board.]~~

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. ~~[Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.]~~

125 Board of Engineers; Rulemaking Authority. Amend RSA 310-A:6, I(d) to read as follows:

(d) ~~[How a license to practice under this subdivision shall be renewed]~~ ***The requirements for renewal of a license***, including the requirements for continuing education;

126 Repeal; Professional Engineers. The following are repealed:

I. RSA 310-A:3, IV, relative to compensation for members of the board of engineers.

II. RSA 310-A:3, VII, relative to the roster of professional engineers published by the secretary of state.

III. RSA 310-A:6, I(a), (e), (j), and (k), relative to certain rulemaking authority of the board of engineers.

127 Board of Architects; Establishment. Amend RSA 310-A:29, V and VI to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. ~~[Three members]~~ ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings ~~[and a register of all applications for licensure, which shall show:]~~ ***in accordance with the retention policy established by the office of professional licensure and certification.***

~~[(1) The name, age, and residence of each applicant.]~~

~~[(2) The date of application.]~~

~~[(3) The place of business of such applicant.]~~

~~[(4) The applicant's educational and other qualifications.]~~

~~[(5) Whether or not an examination was required.]~~

~~[(6) Whether the applicant was rejected and the reasons for such rejection.]~~

~~[(7) Whether a license was granted.]~~

~~[(8) The date of the action of the board.]~~

~~[(9) Such other information as may be deemed necessary by the board.]~~

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. ~~[Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.]~~

128 Board of Architects; Rulemaking Authority. Amend RSA 310-A:32, I(d) to read as follows:

(d) ~~[How a license to practice under this subdivision shall]~~ ***The criteria for a license to*** be renewed or reinstated, including ~~[late fees and]~~ any requirements for continuing education;

129 Board of Architects; Expiration and Renewals. Amend RSA 310-A:46 to read as follows:

310-A:46 Expiration and Renewals. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration date of the license. If the renewal fee is not submitted within 12 months after the expiration date of the license, the licensee's name shall be removed from the mailing list ~~[and roster]~~. An application for reinstatement shall be required to return to active status. The ~~[board, pursuant to rules adopted under RSA 310-A:32,]~~ **office of professional licensure and certification** shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

130 Repeal; Board of Architects. The following are repealed:

I. RSA 310-A:29, IV, relative to compensation for members of the board of architects.

II. RSA 310-A:29, VII, relative to the roster of architects published by the secretary of state.

III. RSA 310-A:32, I(a), (e), (j), and (k), relative to certain rulemaking authority of the board of architects.

131 Board of Land Surveyors; Establishment. Amend RSA 310-A:55, V and VI to read as follows:

V. The board shall hold at least 4 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall elect or appoint a chairperson, vice-chairperson, and secretary. The secretary may or may not be a member of the board. ~~[Three members]~~ **A majority of the members of the board who have been approved by the governor and council** shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings and a register of all applications for licensure~~;~~ ~~which shall show:~~ **in accordance with the retention policy established by the office of professional licensure and certification.**

~~(1) The name, age, and residence of each applicant.~~

~~(2) The date of application.~~

~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

~~(5) Whether or not an examination was required.~~

~~(6) Whether the applicant was rejected and the reasons for such rejection.~~

~~(7) Whether a license was granted.~~

~~(8) The date of the action of the board.~~

~~(9) Such other information as may be deemed necessary by the board.~~

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. ~~[Biennially, as of July 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.]~~

132 Land Surveyors; Rulemaking Authority. Amend RSA 310-A:58, IV to read as follows:

IV. ~~[How a license to practice under this subdivision shall]~~ **The requirements for a license to** be renewed, including the requirements for continuing education;

133 Land Surveyors; Rulemaking Authority. Amend RSA 310-A:58, VI-a to read as follows:

VI-a. ~~[Application procedures for and]~~ **The criteria for** issuance of land surveying certificates for proprietorships, corporations and partnerships, including the qualifications of applicants in addition to those requirements set forth under this subdivision, and for satisfactory evidence of good professional character;

134 Repeal; Land Surveyors. The following are repealed:

I. RSA 310-A:55, IV, relative to compensation of members of the board of land surveyors.

II. RSA 310-A:55, VII, relative to the roster of land surveyors published by the secretary of state.

III. RSA 310-A:58, I and V, relative to certain rulemaking authority of the board of land surveyors.

135 Board of Natural Scientists; Establishment. Amend RSA 310-A:81, V and VI to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. A quorum of the board shall consist of ~~[at least 4 members]~~ **a majority of the members of the board who have been approved by the governor and council.**

VI.(a) The board shall keep a record of its proceedings ~~[and a register of all applications for registration, which shall show:]~~ **in accordance with the retention policy established by the office of professional licensure and certification.**

~~(1) The name and residence of each applicant.~~

~~(2) The date of application.~~

~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

- ~~(5) Whether or not an examination was required.~~
- ~~(6) Whether the applicant was rejected and the reasons for such rejection.~~
- ~~(7) Whether a certificate of registration was granted.~~
- ~~(8) The date of the action of the board.~~
- ~~(9) Such other information as may be deemed necessary by the board.]~~

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. ~~[Biennially, as of December 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.]~~

136 Board of Natural Scientists; Rulemaking Authority. Amend RSA 310-A:82, IV to read as follows:

IV. ~~[How a certificate to practice under this subdivision shall]~~ ***The criteria required for a license to be renewed, including the requirement for continuing education.***

137 Repeals; Natural Scientists. The following are repealed:

- I. RSA 310-A:81, VII, relative to the roster of natural scientists published by the secretary of state.
- II. RSA 310-A:82, I and V, relative to certain rulemaking authority of the board of natural scientists.

138 Board of Foresters; Establishment. Amend RSA 310-A:100, V and VI to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. ~~[Four members]~~ ***A majority of the members of the board have been approved by the governor and council*** shall constitute a quorum.

VI.(a) The board shall adopt an official seal.

(b) The board shall keep a true record of its proceedings ~~[and a register of all applications for licensure, which shall show:]~~ ***in accordance with the retention policy established by the office of professional licensure and certification.***

- ~~(1) The name, age, and residence of each applicant.~~
- ~~(2) The date of application.~~
- ~~(3) The place of business of such applicant.~~
- ~~(4) The applicant's educational and other qualifications.~~
- ~~(5) Whether or not an examination was required.~~
- ~~(6) Whether the applicant was rejected and the reasons for such rejection.~~
- ~~(7) Whether a license was granted.~~
- ~~(8) The date of the action of the board.~~
- ~~(9) Such other information as may be deemed necessary by the board.]~~

(c) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. ~~[Biennially, as of December 31 of each even-numbered year, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.]~~

139 Board of Foresters; Rulemaking. Amend RSA 310-A:102, IV to read as follows:

IV. Renewal ~~[procedures]~~ ***criteria***, including requirements for continuing education.

140 Repeal; Board of Foresters. The following are repealed:

- I. RSA 310-A:100, VII, relative to the roster of licensed foresters published by the secretary of state.
- II. RSA 310-A:102, I and V, relative to certain rulemaking authority of the board of foresters.

141 Board of Professional Geologists. Amend RSA 310-A:120, V-VII to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect a chairperson, vice-chairperson, and secretary. ~~[Three members]~~ ***A majority of members of the board who have been approved by the governor and council*** shall constitute a quorum.

VI. The board shall keep a record of its proceedings ~~[and a register of all applications for licensure, which shall show:]~~ ***in accordance with the retention policy established by the office of professional licensure and certification.***

- ~~(a) The name, age, and residence of each applicant.~~
- ~~(b) The date of application.~~
- ~~(c) The place of business of such applicant.~~
- ~~(d) The applicant's educational and other qualifications.~~
- ~~(e) Whether or not an examination was required.~~
- ~~(f) Whether the applicant was rejected and the reasons for such rejection.~~

~~(g) Whether a license or permit was granted.~~

~~(h) The date of the action of the board.~~

~~(i) Such other information as may be deemed necessary by the board.]~~

VII. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. ~~[Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.]~~

142 Board of Professional Geologists; Continuing Education. Amend RSA 310-A:127, I to read as follows:

I. Applications for licensure shall be ~~[on forms prescribed and furnished by the board,]~~ ***made using the method prescribed and furnished by the office of professional licensure and certification. Applications*** shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be professional geologists having personal knowledge of the applicant's professional experience.

143 Repeal; Board of Professional Geologists. The following are repealed:

I. RSA 310-A:120, VIII, relative to the roster of professional geologists published by the secretary of state.

II. RSA 310-A:121, I(a), II, and III, relative to certain rulemaking of the board of professional geologists.

III. RSA 310-A:123, relative to receipts and disbursements of the board of professional geologists.

144 Board of Landscape Architects; Establishment. Amend RSA 310-A:142, V and VI to read as follows:

V. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. ~~[Three members]~~ ***A majority of the members of the board who have been approved by the governor and council*** shall constitute a quorum.

VI.(a) The board shall keep a record of its proceedings ~~[and a register of all applications for licensure, which shall show:]~~ ***in accordance with the retention policy established by the office of professional licensure and certification.***

~~(1) The name, age, and residence of each applicant.~~

~~(2) The date of application.~~

~~(3) The place of business of such applicant.~~

~~(4) The applicant's educational and other qualifications.~~

~~(5) Whether or not an examination was required.~~

~~(6) Whether the applicant was rejected and the reasons for such rejection.~~

~~(7) Whether a license was granted.~~

~~(8) The date of the action of the board.~~

~~(9) Such other information as may be deemed necessary by the board.]~~

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. ~~[Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.]~~

145 Board of Landscape Architects; Rulemaking Authority. Amend RSA 310-A:143, I(d) to read as follows:

(d) ~~[How a license to practice under this subdivision shall be]~~ ***The criteria for a license to be renewed or reinstated, including late fees and any requirements for continuing education;***

146 Board of Landscape Architects; Rulemaking. Amend RSA 310-A:143, I(j) to read as follows:

(j) ~~[Application procedures for and]~~ ***The*** issuance of corporate practice certificates.

147 Board of Landscape Architects; Expiration and Renewals. Amend RSA 310-A:154, II to read as follows:

II. If the renewal fee is not submitted within 12 months after the expiration date of the license, the licensee's name shall be removed from the mailing list ~~[and roster]~~. The board, pursuant to rules adopted under RSA 310-A:143, shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

148 Repeal; Landscape Architects. The following are repealed:

I. RSA 310-A:142, IV, relative to compensation of members of the board of landscape architects.

II. RSA 310-A:142, VII, relative to the roster of landscape architects published by the secretary of state.

III. RSA 310-A:143, I(a) and (e), relative to certain rulemaking authority of the board of landscape architects.

149 Court Reporters; Board; Roster. Amend RSA 310-A:154, II to read as follows:

II. If the renewal fee is not submitted within 12 months after the expiration date of the license, the licensee's name shall be removed from the mailing list ~~[and roster]~~. The board, pursuant to rules adopted under RSA 310-A:143, shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

150 Court Reporters; Board; Rulemaking. Amend RSA 310-A:163 and 310-A:164 to read as follows:
310-A:163 Board.

I. There is hereby established a board of court reporters. The board shall consist of 5 members who shall be citizens of the United States and residents of this state appointed by the governor and council, 3 of whom shall be court reporters, one of whom shall be a public member and one of whom shall be admitted to practice law in the state of New Hampshire. The public member of the board shall be a person who is not, and never was, a member of the court reporting profession or the spouse of any such person, and who does not have and never has had, a material financial interest in either the provision of court reporting services or an activity directly related to court reporting, including the representation of the board or profession for a fee at any time during the 5 years preceding appointment. Each court reporter member shall have actively practiced court reporting for the chief means of livelihood for at least 10 years prior to appointment and shall have held a responsible position in charge of such work for at least 5 years prior to appointment, which may include the teaching of court reporting. Members shall be appointed for 5-year terms, except that no more than one appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive terms, provided that, for this purpose only, a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. The governor and council may remove a board member for cause. ~~[Members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.]~~

II. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. ~~[Three members]~~ **A majority of the members of the board appointed by the governor and council** shall constitute a quorum.

III. The board shall keep a record of its proceedings ~~[and a register of all applications for licensure, which shall show:-~~

- ~~(a) The name, age, and residence of each applicant.~~
- ~~(b) The date of application.~~
- ~~(c) The place of business of such applicant.~~
- ~~(d) The applicant's educational and other qualifications.~~
- ~~(e) Whether or not an examination was required.~~
- ~~(f) Whether the applicant was rejected and the reasons for such rejection.~~
- ~~(g) Whether a license was granted.~~
- ~~(h) The date of the action of the board.~~

~~(i) Such other information as may be deemed necessary by the board]~~ **in accordance with the retention policy established by the office of professional licensure and certification.**

IV. The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced.

~~[V. Biennially, on or before December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board. The secretary of the board shall publish a roster listing the names and places of business of all court reporters licensed under the board during February of each even-numbered year. Copies of this roster shall be mailed to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.]~~

310-A:164 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

~~I. [The application procedure for a license to practice under this subdivision.]~~

~~H.]~~ The qualifications of applicants in addition to those requirements set by statute, including the qualifications for satisfactory evidence of good professional character.

~~[HH.]~~ **II.** How an applicant shall be examined.

~~[IV.]~~ **III.** ~~[How a license to practice under this subdivision shall]~~ **The criteria for a license to** be renewed or reinstated, including ~~[late fees and]~~ any requirements for continuing education.

~~[V.]~~ **IV.** Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards.

~~[VI. Fees under RSA 310-A:171.]~~

~~VH.] V.~~ Matters related to the proper administration of this subdivision.

~~[VHH.] VI.~~ Procedures for the conduct of hearings consistent with the requirements of due process.

~~[IX.] VII.~~ The design of an official seal.

151 Court Reporters; Qualifications. Amend RSA 310-A:170, II to read as follows:

II. Paid the fee required ~~[by this subdivision];~~ and

152 Home Inspectors; Board of Home Inspectors. Amend RSA 310-A:186, V-IX to read as follows:

V. ~~[Members of the board shall receive \$25 for each day actually engaged in the duties of their office and shall be reimbursed for all actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this subdivision.]~~

~~VI.]~~ The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. ~~[Four members]~~ **A majority of the members of the board appointed by the governor and council** shall constitute a quorum.

~~[VII.(a)]~~ The board shall keep a record of its proceedings and a register of all applications for licensure, which shall show:-

- ~~(1) The name, age, and residence of each applicant.~~
- ~~(2) The date of application.~~
- ~~(3) The place of business of such applicant.~~
- ~~(4) The applicant's educational and other qualifications.~~
- ~~(5) Proof of passing home inspection exam.~~
- ~~(6) Whether the applicant was rejected and the reasons for such rejection.~~
- ~~(7) Whether a license was granted.~~
- ~~(8) The date of the action of the board.~~
- ~~(9) Such other information as may be deemed necessary by the board.~~

~~(b)] VI.~~ The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. ~~[Biennially, as of December 31, the board shall submit to the governor a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board]~~

~~VIII.~~ The secretary of the board shall publish a roster listing the names and addresses of all home inspectors licensed under this subdivision by the board during February of each even-numbered year. Copies of this roster shall be sent to each person so licensed, placed on file with the secretary of state, and furnished to the public upon request at a fee to be established by the board. The board may include in such roster any other information it deems appropriate.

~~IX.] VII.~~ The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board, its members, and its agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them with respect to matters to which such immunity applies.

153 Home Inspectors; Rulemaking Authority. Amend RSA 310-A:187, I to read as follows:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) ~~[The application procedure for a license to practice under this subdivision.]~~

~~(b)]~~ The qualifications of applicants in addition to requirements of this subdivision, and including the qualifications for satisfactory evidence of good professional character.

~~[(c)]~~ Procedures for auditing applicants and licensees.

~~(d) How a license to practice under this subdivision shall be]~~ **(b) The criteria for a license to be renewed or reinstated, including [late fees and] any requirements for continuing education.**

~~[(e)]~~ The establishment of all fees required under this subdivision.

~~(f)] (c)~~ Disciplinary actions by the board that shall be implemented for violations of the standards of practice, code of ethics, and rules adopted by the board.

~~[(g)](d)~~ Procedures for the conduct of hearings consistent with the requirements of due process.

~~(h)] (e)~~ Procedures for approving education courses for eligibility for licensure and for a continuing education program

~~[(i)] (f)~~ How an applicant shall be examined, including the form of the examination.

~~[(j)] (g)~~ The design of an official seal.

~~[(k)] (h)~~ The establishment of administrative fines which may be levied in the administration of this subdivision.

154 Home Inspectors; License Applications. Amend RSA 310-A:191, I to read as follows:

I. Applications for licensure ~~[on forms prescribed and furnished by the board]~~ **made using the method prescribed and furnished by the office of professional licensure and certification.**

155 Septic System Evaluators; Board. Amend RSA 310-A:206, VII-X to read as follows:

VII. The board shall hold at least 3 regular meetings each year and special meetings at such times as it may deem necessary. Notice of all meetings shall be given in such a manner as rules adopted by the board may provide. The board shall biennially elect or appoint a chairperson, vice-chairperson, and secretary. ~~[Three members]~~ **A majority of the members appointed by the governor and council** shall constitute a quorum.

VIII.(a) The board shall keep a record of its proceedings ~~[and a register of all applications for licensure, which shall show:-~~

- ~~(1) The name, age, and residence of each applicant.-~~
- ~~(2) The date of application.-~~
- ~~(3) The place of business of such applicant.-~~
- ~~(4) The applicant's educational and other qualifications.-~~
- ~~(5) Proof of passing the septic system evaluator exam.-~~
- ~~(6) Whether the applicant was rejected and the reasons for such rejection.-~~
- ~~(7) Whether a license was granted.-~~
- ~~(8) The date of the action of the board.-~~

~~(9) Such other information as may be deemed necessary by the board]~~ **in accordance with the retention policy established by the office of professional licensure and certification.**

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. ~~[Biennially, as of December 31, the board shall submit to the executive director of the office of professional licensing and certification a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.-~~

IX. ~~The secretary of the board shall maintain and regularly update a roster listing the names and addresses of all septic system evaluators certified under this subdivision by the board on the board's website. The board may include in such roster any other information it deems appropriate.-~~

~~X.]~~ **IX.** The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board, its members, and its agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them with respect to matters to which such immunity applies.

156 Septic System Evaluators; Rulemaking. Amend RSA 310-A:207, I to read as follows:

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

~~(a) [The application procedure for a license to practice under this subdivision.-~~

~~(b)]~~ The qualifications of applicants in addition to the requirements of this subdivision, including the qualifications for satisfactory evidence of good professional character.

~~(c)]~~ **(b)** Procedures for auditing applicants and license holders.

~~(d)]~~ **(c)** ~~[How a license to practice under this subdivision shall be]~~ **The criteria for a license to be renewed or reinstated, including late fees and any requirements for continuing education.**

~~(e) The establishment of all fees required under this subdivision.-~~

~~(f)]~~ **(d)** Professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards.

~~(g)]~~ **(e)** Procedures for the conduct of hearings consistent with the requirements of due process.

~~(h)]~~ **(f)** Procedures for approving education courses for eligibility for licensure and for a continuing education program.

~~(i)]~~ **(g)** How an applicant shall be examined, including the time, place, type, and form of the examination.

~~(j)]~~ **(h)** The design of an official seal.

~~(k)]~~ **(i)** The establishment of administrative fines which may be levied in the administration of this subdivision.

157 Septic System Evaluators; License Applications. Amend RSA 310-A:211, I to read as follows:

I. Applications for licensure ~~[shall be on forms prescribed and furnished by the board]~~ **made using the method prescribed and furnished by the office of professional licensure and certification.**

158 Septic System Evaluators; Issuance of Licenses. Amend RSA 310-A:213 to read as follows:

310-A:213 Issuance of Licenses. The board shall issue a license upon payment of the license fee established by the ~~[board]~~ **office of professional licensure and certification**, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the license holder~~;~~ **and** have a serial number~~;~~ ~~and be signed by the chairperson or the secretary of the board].~~ The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a certified septic system evaluator while the license remains valid. It shall be a class B misdemeanor for the license holder to perform septic system evaluations after the license of the evaluator has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

159 Board of Accountancy. Amend RSA 309-B:4, III-X to read as follows:

~~III. [Each member of the board shall be paid \$100 for each day or portion of a day spent in the discharge of official duties and shall be reimbursed for actual and necessary expenses incurred in the discharge of official duties.]~~

~~IV.]~~ The ~~[board]~~ **office of professional licensure and certification** shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, for renewal and reinstatement of licenses and certificates to practice under this chapter, for late renewals, for verification of licensure or examination, and for transcribing and transferring records and other services. All moneys collected by the ~~[board]~~ **office of professional licensure and certification** from fees authorized under this chapter shall be received and accounted for by the ~~[board]~~ **office of professional licensure and certification**, shall be deposited in the ~~[state treasury]~~ **office of professional licensure and certification fund established in RSA 310-A:1-e**. Administration expenses shall be limited to the funds collected and may include, but shall not be limited to, the costs of conducting investigations and of taking testimony and procuring the attendance of witnesses before the board or its committees; all legal proceedings taken under this chapter for the enforcement of this chapter; and educational programs for the benefit of the public or licensees and their employees.

~~[V. The board shall file an annual report of its activities with the governor, the president of the senate, and the speaker of the house of representatives. The report shall include a statement of all receipts and disbursements and a listing of all current licensees under this chapter. The board shall mail a copy of the annual report to any person requesting it, upon payment of a reasonable charge.]~~

~~VI.]~~ **IV.** The board may employ investigators and such other personnel as it deems necessary through the office of professional licensure and certification for enforcement under this chapter. It may appoint such committees or persons to advise or assist it in such enforcement, as it may see fit. It may retain its own counsel retained through the office of professional licensure and certification to advise and assist it, in addition to such advice and assistance as is provided by the department of justice.

~~[VII.]~~ **V.** The board shall have the power to take any action necessary and proper to carry out the purposes of this chapter, including the power to sue and be sued in its official name as an agency of this state; to issue subpoenas to compel the attendance of witnesses and the production of documents; and to administer oaths, to take testimony, to cooperate with the appropriate authorities in other states in investigations and enforcement concerning violations of this chapter and comparable laws of other states, and to receive evidence concerning all matters within its jurisdiction. In case of disobedience of a subpoena, the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence. The board, its members, and its agents shall be immune from personal liability for actions taken in good faith in the discharge of the board's responsibilities, and the state shall hold the board, its members, and its agents harmless from all costs, damages, and attorneys' fees arising from claims and suits against them with respect to matters to which such immunity applies.

~~[VIII.]~~ **VI.** The board shall adopt rules, pursuant to RSA 541-A, governing its administration, the enforcement of this chapter and the conduct of licensees. Such rules shall include, but not be limited to:

- (a) Rules governing the board's meetings and conduct of its business.
- (b) Rules of procedure governing the conduct of investigations and hearings by the board.
- (c) Rules specifying the educational and experience qualifications required for all licensees, and the continuing professional education required for renewal of certificates or registrations.
- (d) Rules of professional conduct directed to controlling the quality and integrity of the practice of public accountancy by licensees, including, but not limited to, matters relating to independence, integrity, objectivity, competence, technical standards, responsibilities to the public, and responsibilities to clients.
- (e) Rules on substantial equivalency for implementation of RSA 309-B:6.
- (f) Rules governing the manner and circumstances of use of the titles "certified public accountant", "CPA," "public accountant" and "PA."
- (g) Rules regarding peer review as required under this chapter. Such rules shall include conduct and cost parameters to ensure that charges for the off-site peer review process are not excessive.
- ~~[(h) The establishment of all fees required under this chapter.]~~
- ~~[(i) (h) The establishment of administrative fines for violations of this chapter.]~~
- ~~[(j) (i) Rules on how an applicant for certificate demonstrates good character.]~~
- ~~[(k) (j) Rules for records retention, outsourcing disclosures, and the severance of connections.]~~

~~[IX.]~~ **VII.** In accordance with RSA 541-A, the board shall publish notice of such proposed action and shall, in addition, notify all licensees.

~~[X.]~~ **VIII.** All administrative, clerical, and business processing functions of the board shall be transferred to the office of professional licensure and certification, established in RSA 310-A:1 through RSA 310-A:1-e.

160 New Paragraph; Board of Accountancy; Issuance and Renewal of Certificates. Amend RSA 309-B:7 by inserting after paragraph XIV the following new paragraph:

XV. The office of professional licensure and certification may contract with the NASBA Qualification Appraisal Service to assess any applications made under this section.

161 Electricians; Board. Amend RSA 319-C:4, III-IV to read as follows:

III. ~~[The members of the board, other than state employees, shall each be allowed the sum of \$30 per day and their necessary traveling expenses incurred in carrying out their official duties.]~~

IV. All administrative, clerical, and business processing functions of the board shall be transferred to the office of professional licensure and certification established in RSA 310-A:1 through RSA 310-A:1-e.

162 Electricians; Organizations and Meetings; Rulemaking. Amend RSA 319-C:6 and 6-a to read as follows:

319-C:6 Organization and Meetings. The board shall hold at least 4 regular meetings each year, and special meetings may be held at such times as the business of the board may require. Notice of all meetings shall be given in such manner as the rules of the board may provide. The board shall annually elect a chairman, a vice-chairman, and a secretary, who shall be one of the appointed members. A quorum of the board shall consist of ~~[not less than 3 members, not including the ex officio member, and at least]~~ **a majority of the members of the board appointed by the governor and council**, one of whom shall be a public member.

319-C:6-a Rulemaking Authority. The board, with an affirmative vote of at least 3 of the 5 appointed board members, shall adopt rules, pursuant to RSA 541-A, relative to:

I. ~~[The application procedure for a license to practice under this chapter;]~~

H. The qualifications of applicants in addition to those requirements established under this chapter, and including the qualifications for satisfactory evidence of:

(a) ~~[A high school education]~~ **Either completion of high school or a high school equivalent**, and

(b) Good professional character;

~~[H.] II.~~ How an applicant shall be examined, and procedures for computerized examinations;

~~[IV.] III. [How]~~ **The criteria for** a license to practice under this chapter ~~[shall]~~ **to** be renewed, including the requirements for continuing education;

~~[V. The establishment of all fees required under this chapter;]~~

V-a. **IV.** The applicable version of the National Electrical Code with any discretionary changes, provided that any such changes are no less stringent than provided in the state building code administered and approved by the state building code review board under RSA 155-A;

~~[VI.] V.~~ Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how disciplinary actions by the board shall be implemented for violations of these standards; **and**

~~[VII.] VI.~~ Procedures and policy for the investigation of complaints against licensees or registrants;

~~[VIII.] VII.~~ Procedures for the conduct of hearings consistent with the requirements of due process; and

~~[IX.] VIII.~~ Matters related to the proper administration of this chapter.

163 Electricians; Records. Amend RSA 319-C:13 to read as follows:

319-C:13 Records. The board shall keep a record of the name and residence of all persons licensed under this chapter **in accordance with the retention policy established by the office of professional licensure and certification**, and said record or duplicate thereof shall be open for inspection during office hours.

164 Family Mediators; Board. Amend RSA 328-C:4, II(a) to read as follows:

II.(a) Appointments and reappointments to the board shall be for 3-year terms. Vacancies shall be filled by appointment for the unexpired term. **No member shall be appointed to more than 2 consecutive terms.**

165 Family Mediators; Rulemaking. Amend RSA 328-C:8 to read as follows:

328-C:8 Rulemaking Authority.

I. The board shall adopt rules for family mediators and family mediator training programs pursuant to RSA 541-A, relative to the following:

(a) The eligibility requirements ~~[and application procedures]~~ for certification, renewal of certification, recertification, and reinstatement of certification.

(b) ~~[The content of all application forms, which forms may require a notarized affidavit stating that the information provided in the application is complete and accurate.]~~

(c) Content of training programs and training equivalents allowed under RSA 328-C:5, III.

~~(d)~~ (c) Content of internships and duration and content of internship equivalents allowed under RSA 328-C:5, III.

~~(e)~~ (d) The ethical standards and standards of practice for family mediators certified in New Hampshire.

~~(f)~~ (e) Procedures for the reporting of activities conducted by certified family mediators and certified family mediator training programs.

~~(g) Procedures for processing complaints.]~~

~~(h)~~ (f) Disciplinary ~~[procedures;]~~ penalties~~;~~ and sanctions for certified family mediators and martial mediator training programs, as provided under RSA 328-C:7

~~(i) Fees for applications, certification, renewal of certification, and reinstatement of certification.]~~

~~(j)~~ (g) Reporting requirements for certified training programs.

II. The board may adopt rules for family mediators and family mediator training programs, pursuant to RSA 541-A, relative to the ~~[following:]~~

(a) ~~the~~ application [~~process;~~] requirements[;] and criteria for temporary renewal of certification and conditional certification.

~~(b) Fees for temporary renewal of certification and conditional certification and for the filing of requests for information not governed by RSA 91-A, the filing of complaints and petitions, and the processing of changes to information of record.~~

~~(c) Procedures for informal resolution or referral of complaints.]~~

166 Repeal; Family Mediators. The following are repealed:

I. RSA 328-C:4-a, II, relative to application fees for certification of family mediators.

II. RSA 328-C:12, relative to expenses of the family mediator board.

167 Guardians ad Litem Board; Rulemaking. Amend RSA 490-C:5 to read as follows:

490-C:5 Rulemaking Authority.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to the following:

(a) The application [~~process~~] **criteria** for certification, renewal of certification, recertification, and reinstatement of certification.

~~(b) [The content of all application forms, which forms may require a notarized affidavit stating that the information provided in the application is complete and accurate and which may gather, in addition to other information, information that will assist the court in making an informed decision on whether or not to appoint an individual as a guardian ad litem in a particular case.]~~

~~(c) Eligibility requirements and criteria for certification, recertification, reinstatement, and renewal of certification.~~

~~(d) (c) Training requirements.~~

~~(e) (d) Educational and continuing educational requirements.~~

~~(f) Fees for certification, recertification, reinstatement, and renewal of certification.~~

~~(g) (e) The ethical standards and standards of practice for guardians ad litem certified in New Hampshire.~~

~~(h) (f) Procedures for conducting investigations and hearings conducted by the board under this chapter.~~

~~(i) (g) Procedures for processing complaints and addressing disciplinary issues handled by the board under this chapter.~~

~~(j) (h) Disciplinary procedures, penalties, and sanctions for certified guardians ad litem, which penalties, sanctions, and procedures may include revocation of certification, suspension of certification, the imposition of supplemental training requirements or supervised training requirements, supplemental education, fines, written reprimand, and treatment and counseling, including but not limited to treatment or counseling for alcohol or substance abuse. Disciplinary procedures, penalties, and sanctions may be established for and applied to formerly certified guardians ad litem who engaged in acts or omissions prohibited when certified.~~

II. The board may adopt rules, pursuant to RSA 541-A, relative to the following:

(a) The application or certification [~~process;~~] requirements[;] and criteria for temporary or conditional certification or both, including but not limited to procedures and requirements regarding the circumstances and manner in which individuals may be temporarily or conditionally certified or both, the term and duration of conditional or temporary certification or both, and the ethical standards and standards of practice applicable to persons so certified.

~~(b) [Fees for temporary or conditional certification or both, and for the filing of requests for information, the filing of complaints or petitions, the processing of changes to information of record, the provision of training, and the provision of course material.]~~

~~(c) Procedures for the reporting of activities conducted by guardians ad litem appointed in New Hampshire.~~

~~(d) (c) The administration of oaths or affirmations, the preservation of testimony, and the issuance of subpoenas for witnesses and for documents, on the approval of the attorney general, relative to investigations, adjudicatory hearings, or other proceedings held by the board.~~

~~(e) (d) Procedures for informal resolution or referral of complaints.~~

~~(f) (e) Procedures and requirements relating to the resignation or surrender of certification, including but not limited to the circumstances or conditions under which a certified guardian ad litem may resign or surrender his or her certification.~~

~~(g) (f) Disciplinary procedures, penalties, and sanctions for conditionally or temporarily certified guardians ad litem or both and persons formerly certified by the board, which penalties, sanctions, and procedures may include, but need not be limited to, those listed in RSA 490-C:4, I(f).~~

~~(h) (g) Procedures and requirements relative to maintenance or disclosure of confidential information received by, or used in investigations or in hearings, proceedings, or other activities or matters before the board.~~

168 Board of Manufactured Housing; Quorum. Amend RSA 205-A:26, I to read as follows:

I. A majority of the *members of the board who have been appointed by the governor and council* shall constitute a quorum ~~[to conduct hearings, and a vote of at least 4 members present and voting in favor shall be required to adopt and approve any matter under consideration].~~

169 Board of Manufactured Housing; Meetings and Records. Amend RSA 205-A:29 to read as follows:

205-A:29 Meetings and Records. The board shall hold meetings in Concord, New Hampshire or in any other location deemed appropriate by the board. The records of the board shall be maintained at the office of the board of manufactured housing *consistent with the retention policy established by the office of professional licensure and certification.*

170 Real Estate Appraisers; Registration of Appraisal Management Companies. Amend RSA 310-B:12-b, I(a) to read as follows:

(a) An applicant for registration as an appraisal management company in this state shall submit to the board an application ~~[on a form or forms prescribed by the board]~~ *using the method prescribed and furnished by the office of professional licensure and certification.*

171 Real Estate Appraisers; License or Certificate. Amend RSA 310-B:16 to read as follows:

310-B:16 License or Certificate.

I. A license or certificate issued under authority of this chapter shall bear ~~[the signature of the board chairperson or a designee who is a member of the board and]~~ a license or certificate number assigned by the board.

II. Each licensed or certified real estate appraiser shall place such appraiser's license or certificate number adjacent to or immediately below the appraiser's signature whenever the appraiser's signature is used in an appraisal report or in a contract or other instrument used by the license or certificate holder in conducting real estate appraisal activities.

172 Real Estate Appraisers; Rulemaking. Amend RSA 310-B:24 to read as follows:

310-B:24 Rulemaking Authority. The board shall adopt rules pursuant to RSA 541-A, relative to:

I. The application ~~[procedure and]~~ eligibility requirements for the issuance of any initial license or certificate issued under this chapter, including the issuance of such licenses to applicants holding a currently valid license or other authorization to practice in another jurisdiction.

I-a. The application ~~[procedure and]~~ eligibility requirements for the issuance of any temporary practice permit issued under this chapter.

II. ~~[Design and content of all forms required under this chapter.]~~

III. ~~[How an applicant shall be examined.]~~

IV. ~~[How a]~~ *The criteria for renewal of a* license or certificate ~~[shall be renewed].~~

V. *Ethical standards required to be met by each holder of a license or certificate issued under this chapter and how such license or certificate may be revoked for violation of these standards.*

VI. ~~[Establishing all fees required under this chapter, subject to RSA 332-G.]~~

VII. *Standards for appraisal education programs and the issuance of evidence indicating satisfactory completion of such program.*

VIII. ~~[The registration and supervision of appraisal management companies under RSA 310-B:16-a; including the establishment of fees for annual registration and for renewal of registration.]~~

IX. *The conduct of investigations and procedures for the conduct of hearings consistent with the requirements of RSA 541-A.*

X. *Establishing continuing education and experience requirements which comport with criteria set forth by the board.*

XI. *The requirements for public requests for information.*

XII. *The conditions and requirements for granting a waiver to any rule adopted by the board.*

173 Repeal; Real Estate Appraisers. RSA 310-B:22, relative to a roster of licensed or certified real estate appraisers, is repealed.

174 Repeal; Distribution of Publications. RSA 332-H, relative to the distribution of publications by licensing commissions and boards, is repealed.

175 Engineers; Signed License. Amend RSA 310-A:18 to read as follows:

310-A:18 Certificates; Seals. The board shall issue a license, upon payment of the registration fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee~~;~~ *and* have a serial number~~;~~ *and be signed by the chairperson and the secretary of the board under seal of the board*. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional engineer while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Engineer." All papers or documents involving the practice of engineering under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional engineer who prepared or had responsibility for

and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed or reissued.

176 Architects; Signed License. Amend RSA 310-A:44 to read as follows:

310-A:44 Certificates; Seals. The board shall issue a license upon payment of the registration fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee[; **and** have a serial number[; ~~and be signed by the chairperson and the secretary of the board under seal of the board~~]. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Architect." All papers or documents involving the practice of a profession under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

177 Soil Scientists; Signed License. Amend RSA 310-A:87 to read as follows:

310-A:87 Certificates. Certificates shall show the full name of the certified soil scientist, apprentice soil scientist, certified wetland scientist, or apprentice wetland scientist[; **and** have a serial number[; ~~and be signed by the chairperson and the secretary of the board under seal of the board~~]. Each certified soil scientist or certified wetland scientist shall obtain a seal of the design authorized by the board bearing the name of the certified individual, the legend "Certified Soil Scientist" or "Certified Wetland Scientist," as appropriate, and a place for the certified individual's signature. Plans and reports prepared by a certified individual shall be stamped with the seal and signed by the certified individual during the life of the certificate.

178 Foresters; Signed License. Amend RSA 310-A:107 to read as follows:

310-A:107 Issuance of License; Endorsement of Documents. The board shall issue a license upon payment of the fee as provided in this subdivision to any applicant, who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee[; **and** shall have a serial number[; ~~and shall be signed by the chairperson and secretary under the seal of the board~~]. The issuance of a license by the board shall be evidence that the person named in the license is entitled to all rights and privileges of a licensed forester while such license remains unrevoked or unexpired. Plans, maps, and reports issued by the licensee shall be endorsed with the licensee's name and license number during the life of the license. It shall be a class B misdemeanor for anyone to endorse any document with such name and license number after the license of the named licensee has expired or has been revoked, unless said license has been renewed or reissued. It shall be a class B misdemeanor for any licensed forester to endorse any plan, map or report unless the licensed forester shall have actually prepared such plan, map or report, or shall have been in the actual charge of the preparation of the same.

179 Geologists; Signed License. Amend RSA 310-A:130 to read as follows:

310-A:130 Certificates; Seals. The board shall issue a license, upon payment of the licensing fee established by the board, to any applicant who has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee[; **and** have a serial number[; ~~and be signed by the chairperson and the secretary of the board under seal of the board~~]. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist." All papers or documents involving the practice of geology affecting public health, safety, and welfare, under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional geologist who prepared or had responsibility for and approved them.

180 Landscape Architects; Signed License. Amend RSA 310-A:152 to read as follows:

310-A:152 Certificates; Seals. The board shall issue a license upon payment of the license fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee[; **and** have a serial number[; ~~and be signed by the chairperson and the secretary of the board under seal of the board~~]. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed landscape architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "licensed landscape architect." All papers or documents involving the practice of landscape architecture under this subdivision, when issued or filed for public record, shall be dated and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

181 Home Inspectors; Signed License. Amend RSA 310-A:193 to read as follows:

310-A:193 Issuance of Licenses. The board shall issue a license upon payment of the license fee established by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee[; **and** have a serial number[; ~~and be signed by the chairperson or the secretary of the board~~]. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed home inspector while the license remains valid. It shall be a class B misdemeanor for the licensee to perform home inspections after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

182 Electricians; Signed License. Amend RSA 319-C:7, III to read as follows:

III. All persons licensed by the board shall receive a certificate [~~under the seal of the board and with the signature of the board chairman~~], which must be publicly displayed at the principal place of business of said electrician, or, if no such place of business, must be carried on his or her person and displayed at any time upon request to any electrical inspector appointed by the board under this chapter, as long as said person continues in the business as herein defined. The certificate shall specify the name of the person licensed who, in the case of a firm, shall be one of its members or employees and, in the case of a corporation, one of its officers or employees passing the examination. In the case of a firm or corporation, the license shall be void upon the death of or the severance from the company of said person.

183 Effective Date. This act shall take effect July 1, 2021.

Amendment to SB 61

(2021-1047h)

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services – r

Amend RSA 273-D:11 as inserted by section 2 of the bill by replacing it with the following:

273-D:11 Duty to Investigate. The attorney general, or his or her designee, shall investigate any complaints of violation of this chapter, and shall prosecute all persons violating any of its provisions, and use all means at their command to ensure effective enforcement of the provisions of this chapter.

Amendment to SB 66-FN

(2021-1495h)

Proposed by the Committee on Commerce and Consumer Affairs – c

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

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

Amendment to SB 77-FN

(2021-1363h)

Proposed by the Committee on Finance – c

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Fees of Sheriffs and Deputy Sheriffs. Amend RSA 104:31 by inserting after paragraph XI the following new paragraph:

XII. The fees of sheriffs and deputy sheriffs specified in paragraphs I through IV and paragraphs VII through IX-b may be increased once annually by a vote of the county convention and the total increase shall not exceed the Consumer Price Index for All Urban Consumers, Northeast Region as published by the Bureau of Labor Statistics, United States Department of Labor using the amount published for the month of June in the year prior to the start of the fiscal year on a percentage basis.

3 Effective Date.

I. Section 2 shall take effect 60 days after passage.

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

Amendment to SB 78-FN

(2021-1562h)

Proposed by the Committee on Science, Technology and Energy – c

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

AN ACT relative to continually appropriating the renewable energy fund to the public utilities commission, and relative to clarifying certain electric renewable energy classification.

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

1 Renewable Energy Fund; Continual Appropriation. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy fund. This *nonlapsing* special fund shall be [~~nonlapsing~~] *continually appropriated to the commission to be expended in accordance with this section; provided however if there is no adopted state operating budget, then during the period in which*

there is no adopted state operating budget, the fiscal committee of the general court may upon request of the commission approve expenditures from the renewable energy fund. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. Any remaining moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the commission to support thermal and electrical renewable energy initiatives. Class II moneys shall primarily be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the commission as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the commission due to the inclusion of useful thermal energy in class I production.

2 Electric Renewable Portfolio Standards; Electric Renewable Energy Classes; Class I. Amend RSA 362-F:4, I (c) to read as follows:

(c) Hydrogen derived from biomass fuels, **water**, or methane gas.

3 Effective Date. This act shall take effect July 1, 2021.

2021-1562h

AMENDED ANALYSIS

This bill provides that moneys in the renewable energy fund shall be continually appropriated to the public utilities commission for the programs and expenditures funded from the fund. The bill also clarifies the renewable energy class for hydrogen derived from water.

Amendment to SB 83

(2021-1608h)

Proposed by the Committee on Election Law - c

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I: LSR 21-0226, relative to recount fees, sponsored by Sen. Gray, Prime/Dist. 6.

Part II: LSR 21-0521, relative to itemized statements filed by political committees and candidates, sponsored by Sen. Gray, Prime/Dist. 6.

Part III: LSR 21-0853, providing for optional town meeting procedures and allowing preprocessing of absentee ballots, sponsored by Sen. Kahn, Prime/Dist. 10; Sen. Prentiss, Dist. 5; Sen. Rosenwald, Dist. 13; Sen. Perkins Kwoka, Dist. 21; Sen. Soucy, Dist. 18; Sen. Cavanaugh, Dist. 16; Sen. Watters, Dist. 4; Rep. Parshall, Ches. 10; Rep. Fenton, Ches. 8.

2 Legislation Enacted. The general court hereby enacts the following legislation:

PART I

Relative to Recount Fees.

1 State General Election Recounts; Fees. Amend RSA 660:2 to read as follows:

I. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be less than **or equal to** one **quarter of one** percent (**0.25%**) of the total votes cast in the towns which comprise the office to be recounted, ~~[the following fees shall apply:]~~ **no fee is due.**

II. If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than one quarter of one percent but less than or equal to one percent of the total votes cast in the towns which comprise the office to be recounted, the following fees shall apply:

(a) Candidate for president, United States senator or governor, ~~[\$500]~~ **\$1,000.**

(b) Candidate for United States representative, ~~[\$250]~~ **\$500.**

(c) Candidate for executive councilor, ~~[\$100]~~ **\$200.**

(d) Candidate for state senator or county officer, ~~[\$50]~~ **\$100.**

(e) Candidate for state representative, ~~[\$10]~~ **\$20.**

~~[H:]~~ **III.** If the difference between the vote cast for the applying candidate and a candidate declared elected shall be ~~[between]~~ **greater than** one percent and **less than or equal to** 2 percent of the total votes cast in the towns which comprise the office to be recounted, the following fees shall apply:

(a) Candidate for president, United States senator or governor, ~~[\$1,000]~~ **\$2,000.**

(b) Candidate for United States representative, ~~[\$500]~~ **\$1,000.**

(c) Candidate for executive councilor, ~~[\$200]~~ **\$400.**

(d) Candidate for state senator or county officer, ~~[\$100]~~ **\$200.**

(e) Candidate for state representative, ~~[\$20]~~ **\$40.**

~~[H:]~~ **IV.** If the difference between the vote cast for the applying candidate and a candidate declared elected shall be ~~[between]~~ **greater than** 2 percent and **less than or equal to** 3 percent of the total votes cast in the towns which comprise the office to be recounted, the following fees shall apply:

(a) Candidate for president, United States senator or governor, ~~[\$2,000]~~ **\$4,000.**

- (b) Candidate for United States representative, [\$1,000] **\$2,000.**
- (c) Candidate for executive councilor, [\$400] **\$800.**
- (d) Candidate for state senator or county officer, [\$200] **\$400.**
- (e) Candidate for state representative, [\$40] **\$80.**

[IV-] **V.** If the difference between the vote cast for the applying candidate and a candidate declared elected shall be greater than 3 percent of the total votes cast in the towns which comprise the office to be recounted, the candidate shall pay the fees as provided in RSA 660:2, [HH] **IV** and shall agree in writing with the secretary of state to pay any additional costs of the recount. The secretary of state may require that the applying candidate pay the estimated additional costs of the recount prior to commencing the recount.

2 State General Election Recounts; Reference Changed. Amend RSA 660:6, III to read as follows:

III. If any person who has applied for a recount loses the recount by a margin of less than one percent of the total votes cast in the towns which comprise the district for the office recounted, the secretary of state shall return to the person within 10 days of the recount any fees that were paid in excess of those required by RSA 660:2, [I-] **II.**

3 Effective Date. Part I of this act shall take effect 60 days after its passage.

PART II

Relative to Itemized Statements Filed by Political Committees and Candidates.

1 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a and RSA 664:9-b are repealed and reenacted to read as follows:

664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee of a candidate or a candidate may file such candidate's report of receipts and expenditures, pursuant to RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire Campaign Finance System, which may also be used to register, file reports, and search information filed by candidates, political committees, and candidate committees.

664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee of a candidate or a candidate may file such candidate's required reports as an email attachment, a facsimile, or a paper copy, provided that:

I. The font size of the document as printed is not less than a 12 point font.

II. Email attachments are to be in portable document format archive (PDF/A) or other acceptable format as determined by the secretary of state.

III. The report is mailed, delivered, or sent to the secretary of state on or before the date and time that the report is due.

2 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the following new section:

664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The political committee of a candidate or a candidate shall file an amended copy of such candidate's report within one week after being notified by the secretary of state or attorney general's office that such report is non-compliant.

3 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Providing for Optional Town Meeting Procedures.

1 Expenditures Prior to Meeting. Amend RSA 32:13, II to read as follows:

II. This subdivision shall not be construed to affect the authority of the local governing body~~[-in towns with a March annual meeting and a January through December fiscal year,]~~ to make expenditures between ~~[January 1]~~ **the beginning of the fiscal year** and the date a budget is adopted which are reasonable in light of ~~[prior year's appropriations and expenditures for the same purposes during the same time period]~~ **appropriations and expenditures which were approved for the same purposes for the immediately preceding fiscal period.**

2 Effective Date. Part III of this act shall take effect September 1, 2021.

2021-1608h

AMENDED ANALYSIS

This bill adopts legislation:

I. Relative to recount fees.

II. Relative to itemized statements filed by political committees and candidates.

III. Providing for optional town meeting procedures.

Amendment to SB 85-FN

(2021-1328h)

Proposed by the Committee on Finance – c

Amend the bill by replacing all after section 3 with the following:

4 New Subdivision; Broadband Matching Grant Initiative; Department of Energy. Amend RSA 12-P by inserting after section 15 the following new subdivision:

Broadband Matching Grant Initiative

12-P:16 Broadband Matching Grant Initiative Established.

I. There is hereby established within the department of energy a broadband matching grant initiative, the purpose of which shall be to provide matching grants to broadband providers, political subdivisions, and communications districts in order to improve broadband availability across the state. When awarding grants, the department shall take into consideration broad geographic coverage of broadband services in New Hampshire and participation of political subdivisions and broadband providers in the grant process that will support business and residential users.

II. Eligible projects shall provide high speed Internet access in unserved areas of the state that lack access to broadband services, as defined in RSA 38:38, I(f), from at least one broadband provider.

III. Any broadband provider, political subdivision, or communications district formed under RSA 53-G shall be eligible for a grant of up to 50 percent of the total eligible costs of a project. Projects under construction at the time of application shall be ineligible. Projects in the planning stages shall be eligible.

12-P:17 Program Guidelines; Rulemaking.

I. The department of energy shall adopt rules under RSA 541-A, relative to grant application and distribution procedures.

II. The rules shall, at a minimum, include the following:

(a) Establishment of a technology-neutral competitive grant process based on objective criteria.

(b) Establishment of a challenge process, with reasonable timelines, through which information may be provided to the state to ensure that funds are not used to build projects in served areas or areas where construction of a network to provide broadband service is planned to be complete within one year.

(c) A method to ensure an applicant's trade secrets, financial information, and proprietary information submitted as part of an application are exempt from disclosure under RSA 91-A.

(d) Establishment of a process that promotes faster service, up to and including gigabit service.

III. The department of energy shall ensure that any grants awarded to broadband providers are provided with an appropriate level of consultation with the local governing bodies and a determination that the grants advance the goal of deploying broadband to unserved areas within communities.

IV. Eligible costs for the program shall include, but are not limited to:

(a) Costs associated with access to utility poles and other necessary structures.

(b) Construction of broadband network infrastructure in eligible areas.

(c) Construction of service connections to individual homes or businesses.

(d) Upgrades to existing infrastructure that currently provides service that does not meet the minimum definition of broadband in RSA 38:38, I(c).

(e) All other costs directly attributable to the construction project. In cases where a cost is shared with another ongoing project, shared costs shall be prorated.

(f) Planning costs related to network design and program eligibility.

V. Eligible costs shall not include any operating expenses or other recurring costs.

VI. The broadband provider, political subdivision, or communications district shall provide a minimum of 50 percent of the total cost of the project. Sources of the match may include revenue bonds issued by the political subdivision, bonds issued by the communication district, or private investment by broadband providers either jointly or independently. Sources of the match provided by broadband providers shall not include other federal or state funding awarded specifically to support the expansion of broadband networks.

VII. The department of energy shall not, as a condition of an award of grant money, impose any requirement, rate regulation, or other term or condition of service that differs from the applicant's terms or conditions of service in its other service areas.

12-P:18 Broadband Matching Grant Fund.

I. There is hereby established the broadband matching grant fund. The fund shall be kept separate and distinct from all other funds and shall be continually appropriated to the commissioner of the department of energy for the purposes of this subdivision. In addition to state appropriations, the department may accept gifts, grants, and donations for deposit into the fund.

II. Any federal funds received by the state for the purposes of expanding or improving Internet access that are not otherwise committed to other programs or required by the federal legislation authorizing the funds shall be deposited into the broadband matching grant fund.

5 New Subparagraph; Dedicated Funds; Broadband Matching Grant Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys deposited in the broadband matching grant fund under RSA 12-P:18.

6 Contingency. If HB 2 of the 2021 general legislative session becomes law and includes provisions establishing a department of energy, sections 4 and 5 of this act shall take effect on July 1, 2021, and sections 2 and 3

of this act shall not take effect. If HB 2 does not become law, and/or does not include provisions establishing a department of energy, sections 2 and 3 of this act shall take effect on July 1, 2021, and sections 4 and 5 of this act shall not take effect.

7 Effective Date.

- I. Sections 2-5 of this act shall take effect as provided in section 6 of this act.
- II. The remainder of this act shall take effect on July 1, 2021.

2021-1328h

AMENDED ANALYSIS

This bill establishes the broadband matching grant initiative and fund in the office of strategic initiatives. The bill also includes contingent provisions to establish the initiative within the department of energy.

**Amendment to SB 86-FN
(2021-0964h)**

Proposed by the Majority of the Committee on Municipal and County Government – r

Amend the bill by replacing section 1 with the following:

1 Sponsorship. This act consists of the following proposed legislation:

Part I. LSR 21-0856, relative to third party inspections conducted pursuant to a planning board approval, sponsored by Sen. Kahn, Prime/Dist. 10; Sen. Watters, Dist. 4; Rep. McConkey, Carr. 3.

Part II. LSR 21-0829, relative to prohibiting the installation of certain commercially available heating systems and engaging the services of certain energy providers, sponsored by Sen. Morse, Prime/Dist. 22.

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

PART II

**Prohibiting the Installation of Certain Commercially Available Heating Systems and
Engaging the Services of Certain Energy Providers.**

1 New Paragraph; State Building Code. Amend RSA 155-A:2 by inserting after paragraph V-a the following new paragraph:

V-b. Notwithstanding paragraph V, no county, city, town, village district, local land use board, or other subdivision of this state shall adopt any ordinance, regulation, code, or administrative practice that prohibits or restricts a person or entity from installing a safe and commercially available heating or other energy system of their choice or to engage the services of an energy provider of their choice to install, connect, or resupply such energy system. In this paragraph, “energy provider” means a qualified and licensed distributor of oil, propane, natural gas, or other company or entity that supplies energy or related services to the public.

2 New Paragraph; Local Land Use Planning; Power to Amend State Building Code. Amend RSA 674:51 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding paragraph I, no county, city, town, village district, local land use board, or other subdivision of this state shall adopt any ordinance, regulation, code, or administrative practice that prohibits or restricts a person or entity from installing a safe and commercially available heating or other energy system of their choice or to engage the services of an energy provider of their choice to install, connect, or resupply such energy system. In this paragraph, “energy provider” means a qualified and licensed distributor of oil, propane, natural gas, or other company or entity that supplies energy or related services to the public.

3 Effective Date. Part II of this act shall take effect 60 days after its passage.

2021-0964h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Third party inspections conducted pursuant to a planning board approval.
- II. Prohibiting the installation of certain commercially available heating systems and engaging the services of certain energy providers.

**Amendment to SB 86-FN
(2021-1404h)**

Proposed by the Minority of the Committee on Municipal and County Government – r

Amend section 1 of the bill by replacing Part III with the following:

Part III. Relative to structures built prior to legislation restricting heating and energy systems.

Amend Part III of the bill by replacing it with the following:

PART III

Relative to Structures Built Prior to Legislation Restricting Heating and Energy Systems.

1 New Paragraph; State Building Code. Amend RSA 155-A:2 by inserting after paragraph V-a the following new paragraph:

V-b. Notwithstanding paragraph V, any city, town, village, local land use board, or other subdivision of this state that adopts an ordinance, regulation, code, or administrative practice, hereafter collectively known

as “ordinances”, to restrict the form of heating or energy sources, shall permit any structure that predates such ordinance to continue using its current form of heating or energy sources and shall not make any requirements of such properties that they comply with such new ordinances.

2 New Paragraph; Local Land Use Planning; Power to Amend State Building Code. Amend RSA 674:51 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding paragraph I, any city, town, village, local land use board, or other subdivision of this state that adopts an ordinance, regulation, code, or administrative practice, hereafter collectively known as “ordinances”, to restrict the form of heating or energy sources, shall permit any structure that predates such ordinance to continue using its current form of heating or energy sources and shall not make any requirements of such properties that they comply with such new ordinances.

3 Effective Date. Part III of this act shall take effect 60 days after its passage.

2021-1404h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Third party inspections conducted pursuant to a planning board approval.
- II. Establishing the New Hampshire housing and conservation planning program.
- III. Prohibiting municipalities that adopt an ordinance, regulation, code, or administrative practice from enforcing it against a structure that predates such ordinance, regulation, code, or administrative practice.

Amendment to SB 89

(2021-1610h)

Proposed by the Majority of the Committee on Election Law – r

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

AN ACT adopting omnibus legislation relative to election procedures.

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I. LSR 21-0999, relative to the city chief elections officer, sponsored by Sen. Gray, Prime/Dist. 6.

Part II. LSR 21-1002, prohibiting the taking of certain photographs within the guardrail, sponsored by Sen. Gray, Prime/Dist. 6.

Part III. LSR 21-1051, establishing a committee to study post election audit counting devices, sponsored by Sen. Gray, Prime/Dist. 6.

2 Legislation Enacted. The general court hereby enacts the following legislation:

PART I

Relative to the City Chief Elections Officer.

1 Chief Elections Officer; City Clerk. Amend RSA 659:9-a to read as follows:

659:9-a City ~~[Chief Elections Officer Duties]~~ **Clerk Uniform Practices**. The city ~~[chief elections officer]~~ **clerk** shall establish uniform practices and procedures that conform to state and federal law for the conduct of elections at all polling places within the city. The moderators and other election officials who conduct elections at the individual polling places within the city shall comply with the uniform procedures established for the city by the city ~~[chief elections officer]~~ **clerk**. The secretary of state shall resolve any conflicting interpretations of state and federal laws arising between the ~~[chief elections officer]~~ **city clerk** and other election officials. The legislative body of any city may vote to have the duties of the ward officers relative to the selection and equipping of polling places assigned to the city ~~[chief elections officer]~~ **clerk**.

2 Repeal. RSA 652:14-a, relative to city chief elections officers, is repealed.

3 Effective Date. Part I of this act shall take effect 60 days after its passage.

PART II

Prohibiting the Taking of Certain Photographs Within the Guardrail.

1 New Section; Election Procedure; Prohibited Acts; Photography. Amend RSA 659 by inserting after section 45 the following new section:

659:45-a Certain Photography Prohibited. No person shall take or cause any photograph to be taken within the guardrail that captures another voter or another voter's ballot.

2 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Establishing a Committee to Study Post Election Audit Counting Devices.

1 Committee Established.

I. There is established a committee to study post election audit counting devices.

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

(a) Two members of the senate, appointed by the president of the senate.

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

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

IV. Duties. The committee shall determine what ballot counting equipment is available which would support a post election audit in New Hampshire, and shall study the feasibility, time constraints, and cost of conducting a post election audit using any vote counting equipment identified. The committee may use ballots cast in prior elections to test ballot counting equipment, provided that such use is in conjunction with the secretary of state and with the approval of the ballot law commission.

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

VI. Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, the secretary of state, the attorney general, and the state library on or before November 30, 2021.

2 Effective Date. Part III of this act shall take effect upon its passage.

PART IV

Relative to the effect of certain federal laws on New Hampshire election procedures.

1 New Hampshire Election Procedures; Certain Federal Laws Non-Controlling. Notwithstanding the adoption by the United States Congress of S.1, also known as the "For the People Act of 2021," all procedures and requirements relating to elections conducted pursuant to the New Hampshire constitution and as prescribed by New Hampshire law shall remain in full force and effect for all state and county officers, including but not limited to those procedures and requirements relating to voter eligibility, voter registration, absentee voting, conducting the vote, and counting of votes.

2 Effective Date. Part IV of this act shall take effect upon its passage.

2021-1610h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The city chief elections officer.

II. Prohibiting the taking of certain photographs within the guardrail.

III. Establishing a committee to study post election audit counting devices.

IV. The effect of certain federal laws on New Hampshire elections.

Amendment to SB 91

(2021-1619h)

Proposed by the Majority of the Committee on Science, Technology and Energy – r

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I: LSR 21-0945, relative to the installation, interconnection, and use of energy storage systems by customers of utilities, sponsored by Sen. Watters, Prime/Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Kahn, Dist 10; Sen. Sherman, Dist 24; Sen. D'Allesandro, Dist 20; Sen. Whitley, Dist 15; Rep. Oxenham, Sull. 1.

Part II: relative to hydroelectric generators that share equipment for purposes of interconnection to the electric grid, and requiring the public utilities commission to ensure costs are not shifted in developing alternative tariffs for net energy metering.

Part III: LSR 21-0988, relative to group host credits for net energy metering, sponsored by Sen. Perkins Kwoka, Prime/Dist 21; Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Whitley, Dist 15; Rep. McWilliams, Merr. 27; Rep. Gourgue, Straf. 25.

Part IV: establishing a commission to study limited electrical energy producers.

2 Legislation Enacted. The general court hereby enacts the following legislation:

PART I

Relative to the installation, interconnection, and
use of energy storage systems by customers of utilities.

1 Customer Energy Storage. RSA 374-H is repealed and reenacted to read as follows:

CHAPTER 374-H

CUSTOMER ENERGY STORAGE

374-H:1 Definitions. In this chapter:

I. "Commission" means the public utilities commission.

II. "Bring your own device" means a program for encouraging non-utility owned, and especially retail-customer owned, behind-the-meter energy storage to provide value to the electricity system, particularly in terms of peak reduction and avoided transmission and distribution costs. Such a program shall provide just

and reasonable compensation, as determined by the commission, including actual avoided transmission and distribution costs, to a participating behind-the-meter energy storage system for the value it provides to the electricity system.

III. "Energy storage" means batteries, flywheels, compressed air energy systems, sensible heat storage or any other technology, system, or device capable of taking electricity and storing it as some form of energy the technology, system, or device can either convert back into electricity or use to displace an electrical load at a later time. Such term shall include standalone technologies, systems, and devices, as well as those co-located with or incorporated into a renewable energy source.

IV. "Front-of-meter storage" means any energy storage that is not behind-the-meter storage and may include energy storage constructed, owned, and/or operated by utilities subject to the same use restrictions in RSA 374-G:4, I.

V. "ISO-New England" means the Independent System Operator New England or any successor entity.

VI. "Local network service" means the term as defined in ISO-New England's transmission, markets, and services tariff, section II.

VII. "Non-utility" means any entity that is not a utility that develops, builds, owns, operates, or assists in the operation of one or more energy storage projects, including retail customers that buy behind-the-meter storage installed on their property.

VIII. "Regional network service" means the term as defined in ISO-New England's transmission, markets, and services tariff, section II.

IX. "Renewable energy source" means a Class I, Class II, or Class IV renewable energy source as defined in RSA 362-F:4.

X. "Utility" and "utilities" mean public utilities as defined in RSA 362:2.

XI. "Wholesale electricity markets" means any energy, capacity, or ancillary service market that ISO-New England operates or may operate pursuant to RSA 362-A:2-a.

374-H:2 Customer Energy Storage Systems.

I. The commission shall adopt rules clarifying policy for the installation, interconnection, and use of energy storage systems by customers of utilities, and shall incorporate the following principles into the rules:

(a) It is in the public interest to limit barriers to the installation, interconnection, and use of customer-sited, behind-the-meter energy storage systems in New Hampshire.

(b) New Hampshire's consumers of electricity have a right to install, interconnect, and use energy storage systems on their property, subject to appropriate size and safety requirements established by the commission, without the burden of unnecessary restrictions or regulations and without unduly discriminatory rates or fees, provided that such storage systems conform to local zoning ordinances and building codes.

(c) Utility approval processes and any required interconnection reviews of energy storage systems shall be simple, streamlined, and just and reasonable for all parties.

(d) The commission may approve mechanisms for a utility to compensate a non-utility for just and reasonable costs, as determined by the commission, of any transmission or distribution charges actually avoided because of a non-utility energy storage project, to the extent practicable, based on determinable cost components.

(e) For behind-the-meter storage, the rules or orders shall allow for a bring-your-own-device peak reduction program. The commission may approve mechanisms for a utility to compensate such projects for the value they actually provide including any transmission or distribution costs actually avoided because of the non-utility energy storage project, to the extent practicable based on determinable cost components.

II. Nothing in this section alters or supersedes either:

(a) The principles of net energy metering under RSA 362-A:9; or

(b) Any existing electrical permit requirements or any licensing or certification requirements for installers, manufacturers, or equipment.

374-H:3 Commission Investigation of Energy Storage.

I. The commission shall investigate ways to enable energy storage projects to receive compensation for avoided transmission and distribution costs, including avoided regional and local network service charges, while also participating in wholesale energy markets. The commission shall investigate how this might be done for both utility-owned and non-utility-owned energy storage projects, as well as for both behind-the-meter storage and front-of-the-meter storage.

II. The commission's investigative proceeding shall specifically consider the following:

(a) How public policy can best establish accurate and efficient price signals for energy storage projects that avoid actual transmission and distribution costs or reduce wholesale electricity market prices.

(b) How to compensate energy storage projects that participate in wholesale electricity markets for actual avoided transmission and distribution costs in a manner that provides net savings to consumers.

(c) How best to encourage both utility and non-utility investments in energy storage projects.

(d) The costs and benefits of a potential bring your own device program; how such a program might be implemented; any statutory or regulatory changes that might be needed to create, facilitate, and implement such a program; and whether such a program should include all distributed energy resources or be limited to distributed energy storage projects.

(e) Any statutory changes the general court should implement, including but not limited to changes to or exceptions from RSA 374-F or RSA 374-G, to enable energy storage projects to receive appropriate compensation for actual avoided transmission and distribution costs while also participating in wholesale energy markets.

(f) Any other topic the commission reasonably believes it should consider in order to diligently conduct the proceeding.

III. The commission shall report its findings and recommendations to the standing committees of the house of representatives and senate with jurisdiction over energy and utility matters no later than 2 years after initiating the proceeding. The report shall identify ways any recommended statutory changes can minimize any potential conflict with the restructuring policy principles of RSA 374-F.

2 Distributed Energy Resources; Definitions; Exclusions. Amend RSA 374-G:2 to read as follows:

374-G:2 Definitions; Exclusions.

I. The following definitions shall apply in this chapter except as otherwise provided:

(a) "Commission" means the public utilities commission.

(b) "Distributed energy resources" means **energy storage**, electric generation equipment[,] including clean and renewable generation, [~~energy storage~~], energy efficiency, demand response, load reduction or control programs, [~~and~~] **or** technologies or devices located on or interconnected to the local electric distribution system for purposes including but not limited to reducing line losses, supporting voltage regulation, or peak load shaving, as part of a strategy for minimizing transmission and distribution costs as provided in RSA 374-F:3, III.

(c) **"Electric generation equipment" means devices that produce electric power from sources of primary energy.**

(d) **"Primary energy" means an energy form found in nature that has not been subject to any human engineered conversion process including wind energy, solar energy, biomass, biofuels, geothermal energy, oil, natural gas, nuclear, hydro, and coal.**

II.(a) "Distributed energy resources" in this chapter shall exclude electric generation equipment interconnected with the local electric distribution system at a single point or through a customer's own electrical wiring that is in excess of 5 megawatts.

(b) **Any "electric generation equipment" that qualifies as energy storage as defined in RSA 374-H:1, III shall not be subject to any of the requirements of RSA 374-G:3.**

3 Electric Generation Equipment Funded by Public Utility; Distributed Energy Resources. Amend RSA 374-G:3, I to read as follows:

I. The energy produced by electric generation equipment owned by the public utility shall be used **to benefit low-income customers, with such benefit as determined by the commission**, as an offset to distribution system losses or the public utility company's own use, **or any other use as approved by the commission**;

4 Electric Utility Investment in Distributed Energy Resources. Amend RSA 374-G:4, II to read as follows:

II. Distributed electric generation owned by or receiving investments from an electric utility under this section shall be limited to a cumulative maximum in megawatts of 6 percent of the utility's total distribution peak load in megawatts. **This limitation shall not apply to front-of-meter energy storage, the energy storage pilot approved by commission order number 26,209, or demand response.**

5 Effective Date. Part I of this act shall take effect 60 days after its passage.

PART II

Relative to hydroelectric generators that share equipment for purposes of interconnection to the electric grid, and requiring the public utilities commission to ensure costs are not shifted in developing alternative tariffs for net energy metering.

1 New Paragraph; Limited Electrical Energy Producers Act; Net Energy Metering. Amend RSA 362-A:9 by inserting after paragraph XIX the following new paragraph:

XX. A hydroelectric generator with a total peak generating capacity that is at or below the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b and that first became operational before July 1, 2021 and that shares equipment or facilities with other generators or electric utility customers for interconnection to the electric grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate capacity of the generators sharing equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b. Such a hydroelectric generator shall be eligible to participate in net energy metering as a customer-generator based on its individual total peak generating capacity.

2 Limited Electrical Energy Producers Act; Net Energy Metering; Alternative Tariffs. Amend RSA 362-A:9, XVI to read as follows:

XVI. No later than 3 weeks after the effective date of this paragraph, the commission shall initiate a proceeding to develop new alternative net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators, and determine whether and to what extent such tariffs should be limited in their availability within each electric distribution utility's service territory. In developing such alternative tariffs and any limitations in their availability, the commission shall consider: ***balancing the interests of customer-generators with those of electric utilities and ratepayers to ensure that, except for minimal allowances for metering and billing, other customers do not shift costs to customer generators and customer generators do not shift costs to other customers***; the costs and benefits of customer-generator facilities; ~~[an avoidance of unjust and unreasonable cost shifting]~~; rate effects on all customers; alternative rate structures, including time-based tariffs pursuant to paragraph VIII; whether there should be a limitation on the amount of generating capacity eligible for such tariffs; the size of facilities eligible to receive net metering tariffs; timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism; and electric distribution utilities' administrative processes required to implement such tariffs and related regulatory mechanisms. The commission may waive or modify specific size limits and terms and conditions of service for net metering specified in paragraphs I, III, IV, V, and VI that it finds to be just and reasonable in the adoption of alternative tariffs for customer-generators. The commission may approve time and/or size limited pilots of alternative tariffs.

3 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Relative to group host credits for net energy metering.

1 Net Metering; Group Host; Low -Moderate Income Community Solar Projects. Amend RSA 362-A:9, XIV(c) to read as follows:

(c)(1) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at the end of each billing cycle at rates consistent with the credit the group host receives relative to its own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be applicable pursuant to paragraph XVI. Alternatively, a group host may elect to receive credits on the customer electric bill for each member and the host, with the utility being allowed the most cost-effective method of doing so according to an amount or percentage specified for each member on PUC form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition from July 1, 2019 through July 1, 2021 and a 2.5 cent per kwh addition thereafter for low-moderate income community solar projects, as defined in RSA 362-F:2, X-a. ***The cent per kwh addition to the credit provided to any particular low-moderate income community solar project shall be in the amount in effect on the date that the commission issues a group host registration number for that project. The amount of the cent per kwh addition shall be grandfathered in accordance with the grandfathering provisions of the net metering tariff for customer-generators applicable to the project as in effect on the date the commission issues the project a group host registration number.***

(2) On or before July 1, 2022, the commission shall report on the costs and benefits of such an addition and the development of the market for low-moderate income community solar projects, and provide a recommendation on whether the addition shall be increased or decreased. The commission shall report on the costs and benefits of low-moderate income community solar projects, as defined in RSA 362-F:2, X-a on or before June 1, 2020. The commission shall authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2, X-a, each year in each utility's service territory beginning January 1, 2020. On an annual basis, for all group host systems except for residential systems with an interconnected capacity under 15 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host's surplus generation for which it was paid is greater than the group's total electricity usage during the same time period. The adjustment shall be such that the resulting compensation to the host for the amount that exceeded the group's total usage shall be at the utility's avoided cost or its default service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

2 Effective Date. Part III of this act shall take effect 60 days after its passage.

PART IV

Establishing a commission to study limited electrical energy producers.

1 New Section; Public Utilities; Commission to Study Limited Electrical Energy Producers. Amend RSA 362-A by inserting after section 3 the following new section:

362-A:3-a Commission to Study Limited Electrical Energy Producers. There is established a commission to study intrastate wholesale electricity sales.

I. The commission shall consist of the following members:

(a) Three members of the house science technology and energy committee, with at least one member of the minority party, appointed by the speaker of the house of representatives.

(b) One member of the senate energy and natural resources committee, appointed by the president of the senate.

(c) One member who is either as initially appointed from the public utilities commission by the chairperson of the public utilities commission or is appointed by the commissioner of the newly established department of energy if it becomes law.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission may solicit input from any person or entity the commission deems relevant to its study, including transmission and distribution utilities, and ISO-New England.

IV. The commission shall examine the feasibility of legislation amending RSA 362-A (limited electrical energy producers or LEEP) to facilitate intrastate wholesale electricity sales and determine if such sales provide a way to fill the gap between one- and 5-megawatt electricity sales outside of ISO-New England markets. The commission shall seek to answer several major questions:

(a) Do LEEP sales avoid jurisdictional conflicts with FERC regulated transmission transactions?

(b) Does crediting LEEP generators with avoided transmission costs shift such costs to either a transmission utility, which could then increase its rates to recover said costs, or to distribution ratepayers?

(c) Do the transmission and distribution grids overlap in ways that make calculating avoided transmission charges possible?

(d) Do transmission rates increase to cover credits in LEEP transactions?

(e) What kinds of transactions will legislation enable that cannot be achieved today?

(f) What other issues could affect this legislation?

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Three members of the commission shall constitute a quorum.

VI The commission shall make a report with its findings and any recommendations for proposed legislation on or before November 1, 2021 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

2 Prospective Repeal. RSA 362-A:3-a, relative to the commission to study limited electrical energy producers, is repealed.

3 Effective Date.

I. Section 2 of Part IV of this act shall take effect November 1, 2021.

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

2021-1619h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The installation, interconnection, and use of energy storage systems by customers of utilities.

II. Hydroelectric generators that share equipment for purposes of interconnection to the electric grid, and requiring the public utilities commission to ensure costs are not shifted in developing alternative tariffs for net energy metering.

III. Group host credits for net energy metering.

IV. Establishing a commission to study limited electrical energy producers.

Amendment to SB 91

(2021-1654h)

Proposed by the Minority of the Committee on Science, Technology and Energy – r

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I: LSR 21-0945, relative to the installation, interconnection, and use of energy storage systems by customers of utilities, sponsored by Sen. Watters, Prime/Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Rosenwald, Dist 13; Sen. Kahn, Dist 10; Sen. Sherman, Dist 24; Sen. D’Allesandro, Dist 20; Sen. Whitley, Dist 15; Rep. Oxenham, Sull. 1.

Part II: Relative to hydroelectric generators that share equipment for purposes of interconnection to the electric grid, and requiring the public utilities commission to ensure costs are not shifted in developing alternative tariffs for net energy metering.

Part III: LSR 21-0988, relative to group host credits for net energy metering, sponsored by Sen. Perkins Kwoka, Prime/Dist 21; Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. Whitley, Dist 15; Rep. McWilliams, Merr. 27; Rep. Gourgue, Straf. 25.

Part IV: Establishing a commission to study limited electrical energy producers.

2 Legislation Enacted. The general court hereby enacts the following legislation:

PART I

Relative to the installation, interconnection, and
use of energy storage systems by customers of utilities.

1 Customer Energy Storage. RSA 374-H is repealed and reenacted to read as follows:

CHAPTER 374-H

CUSTOMER ENERGY STORAGE

374-H:1 Definitions. In this chapter:

I. "Commission" means the public utilities commission.

II. "Bring your own device" means a program for encouraging non-utility owned, and especially retail-customer owned, behind-the-meter energy storage to provide value to the electricity system, particularly in terms of peak reduction and avoided transmission and distribution costs. Such a program shall provide just and reasonable compensation, as determined by the commission, including actual avoided transmission and distribution costs, to a participating behind-the-meter energy storage system for the value it provides to the electricity system.

III. "Energy storage" means batteries, flywheels, compressed air energy systems, sensible heat storage or any other technology, system, or device capable of taking electricity and storing it as some form of energy the technology, system, or device can either convert back into electricity or use to displace an electrical load at a later time. Such term shall include standalone technologies, systems, and devices, as well as those co-located with or incorporated into a renewable energy source.

IV. "Front-of-meter storage" means any energy storage that is not behind-the-meter storage and may include energy storage constructed, owned, and/or operated by utilities subject to the same use restrictions in RSA 374-G:4, I.

V. "ISO-New England" means the Independent System Operator New England or any successor entity.

VI. "Local network service" means the term as defined in ISO-New England's transmission, markets, and services tariff, section II.

VII. "Non-utility" means any entity that is not a utility that develops, builds, owns, operates, or assists in the operation of one or more energy storage projects, including retail customers that buy behind-the-meter storage installed on their property.

VIII. "Regional network service" means the term as defined in ISO-New England's transmission, markets, and services tariff, section II.

IX. "Renewable energy source" means a Class I, Class II, or Class IV renewable energy source as defined in RSA 362-F:4.

X. "Utility" and "utilities" mean public utilities as defined in RSA 362:2.

XI. "Wholesale electricity markets" means any energy, capacity, or ancillary service market that ISO-New England operates or may operate pursuant to RSA 362-A:2-a.

374-H:2 Customer Energy Storage Systems.

I. The commission shall adopt rules clarifying policy for the installation, interconnection, and use of energy storage systems by customers of utilities, and shall incorporate the following principles into the rules:

(a) It is in the public interest to limit barriers to the installation, interconnection, and use of customer-sited, behind-the-meter energy storage systems in New Hampshire.

(b) New Hampshire's consumers of electricity have a right to install, interconnect, and use energy storage systems on their property, subject to appropriate size and safety requirements established by the commission, without the burden of unnecessary restrictions or regulations and without unduly discriminatory rates or fees, provided that such storage systems conform to local zoning ordinances and building codes.

(c) Utility approval processes and any required interconnection reviews of energy storage systems shall be simple, streamlined, and just and reasonable for all parties.

(d) The commission may approve mechanisms for a utility to compensate a non-utility for just and reasonable costs, as determined by the commission, of any transmission or distribution charges actually avoided because of a non-utility energy storage project, to the extent practicable, based on determinable cost components.

(e) For behind-the-meter storage, the rules or orders shall allow for a bring-your-own-device peak reduction program. The commission may approve mechanisms for a utility to compensate such projects for the value they actually provide including any transmission or distribution costs actually avoided because of the non-utility energy storage project, to the extent practicable based on determinable cost components.

II. Nothing in this section alters or supersedes either:

(a) The principles of net energy metering under RSA 362-A:9; or

(b) Any existing electrical permit requirements or any licensing or certification requirements for installers, manufacturers, or equipment.

374-H:3 Commission Investigation of Energy Storage.

I. The commission shall investigate ways to enable energy storage projects to receive compensation for avoided transmission and distribution costs, including avoided regional and local network service charges,

while also participating in wholesale energy markets. The commission shall investigate how this might be done for both utility-owned and non-utility-owned energy storage projects, as well as for both behind-the-meter storage and front-of-the-meter storage.

II. The commission's investigative proceeding shall specifically consider the following:

(a) How public policy can best establish accurate and efficient price signals for energy storage projects that avoid actual transmission and distribution costs or reduce wholesale electricity market prices.

(b) How to compensate energy storage projects that participate in wholesale electricity markets for actual avoided transmission and distribution costs in a manner that provides net savings to consumers.

(c) How best to encourage both utility and non-utility investments in energy storage projects.

(d) The costs and benefits of a potential bring your own device program; how such a program might be implemented; any statutory or regulatory changes that might be needed to create, facilitate, and implement such a program; and whether such a program should include all distributed energy resources or be limited to distributed energy storage projects.

(e) Any statutory changes the general court should implement, including but not limited to changes to or exceptions from RSA 374-F or RSA 374-G, to enable energy storage projects to receive appropriate compensation for actual avoided transmission and distribution costs while also participating in wholesale energy markets.

(f) Any other topic the commission reasonably believes it should consider in order to diligently conduct the proceeding.

III. The commission shall report its findings and recommendations to the standing committees of the house of representatives and senate with jurisdiction over energy and utility matters no later than 2 years after initiating the proceeding. The report shall identify ways any recommended statutory changes can minimize any potential conflict with the restructuring policy principles of RSA 374-F.

2 Distributed Energy Resources; Definitions; Exclusions. Amend RSA 374-G:2 to read as follows:

374-G:2 Definitions; Exclusions.

I. The following definitions shall apply in this chapter except as otherwise provided:

(a) "Commission" means the public utilities commission.

(b) "Distributed energy resources" means **energy storage**, electric generation equipment[;] including clean and renewable generation, [~~energy storage~~], energy efficiency, demand response, load reduction or control programs, [~~and~~] **or** technologies or devices located on or interconnected to the local electric distribution system for purposes including but not limited to reducing line losses, supporting voltage regulation, or peak load shaving, as part of a strategy for minimizing transmission and distribution costs as provided in RSA 374-F:3, III.

(c) "**Electric generation equipment**" means **devices that produce electric power from sources of primary energy.**

(d) "**Primary energy**" means **an energy form found in nature that has not been subject to any human engineered conversion process including wind energy, solar energy, biomass, biofuels, geothermal energy, oil, natural gas, nuclear, hydro, and coal.**

II.(a) "Distributed energy resources" in this chapter shall exclude electric generation equipment interconnected with the local electric distribution system at a single point or through a customer's own electrical wiring that is in excess of 5 megawatts.

(b) Any "**electric generation equipment**" that qualifies as energy storage as defined in RSA 374-H:1, III shall not be subject to any of the requirements of RSA 374-G:3.

3 Electric Generation Equipment Funded by Public Utility; Distributed Energy Resources. Amend RSA 374-G:3, I to read as follows:

I. The energy produced by electric generation equipment owned by the public utility shall be used **to benefit low-income customers, with such benefit as determined by the commission**, as an offset to distribution system losses or the public utility company's own use, **or any other use as approved by the commission**;

4 Electric Utility Investment in Distributed Energy Resources. Amend RSA 374-G:4, II to read as follows:

II. Distributed electric generation owned by or receiving investments from an electric utility under this section shall be limited to a cumulative maximum in megawatts of 6 percent of the utility's total distribution peak load in megawatts. **This limitation shall not apply to front-of-meter energy storage, the energy storage pilot approved by commission order number 26,209, or demand response.**

5 Effective Date. Part I of this act shall take effect 60 days after its passage.

PART II

Relative to hydroelectric generators that share equipment for purposes of interconnection to the electric grid, and requiring the public utilities commission to ensure costs are not shifted in developing alternative tariffs for net energy metering.

1 New Paragraph; Limited Electrical Energy Producers Act; Net Energy Metering. Amend RSA 362-A:9 by inserting after paragraph XIX the following new paragraph:

XX. A hydroelectric generator with a total peak generating capacity that is at or below the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b and that first became operational before July 1, 2021

and that shares equipment or facilities with other generators or electric utility customers for interconnection to the electric grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate capacity of the generators sharing equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b. Such a hydroelectric generator shall be eligible to participate in net energy metering as a customer-generator based on its individual total peak generating capacity.

2 Limited Electrical Energy Producers Act; Net Energy Metering; Alternative Tariffs. Amend RSA 362-A:9, XVI to read as follows:

XVI. No later than 3 weeks after the effective date of this paragraph, the commission shall initiate a proceeding to develop new alternative net metering tariffs, which may include other regulatory mechanisms and tariffs for customer-generators, and determine whether and to what extent such tariffs should be limited in their availability within each electric distribution utility's service territory. In developing such alternative tariffs and any limitations in their availability, the commission shall consider: the costs and benefits of customer-generator facilities; an avoidance of unjust and unreasonable cost shifting; rate effects on all customers; alternative rate structures, including time-based tariffs pursuant to paragraph VIII; whether there should be a limitation on the amount of generating capacity eligible for such tariffs; the size of facilities eligible to receive net metering tariffs; timely recovery of lost revenue by the utility using an automatic rate adjustment mechanism; and electric distribution utilities' administrative processes required to implement such tariffs and related regulatory mechanisms. The commission may waive or modify specific size limits and terms and conditions of service for net metering specified in paragraphs I, III, IV, V, and VI that it finds to be just and reasonable in the adoption of alternative tariffs for customer-generators. The commission may approve time and/or size limited pilots of alternative tariffs.

3 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Relative to group host credits for net energy metering.

1 Net Metering; Group Host; Low -Moderate Income Community Solar Projects. Amend RSA 362-A:9, XIV(c) to read as follows:

(c)(1) Notwithstanding paragraph V, a group host shall be paid for its surplus generation at the end of each billing cycle at rates consistent with the credit the group host receives relative to its own net metering under either subparagraph IV(a) or (b) or alternative tariffs that may be applicable pursuant to paragraph XVI. Alternatively, a group host may elect to receive credits on the customer electric bill for each member and the host, with the utility being allowed the most cost-effective method of doing so according to an amount or percentage specified for each member on PUC form 909.09 (Application to Register or Re-register as a Host), along with a 3 cent per kwh addition from July 1, 2019 through July 1, 2021 and a 2.5 cent per kwh addition thereafter for low-moderate income community solar projects, as defined in RSA 362-F:2, X-a. ***The cent per kwh addition to the credit provided to any particular low-moderate income community solar project shall be in the amount in effect on the date that the commission issues a group host registration number for that project. The amount of the cent per kwh addition shall be grandfathered in accordance with the grandfathering provisions of the net metering tariff for customer-generators applicable to the project as in effect on the date the commission issues the project a group host registration number.***

(2) On or before July 1, 2022, the commission shall report on the costs and benefits of such an addition and the development of the market for low-moderate income community solar projects, and provide a recommendation on whether the addition shall be increased or decreased. The commission shall report on the costs and benefits of low-moderate income community solar projects, as defined in RSA 362-F:2, X-a on or before June 1, 2020. The commission shall authorize at least 2 new low-moderate income community solar projects, as defined in RSA 362-F:2, X-a, each year in each utility's service territory beginning January 1, 2020. On an annual basis, for all group host systems except for residential systems with an interconnected capacity under 15 kilowatts, the electric distribution utility shall calculate a payment adjustment if the host's surplus generation for which it was paid is greater than the group's total electricity usage during the same time period. The adjustment shall be such that the resulting compensation to the host for the amount that exceeded the group's total usage shall be at the utility's avoided cost or its default service rate in accordance with subparagraph V(b) or paragraph VI or alternative tariffs that may be applicable pursuant to paragraph XVI. The utility shall pay or bill the host accordingly.

2 Effective Date. Part III of this act shall take effect 60 days after its passage.

PART IV

Establishing a commission to study limited electrical energy producers.

1 New Section; Public Utilities; Commission to Study Limited Electrical Energy Producers. Amend RSA 362-A by inserting after section 3 the following new section:

362-A:3-a Commission to Study Limited Electrical Energy Producers. There is established a commission to study intrastate wholesale electricity sales.

I. The commission shall consist of the following members:

(a) Five members of the house science technology and energy committee, with at least 2 members of the minority party, appointed by the speaker of the house of representatives.

(b) One member of the senate energy and natural resources committee, appointed by the president of the senate.

(c) One member who is either as initially appointed from the public utilities commission by the chairperson of the public utilities commission or is appointed by the commissioner of the newly established department of energy if it becomes law.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission may solicit input from any person or entity the commission deems relevant to its study, including transmission and distribution utilities, and ISO-New England.

IV. The commission shall examine the feasibility of legislation amending RSA 362-A (limited electrical energy producers or LEEP) to facilitate intrastate wholesale electricity sales and determine if such sales provide a way to fill the gap between one- and 5-megawatt electricity sales outside of ISO-New England markets. The commission shall seek to answer several major questions:

(a) Do LEEP sales avoid jurisdictional conflicts with FERC regulated transmission transactions?

(b) Does crediting LEEP generators with avoided transmission costs shift such costs to either a transmission utility, which could then increase its rates to recover said costs, or to distribution ratepayers?

(c) Do the transmission and distribution grids overlap in ways that make calculating avoided transmission charges possible?

(d) Do transmission rates increase to cover credits in LEEP transactions?

(e) What kinds of transactions will legislation enable that cannot be achieved today?

(f) What other issues could affect this legislation?

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Four members of the commission shall constitute a quorum.

VI The commission shall make a report with its findings and any recommendations for proposed legislation on or before November 1, 2021 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

2 Prospective Repeal. RSA 362-A:3-a, relative to the commission to study limited electrical energy producers, is repealed.

3 Effective Date.

I. Section 2 of Part IV of this act shall take effect November 1, 2021.

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

2021-1654h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The installation, interconnection, and use of energy storage systems by customers of utilities.

II. Hydroelectric generators that share equipment for purposes of interconnection to the electric grid, and requiring the public utilities commission to ensure costs are not shifted in developing alternative tariffs for net energy metering.

III. Group host credits for net energy metering.

IV. Establishing a commission to study limited electrical energy producers.

Amendment to SB 95-FN

(2021-1435h)

Proposed by the Majority of the Committee on Judiciary – r

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

AN ACT establishing a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

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

1 Committee Established. There is established a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

2 Membership and Compensation.

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

(a) Two members of the senate, appointed by the president of the senate.

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

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

3 Duties. The committee shall review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

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

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

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

2021-1435h

AMENDED ANALYSIS

This bill establishes a committee to review authorizing governing bodies of municipalities to hold virtual meetings and to study remote access to meetings under RSA 91-A.

Amendment to SB 96-FN-A

(2021-1391h)

Proposed by the Committee on Judiciary – c

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

AN ACT relative to establishing a body-worn and in-car camera fund and making an appropriation therefor; amending juvenile delinquency proceedings and transfers to superior court; and establishing committees to study the role and scope of authority of school resource officers and the collection of race and ethnicity data on state identification cards.

Amend the bill by deleting section 9 and renumbering the original section 10 to read as 9.

2021-1391h

AMENDED ANALYSIS

This bill:

I. Amends the municipal retention schedule for certain police non-criminal internal affairs investigations.

II. Requires the memorandum of understanding between a school district and a school resource officer to be made public and establishes a committee to study the role and scope of authority of school resource officers.

III. Establishes a body-worn and in-car camera fund and makes an appropriation therefor.

IV. Amends the juvenile delinquency statutes to exclude any child under 13 years of age unless he or she has committed a violent crime, and removes certain criminal offenses as the basis for transferring a delinquent child to superior court.

V. Establishes a committee to study whether the state should collect race and ethnicity data to be included on state identification cards.

Amendment to SB 97

(2021-1606h)

Proposed by the Committee on Commerce and Consumer Affairs – c

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

AN ACT relative to in-network retail pharmacies.

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

1 New Section; Pharmacy Benefits Managers; Prohibited Acts. Amend RSA 402-N by inserting after section 4 the following new section:

402-N:4-a Prohibited Acts. A pharmacy benefit manager shall not, either directly or indirectly:

I. Prohibit an in-network retail pharmacy from:

(a) Mailing or delivering a prescription drug to an enrollee as an ancillary service of the in-network retail pharmacy provided that confirmation of delivery is obtained.

(b) Charging a shipping or handling surcharge to an enrollee who requests that the in-network retail pharmacy mail or deliver a prescription drug to the enrollee as an ancillary service provided the enrollee receives a disclosure from the in-network retail pharmacy regarding any surcharge to be charged to the patient for the delivery of a prescription drug, including that the surcharge may not be reimbursable by the plan sponsor or pharmacy benefit manager.

(c) Offering the ancillary services described in subparagraph I(a) to an enrollee.

II. Charge an enrollee who uses an in-network retail pharmacy that offers to mail or deliver a prescription drug to an enrollee as an ancillary service a surcharge for the delivery of a prescription drug or copayment that is higher than the surcharge or copayment the enrollee would pay if the enrollee used an in-network retail pharmacy that does not offer to mail or deliver a prescription drug to an enrollee as an ancillary service.

III. For purposes of this section, a retail pharmacy shall not include a “mail-order pharmacy” as defined in RSA 318:1, VII-b.

2 New Section; Health Carriers; Prohibited Acts. Amend RSA 420-J:7-b by inserting after paragraph XI the following new paragraph:

XII. A health carrier shall not, either directly or indirectly:

(a) Prohibit an in-network retail pharmacy from:

(1) Mailing or delivering a prescription drug to an enrollee as an ancillary service of the in-network retail pharmacy provided that confirmation of delivery is obtained.

(2) Charging a shipping or handling surcharge to an enrollee who requests that the in-network retail pharmacy mail or deliver a prescription drug to the enrollee as an ancillary service provided the enrollee receives a disclosure from the in-network retail pharmacy regarding any surcharge to be charged to the patient for the delivery of a prescription drug, including that the surcharge may not be reimbursable by the plan sponsor or health carrier.

(3) Offering the ancillary services described in subparagraph I(a) to an enrollee.

(b) Charge an enrollee who uses an in-network retail pharmacy that offers to mail or deliver a prescription drug to an enrollee as an ancillary service a surcharge for the delivery of a prescription drug or copayment that is higher than the surcharge or copayment the enrollee would pay if the enrollee used an in-network retail pharmacy that does not offer to mail or deliver a prescription drug to an enrollee as an ancillary service.

(c) For purposes of this section, a retail pharmacy shall not include a “mail-order pharmacy” as defined in RSA 318:1, VII-b.

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

2021-1606h

AMENDED ANALYSIS

This bill prohibits certain acts relative to pharmacy benefits managers.

This bill also prohibits certain acts relative to health carriers and in-network retail pharmacies.

Amendment to SB 100

(2021-1554h)

Proposed by the Committee on Legislative Administration – c

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

AN ACT establishing legislative committees to study charitable gaming and to study building a pier over the jetty at Hampton Beach state park for disability access.

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

1 Committee Established. There is established a committee to study the regulatory structure of charitable gaming .

2 Membership and Compensation.

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

(a) Two members of the senate, one of whom shall be from the ways and means committee and one of whom shall be from the finance committee, appointed by the president of the senate.

(b) Four members of the house of representatives serving on the ways and means committee, 2 of whom shall be members of the majority party and 2 of whom shall be members of the minority party, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall:

I. Study the oversight and enforcement of charitable gaming in New Hampshire and how that regulatory structure, including staffing levels for auditors, inspectors and other oversight positions, compares with best-practice regulatory standards for the gaming industry and regulatory structures used in other jurisdictions.

II. Review the recommendations of prior study commissions with respect to the regulatory structure of charitable gaming in New Hampshire and determine to what degree those recommendations have been addressed, including but not limited to recommendations relating to oversight, enforcement, control measures, technology and staffing.

III. Study the amounts and distribution of revenues generated by each charitable gaming operator to the state and to the charities served by that operator, including all costs borne by the operator and charities.

IV. Study the methods used by charitable gaming operators to select the charities that will be given dates at the operators' facilities, including the methods used when there is a "wait list" at the facilities.

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

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

6 Committee Established. There is established a committee to study building a pier over the jetty at Hampton Beach state park for access for people with disabilities.

7 Membership and Compensation.

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

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a majority member of the committee on resources, recreation and development and one of whom shall be a minority member of the committee on resources, recreation and development.

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

8 Duties. The committee shall study building a pier over the jetty at Hampton Beach state park for access for people with disabilities.

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

10 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2021.

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

2021-1554h

AMENDED ANALYSIS

This bill:

I. Establishes a committee to study charitable gaming.

II. Establishes a committee to study building a pier over the jetty at Hampton Beach state park for disability access.

Amendment to SB 101-FN

(2021-1367h)

Proposed by the Committee on Ways and Means – r

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

1 Minimum Gross Business Income for Filing Business Profits Tax Return. Amend RSA 77-A:6, I and I-a to read as follows:

I. Every business organization having gross business income in excess of [~~\$50,000~~] **\$92,000** as defined by RSA 77-A:1, VI, during the taxable period, shall on or before the fifteenth day of the third month in the case of organizations required to file a United States partnership tax return, and the fifteenth day of the fourth month in the case of all other business organizations, following expiration of its taxable period, make a return to the commissioner. ***For tax years beginning January 1, 2023, the commissioner shall biennially adjust this threshold amount rounding to the nearest \$1,000 based on the 2-year (24-month) percentage change in the Consumer Price Index for All Urban Consumers, Northeast Region as published by the Bureau of Labor Statistics, United States Department of Labor using the amount published for the month of June in the year prior to the start of the tax year.*** The commissioner [~~of revenue administration~~] shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it must contain for the correct computation of taxable business profits and gross business income attributable to this state and the tax assessed on it. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury.

I-a. Every business organization realizing a gain or loss on the sale or exchange of an interest in the business organization shall file a return for the taxable period, regardless of whether or not the business organization's gross business income is in excess of [~~\$50,000 during the taxable period~~] ***the threshold amount determined under paragraph I.***

2 Applicability. The provisions of this act shall apply for taxable periods ending on or after December 31, 2022.

3 Effective Date. This act shall take effect July 1, 2021.

2021-1367h

AMENDED ANALYSIS

This bill increases the minimum gross business income required for filing a business profits tax return and biennially adjusts this threshold based on the Consumer Price Index.

Amendment to SB 104-FN-A

(2021-1514h)

Proposed by the Committee on Executive Departments and Administration – c

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

AN ACT adopting omnibus legislation relative to the classification of state employee positions, reverse auctions, and the organization of the department of administrative services.

Amend section 1 of the bill, Sponsorship, by inserting after Part II the following new Part:

Part III, relative to the organization of the department of administrative services.

Amend Part I of the bill by replacing sections 1 and 2 with the following:

1 Compensation of Certain State Officers; Salaries Established. Amend the salary grades in RSA 94:1-a, I(b) by deleting:

BB	department of health and human services	program manager
EE	department of health and human services	director of communications
FF	department of health and human services	director, project management
FF	department of health and human services	substance abuse senior policy analyst
FF	department of health and human services	LEAN Coordinator
FF	department of corrections	director, professional standards
FF	department of health and human services	information security officer
GG	department of health and human services	substance abuse manager

2 Compensation of Certain State Officers; Salaries Established. Amend the salary grades in RSA 94:1-a, I(b) by inserting:

DD	department of justice	victim/witness specialist
EE	department of health and human services	process improvement manager
EE	department of health and human services	substance use disorder planning and evaluation manager
FF	department of health and human services	director of communications
FF	department of health and human services	senior project manager
FF	department of justice	director of communications
GG	department of administrative services	deputy director, risk and benefits
GG	department of corrections	director, professional standards
GG	department of health and human services	information security officer
GG	department of health and human services	deputy director, division of economic and housing stability
GG	department of safety	deputy director, division of administration
HH	department of health and human services	director, intergovernmental affairs
HH	department of administrative services	director (administrator), division of plant and property management
HH	department of health and human services	director, employee assistance program
KK	department of corrections	pharmacist
NN	department of corrections	chief pharmacist

Amend Part I of the bill by inserting after section 2 the following and renumbering the original sections 3-5 to read as sections 4-6, respectively:

3 New Subparagraph; Salary Adjustment for Recruitment or Retention; Department of Corrections; Director of Nursing. Amend RSA 94:3-b, II by inserting after subparagraph (e) the following new subparagraph:

(f) Director of nursing, department of corrections, \$110,000 - \$155,000

Amend RSA 21-I:11-e as inserted by section 1 of Part II of the bill by inserting after paragraph III the following new paragraphs:

IV. Notwithstanding RSA 91-A:4 and RSA 21-G:37, no information shall be available to the public or to the members of the general court or its staff concerning specific reverse auction RFB from the release of the reverse auction RFB until the contract is approved by the governor and executive council, or, if the contract does not require approval from the governor and executive council, until the contract has been actually awarded as determined by the issuing agency, except:

(a) In the case of an RFB that requires approval from the governor and executive council, the issuing agency shall, at least 5 business days prior to submitting the contract to the department of administrative services, post the vendors' names and respective final prices for each qualified bidder on its website.

(b) In the case of an RFB that does not require approval from the governor and executive council, the issuing agency shall, at minimum, post the vendors' names and respective final prices for each qualified bidder on its website at the time that the RFB is awarded.

V. Notwithstanding paragraph IV, the department of administrative services shall share such pricing information as is necessary to conduct the reverse auction. During the reverse auction, such pricing information shall be shared only with the bidders and other parties participating in the reverse auction as specified in subparagraph III(c). Such information shall include only prices proposed and not names of bidders.

VI. Reverse auction RFBs shall be subject to RSA 21-G:37, IV-VI.

Amend the bill by inserting after Part II the following:

Part III

Relative to the organization of the department of administrative services.

1 Department of Administrative Services; Commissioner; Directors. Amend RSA 21-I:2 to read as follows:
21-I:2 Commissioner; Directors.

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve for a term of 4 years.

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each unclassified division director, the assistant commissioner, **and** the deputy commissioner~~[-the internal auditor, the director of financial data management, the director of risk and benefits, and the senior operational analyst. The unclassified division directors, the assistant commissioner, the deputy commissioner, the internal auditor, the director of financial data management, the director of risk and benefits, and the senior operational analyst shall each serve for a term of 4 years].~~

III. The commissioner shall appoint each unclassified deputy division director, a state budget officer, a chief financial officer, a deputy state comptroller, the internal auditor, the senior operational analyst, 2 superintendents of buildings and grounds, a superintendent of court facilities, an education and training officer, and the manager of employee relations, each of whom shall serve at the pleasure of the commissioner.

IV. The commissioner may appoint such other unclassified deputy division directors as he or she determines are necessary to carry out the functions of the divisions of the department. Deputy directors shall serve at the pleasure of the commissioner.

2 New Paragraph; Duties of Commissioner; Authority to Establish Divisions, Units, and Officers. Amend RSA 21-I:13 by inserting after paragraph XVII the following new paragraph:

XVIII. Establish within the department such divisions, units, and officers, not expressly provided for or prohibited by law, as the commissioner deems advisable for the discharge of his or her duties. The commissioner may appoint such deputy division directors and other officers as he or she believes are necessary to carry out the functions of the divisions of the department.

3 Department of Administrative Services; State Budget Office. Amend the introductory paragraph of RSA 21-I:6 to read as follows:

21-I:6 Budget [Unit] **Office**. There is hereby established within the office of the commissioner of administrative services a state budget [unit] **office** under the supervision of an unclassified budget director who shall:

4 Assistant Commissioner. Amend RSA 21-I:3-a, II to read as follows:

II. The assistant commissioner shall ~~[serve as budget director]~~ **oversee the state budget office** and shall perform such duties as are assigned by the commissioner. The assistant commissioner shall assume the duties of the commissioner in the event that the commissioner is unable for any reason to perform such duties.

5 Manager of Employee Relations. Amend the introductory paragraph of RSA 21-I:44, II to read as follows:

II. There is established within the division a bureau of employee relations, under the direction of an unclassified manager of employee relations~~[-who shall serve a 4-year term]~~. The bureau of employee relations shall be responsible for the following functions, in accordance with applicable laws:

6 Manager of Employee Relations and Education and Training Officer. Amend RSA 21-I:44, IV to read as follows:

IV. The commissioner, after consultation with the director of personnel, shall ~~[nominate]~~ **appoint** the manager of employee relations and the education and training officer ~~[who shall be appointed by the governor, with the consent of the council]~~. The manager of employee relations and the education and training officer shall be qualified by reason of education and experience ~~[and shall each serve a 4-year term]~~. The salary of the manager of employee relations and the education and training officer shall be as specified in RSA 94:1-a.

7 Director of the Division of Public Works Design and Construction. Amend RSA 21-I:11, I(b) to read as follows:

(b) The division of public works design and construction~~[- which shall be under the supervision of a classified public works manager VII, who]~~ shall be responsible for the functions ~~[of the division under]~~ **set forth in** RSA 21-I:12, III.

8 Internal Audit. Amend RSA 21-I:7, I to read as follows:

I. Assist the commissioner by supplying analytical reports of examinations conducted of the department's various divisions, bureaus, units, programs and functions. Examinations will be conducted and reports prepared in accordance with standards of governmental auditing and program evaluation specified by authoritative national standard setting bodies. Reports shall contain analyses, appraisals, comments and recommendations relating to the accuracy and competence of accounting, financial, and management procedures in use. Organizational and operational practices may also be reviewed by the ~~[budget director]~~ **state budget officer**.

9 Reference Change. Department of Information Technology. Amend RSA 21-R:4, XI to read as follows:

XI. Developing, in concert with the commissioner of administrative services and the ~~[budget director as defined in RSA 21-I:1-a]~~ **state budget office established in RSA 21-I:6**, the capital and operating budget requests for implementing each agency's information technology plan, including, but not limited to, appropriate standards for the uniform presentation of the general budget requests.

10 Division of Plant and Property. Amend RSA 21-I:11, I(c)(4)-(6) to read as follows:

(4) Supervising the ~~[activities and functions of the bureau of]~~ planning and management **functions of the department** under RSA 21-I:12, II(a).

(5) Supervising the ~~[activities and functions of the bureau of]~~ general services **functions of the department** under RSA 21-I:12, II(b).

(6) Supervising the ~~[activities and functions of the bureau of]~~ **functions of the department related to** court facilities under RSA 21-I:12, II(c).

11 Division of Plant and Property. Amend RSA 21-I:12, II to read as follows:

II. The division of plant and property shall ~~[include the following internal organizational units and functions]:~~

(a) ~~[A bureau of planning and management under the supervision of a classified administrator of planning and management who shall]~~ be responsible for the following functions **relative to planning and management**, in accordance with applicable laws:

(1) Recommending assignment of office and office-related space, including rented space, or space under consideration for rental, to the director, who shall report such recommendations to the commissioner.

(2) Preparing and maintaining an inventory of all physical space in real property rented or leased for use by the state. This inventory shall be made available to the comptroller in order to assist the comptroller to comply with accounting principles.

(3) Planning for any additional office space needs of the state in consultation with the division of public works design and construction.

(4) Planning for any major renovation to state office buildings in consultation with the division of public works design and construction.

(5) Centrally managing all space rented by, or all proposed rentals of space by, state agencies, and providing central administration and management of the processes by which space is rented by state agencies, except as is otherwise provided by law. Unless otherwise allowed by law, agencies seeking to rent space shall do so only in consultation with the ~~[bureau of planning and management]~~ **division of plant and property**. The central management and administration provided by the ~~[bureau]~~ **division** shall include assisting agencies in their selection of property, in the formulation of rental documents, in the preparation of notices, in agencies' solicitation of bids or proposals and selection of lessors, in space planning, in office layout, and in such other matters as are necessary for effective central planning and management relative to rented space but shall not include the power to enter into rental agreements on behalf of an agency.

(b) ~~[A bureau of general services under the supervision of a classified administrator of general services who shall]~~ Be responsible for the following **general service** functions, in accordance with applicable laws:

(1) Providing support services, including but not limited to, mailing and messenger services to state government.

(2) Providing for the general maintenance of state-owned buildings and grounds, except as otherwise provided by law.

(c) ~~[A bureau of court facilities under the supervision of a classified administrator who shall]~~ Be responsible for the following **court facility** functions, in accordance with applicable laws:

(1) Providing suitable court facilities for the conduct of all court sessions held within each judicial district and county, subject to the availability of appropriated funds, in accordance with RSA 490-B.

(2) Providing for the general maintenance of state-owned court buildings and grounds, except as otherwise provided by law.

(d) **Be responsible for** the department's functions relating to energy management, managed by such personnel as may be assigned by the commissioner.

(e) **Be responsible for** the department's support of facilities of the department of health and human services managed by such personnel as may be assigned by the commissioner.

12 Positions and Transfers.

I. The salaries of the state budget officer, the chief financial officer, the deputy state comptroller, the deputy director of financial data management, the deputy director of plant and property management, the deputy director of personnel, the deputy director of procurement and support services, the director of public works design and construction, the deputy director of public works design and construction, the internal auditor, the 2 superintendents of buildings and grounds, and the superintendent of court facilities shall be determined after assessment and review of the appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position, which shall be conducted pursuant to RSA 94:1-d and RSA 14:14-c.

II. Upon completion of the actions described in paragraph I, and the appointment of each unclassified position there noted, the applicable classified position shall be abolished and its available funding shall be utilized to create an unclassified expenditure class within the applicable accounting unit.

III. For any unclassified position converting from a term of appointment to an appointment at the pleasure of the commissioner, the commissioner shall make such appointment when the term expires or when the position becomes vacant, whichever is earlier. For each such position, the commissioner shall certify to the secretary of state and the director of legislative services that the term has expired and the position is subject to the commissioner's appointment.

IV. The incumbent in any classified or unclassified position converted to a position subject to appointment by the commissioner pursuant to this act, shall be offered the opportunity to seek such appointment.

13 Repeal. The following are repealed:

I. RSA 21-I:7-d, relative to the position of deputy director of risk and benefits.

II. RSA 21-I:1-a, I-a, relative to the definition of budget director.

14 Effective Date. Part III of this act shall take effect July 1, 2021.

2021-1514h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The classification of certain state employee positions, as requested by the joint committee on employee classification, established in RSA 14:14-c.

II. Reverse auctions, as requested by the department of administrative services.

III. The organization of the department of administrative services and the transition of certain classified positions within the department to unclassified positions subject to appointment by the commissioner.

Amendment to SB 105

(2021-0901h)

Proposed by the Committee on Executive Departments and Administration - r

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

AN ACT establishing April 8, 2024 as solar eclipse day.

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

1 Statement of Intent.

I. Since before recorded history, human action, imagination, and passion have been inspired and guided by the celestial bodies, none more important than our sun, the source of all life on Earth, and our moon, our constant reminder of beauty, change, and hope in times of darkness.

II. On April 8, 2024, the Sun, the Moon, and we here on Earth will perfectly align in a total solar eclipse, an exceptional and providential occurrence over the ages, reminding our species once again of just how small we are, how insignificant our differences are, how vast and powerful the universe that sustains us is, and how we are all, indeed, intimately and irrevocably connected to one another.

III. New Hampshire will have the unique good fortune of being in the path of totality of this magnificent phenomenon, in perfect alignment with our sun and moon.

IV. Moreover, New Hampshire, in the same spirit that we welcome all to participate in our unique political landscape, shall once again open its arms so that all people from around the country and in fact the globe can be here at that moment to witness, and be humbled by, the awe-inspiring sight of the heavenly bodies moving in their spheres.

2 Solar Eclipse Day. The governor shall proclaim April 8, 2024 as solar eclipse day in New Hampshire and shall urge all citizens of the state to commemorate the day with appropriate educational activities.

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

2021-0901h
AMENDED ANALYSIS

This bill establishes April 8, 2024 as solar eclipse day.

Amendment to SB 106

(2021-1105h)

Proposed by the Committee on Executive Departments and Administration – c

Amend the bill by replacing Part II with the following:

Part II

Establishing a committee to study adopting changes to the state fire and building codes.

1 Committee Established. There is established a committee to study adopting changes to the state fire code and building code.

2 Membership and Compensation.

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

(a) Three members of the senate, appointed by the president of the senate.

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

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

3 Duties. The committee shall study adopting changes to the state fire code and building code. The committee shall review and make recommendations for establishing a process for the adoption of new editions of national or model codes and any necessary amendments. This review shall include consideration of establishing a permanent statutory committee for this purpose.

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

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

6 Effective Date. Part II of this act shall take effect upon its passage.

Amendment to SB 120

(2021-1187h)

Proposed by the Committee on Health, Human Services and Elderly Affairs – c

Amend the bill by replacing section 1 with the following:

1 Physician Assistants; Manchester Veterans Administration Medical Center. Amend RSA 328-D:2-a to read as follows:

328-D:2-a Licensure Requirements Suspended; Manchester Veterans Administration Medical Center.

I. New Hampshire state licensure laws, rules, and regulations for physician assistants are hereby suspended for those physician assistants ~~[from other states or countries]~~ **licensed by another state or territory of the United States or another country** who are employed by the United States Department of Veterans Affairs and who are offering medical services to patients ~~[of the Manchester]~~ **offered through the** Veterans Administration Medical Center (VAMC) ~~[at licensed medical facilities outside of the Manchester VAMC]~~, provided that such physician assistants are acting within the scope of their employment at the VAMC and possess a current license in good standing in their respective state, **territory**, or country of licensure. **Physician assistants who are employed by the United States Department of Veterans Affairs and who are offering medical services to patients of the Veterans Administration Medical Center (VAMC) and requesting licensure in New Hampshire may be supervised by physicians licensed in any state or territory of the United States provided the supervising physician possesses a current license in good standing in their respective state or territory of the United States.**

II. The acting director of the Manchester VAMC shall submit to the executive director of the New Hampshire office of professional licensure and certification, or designee, a list of all out-of-state or out-of-country **licensed** physician assistants offering services in the state of New Hampshire **and out-of-state licensed physicians accepting supervisory responsibility of physician assistants.**

III. Nothing in this section shall be construed to preempt or supplant an individual licensed medical facility's policies regarding the emergency credentialing of physician assistants or any other medical personnel.

**Amendment to SB 122-FN
(2021-1308h)**

Proposed by the Committee on Criminal Justice and Public Safety – r

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

AN ACT relative to exemptions from prosecution for victims of human trafficking, guardianship by grandparents, and making changes to the membership of the council on autism spectrum disorders.

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

1 New Paragraph; Trafficking in Persons; Definitions. Amend RSA 633:6 by inserting after paragraph VI the following new paragraph:

VII. "Victim of human trafficking" means:

(a) An individual who, at any point in time, was the victim of a trafficking in persons offense under RSA 633:7, I-III, whether or not the offense was prosecuted; or

(b) An individual who at any point in time was the victim of a severe form of trafficking in persons offense under 22 U.S.C. section 7102(11)(A), whether or not the offense was prosecuted.

2 Trafficking in Persons. RSA 633:7, VI is repealed and reenacted to read as follows:

VI. No victim of human trafficking shall be prosecuted for any offense, where the otherwise chargeable conduct was committed as a direct result of being trafficked, provided that the conduct chargeable did not involve an act of violence or a threat of violence as defined in RSA 625:9, VII.

VII. A victim of human trafficking who was under 18 years of age at the time of the offense shall not be subject to juvenile delinquency proceedings under RSA 169-B for any otherwise chargeable offense, where the conduct was committed as a direct result of being trafficked, provided that the conduct chargeable did not involve an act of violence or a threat of violence as defined in RSA 625:9, VII.

VIII.(a) This paragraph shall apply to:

(1) An individual convicted for an offense which was committed as a direct result of being trafficked;

(2) An individual who was under 18 years of age at the time of the offense, who was adjudicated as delinquent for an offense which was committed as a direct result of being trafficked; or

(3) An individual who entered into a diversion agreement in lieu of further criminal proceedings for an offense which was committed as a direct result of being trafficked.

(b) A victim of human trafficking who was subject to adjudication as specified in VIII (a) above, may, at any time, file a motion with the circuit court, district division or superior court to vacate a conviction, adjudication of delinquency, or diversion agreement, and the related court records and arrest records, for any offense. A copy of the motion to vacate shall be provided to the agency that prosecuted the offense.

(c) After a hearing, the court shall grant the motion to vacate the conviction, adjudication of delinquency, or diversion agreement upon a finding by a preponderance of the evidence that the petitioner's participation in the offense underlying the conviction, delinquency adjudication, or diversion agreement was the direct result of being trafficked. A finding by the court that the petitioner was a victim of human trafficking at the time of the offense shall be a prima facie evidence that the petitioner's participation in the offense was a direct result of being trafficked.

(d) The petitioner shall not be required to provide any official documentation indicating that he or she was a victim of human trafficking at the time of the offense. However, if such documentation is provided, it shall be prima facie evidence that the petitioner's participation in the offense was a direct result of being trafficked. In this subparagraph, "official documentation" means:

(1) A copy of an official record, certification, or eligibility letter from a federal, state, tribal, or local proceeding, including an approval notice or an enforcement certification generated from a federal immigration proceeding, that shows the petitioner was a victim of human trafficking; or

(2) An affidavit or sworn testimony from a member of the clergy, a medical professional, a trained professional staff member of a victim services organization, or other professional from whom the petitioner has sought legal counsel or other assistance in addressing the trauma and other challenges associated with being a victim of human trafficking.

(e) In determining whether the petitioner was a victim of human trafficking at the time of the offense, the court may consider any other evidence the court finds has sufficient credibility and probative value. Such evidence may include, but is not limited to:

(1) The affidavit or sworn testimony of the petitioner;

(2) Branding or other tattoos on the body of the petitioner that identify the petitioner as having had a trafficker;

(3) Photographic evidence of branding or other tattoos on the body of the petitioner that identify the petitioner as having or having had a trafficker;

(4) Affidavits or sworn testimony of police, police interview notes, or police reports;

(5) Affidavits or sworn testimony from any person with firsthand knowledge of the petitioner's involvement in the trafficking or any person who indicates that he or she was trafficked or exploited by the same individual or group of individuals who trafficked the petitioner;

(6) Financial records showing revenues or expenses from the trafficking;

(7) Internet listings, print advertisements, or business cards used to promote the petitioner for services; or

(8) Email, text messages, or voicemail records between the petitioner, the trafficker, or solicitors of sex that reveal aspects of the trafficking, such as examples of trafficker exerting control over the petitioner, evidence of behavior patterns of the trafficker or the petitioner, or discussion of meeting times or payments.

(f) Upon request of the petitioner and in lieu of the personal appearance of the petitioner in the courtroom, a hearing shall be conducted by 2-way electronic audio-video communication, between the petitioner, the judge, and any other present in the courtroom for the hearing, if the petitioner is represented by counsel and upon request of the petitioner, the petitioner's personal appearance shall be waived and counsel for petitioner shall be permitted to appear on the petitioner's behalf.

IX. Upon request of the petitioner, the court shall not disclose or open to public inspection any information identifying the petitioner, including any records of the motion hearing which could provide circumstantial details that may identify the petitioner. Information regarding the petitioner that is sealed pursuant to this paragraph shall be disclosed only to the following:

(a) The judge of the circuit court, district division or superior court and members of the staff of the court as designated by the judge;

(b) Parties to the proceedings and their attorneys;

(c) With the consent of the petitioner, any individual or public or private agency or institution providing educational, medical, or mental health service to the petitioner;

(d) When necessary for the discharge of official duties, law enforcement officers, prosecutors, or law enforcement or prosecution staff, or

(e) When authorized by court order, any other person, subject to any conditions imposed by the order, consistent with the petitioner's safety and privacy interests.

X.(a) An order vacating a conviction, adjudication of delinquency, or diversion agreement shall:

(1) Nullify the conviction, delinquency adjudication, or diversion agreement;

(2) Vacate the conviction, delinquency adjudication, or diversion agreement due to a substantive defect in the underlying criminal proceedings;

(3) Remove all civil disabilities and disqualifications imposed as a result of the conviction, delinquency adjudication, or diversion agreement; and

(4) Place the petitioner in the position of never having been investigated, arrested, convicted, deemed delinquent, or diverted for the offense.

(b) Upon a finding that the petitioner's participation in the offense underlying the conviction, delinquency adjudication, or diversion agreement was a direct result of being trafficked and an entry of an order vacating the conviction, delinquency's adjudication, or diversion agreement the court shall:

(1) Order the conviction, delinquency adjudication, or diversion agreement and any related court records expunged and purged from all applicable state and federal systems. The court shall enter this order regardless of whether the petitioner had any criminal record prior or subsequent to the conviction, delinquency adjudication, or diversion agreement being vacated.

(2) Order the division of state police to purge the conviction, delinquency adjudication, or diversion agreement, and any related court records or arrest records from the criminal history record information repository and all applicable state and federal databases. The clerk of the court shall send a certified copy of the order to the division of state police, which shall carry out the order and shall notify the following of the court's order: the Federal Bureau of Investigation, the New Hampshire department of corrections, and any other criminal justice agency that may have a record of the conviction, adjudication of delinquency, or diversion agreement and related court records or arrest records.

(c) Upon a finding that the petitioner's participation in the offense underlying the conviction, delinquency adjudication, or diversion agreement was a direct result of being trafficked and an entry of an order vacating the conviction, delinquency adjudication, or diversion agreement, the court may, in its discretion, grant other relief to the petitioning victim in the interests of justice.

(d) Vacating a conviction, delinquency adjudication, or diversion agreement shall not affect any right of the person whose offense was vacated to appeal the conviction or sentence.

3 New Paragraph; Guardianship of Minors; Definition of Grandparent Added. Amend RSA 463:2 by inserting after paragraph III the following new paragraph:

III-a. "Grandparent" includes a great-grandparent or great-great grandparent.

4 Council on Autism Spectrum Disorders; Membership. RSA 171-A:32, I is repealed and reenacted to read as follows:

I. There is established a council on autism spectrum disorders to provide leadership in promoting comprehensive and quality education, health care, and services for individuals with autism spectrum disorders and their families. The members of the council shall be as follows:

- (a) The governor, or designee.
- (b) The commissioner of the department of education, or designee.
- (c) The commissioner of the department of health and human services, or designee.
- (d) The director of the division of public health services, department of health and human services, or designee.
- (e) The bureau chief of the bureau of developmental services, department of health and human services, or designee.
- (f) The bureau chief of the bureau of behavioral health, department of health and human services, or designee.
- (g) The director of the Institute on Disability, University of New Hampshire, or designee.
- (h) A special education director, appointed by the New Hampshire Association of Special Education Administrators, Inc.
- (i) The president of the New Hampshire Medical Society, or designee.
- (j) A representative of the New Hampshire Developmental Disabilities Council, appointed by the council.
- (k) An individual who has an autism spectrum disorder, appointed by the governor.
- (l) A family member of a person who has an autism spectrum disorder, appointed by the governor.
- (m) A representative of the Community Support Network, Inc., appointed by such organization.
- (n) A representative of the New Hampshire Psychological Association, appointed by the association.
- (o) The director of the office of Medicaid business and policy, department of health and human services, or designee.
- (p) Five additional members, appointed by the council.
- (q) A person who has an autism spectrum disorder, appointed by the council.
- (r) A representative of the New Hampshire Nurses' Association, appointed by the association.
- (s) A licensed speech-language pathologist, appointed by the New Hampshire Speech-Language-Hearing Association, Inc.

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

2021-1308h

AMENDED ANALYSIS

This bill exempts victims of human trafficking from prosecution, defines "grandparent" for purposes of guardianship of minors, and makes changes to the membership of the council on autism spectrum disorders.

Amendment to SB 123

(2021-1758h)

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services – r
Amend the title of the bill by replacing it with the following:

AN ACT relative to employee payment of medical testing and employment requirements for COVID-19.

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

1 Payment for Medical Testing. Amend RSA 275:3 by replacing it with the following:

275:3 Payment for Medical Examination, **Test**, or Records Furnished. It shall be unlawful for any employer, as defined in RSA 275:4, to require any employee or applicant for employment to pay the cost of a medical examination, **test**, or the cost of furnishing any records required by the employer as a condition of employment.

2 New Subdivision; COVID-19 Employment Requirements. Amend RSA 275 by inserting after section 77 the following new subdivision:

COVID-19 Employment Requirements

275:78 COVID-19 Employment Requirements.

I. It shall be unlawful for any employer, as defined in RSA 275:4, to require any employee or applicant for employment to have received a COVID-19 vaccination as a condition of employment, unless the vaccination has received final approval from the Federal Drug Administration.

II. Paragraph I shall not apply to health care providers.

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

2021-1758h

AMENDED ANALYSIS

This bill prohibits an employer from requiring that an employee or applicant for employment pay the cost of any medical test as a condition of employment. This bill also prohibits certain employers from requiring a COVID-19 vaccination that has not received final FDA approval as a condition of employment.

**Amendment to SB 125-FN
(2021-1237h)**

Proposed by the Majority of the Committee on Commerce and Consumer Affairs – r

Amend RSA 178:27-b as inserted by section 5 of the bill by replacing it with the following:

178:27-b Direct to Consumer Shipments of Alcohol to New Hampshire Residents.

I. Notwithstanding any other provision of law to the contrary, any business licensed under this chapter as a beverage manufacturer, nano brewery, brew pub, wine manufacturer, liquor manufacturer or beverage distributor may apply for an direct to consumer shipping permit from the commission. The permit shall authorize the holder to sell and delivery alcohol beverages to consumers 21 years of age or older located within the state of New Hampshire and businesses licensed by the commission for on-sale and off-sale of alcoholic beverages. There shall be no fee to obtain a shipping permit under this section.

II. No liquor manufacturer shall ship more than 60 individual containers of not more than one liter each of liquor to any consumer's address in New Hampshire in any calendar year. No wine manufacturer shall ship more than 12 9-liter cases or equivalent of wine to any consumer's address in New Hampshire in any calendar year. No beverage manufacturer, nano brewery, brew pub, or beverage distributor shall ship more than 27 gallons of beer, specialty beer or specialty beverage in individual containers of not more than one liter to any consumer's address in New Hampshire in any calendar year. Beer, specialty beer and specialty beverages delivered to New Hampshire consumers under this section shall not exceed 8 percent alcohol by volume.

III. A manufacturer holding a direct to consumer shipping permit may ship directly to New Hampshire consumers over 21 years of age or licensees in packages clearly marked "Alcoholic Beverages, adult signature (over 21 years of age) required." All shipments from direct to consumer shippers shall be made by a licensed carrier as defined in RSA 178:14 and such carriers are required to obtain an adult signature. Direct to consumer permittees or carriers shall not ship into areas of the state where alcohol beverages may not be lawfully sold. Shipments of any other products shall be considered unlicensed shipments under the provisions of RSA 178:1, I.

IV.(a) Direct to consumer shipping permittees shall file reports to the commission. Such reports shall be filed once per month for any month in which a shipment was made in a manner and form required by the commission and include the following information:

(1) The total amount of alcoholic beverages shipped within the state for the preceding month.

(2) The names and addresses of the purchasers to whom the alcoholic beverages were shipped.

(3) The date of purchase, if appropriate, the name of the common carrier used to make each delivery, and the quantity and retail value of each shipment.

(b) The commission may assess a \$250 penalty for each failure to report to the commission in a timely manner.

(c) Direct to consumer shipping permittees shall maintain records for at least 3 years which will permit the commission to ascertain the truthfulness of the information filed and permit the commission to perform an audit of the beverage manufacturer, nano brewery, brew pub, wine manufacturer or liquor manufacturer.

V. The liquor commission shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The application procedures and form for the direct to consumer shipping permit authorized under paragraph I.

(b) The signature form or other identification procedures to be used by direct to consumer shipping permittee to ensure that consumers to which alcoholic beverages are being shipped are over 21 years of age.

(c) Filings of intrastate direct shippers under paragraph III.

VI. Violations of this section shall be subject to the penalties contained in RSA 179:58.

Amend the bill by replacing section 6 with the following:

6 New Paragraph; Beverage Manufacturer Licenses. Amend RSA 178:12 by inserting after paragraph II-a the following new paragraph:

II-b. Each beverage manufacturer shall have the right to manufacture beverages and specialty beer as defined by RSA 175:1 at the beverage manufacturer's New Hampshire licensed premises, to sell those beverages and specialty beers to New Hampshire wholesalers and at one beverage manufacturer retail outlet as defined in RSA 175:1, IX-a, in quantities provided by statute, and transport said beverages and specialty beer to the state line. The beverage manufacturer shall pay an annual fee of \$336 to the commission for the beverage manufacturer retail outlet. The beverage manufacturer may transport beverages it manufactures to its beverage manufacturer retail outlet for sample or sale. Visitors of legal drinking age at the beverage manufacturer retail outlet may be provided with samples of beverages manufactured by the licensee in this state for tasting. A beverage manufacturer may either provide samples for free or for a fee which shall be limited to one 4-ounce sample per label or one 16-ounce glass per person. At such times as food is available, a beverage manufacturer may serve no more than one additional 16-ounce glasses per person in any areas approved by the commission. For the purpose of this section, food and non-alcoholic beverages may be provided by a properly-licensed third party food vendor, prepared on or off the premises.

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 12: 8 New Paragraph; Direct to Consumer Shipping Permit. Amend RSA 178:14 by inserting after paragraph III the following new paragraph:

IV. A licensed carrier shall authorize the licensee to pick up, transport, and deliver beer and alcoholic beverages from a business holding a direct to consumer shipping permit as provided in RSA 178:27-b.

9 Beverage; Definition. Amend RSA 175:1, VIII to read as follows:

VIII. "Beverage" means any beer, wine, similar fermented malt or vinous liquors and fruit juices, and any other liquid intended for human consumption as a beverage having an alcoholic content of not less than 1/2 of one percent by volume and not more than 6 percent alcohol by volume at 60 degrees Fahrenheit and specialty beer as defined in RSA 175:1, LXIV-a. The commission may approve any fermented malt beverage, ***other similar fermented and brewed beverage***, or mead greater than 6 percent but not to exceed 8 percent or any cider greater than 6 percent or any specialty cider greater than 8 percent and not to exceed 12 percent alcohol by volume at 60 degrees Fahrenheit. A beverage shall not be considered a product classified by the commission as a domestic wine as defined in RSA 175:1, LXVII, or a table wine as defined in RSA 175:1, LXIX, or a fortified wine as defined in RSA 175:1.

10 Nano Brewery; Samples. RSA 178:12-a, II(e) is repealed and reenacted to read as follows:

(e) A nano brewery may either provide samples for free or for a fee which shall be limited to one, 4-ounce glass per label or one 16-ounce glass per person. At such times as food is available, a nano brewery may serve no more than 2, 16-ounce glasses per person in any areas approved by the commission. For the purpose of this section, food and non-alcoholic beverages may be provided by properly licensed third-party food vendors, prepared on or off the premises.

11 Direct Shippers. Amend RSA 178:27, IV to read as follows:

IV. No direct shipper shall ship more than 27 gallons of beer or beverage in individual containers of not more than one liter to any [consumer's address] ***licensee or consumer*** in New Hampshire in any calendar year. [~~No direct shipper shall ship beer or beverage to a New Hampshire licensee.~~]

Floor Amendment to SB 129

(2021-1718h)

Proposed by Rep. Laflamme

Amend the bill by replacing section 1 with the following:

1 Endangered Species Conservation Act; Conservation Programs. Amend RSA 212-A:9, III to read as follows:

III. All other state departments and agencies, to the extent possible, consistent with their authorities and responsibilities, shall assist and cooperate with the executive director in the furtherance of the purposes of this chapter for the conservation of endangered or threatened species. They shall take such action as is reasonable and prudent to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such species or result in the destruction or modification of habitat of such species which is determined by the executive director to be critical, ***by requiring that all such action is designed to avoid and minimize harm to such species and habitat designated as critical***. The provisions of RSA 212-A or any rule promulgated under this chapter shall not be applicable to a state department or agency when that state department or agency, in the process of undertaking an action, is required by federal law or regulation to address the environmental impact on wildlife or wildlife habitat, of that action.

Amendment to SB 131-FN

(2021-1536h)

Proposed by the Committee on Transportation – c

Amend Part VI of the bill by replacing section 1 with the following:

1 Firefighter Decals. Amend RSA 261-B:3-a to read as follows:

261-B:3-a Firefighter ***and Emergency Medical Services*** Decals.

I. A city or town fire chief may issue a firefighter decal to a full-time or volunteer firefighter employed by the city or town or a retired firefighter. A firefighter decal may only be placed on the multi-use decal plate of a motor vehicle registered and owned or leased by the firefighter.

II. Emergency medical services chiefs and fire chiefs may issue an emergency medical services decal solely to emergency medical services personnel and retired emergency medical services personnel. An emergency medical services decal may only be placed on a multi-use decal plate on a motor vehicle owned and registered or leased by the emergency services personnel.

Amendment to SB 133-FN

(2021-1579h)

Proposed by the Committee on Executive Departments and Administration – c

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I: LSR 21-0964, relative to the definition of “licensing agency” for purposes of licensing places of assembly, sponsored by Sen. Carson, Prime/Dist 14.

Part II: LSR 21-0506, repealing the emergency medical services personnel licensure interstate compact, sponsored by Sen. Rosenwald, Prime/Dist 13, Sen. Cavanaugh, Dist 16; Sen. Carson, Dist 14; Rep. Goley, Hills. 8; Rep. Milz, Rock. 6; Rep. O’Brien, Hills. 36; Rep. S. Pearson, Rock. 6.

Part III: LSR 21-0207, relative to hearings of the New Hampshire board of nursing, sponsored by Sen. Ward, Prime/Dist 8.

Part IV: LSR 21-0846, adopting the Audiology and Speech-Language Pathology Compact and the Occupational Therapy Licensure Compact, sponsored by Sen. Sherman, Prime/Dist 24; Sen. Soucy, Dist 18; Sen. Carson, Dist 14; Rep. March, Carr. 8.

Part V: LSR 21-0899, relative to the authority of the office of professional licensure and certification for administration, rulemaking, and enforcement of investigations, hearings, and appeals, sponsored by Sen. Reagan, Prime/Dist 17, Sen. Carson, Dist 14; Sen. French, Dist 7; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5; Sen. Rosenwald, Dist 13; Sen. Bradley, Dist 3; Sen. D’Allesandro, Dist 20; Sen. Ward, Dist 8; Sen. Soucy, Dist 18; Sen. Giuda, Dist 2; Rep. Spillane, Rock. 2; Rep. McGuire, Merr. 29; Rep. Seaworth, Merr. 20.

Part VI: LSR 21-0973, relative to temporary licensure of certain licensed nursing assistants, sponsored by Sen. Hennessey, Dist 1; Sen. Rosenwald, Dist 13; Rep. Dostie, Coos 1; Rep. Thompson, Coos 1.

Part VII: LSR 21-1011, relative to the revocation of licensure for licensed emergency medical service units and emergency medical service vehicles, sponsored by Sen. Prentiss, Prime/Dist 5; Rep. Merchant, Sull. 4; Rep. Goley, Hills. 8; Rep. McGuire, Merr. 29.

Part VIII: LSR 21-1050, relative to schools for barbering, cosmetology, and esthetics, sponsored by Sen. Reagan, Prime/Dist 17; Sen. Rosenwald, Dist 13; Sen. Prentiss, Dist 5; Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. D’Allesandro, Dist 20; Sen. Gannon, Dist 23; Rep. McGuire, Merr. 29; Rep. Roy, Rock. 32; Rep. Harrington, Straf. 3.

Part IX: LSR 21-0277, relative to telemedicine provided by out-of-state psychologists, sponsored by Sen. Reagan, Prime/Dist 17; Sen. Carson, Dist 14; Sen. Bradley, Dist 3; Sen. Prentiss, Dist 5; Sen. French, Dist 7; Sen. Giuda, Dist 2; Sen. Hennessey, Dist 1; Sen. D’Allesandro, Dist 20; Rep. Spillane, Rock. 2; Rep. Tudor, Rock. 1.

Part X: LSR 21-1049, establishing program rules within the department of health and human services for sanitary production and distribution of food, sponsored by Sen. Giuda, Prime/Dist 2; Sen. Gannon, Dist 23.

Part XI: relative to minimum qualifications for certification as a child care associate teacher.

2 Legislation Enacted. The general court hereby enacts the following legislation:

PART I

Relative to the definition of “licensing agency” for purposes of licensing places of assembly.

1 Places of Assembly; Definition of Licensing Agency. Amend RSA 155:17, II to read as follows:

II. “Licensing agency” shall mean the chief of the fire department, the firewards or engineers, if any, otherwise the selectmen of the town or the commissioners of village district as the case may be, ***or the state fire marshal, as he or she deems necessary, in consultation with the local licensing agency, if any.***

2 Places of Assembly; License Required. Amend RSA 155:18 to read as follows:

155:18 License Required. No person shall own or operate a place of assembly within this state unless licensed so to do by the licensing agency of the ***state***, city, town, or village district where said place of assembly is located, including assemblies occurring on state waters or ice formed on state waters, in accordance with the regulations herein promulgated. In the application of this act to existing places of assembly the licensing agency may modify such of its provisions as would require structural changes if in his or her opinion adequate safety may be obtained otherwise and provided that a permanent record is kept of such modifications and the reasons therefor.

3 Effective Date. Part I of this act shall take effect 60 days after its passage.

PART II

Repealing the emergency medical services personnel licensure interstate compact.

1 Repeal. The following are repealed:

I. RSA 153-A:36 and the subdivision heading preceding RSA 153-A:36, relative to the emergency medical services personnel licensure interstate compact.

II. RSA 153-A:20, XXIV, relative to rulemaking by the department of safety regarding implementation of the compact.

2 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Relative to hearings of the New Hampshire board of nursing.

1 Board of Nursing; Adjudicative Hearings. Amend 326-B:38, VIII to read as follows:

VIII. The board may hold adjudicative hearings concerning allegations of misconduct or other matters within the scope of this chapter. Such hearings shall be public proceedings. Any member of the board [~~other than the public members~~], or any other qualified person appointed by the board, shall have authority to preside at such a hearing and to issue oaths or affirmations to witnesses.

2 Effective Date. Part III of this act shall take effect upon its passage.

PART IV

Adopting the Audiology and Speech-Language Pathology Compact and the Occupational Therapy Licensure Compact.

1 New Paragraph; Office of Professional Licensure and Certification; Fees; Financing of Interstate Compacts. Amend RSA 310-A:1-e by inserting after paragraph II the following new paragraph:

III. The office of professional licensure and certification shall be responsible for the financing of any interstate compact joined by the state that affects a profession governed by a board listed in 310-A:1-a. Such financing shall be from money deposited in the office of professional licensure and certification fund.

2 New Section; Speech-Language Pathology Practice; Audiology and Speech-Language Pathology Compact. Amend RSA 326-F by inserting after section 8 the following new section:

326-F:9 Interstate Compact Adopted. The state of New Hampshire hereby adopts the provisions of the Audiology and Speech-Language Pathology Compact as follows:

SECTION 1: PURPOSE

The purpose of this Compact is to facilitate interstate practice of audiology and speech-language pathology with the goal of improving public access to audiology and speech-language pathology services. The practice of audiology and speech-language pathology occurs in the state where the patient/client/student is located at the time of the patient/client/student encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

1. Increase public access to audiology and speech-language pathology services by providing for the mutual recognition of other member state licenses;
2. Enhance the states' ability to protect the public's health and safety;
3. Encourage the cooperation of member states in regulating multistate audiology and speech-language pathology practice;
4. Support spouses of relocating active duty military personnel;
5. Enhance the exchange of licensure, investigative and disciplinary information between member states;
6. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and
7. Allow for the use of telehealth technology to facilitate increased access to audiology and speech-language pathology services.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply: A. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and 10 U.S.C Chapter 1211.

B. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an audiologist or speech-language pathologist, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

C. "Alternative program" means a non-disciplinary monitoring process approved by an audiology or speech-language pathology licensing board to address impaired practitioners.

D. "Audiologist" means an individual who is licensed by a state to practice audiology.

E. "Audiology" means the care and services provided by a licensed audiologist as set forth in the member state's statutes and rules.

F. "Audiology and Speech-Language Pathology Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

G. "Audiology and speech-language pathology licensing board," "audiology licensing board," "speech-language pathology licensing board," or "licensing board" means the agency of a state that is responsible for the licensing and regulation of audiologists and/or speech-language pathologists.

H. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as an audiologist or speech-language pathologist in the remote state under its laws and rules. The practice of audiology or speech-language pathology occurs in the member state where the patient/client/student is located at the time of the patient/client/student encounter.

I. "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the audiologist or speech-language pathologist to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

J. "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action.

K. "Encumbered license" means a license in which an adverse action restricts the practice of audiology or speech-language pathology by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

L. "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

M. "Home state" means the member state that is the licensee's primary state of residence.

N. "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

O. "Licensee" means an individual who currently holds an authorization from the state licensing board to practice as an audiologist or speech-language pathologist.

P. "Member state" means a state that has enacted the Compact.

Q. "Privilege to practice" means a legal authorization permitting the practice of audiology or speech-language pathology in a remote state.

R. "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise the compact privilege.

S. "Rule" means a regulation, principle or directive promulgated by the Commission that has the force of law.

T. "Single-state license" means an audiology or speech-language pathology license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

U. "Speech-language pathologist" means an individual who is licensed by a state to practice speech-language pathology.

V. "Speech-language pathology" means the care and services provided by a licensed speech-language pathologist as set forth in the member state's statutes and rules.

W. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practice of audiology and speech-language pathology.

X. "State practice laws" means a member state's laws, rules and regulations that govern the practice of audiology or speech-language pathology, define the scope of audiology or speech-language pathology practice, and create the methods and grounds for imposing discipline.

Y. "Telehealth" means the application of telecommunication technology to deliver audiology or speech-language pathology services at a distance for assessment, intervention and/or consultation.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. A license issued to an audiologist or speech-language pathologist by a home state to a resident in that state shall be recognized by each member state as authorizing an audiologist or speech-language pathologist to practice audiology or speech-language pathology, under a privilege to practice, in each member state.

B. A state must implement or utilize procedures for considering the criminal history records of applicants for initial privilege to practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records

1. A member state must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.

2. Communication between a member state, the Commission and among member states regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

C. Upon application for a privilege to practice, the licensing board in the issuing remote state shall ascertain, through the data system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or privilege to practice held by the applicant, whether any adverse action has been taken against any license or privilege to practice held by the applicant.

D. Each member state shall require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as, all other applicable state laws.

E. For an audiologist:

1. Must meet one of the following educational requirements:

a. On or before, Dec. 31, 2007, has graduated with a master's degree or doctorate in audiology, or equivalent degree regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

b. On or after, Jan. 1, 2008, has graduated with a Doctoral degree in audiology, or equivalent degree, regardless of degree name, from a program that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, or its successor, or by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

c. Has graduated from an audiology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

2. Has completed a supervised clinical practicum experience from an accredited educational institution or its cooperating programs as required by the commission;

3. Has successfully passed a national examination approved by the Commission;

4. Holds an active, unencumbered license;

5. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of audiology, under applicable state or federal criminal law;

6. Has a valid United States Social Security or National Practitioner Identification number.

F. For a speech-language pathologist:

1. Must meet one of the following educational requirements:

a. Has graduated with a master's degree from a speech-language pathology program that is accredited by an organization recognized by the United States Department of Education and operated by a college or university accredited by a regional or national accrediting organization recognized by the board; or

b. Has graduated from a speech-language pathology program that is housed in an institution of higher education outside of the United States (a) for which the program and institution have been approved by the authorized accrediting body in the applicable country and (b) the degree program has been verified by an independent credentials review agency to be comparable to a state licensing board-approved program.

2. Has completed a supervised clinical practicum experience from an educational institution or its cooperating programs as required by the Commission;

3. Has completed a supervised postgraduate professional experience as required by the Commission

4. Has successfully passed a national examination approved by the Commission;

5. Holds an active, unencumbered license;

6. Has not been convicted or found guilty, and has not entered into an agreed disposition, of a felony related to the practice of speech-language pathology, under applicable state or federal criminal law;

7. Has a valid United States Social Security or National Practitioner Identification number.

G. The privilege to practice is derived from the home state license.

H. An audiologist or speech-language pathologist practicing in a member state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of audiology and speech-language pathology shall include all audiology and speech-language pathology practice as defined by the state practice laws of the member state in which the client is located. The practice of audiology and speech-language pathology in a member state under a privilege to practice shall subject an audiologist or speech-language pathologist to the jurisdiction of the licensing board, the courts and the laws of the member state in which the client is located at the time service is provided.

I. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the privilege to practice audiology or speech-language pathology in any other member state. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

J. Member states may charge a fee for granting a compact privilege.

K. Member states must comply with the bylaws and rules and regulations of the Commission.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the Compact, the audiologist or speech-language pathologist shall:

1. Hold an active license in the home state;

2. Have no encumbrance on any state license;

3. Be eligible for a compact privilege in any member state in accordance with Section 3;

4. Have not had any adverse action against any license or compact privilege within the previous 2 years from date of application;

5. Notify the Commission that the licensee is seeking the compact privilege within a remote state(s);

6. Pay any applicable fees, including any state fee, for the compact privilege;

7. Report to the Commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

B. For the purposes of the compact privilege, an audiologist or speech-language pathologist shall only hold one home state license at a time.

C. Except as provided in Section 6, if an audiologist or speech-language pathologist changes primary state of residence by moving between two-member states, the audiologist or speech-language pathologist must apply for licensure in the new home state, and the license issued by the prior home state shall be deactivated in accordance with applicable rules adopted by the Commission.

D. The audiologist or speech-language pathologist may apply for licensure in advance of a change in primary state of residence.

E. A license shall not be issued by the new home state until the audiologist or speech-language pathologist provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a license from the new home state.

F. If an audiologist or speech-language pathologist changes primary state of residence by moving from a member state to a non-member state, the license issued by the prior home state shall convert to a single-state license, valid only in the former home state.

G. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of Section 4A to maintain the compact privilege in the remote state.

H. A licensee providing audiology or speech-language pathology services in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

I. A licensee providing audiology or speech-language pathology services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens.

J. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and
2. Two years have elapsed from the date of the adverse action.

K. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4A to obtain a compact privilege in any remote state.

L. Once the requirements of Section 4J have been met, the licensee must meet the requirements in Section 4A to obtain a compact privilege in a remote state.

SECTION 5. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

Member states shall recognize the right of an audiologist or speech-language pathologist, licensed by a home state in accordance with Section 3 and under rules promulgated by the Commission, to practice audiology or speech-language pathology in any member state via telehealth under a privilege to practice as provided in the Compact and rules promulgated by the Commission.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state.

SECTION 7. ADVERSE ACTIONS

A. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

1. Take adverse action against an audiologist's or speech-language pathologist's privilege to practice within that member state.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

3. Only the home state shall have the power to take adverse action against a audiologist's or speech-language pathologist's license issued by the home state.

B. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

C. The home state shall complete any pending investigations of an audiologist or speech-language pathologist who changes primary state of residence during the course of the investigations. The home state shall also

have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

D. If otherwise permitted by state law, the member state may recover from the affected audiologist or speech-language pathologist the costs of investigations and disposition of cases resulting from any adverse action taken against that audiologist or speech-language pathologist.

E. The member state may take adverse action based on the factual findings of the remote state, provided that the member state follows the member state's own procedures for taking the adverse action.

F. Joint Investigations

1. In addition to the authority granted to a member state by its respective audiology or speech-language pathology practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If adverse action is taken by the home state against an audiologist's or speech language pathologist's license, the audiologist's or speech-language pathologist's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an audiologist's or speech language pathologist's license shall include a statement that the audiologist's or speech-language pathologist's privilege to practice is deactivated in all member states during the pendency of the order.

H. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

I. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 8. ESTABLISHMENT OF THE AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY COMPACT COMMISSION

A. The Compact member states hereby create and establish a joint public agency known as the Audiology and Speech-Language Pathology Compact Commission:

1. The Commission is an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting and Meetings

1. Each member state shall have two (2) delegates selected by that member state's licensing board. The delegates shall be current members of the licensing board. One shall be an audiologist and one shall be a speech-language pathologist.

2. An additional five (5) delegates, who are either a public member or board administrator from a state licensing board, shall be chosen by the Executive Committee from a pool of nominees provided by the Commission at Large.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring on the Commission, within 90 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.

6. A delegate shall vote in person or by other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The Commission shall have the following powers and duties:

1. Establish the fiscal year of the Commission;

2. Establish bylaws;

3. Establish a Code of Ethics;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take actions as are consistent with the provisions of this Compact and the bylaws;

6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;

7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state audiology or speech-language pathology licensing board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

12. Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

13. Sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members, and other interested persons as may be designated in this Compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an Executive Committee; and

19. Perform other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of audiology and speech-language pathology licensure and practice.

D. The Executive Committee

The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact:

1. The Executive Committee shall be composed of ten (10) members:

a. Seven (7) voting members who are elected by the Commission from the current membership of the Commission;

b. Two (2) ex-officios, consisting of one nonvoting member from a recognized national audiology professional association and one nonvoting member from a recognized national speech-language pathology association; and

c. One (1) ex-officio, nonvoting member from the recognized membership organization of the audiology and speech-language pathology licensing boards.

E. The ex-officio members shall be selected by their respective organizations.

1. The Commission may remove any member of the Executive Committee as provided in bylaws.

2. The Executive Committee shall meet at least annually.

3. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the compact privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Other duties as provided in rules or bylaws.

4. Meetings of the Commission

All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10.

5. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

7. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

8. Financing of the Commission

a. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

b. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

c. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

9. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

10. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

F. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;

3. Adverse actions against a license or compact privilege;
4. Non-confidential information related to alternative program participation;
5. Any denial of application for licensure, and the reason(s) for denial; and
6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 10. RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, the rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule shall be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform; and
2. On the website of each member state audiology or speech-language pathology licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to the adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings shall be recorded. A copy of the recording shall be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

K. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures

provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or member state funds; or
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

B. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's audiology or speech-language pathology licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any audiology or speech-language pathology licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 13. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

B. All laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

C. All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

D. All agreements between the Commission and the member states are binding in accordance with their terms.

E. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

3 New Section; Occupational Therapists; Occupational Therapy Licensure Compact. Amend RSA 326-C by inserting after section 8 the following new section:

326-C:9 Occupational Therapy Licensure Compact. The state of New Hampshire hereby adopts the provisions of the Occupational Therapy Licensure Compact as follows:

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The Practice of occupational therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This Compact is designed to achieve the following objectives:

A. Increase public access to occupational therapy services by providing for the mutual recognition of other member state licenses;

B. Enhance the states' ability to protect the public's health and safety;

C. Encourage the cooperation of member states in regulating multi-state occupational therapy practice;

D. Support spouses of relocating military members;

E. Enhance the exchange of licensure, investigative, and disciplinary information between Member states;

F. Allow a remote state to hold a provider of services with a Compact privilege in that state accountable to that state's practice standards; and

G. Facilitate the use of telehealth technology in order to increase access to occupational therapy services.

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and Section 1211.

B. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an occupational therapist or occupational therapy assistant, including actions against an individual's license or Compact privilege such as censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

C. "Alternative Program" means a non-disciplinary monitoring process approved by an occupational therapy licensing board.

D. "Compact privilege" means the authorization, which is equivalent to a license, granted by a remote state to allow a licensee from another member state to practice as an occupational therapist or practice as an occupational therapy assistant in the remote state under its laws and rules. The practice of occupational therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.

E. "Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.

F. "Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the occupational therapist or occupational therapy assistant to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

G. "Data system" means a repository of information about licensees, including but not limited to license status, investigative information, Compact privileges, and adverse actions.

H. "Encumbered license" means a license in which an adverse action restricts the practice of occupational therapy by the licensee or said adverse action has been reported to the National Practitioners Data Bank (NPDB).

I. "Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

J. "Home state" means the member state that is the licensee's Primary state of residence.

K. "Impaired practitioner" means individuals whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions.

L. "Investigative Information" means information, records, and/or documents received or generated by an occupational therapy licensing board pursuant to an investigation.

M. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of occupational therapy in a state.

N. "Licensee" means an individual who currently holds an authorization from the state to practice as an occupational therapist or as an occupational therapy assistant.

O. "Member state" means a state that has enacted the Compact.

P. "Occupational therapist" means an individual who is licensed by a state to practice occupational therapy.

Q. "Occupational therapy assistant" means an individual who is licensed by a state to assist in the practice of occupational therapy.

R. "Occupational therapy," "occupational therapy practice," and the "practice of occupational therapy" mean the care and services provided by an occupational therapist or an occupational therapy assistant as set forth in the member state's statutes and regulations.

S. "Occupational therapy Compact Commission" or "Commission" means the national administrative body whose membership consists of all states that have enacted the Compact.

T. "Occupational therapy licensing board" or "licensing board" means the agency of a state that is authorized to license and regulate occupational therapists and occupational therapy assistants.

U. "Primary state of residence" means the state (also known as the home state) in which an occupational therapist or occupational therapy assistant who is not Active Duty Military declares a primary residence for legal purposes as verified by: driver's license, federal income tax return, lease, deed, mortgage or voter registration or other verifying documentation as further defined by Commission rules.

V. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the Compact privilege.

W. "Rule" means a regulation promulgated by the Commission that has the force of law.

X. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of occupational therapy.

Y. "Single-state license" means an occupational therapist or occupational therapy assistant license issued by a member state that authorizes practice only within the issuing state and does not include a Compact privilege in any other member state.

Z. "Telehealth" means the application of telecommunication technology to deliver occupational therapy services for assessment, intervention and/or consultation.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To participate in the Compact, a member state shall:

1. License occupational therapists and occupational therapy assistants;

2. Participate fully in the Commission's data system, including but not limited to using the Commission's unique identifier as defined in rules of the Commission;

3. Have a mechanism in place for receiving and investigating complaints about licensees;

4. Notify the Commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of investigative information regarding a licensee;

5. Implement or utilize procedures for considering the criminal history records of applicants for an initial Compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

a. A member state shall, within a time frame established by the Commission, require a criminal background check for a licensee seeking/applying for a Compact privilege whose Primary state of residence is that member state, by receiving the results of the Federal Bureau of Investigation criminal record search, and shall use the results in making licensure decisions.

b. Communication between a member state, the Commission and among member states regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

6. Comply with the rules of the Commission;

7. Utilize only a recognized national examination as a requirement for licensure pursuant to the rules of the Commission; and

8. Have Continuing Competence/Education requirements as a condition for license renewal.

B. A member state shall grant the Compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the Compact and rules.

C. Member states may charge a fee for granting a Compact privilege.

D. A member state shall provide for the state's delegate to attend all occupational therapy Compact Commission meetings.

E. Individuals not residing in a member state shall continue to be able to apply for a member state's Single-state license as provided under the laws of each member state. However, the Single-state license granted to these individuals shall not be recognized as granting the Compact privilege in any other member state.

F. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a Single-state license.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the Compact privilege under the terms and provisions of the Compact, the licensee shall:

1. Hold a license in the home state;
2. Have a valid United States Social Security Number or National Practitioner Identification number;
3. Have no encumbrance on any state license;
4. Be eligible for a Compact privilege in any member state in accordance with Section 4D, F, G, and H;
5. Have paid all fines and completed all requirements resulting from any adverse action against any license or Compact privilege, and two years have elapsed from the date of such completion;
6. Notify the Commission that the licensee is seeking the Compact privilege within a remote state(s);
7. Pay any applicable fees, including any state fee, for the Compact privilege;
8. Complete a criminal background check in accordance with Section 3A(5);
 - a. The licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check.
9. Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a Compact privilege; and
10. Report to the Commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

B. The Compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of Section 4A to maintain the Compact privilege in the remote state.

C. A licensee providing occupational therapy in a remote state under the Compact privilege shall function within the laws and regulations of the remote state.

D. Occupational therapy assistants practicing in a remote state shall be supervised by an occupational therapist licensed or holding a Compact privilege in that remote state.

E. A licensee providing occupational therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's Compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a Compact privilege in any state until the specific time for removal has passed and all fines are paid.

F. If a home state license is encumbered, the licensee shall lose the Compact privilege in any remote state until the following occur:

1. The home state license is no longer encumbered; and
2. Two years have elapsed from the date on which the home state license is no longer encumbered in accordance with Section 4(F)(1).

G. Once an Encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4A to obtain a Compact privilege in any remote state.

H. If a licensee's Compact privilege in any remote state is removed, the individual may lose the Compact privilege in any other remote state until the following occur:

1. The specific period of time for which the Compact privilege was removed has ended;
2. All fines have been paid and all conditions have been met;
3. Two years have elapsed from the date of completing requirements for 4(H)(1) and (2); and
4. The Compact privileges are reinstated by the Commission, and the compact data system is updated to reflect reinstatement.

I. If a licensee's Compact privilege in any remote state is removed due to an erroneous charge, privileges shall be restored through the compact data system.

J. Once the requirements of Section 4H have been met, the license must meet the requirements in Section 4A to obtain a Compact privilege in a remote state.

SECTION 5: OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

A. An occupational therapist or occupational therapy assistant may hold a home state license, which allows for Compact privileges in member states, in only one member state at a time.

B. If an occupational therapist or occupational therapy assistant changes primary state of residence by moving between two member states:

1. The occupational therapist or occupational therapy assistant shall file an application for obtaining a new home state license by virtue of a Compact privilege, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the Commission.

2. Upon receipt of an application for obtaining a new home state license by virtue of compact privilege, the new home state shall verify that the occupational therapist or occupational therapy assistant meets the pertinent criteria outlined in Section 4 via the data system, without need for primary source verification except for:

- a. An FBI fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;
- b. Other criminal background check as required by the new home state; and
- c. Submission of any requisite jurisprudence requirements of the new home state.

3. The former home state shall convert the former home state license into a Compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the Commission.

4. Notwithstanding any other provision of this Compact, if the occupational therapist or occupational therapy assistant cannot meet the criteria in Section 4, the new home state shall apply its requirements for issuing a new Single-state license.

5. The occupational therapist or the occupational therapy assistant shall pay all applicable fees to the new home state in order to be issued a new home state license.

C. If an occupational therapist or occupational therapy assistant changes primary state of residence by moving from a member state to a non-member state, or from a non-member state to a member state, the state criteria shall apply for issuance of a Single-state license in the new state.

D. Nothing in this compact shall interfere with a licensee's ability to hold a Single-state license in multiple states; however, for the purposes of this compact, a licensee shall have only one home state license.

E. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a Single-state license.

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A. Active Duty Military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process described in Section 5.

SECTION 7. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an occupational therapist's or occupational therapy assistant's license issued by the home state.

B. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

1. Take adverse action against an occupational therapist's or occupational therapy assistant's Compact privilege within that member state.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

C. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

D. The home state shall complete any pending investigations of an occupational therapist or occupational therapy assistant who changes primary state of residence during the course of the investigations. The home state, where the investigations were initiated, shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the OT Compact Commission data system. The occupational therapy Compact Commission data system administrator shall promptly notify the new home state of any adverse actions.

E. A member state, if otherwise permitted by state law, may recover from the affected occupational therapist or occupational therapy assistant the costs of investigations and disposition of cases resulting from any adverse action taken against that occupational therapist or occupational therapy assistant.

F. A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

G. Joint Investigations

1. In addition to the authority granted to a member state by its respective state occupational therapy laws and regulations or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

H. If an adverse action is taken by the home state against an occupational therapist's or occupational therapy assistant's license, the occupational therapist's or occupational therapy assistant's Compact privilege in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an occupational therapist's or occupational therapy assistant's license shall include a statement that the occupational therapist's or occupational therapy assistant's Compact privilege is deactivated in all member states during the pendency of the order.

I. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

J. Nothing in this Compact shall override a member state's decision that participation in an Alternative Program may be used in lieu of adverse action.

SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION.

A. The Compact member states hereby create and establish a joint public agency known as the occupational therapy Compact Commission:

1. The Commission is an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one (1) delegate selected by that member state's licensing board.

2. The delegate shall be either:

a. A current member of the licensing board, who is an occupational therapist, occupational therapy assistant, or public member; or

b. An administrator of the licensing board.

3. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

4. The member state board shall fill any vacancy occurring in the Commission within 90 days.

5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

7. The Commission shall establish by rule a term of office for delegates.

C. The Commission shall have the following powers and duties:

1. Establish a Code of Ethics for the Commission;

2. Establish the fiscal year of the Commission;

3. Establish bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

6. Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;

7. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state occupational therapy licensing board to sue or be sued under applicable law shall not be affected;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

10. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

11. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and receive, utilize and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

12. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

13. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

14. Establish a budget and make expenditures;

15. Borrow money;

16. Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

17. Provide and receive information from, and cooperate with, law enforcement agencies;

18. Establish and elect an Executive Committee; and

19. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of occupational therapy licensure and practice.

D. The Executive Committee. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Committee shall be composed of nine members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission;

b. One ex-officio, nonvoting member from a recognized national occupational therapy professional association; and

c. One ex-officio, nonvoting member from a recognized national occupational therapy certification organization.

2. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in bylaws.

4. The Executive Committee shall meet at least annually.

5. The Executive Committee shall have the following duties and responsibilities:

a. Recommend to the entire Commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any Commission Compact fee charged to licensees for the Compact privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of member states and provide compliance reports to the Commission;

f. Establish additional committees as necessary; and

g. Perform other duties as provided in rules or bylaws.

E. Meetings of the Commission

1. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:

a. Non-compliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

3. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 9. DATA SYSTEM

A. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. A member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable (utilizing a unique identifier) as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Adverse actions against a license or Compact privilege;
4. Non-confidential information related to Alternative Program participation;
5. Any denial of application for licensure, and the reason(s) for such denial;
6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission; and
7. Current significant investigative information.

C. Current significant investigative information and other investigative information pertaining to a licensee in any member state will only be available to other member states.

D. The Commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 10. RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. The Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect.

C. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

D. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

E. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least thirty (30) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

1. On the website of the Commission or other publicly accessible platform; and
2. On the website of each member state occupational therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

F. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty five (25) persons;
2. A state or federal governmental subdivision or agency; or
3. An association or organization having at least twenty five (25) members.

I. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings will be recorded. A copy of the recording will be made available on request.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

M. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or member state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

N. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consis-

tency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

- a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and
- b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's occupational therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any occupational therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 13. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. A licensee providing occupational therapy in a remote state under the Compact privilege shall function within the laws and regulations of the remote state.

B. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

C. Any laws in a member state in conflict with the Compact are superseded to the extent of the conflict.

D. Any lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, are binding upon the member states.

E. All agreements between the Commission and the member states are binding in accordance with their terms.

F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

4 Effective Date. Part IV of this act shall take effect July 1, 2021.

PART V

Relative to the authority of the office of professional licensure and certification for administration, rulemaking, and enforcement of investigations, hearings, and appeals.

1 Office of Professional Licensure and Certification; Administration; Rulemaking. Amend RSA 310-A:1-d, II(h)(2) to read as follows:

(2) Such organizational and procedural rules necessary to administer the boards, commissions, and councils in the office of professional licensure and certification, including rules governing the administration of complaints and investigations, **hearings, disciplinary proceedings**, payment processing procedures, and application procedures; and

2 New Paragraph; Office of Professional Licensure and Certification; Administration; Standing Orders. Amend RSA 310-A:1-d by inserting after paragraph III the following new paragraph:

IV. All boards, councils, and commissions may issue standing orders delegating non-discretionary tasks to staff of the office of professional licensure and certification.

3 New Sections; Office of Professional Licensure and Certification; Investigations; Hearings; Penalties; Appeals. Amend RSA 310-A by inserting after section 1-g the following new sections:

310-A:1-h Investigations.

I. Boards, which shall include all boards, councils, and commissions within the office of professional licensure and certification, may authorize an investigation of allegations of misconduct by licensees (a) upon their own initiative or (b) upon written complaint of any person that charges that a person licensed by the board has committed misconduct. When requested by the board, the office shall assign an investigator, who may assist in the investigation.

II. The procedures set forth in RSA 310-A:1-h through RSA 310-A:1-l are supplementary and shall not supplant or supersede any procedures expressly set forth in any board's individual practice act.

III. The following information obtained during investigations shall be held confidential and shall be exempt from the disclosure requirements of RSA 91-A:

- (a) Complaints received by the office.
- (b) Information and records acquired by the office during the investigation.
- (c) Reports and records made by the office as a result of its investigation.

IV. For the purpose of carrying out investigations, the executive director is authorized to:

- (a) Retain qualified experts.
- (b) Conduct inspections of places of business of licensees or certificate holders.
- (c) Retain legal counsel when authorized to do so by the attorney general.
- (d) Issue subpoenas for persons, relevant documents and relevant things in accordance with the following conditions:

lowing conditions:

- (1) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

- (2) Subpoenas for documents and things shall not require compliance in fewer than 15 days after receipt of service.

- (3) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

- (4) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

V. The office or the boards, councils, and commissions within the office may disclose information acquired in an investigation to law enforcement, if it involves suspected criminal activity, to health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

VI. Allegations of professional misconduct shall be brought within 5 years from the time the office reasonably could have discovered the act, omission or failure complained of, except that conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the board without time limitation in making licensing or disciplinary decisions if the conduct would otherwise be a ground for discipline. The board may also consider licensee conduct without time limitation when the ultimate issue before the board involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the 5-year limitation period prescribed by this paragraph.

VII. Each board, council, or commission may dismiss a complaint if the allegations do not state a claim of professional misconduct.

310-A:1-i Disciplinary Proceedings; Remedial Proceedings.

I. Boards, which shall include all boards, councils, and commissions within the office of professional licensure and certification, are authorized to conduct disciplinary proceedings in accordance with procedural rules adopted by the executive director.

II. For the purpose of carrying out disciplinary proceedings, each board, council, or commission is authorized to issue subpoenas for persons, relevant documents and relevant things in accordance with the following conditions:

- (a) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

- (b) Subpoenas for documents and things shall not require compliance in fewer than 15 days after receipt of service.

- (c) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

- (d) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

III. At any time before or during disciplinary proceedings, complaints may be dismissed or disposed of, in whole or in part, by written settlement agreement approved by the board and the licensees or certified individuals involved, provided that any complainant shall have the opportunity, before the settlement agreement has been executed, to comment on the terms of the proposed settlement. The board, council, or commission may hold a settlement agreement hearing prior to its approval of the settlement agreement.

IV. Final board actions having the effect of terminating disciplinary proceedings, whether taken before, during or after the completion of the proceedings, shall be set forth in a written record that shall be available to the public after service upon the licensees or certified individuals involved.

V. In carrying out disciplinary or licensing proceedings, each board shall have the authority to:

- (a) Hold pre-hearing conferences exempt from the provisions of RSA 91-A.
- (b) Appoint a board member or other qualified person as presiding officer.
- (c) Administer, and authorize an appointed presiding officer to administer, oaths and affirmations.

VI. Neither the office nor the boards, councils, and commissions shall have an obligation or authority to appoint or pay the fees of attorneys representing licensees, certified individuals, or witnesses during investigations or adjudicatory proceedings.

VII. Boards, councils, and commissions may take non-disciplinary remedial action against any person licensed by it upon finding that the person is afflicted with physical or mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative finding after notice and an opportunity for a hearing, the board, council, or commission may take non-disciplinary remedial action:

(a) By suspension, limitation, or restriction of a license for a period of time as determined reasonable by the board.

(b) By revocation of license.

(c) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the board.

VIII. All proceedings for non-disciplinary remedial action shall be exempt from the provisions of RSA 91-A, except that the board may disclose any final remedial action that affects the status of a license, including any non-disciplinary restrictions imposed.

310-A:1-j Hearings, Decisions and Appeals.

I. Disciplinary proceedings shall be open to the public, except upon order by the board, council, or commission upon good cause shown. The public docket file for each such proceeding shall be retained in accordance with the retention policy established by the office of professional licensure and certification.

II. Notwithstanding any other provision of law, allegations of misconduct or lack of professional qualifications that are not settled shall be heard by the board, council, or commission, or a panel of the board, council, or commission with a minimum of 3 members appointed by the chair of the board or other designee. Any member of the board, or other person qualified to act as presiding officer and duly designated by the board, shall have the authority to preside at such hearing and to issue oaths or affirmations to witnesses, rule on evidentiary and other procedural matters, and prepare a recommended decision. In the case of a hearing before a panel, the presiding officer shall prepare a recommended decision for the board, council, or commission, which shall determine sanctions.

III. Except as otherwise provided by RSA 541-A:30, the board, council, or commission shall furnish the respondent and the complainant, if any, at least 15 days' written notice of the date, time and place of a hearing. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

IV. In disciplinary and licensing proceedings, the presiding officer may hold prehearing conferences that are closed to the public and exempt from the provisions of RSA 91-A until such time as a public evidentiary hearing is convened. In all instances, settlement discussions engaged in by the parties at prehearing conferences may be conducted off the record.

V. The board, council, or commission may dispose of issues or allegations at any time during an investigation or disciplinary proceeding by approving a settlement agreement or issuing a consent order or an order of dismissal for default or failure to state a proper basis for disciplinary action. Disciplinary action taken by the board at any stage of a proceeding, and any dispositive action taken after the issuance of a public hearing notice, shall be reduced to writing and made available to the public. Such decisions shall not be public until they are served upon the parties.

VI. No civil action shall be maintained against the board or any member of the board or its agents or employees, against any organization or its members, or against any other person for or by reason of any statement, report, communication, or testimony to the board or determination by the board in relation to proceedings under this chapter.

310-A:1-k Penalties.

I. Upon making an affirmative finding that a licensee or certificate holder has committed professional misconduct, boards, which shall include all boards, councils, and commissions within the office of professional licensure and certification, may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension of a license or certificate for a period of time as determined reasonable by the board.

(c) By revocation of license.

(d) By placing the licensee or certificate holder on probationary status. The board may require the person to submit to any of the following:

(1) Regular reporting to the board concerning the matters which are the basis of the probation.

(2) Continuing professional education until a satisfactory degree of skill has been achieved in those areas which are the basis of probation.

(3) Submitting to the care, counseling, or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.

(4) Practicing under the direct supervision of another licensee for a period of time specified by the board.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

II. The board may issue a non-disciplinary confidential letter of concern to a licensee advising that while there is insufficient evidence to support disciplinary action, the board believes the licensee or certificate holder should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the licensee's license. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence in subsequent adjudicatory proceedings by the board.

III. In the case of sanctions for discipline in another jurisdiction, the decision of the other jurisdiction's disciplinary authority may not be collaterally attacked and the board may impose any of the sanctions set forth in this chapter, but shall provide notice and an opportunity to be heard prior to imposing any sanctions.

IV. In cases involving imminent danger to life or health, a board may order suspension of a license or certification pending hearing for a period of no more than 10 business days, unless the licensee or certified individual agrees in writing to a longer period. In such cases, the board shall comply with RSA 541-A:30.

V. Any person whose license has been suspended or revoked by the board may apply to the board, in writing, to request a hearing for reinstatement. Upon a hearing, the board may issue a new license or modify the suspension or revocation of the license.

VI. For any order issued in resolution of an disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, the board may require the licensee or certificate holder who is the subject of such finding to pay the office a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed \$10,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the board and any sums recovered shall be credited to the office's fund and disbursed by the office for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

VII. When an investigation of a complaint is determined to be unfounded, the board shall dismiss the complaint and explain in writing to the complainant and the licensee or certificate holder its reason for dismissing the complaint. After six years, the board may destroy all information concerning the investigation, retaining only a record noting that an investigation was conducted and that the board determined the complaint to be unfounded. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the board, does not relate to the actions of the licensee or certificate holder, or is determined by the board to be frivolous.

VIII. Whoever, not being licensed or otherwise authorized to practice according to the laws of this state, shall advertise oneself as engaging in a profession licensed or certified by the office of professional licensure and certification, shall engage in activity requiring professional licensure, or in any way hold oneself out as qualified to do so, or call oneself a licensed professional, or whoever does such acts after receiving notice that such person's license to practice has been suspended or revoked, is engaged in unlawful practice. After hearing and upon making an affirmative finding of unlawful practice, the board, council, or commission may take action in any one of the following ways:

(a) Issue a cease and desist order against any person or entity engaged in unlawful, which shall be enforceable in superior court.

(b) Impose a fine not to exceed the amount of any gain or economic benefit that the person derived from the violation or \$10,000 for each offense, whichever amount is greater. Each violation of unlicensed or unlawful practice shall be deemed a separate offense.

(c) The attorney general, board, council, or commission, or prosecuting attorney of any county or municipality where the act to unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to any board, council, or commission.

310-A:1-1 Rehearing; Appeals.

I. Any person who has been refused a license or certification by the board, which shall include all boards, councils, and commissions within the office of professional licensure and certification, or has been disciplined by the board shall have the right to petition for a rehearing within 30 days after the original final decision.

II. Appeals from a decision on rehearing shall be by appeal to the supreme court pursuant to RSA 541.

III. No sanction shall be stayed by the board during an appeal.

3 Effective Date. Part V of this act shall take effect January 1, 2022.

PART VI

Relative to temporary licensure of certain licensed nursing assistants.

1 Statement of Purpose. The general court acknowledges the critical importance of ensuring the quality, accessibility, and sustainability of Medicaid services provided in nursing homes, and recognizes the critical shortage of licensed nursing assistants throughout the state. The purpose of this act is to strengthen the frontline staffing in nursing homes. The general court finds that during the COVID-19 pandemic federal regulatory and statutory provisions were waived to facilitate the hiring of nurse aides by nursing homes. Under state emergency order, these individuals were allowed to work in nursing homes as temporary health partners following no less than 8 hours of training provided either by a national association or a New Hampshire educational program. As a matter of public policy, the general court finds that these workers were indispensable as facilities struggled with staffing issues, particularly during outbreaks of the COVID-19 virus. Accordingly, this act shall provide the board of nursing with the additional authority to expand the workforce of licensed nursing assistants by recognizing the service of temporary health partners during the COVID-19 pandemic.

2 Special Licensure as a Licensed Nursing Assistant; Applicants Who Served as Temporary Health Partners.

I. Persons who have worked no fewer than 100 hours as temporary health partners in a licensed nursing home and have demonstrated, through their work experience during a national and state public health emergency, the competency to transition to status as a licensed nursing assistant, shall be deemed to have taken a board-approved nursing assistant course and may apply for a license as a licensed nursing assistant in New Hampshire.

II. Notwithstanding any provision of law to the contrary, the state-approved training program for licensed nursing assistants shall take into account the training and experience acquired during the COVID-19 pandemic to transition these individuals to placement on the state's licensed nursing assistant registry pursuant to RSA 326-B:26. Such individuals shall be subject to all continuing education requirements under RSA 326-B:31.

III. For purposes of this act:

(a) "COVID-19" means the novel coronavirus first identified in 2019, or SARS-CoV-2.

(b) "Temporary health partner" means anyone authorized to work in a nursing home by Emergency Order 42 issued by the governor on May 11, 2020, and required to complete training of no less than eight hours and work under the supervision of an RN, APRN, or LPN, as is required of LNAs under RSA 326-B:14.

3 Effective Date. Part VI of this act shall take effect upon its passage.

PART VII

Relative to the revocation of licensure for licensed emergency medical service units and emergency medical service vehicles.

1 Emergency Medical and Trauma Services; Revocation of License. Amend the introductory paragraph of RSA 153-A:13, I to read as follows:

I. The commissioner ~~[shall]~~ **may** deny an application for issuance or renewal of a license, or **issue a letter of concern**, suspend, or revoke a license, when the commissioner finds that the applicant is guilty of any of the following acts or offenses:

2 Effective Date. Part VII of this act shall take effect 60 days after its passage.

PART VIII

Relative to schools for barbering, cosmetology, and esthetics.

1 Barbering, Cosmetology, and Esthetics; Definition; School. Amend RSA 313-A:1, XIII to read as follows:

XIII. "School" means a school or other institution, **or a dedicated program within such school or institution**, conducted for the purpose of teaching cosmetology, manicuring, barbering, or esthetics.

2 Duties of the Board; Schools; Manicuring, Cosmetology, Barbering, Esthetics. RSA 313-A:7, II is repealed and reenacted to read as follows:

II. The board may license a school to operate either:

(a) Dedicated programs within secondary schools, the purpose of which is to teach cosmetology, manicuring, barbering, or esthetics; or

(b) Postsecondary programs conducted for the purpose of teaching cosmetology, manicuring, barbering, or esthetics, including postsecondary programs leading to a certificate in manicuring, barbering, cosmetology, or esthetics.

3 Barbering, Cosmetology, Esthetics, Manicuring; Apprenticeship Certificates. Amend RSA 313-A:24 to read as follows:

313-A:24 Apprentice Registration and ~~[Licensure]~~ **Certificates**.

I. No person shall enter an apprenticeship or enroll in a school under this chapter unless such person has registered with the board as an apprentice and been issued an apprentice ~~[license]~~ **certificate**. The board shall have sole authority to regulate apprentices and apprenticeship under this chapter. The board shall issue an apprentice ~~[license]~~ **certificate** to any student receiving instruction within a licensed school ~~[or]~~ **and/or** shop to learn barbering, cosmetology, esthetics, or manicuring.

II. A person applying for ~~[a license]~~ **an apprentice certificate** under this section shall be granted such ~~[license]~~ **certificate** upon:

- (a) Submitting proof sufficient to the board to show that such person is at least 16 years of age;
- (b) Paying a fee established by the [board] **office of professional licensure and certification**; and
- (c) Being deemed by the board to be of good professional character.

III. No salon or barbershop shall at any one time have more than one apprentice per licensed professional, except as follows:

- (a) Each licensed barber may have up to 2 apprentices for barbering.

(b) Each licensed master barber may have up to 2 apprentices for barbering, or one apprentice master barber and one apprentice barber.

IV. Upon completing the number of hours specified in the board's apprentice rules, an apprentice shall be eligible to apply to the board for [licensure] **certification**.

V. Notwithstanding RSA 161-B:11, VI-a, an applicant for an apprentice certificate shall not be required to provide a social security number as a prerequisite for obtaining a certificate.

4 Expiration and Renewal of Licenses and Certificates. Amend RSA 313-A:20 to read as follows:

313-A:20 Expiration and Renewal of Licenses **and Certificates**. Each barber, master barber, barber instructor, [apprentice,] barbershop, barber school, esthetician, esthetics instructor, esthetics school, esthetics salon, manicurist, [apprentice,] beauty salon, or manicuring salon license issued under this chapter, **and any apprentice certificate issued under RSA 313-A:24**, shall expire on the last day of the birth month of the licensee **or certificate holder** in the odd year next succeeding its date of issuance. Each cosmetologist, cosmetology instructor, or cosmetology school license issued under this chapter shall expire on the last day of the birth month of the licensee in the even year next succeeding its date of issuance. Any personal license **or apprentice certificate** which has expired may be renewed within 6 months by payment of the renewal fee and a late fee established by the board. After 6 months and within 5 years, a personal license **or apprentice certificate** may be renewed by paying the renewal fee and a late fee established by the board. Any school or shop license which has expired may be renewed upon payment of the renewal fee plus a late fee established by the board.

5 Effective Date. Part VIII of this act shall take effect 60 days after its passage.

PART IX

Relative to telemedicine provided by out-of-state psychologists.

1 Psychologists; Electronic Practice of Psychology. RSA 329-B:16 is repealed and reenacted to read as follows:

329-B:16 Electronic Practice of Psychology, Telehealth, Telemedicine.

I. Telepsychology, telehealth, and telemedicine services, as provided by psychologists, include those psychology services that utilize electronic means, including audio, video, or other electronic media, to engage in visual or virtual presence in contemporaneous time. A New Hampshire tele-pass license shall be required for provision of such care to people in New Hampshire. Contacts that are exempt from this requirement are:

- (a) Persons exempted by 329-B:28.

(b) Screenings for inclusion in voluntary research projects that have been properly approved by a New Hampshire based institutional review board.

(c) Psychologists licensed by the board, who may provide tele-psychology services to a person within the state of New Hampshire without acquiring a tele-pass psychology license.

- (d) Persons exempted by RSA 329-D.

II. A doctoral level psychologist who is not licensed in New Hampshire shall be eligible to provide telepsychology services to a person in New Hampshire pursuant to RSA 329-D, or providing that the psychologist:

- (a) Is licensed in one of the jurisdictions in the United States or Canada;
- (b) Is in good standing in all license jurisdictions in the United States and Canada;
- (c) Has satisfied conditions determined in rules adopted by the board; and

(d) Has applied for and obtained a valid New Hampshire tele-pass psychology license in accordance with board rules and payment of license fees with effective dates that cover the dates of services provided.

III. The tele-pass psychology licensee shall agree to conditions including, but not limited to, conditions stipulated by the board that the licensee shall:

- (a) Conform to all New Hampshire statutes and rules.

(b) Agree that electronic attendance for appearances shall be deemed adequate for regulatory enforcement purposes and that in-person appearances by the licensee are optional and such associated costs for in-person attendance are the full responsibility of the tele-pass psychology licensee.

(c) Understand that false statements or failure to comply with official requests and official orders shall constitute sufficient cause for revocation of the tele-pass psychology license.

(d) Understand that all conditions of tele-pass psychology license to practice and enforcement shall be pursuant to New Hampshire law.

(e) Grant the New Hampshire board of psychologists and its investigators authority to disclose to law enforcement and related regulatory authorities, at their discretion, information including but not limited to status of application, actions and information pertinent to investigations and enforcement of the laws and rules pertaining to the licensee's conduct.

- (f) Not conduct face-to-face in-person psychological services in New Hampshire.

IV. The board shall adopt rules pursuant to RSA 541-A for:

- (a) The application procedure for a New Hampshire tele-pass psychology license;
- (b) Additional requirements for a psychologist licensed in another state of Canada to acquire a tele-pass psychology license, including attestations;
- (c) The standards of care for telemedicine practice of psychology and their enforcement; and
- (d) Procedures for investigation and discipline pursuant to all means authorized in this chapter, including but not limited to suspension or revocation of a tele-pass psychology license.

V. Persons who have been granted emergency licenses to practice psychology under the Covid 19 emergency pursuant to the Governor's Emergency Order #29 shall be granted a tele-pass license upon application to the board.

2 Effective Date. Part IX of this act shall take effect upon its passage.

PART X

Relative to certified food protection managers.

1 New Section; Food Service Licensure; Certified Food Protection Manager. Amend RSA 143-A by inserting after RSA 143-A:11 the following new section:

143-A:11-a Certified Food Protection Manager.

I.(a) Each food service establishment licensed by the state under RSA 143-A:6 shall have a person in charge and present during all hours of operation trained as a certified food protection manager by a program approved by the Conference for Food Protection or other equivalent industry standards program.

(b) The requirement in subparagraph (a) shall not apply under these conditions:

- (1) Food establishments having at least one certified food protection manager on staff shall not be required to have the certified food protection manager present when no food preparation is taking place;
- (2) Food establishments having at least one certified food protection manager on staff shall not be required to have the certified food protection manager present when food preparation is limited to reheating commercially prepared food or ready to eat food; or
- (3) Food establishments having 5 food employees or less on duty are required to have only one certified food protection manager on staff who is available, although not required to be present, during all hours of operation.

II. This section shall not apply to any food service establishment exempt from licensure or inspection under RSA 143-A:5.

III. This section shall not apply to food establishments licensed under RSA 143-A:6 as food processing plants, cold storage or refrigerating warehouses; retail stores with no food preparation or limited to self service foods, servicing areas, bed and breakfasts, lodging facilities serving continental breakfasts, home delivery services of packaged frozen food; pushcarts and other mobile food units, those serving packaged food and non-potentially hazardous unwrapped foods only; wholesalers/distributors; on-site vending machines, bars/lounges without a food preparation area; arena/theater concessions serving non-potentially hazardous; sellers of pre-packaged frozen meat or poultry that is processed in a USDA-inspected plant; homestead food operations.

2 Effective Date. Part X of this act shall take effect upon its passage.

PART XI

Establishing minimum qualifications for certification as a child care associate teacher.

1 New Subparagraph; Child Day Care Licensing; Rulemaking; Continuing Education Requirements and Associate Teacher Qualifications. Amend RSA 170-E:11, I by inserting after subparagraph (m) the following new subparagraph:

(n) The following qualification for certification as an associate teacher: a minimum of 1,000 hours of supervised child care experience in a licensed child care program and 30 hours of training in child growth and development, the latter of which may be documented life experience. Documented life experience in lieu of training in child growth and development shall include experience with the same age children the associate teacher supervises, such as a family child care provider; service as a foster parent; work as a school teacher; work as a camp counselor; and experience as a group leader for children in sports or other activities, such as scouts or little league, or closely related experience.

2 Effective Date. Part XI of this act shall take effect 60 days after its passage.

2021-1579h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Licensing places of assembly.
- II. Repealing the emergency medical services personnel licensure interstate compact.
- III. Hearings at the board of nursing.
- IV. Adopting the Audiology and Speech-Language Pathology Compact and the Occupational Therapy Licensure Compact.
- V. The authority of the office of professional licensure and certification for administration, rulemaking, and enforcement of investigations, hearings, and appeals.

VI. Temporary licensure of certain licensed nursing assistants.

VII. The revocation of licensure for licensed emergency medical service units and emergency medical service vehicles.

VIII. Schools for barbering, cosmetology, and esthetics.

IX. Telemedicine provided by out-of-state psychologists.

X. Sanitary production and distribution of food.

XI. Minimum qualifications for certification as a child care associate teacher.

Amendment to SB 134-FN

(2021-1341h)

Proposed by the Majority of the Committee on Judiciary – r

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

2 New Hampshire Aeronautics Act; Prohibitions. Amend RSA 422:28, XIV to read as follows:

XIV. ~~[For any person to purposely or knowingly shine the beam of a laser pointing device at an aircraft that is in flight or in the process of takeoff, landing, or taxiing]~~ ***For any person in direct or remote control of a laser pointing device to knowingly shine the beam of a laser pointing device at an aircraft that is in flight or in the process of takeoff, landing, or taxiing, except as permitted under RSA 631:3-a, IV.***

Amend RSA 456-B:1, VII as inserted by Part II, section 3 of the bill by replacing it with the following:

VII. “Electronic signature” means a unique sequence of data that is split into 2 parts that together form a complete encryption key. One part is publicly shared and the other part is kept private and known only by the owner.

Amend RSA 478-A:2, IV as inserted by Part II, section 10 of the bill by replacing it with the following:

IV. “Electronic signature” means a unique sequence of data that is split into 2 parts that together form a complete encryption key. One part is publicly shared and the other part is kept private and known only by the owner.

Amend RSA 478-A:3, IV, as inserted by Part II, section 10 of the bill by replacing it with the following:

IV. A register of deeds shall accept for recording a tangible copy of an electronic document, other than a plat, map, survey, or plat of land as provided in RSA 478:1-a, containing a notarial certificate as satisfying any requirement that a document accepted for recording be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic document. A notarial certificate in the form provided in RSA 456-B:8, VI, satisfies the requirement of this paragraph.

Amend RSA 408-G:2, as inserted by section 1 of Part V of the bill, by inserting after paragraph X the following new paragraph:

XI. That the payee has the right to negotiate the purchase price offered by the transferee, and the payee is advised to obtain competing offers from other potential transferees.

Amend RSA 408-G:5, as inserted by section 1 of Part V of the bill, by inserting after paragraph III the following new paragraph:

IV. In determining whether a transfer is in the payee’s best interest under RSA 408-G:3, I, the court shall consider, among other matters, whether the payee has compared competing offers for the structured settlement payment rights that the payee proposes to transfer.

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

11 Statement of Findings. The general court hereby finds that:

I. Whenever possible, New Hampshire adults should make their own decisions about how to live their lives.

II. The imposition of guardianship necessarily involves the loss of authority over one’s own life. Adults with disabilities have a range of strengths and capacities, and guardianship is unnecessarily restrictive in many of those circumstances.

III. Guardianship may be necessary in some cases, but when it is imposed upon a person with a disability that could utilize less restrictive alternatives, it can cause negative impacts to mental and physical health and the ability to function independently.

IV. Supported decision-making is a process which preserves the self-determination of adults with disabilities by providing them with accommodations and supports to enable them to make life decisions.

V. Supported decision-making has in recent years gained recognition and acceptance. It has been promoted as an alternative to guardianship by the National Guardianship Association and the American Bar Association. Nine states have recently adopted statutes which formally establish supported decision-making agreements.

VI. The legal recognition of supported decision-making will promote understanding and acceptance of the decisions of people with disabilities. This will assist in effective relationships between people with disabilities and their caregivers, health care providers, and other third parties.

12 Guardians and Conservators; Available Alternative Resource. RSA 464-A:2, II is repealed and reenacted to read as follows:

II. "Available alternative resource" means alternatives to guardianship including, but not limited to, services such as visiting nurses, homemakers, home health aides, adult day care and multipurpose senior citizen centers; powers of attorney, supported decision-making agreements such as those authorized by RSA 464-D, representative and protective payees; and board and care residential care facilities.

13 Guardians and Conservators; Termination of Guardianship. RSA 464-A:40, I is repealed and reenacted to read as follows:

I. A guardianship of the person or of the estate shall terminate upon order of the court, the death of the ward, or upon a finding by the court either that the ward is no longer incapacitated or that the ward's needs are met by available alternative resources.

14 New Sections; Special Education; Supported Decision-Making. Amend RSA 186-C by inserting after section 3-b the following new sections:

186-C:3-c Supported Decision-Making. If adult guardianship is being discussed by the IEP team with a student or the student's family, the team shall inform the student and family of the availability of supported decision-making pursuant to RSA 464-D as an alternative to guardianship. This shall be done promptly when guardianship is first discussed. The IEP team shall make available resources to assist in establishing a supported decision-making agreement. If a supported decision-making agreement is executed, the IEP team shall abide by decisions made by the student pursuant to the supported decision-making agreement.

186-C:3-d Alternatives to Guardianship; Information Resources. The commissioner of the department of education shall develop information resources regarding alternatives to guardianship, including supported decision-making agreements pursuant to RSA 464-D, for children with disabilities who are approaching the age of 18. These resources shall be developed in consultation with New Hampshire disability advocacy organizations and other stakeholders and made available to local education agencies to facilitate their responsibility to provide information to students and families regarding alternatives to guardianship under RSA 186-C:3-c.

15 New Chapter; Supported Decision-Making. Amend RSA by inserting after chapter 464-C the following new chapter:

CHAPTER 464-D SUPPORTED DECISION-MAKING

464-D:1 Purpose. It is the purpose of this chapter to establish and recognize a less restrictive alternative to guardianship for adults with disabilities. It fulfills this purpose by authorizing a legal option for adults with disabilities who seek assistance in making life decisions but choose to retain all of their legal rights. The chapter gives legal status to supporters of such adults and to decisions made pursuant to supported decision-making.

464-D:2 Construction and Administration. This chapter is to be administered and interpreted in accordance with the following principles:

I. All adults should be able to choose to live in the manner they wish and to accept or refuse support, assistance, or protection;

II. All adults should be able to be informed about and participate in the management of their affairs; and

III. The values, beliefs, wishes, cultural norms, and traditions that adults hold should be respected in supporting adults in the management of their affairs.

464-D:3 Presumption of Capacity.

I. All adults are presumed to be capable of managing their affairs and to have legal capacity.

II. The manner in which an adult communicates with others is not grounds for a determination that the adult is incapable of managing the adult's affairs.

III. Execution of a supported decision-making agreement may not be used as evidence of incapacity in any proceeding.

IV. The execution of a supported decision-making agreement does not preclude the adult who has entered into such an agreement from acting independently of the agreement.

464-D:4 Definitions.

I. "Adult" means an individual who is 18 years of age or older.

II. "Disability" means a physical or mental impairment that substantially limits one or more major life activities of a person.

III. "Immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, step-parent, stepchild, or stepsibling.

IV. "Person" means an adult; health-care institution; health-care provider; corporation; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity

V. "Principal" means an adult who enters into a supported decision-making agreement under this chapter to receive decision-making assistance.

VI. "Supported decision-making" means a process of supporting and accommodating an adult with a disability to enable the adult to make life decisions, including, without limitation, decisions related to where the adult wants to live, the services, supports, and medical care the adult wants to receive, whom the adult wants to live with, education, and where the adult wants to work, without impeding the self-determination of the adult.

VII. "Supporter" means an adult who enters into an agreement with an adult with a disability to provide supported decision-making.

VIII. "Support services" means a system of social and other services supplied by private, state, institutional, or community providers designed to help maintain the independence of an adult, including any of the following:

(a) Homemaker-type services, including house repair, home cleaning, laundry, shopping, and the provision of meals.

(b) Companion-type services, including transportation, escort, and facilitation of written, oral, and electronic communication.

(c) Visiting nurse and attendant care.

(d) The provision of health care.

(e) Physical and psychosocial assessments.

(f) Legal assessments and advice.

(g) Education and educational assessment and advice.

(h) Personal treatment or care, including assistance with activities of daily living such as bathing, dressing, eating, range of motion, toileting, transferring, and ambulation.

(i) Care planning.

(j) Other services needed to maintain the independence of an adult.

464-D:5 Subject Matter of Agreement. A principal may identify any type of decision to be the subject of an agreement under this chapter. Such matters may include, but are not limited to:

I. Physical and mental health care.

II. Managing and using income and assets.

III. Support services.

IV. Employment.

V. Food and shelter.

VI. Assistance with public benefits.

VII. Education.

464-D:6 Limitations of Agreement.

I. An agreement under this chapter may coexist with, but not conflict with, a guardianship or other court order.

II. An agreement under this chapter may be for a definite term. In the absence of a provision setting a definite term of the agreement, the agreement shall remain in effect until terminated pursuant to RSA 464-D:16.

464-D:7 Form and Content of Valid Agreement.

I. In order to be valid under this chapter, a supported decision-making agreement shall include all of the following:

(a) Designation of at least one supporter.

(b) A description of the types of decisions for which the supporter is authorized to assist.

(c) A description of the types of decisions, if any, for which the supporter may not assist.

II. A supported decision-making agreement may include any of the following:

(a) Designation of more than one supporter.

(b) Provision for an alternate supporter to act in place of a supporter in circumstances specified in the agreement.

(c) Authorization for a supporter to share information with any other person, including another supporter.

III. A supported decision-making agreement is only valid if all of the following occur:

(a) The agreement is in a writing that contains the elements of the form contained in RSA 464-D:16.

(c) The agreement is dated.

(d) The agreement is signed in the presence of 2 adult witnesses, or before a notary public, justice of the peace, or commissioner of deeds.

(e) Each party to the agreement has signed the agreement voluntarily and with an understanding of the nature and effect of the agreement.

IV. The 2 adult witnesses required by subparagraph III(d) may not be any of the following:

(a) A supporter named in the agreement.

(b) An employee or agent of a supporter named in the agreement.

(c) A paid provider of services to the principal, unless the person is an immediate family member.

(d) Any person who does not understand the type of communication the principal uses, unless an individual who understands the principal's means of communication is present to assist during the execution of the supported decision-making agreement.

V. A supported decision-making agreement shall contain a separate declaration signed by each supporter named in the agreement indicating all of the following:

(a) The supporter's relationship to the principal.

(b) The supporter's willingness to act as a supporter.

(c) The supporter's acknowledgment of the role of a supporter under this chapter.

464-D:8 Termination of Agreement.

I. A principal may terminate a supported decision-making agreement at any time. Such termination may be accomplished by any of the following actions by the principal:

- (a) Providing written notice to all of the supporters named in the agreement.
- (b) Verbally expressing the intent to terminate the agreement in the presence of 2 adult witnesses.

II. A supporter may withdraw from a supported decision-making agreement by providing written notice to the principal. If the principal does not use a written form of communication, actual notice of the supporter's withdrawal shall be provided using the type of communication used by the principal. When a supporter withdraws from a supported decision-making agreement and there is no remaining supporter, the agreement is automatically terminated.

III. A supported decision-making agreement is automatically terminated upon the death of the principal.

IV. Subject to paragraph V, a supported decision-making agreement is automatically terminated if any of the following events occur:

(a) There is a finding by a court or a state or federal agency that the principal has been abused, neglected, or exploited by a supporter named in the agreement.

(b) There is a criminal conviction of a supporter for any of the following offenses under New Hampshire law or their equivalent in another jurisdiction:

- (1) Any offense or attempted offense under RSA 630 (homicide).
- (2) Any felony offense or attempted felony offense under RSA 631 (assault and related offenses).
- (3) Any offense or attempted offense under RSA 632-A (sexual assault and related offenses).
- (4) Any offense or attempted offense under RSA 636 (robbery).
- (5) Any offense or attempted offense under RSA 637 (theft).
- (6) Any offense or attempted offense under RSA 638 (fraud).
- (7) Any offense or attempted offense under RSA 641 (falsification in official matters).

V. When a supporter is the subject of a criminal conviction or a finding of misconduct under paragraph IV, and there is one or more other supporters named in the agreement who are not the subjects of convictions or findings of misconduct under that paragraph, the agreement does not automatically terminate; however, any supporter who is the subject of a criminal conviction or a finding of misconduct under paragraph IV is disqualified from further actions as a supporter under the agreement.

464-D:9 Duties of Supporters. A supporter is in a fiduciary relationship with the principal and is subject to the following requirements:

I. To act loyally, without self-interest, and in good faith.

II. To act within the authority granted in the agreement and by this chapter.

III. To avoid conflicts of interest.

IV. To disclose to the principal all facts known to the supporter relevant to making a decision.

V. To act with the care, competence, and diligence ordinarily exercised by individuals in similar circumstances, with due regard either to the possession of, or lack of, special skills or expertise.

VI. To provide sufficient information to a monitor for financial matters designated pursuant to RSA 464-D:13 to allow the monitor to fulfill his or her responsibilities pursuant to this chapter.

464-D:10 Authority of Supporters.

I. A supporter may only exercise the authority granted to the supporter in the agreement.

II. A supporter is not a surrogate decision maker for the principal and is not authorized to sign legal or other documents on behalf of the principal or to bind the principal to a legal agreement.

III. A supporter may only access protected information if expressly authorized to do so by the principal in the agreement or other written document.

IV. A supporter may not do any of the following:

- (a) Exert undue influence upon or make decisions on behalf of the principal.
- (b) Obtain, without consent of the principal, information that is not reasonably related to matters with which the supporter is authorized to assist under the supported decision-making agreement.
- (c) Use or disclose information, without the principal's consent, for a purpose other than assisting the principal to make decisions under the supported decision-making agreement.

464-D:11 Recognition of Supporters. A decision or request made or communicated with the assistance of a supporter in conformity with this chapter shall be recognized for the purposes of any provision of law as the decision or request of the principal and may be enforced in law or equity on the same basis as a decision or request of the principal.

464-D:12 Persons Ineligible to be Supporters. Any of the following are prohibited from acting as supporters.

I. A person who is an employer or employee of the principal, unless the person is an immediate family member of the principal.

II. A person providing paid support services, unless the person is an immediate family member of the principal.

III. A person against whom the principal has obtained an order of protection from abuse or a person who is the subject of a civil or criminal order prohibiting contact with the principal.

IV. A person who has been convicted of any of the following New Hampshire offenses or their equivalent in another jurisdiction, if the offense has not been annulled:

- (a) Any offense or attempted offense under RSA 630 (homicide).
- (b) Any felony offense or attempted felony offense under RSA 631 (assault and related offenses).
- (c) Any offense or attempted offense under RSA 632-A (sexual assault and related offenses).
- (d) Any offense or attempted offense under RSA 636 (robbery).
- (e) Any felony offense or attempted felony offense under RSA 637 (theft).
- (f) Any offense or attempted offense under RSA 638 (fraud).
- (g) Any offense or attempted offense under RSA 641 (falsification in official matters).

464-D:13 Monitors for Financial Matters.

I. If a supporter is authorized in a supported decision-making agreement to assist a principal with his or her financial affairs, a principal may designate a monitor.

II. A monitor designated under this section shall ensure that the supporter is complying with RSA 464-D:9 and 464-D:10.

464-D:14 Reporting of Abuse and Neglect.

I. If a person who receives a copy of a supported decision-making agreement or is aware of the existence of a supported decision-making agreement has cause to believe that the principal has been abused, neglected, or financially exploited by the supporter, the person shall promptly report the alleged abuse, neglect, or exploitation to the commissioner of health and human services or the commissioner's authorized representative in accordance with RSA 161-F.

II. Nothing in this section shall be construed as eliminating or limiting a person's requirement to report under any other statute or regulation.

464-D:15 Access to Information.

I. A supporter may assist the principal with obtaining any information to which the principal is entitled, including, with a dated specific consent executed by the principal, protected health information under the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, educational records under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. section 1232g, or information related to a substance use disorder protected by 42 U.S.C. section 290dd-2 and 42 C.F.R. Part 2.

II. The supporter shall ensure all information collected on behalf of the principal under this section is kept privileged and confidential, as applicable; is not subject to unauthorized access, use, or disclosure; and is properly disposed of when appropriate.

464-D:16 Form of Supported decision-making Agreement. A supported decision-making agreement may be in any form not inconsistent with the following form and the other requirements of this chapter. Use of the following form is presumed to meet statutory provisions.

SUPPORTED DECISION-MAKING AGREEMENT

This agreement must be communicated to all parties to the agreement in the presence of either a notary or 2 witnesses. The form of communication must be appropriate to the needs and preferences of the person with a disability. Reading the agreement out loud or using a sign language interpreter may be necessary.

My name is _____.

I want to have people I trust help me make decisions. The people who will help me are called supporters. My supporters are not allowed to make the decisions for me. I will make my own choices, with their support. I am called the principal.

This agreement can be changed at any time. I can change it by crossing out words and writing my initials next to the change. I can also end this agreement at any time by _____.

Signature of Principal

I am making this supportive decision-making agreement because I want people to help me make choices. I know that I do not have to make this agreement. I know that I can change this agreement at any time.

My printed name: _____.

My address: _____.

My phone number: _____.

My email address: _____.

Today's date: _____.

Supporters

Supporter #1

I agree that _____ (name) will be my supporter. Their contact information is:.

Address: _____.

Phone Number: _____.

E-mail Address: _____.

My supporter may help me with making everyday life decisions relating to the following:

Obtaining food, clothing, and shelter: Yes ____ No ____

Taking care of my physical health: Yes ____ No ____

Taking care of my mental health: Yes ____ No ____

Managing my financial affairs: Yes ____ No ____

Applying for and managing public benefits: Yes ____ No ____

My education: Yes ____ No ____

Applying for and managing employment: Yes ____ No ____

The following are other decisions that I have specifically identified that I would like assistance with:

Supporter #2.

I do not have to have more than one supporter. I choose to have _____ (name) also be my supporter. Their contact information is:

Address: _____

Phone Number: _____

E-mail Address: _____

is my supporter. My supporter may help me with making everyday life decisions relating to the following:

Obtaining food, clothing, and shelter: Yes ____ No ____

Taking care of my physical health: Yes ____ No ____

Taking care of my mental health: Yes ____ No ____

Managing my financial affairs: Yes ____ No ____

Applying for and managing public benefits: Yes ____ No ____

My education: Yes ____ No ____

Applying for and managing employment: Yes ____ No ____

The following are other decisions that I have specifically identified that I would like assistance with:

To help me with my decisions, my supporter(s) may do the following things (check all that apply):

() Help me access, collect, or obtain information that is relevant to a decision, including medical, psychological, educational, or treatment records;

() Help me gather and complete appropriate authorizations and releases;

() Help me understand my options so I can make an informed decision; and

() Help me communicate my decision to appropriate persons.

Monitor for Financial Matters

If I want someone to help me make choices about money, I may also choose someone to make sure my supporters are being honest and using good judgment in helping me with my money. This person is called a monitor. A monitor cannot also be a supporter.

I agree that _____ (name) will be my monitor. Their contact information is:

Address: _____

Phone Number: _____

E-mail Address: _____

Effective Date of Supported decision-making Agreement.

This supported decision-making agreement is effective immediately and will continue until _____

(insert date) or until the agreement is terminated by my supporter or me or by operation of law.

The date of this agreement is _____.

Consent of Supporter(s)

Supporter #1: I, _____ (name of supporter), consent to act as a supporter under this agreement, and acknowledge my responsibilities under RSA 464-D.

(Signature of supporter) (Printed name of supporter).

My relationship to the principal is: _____.

Supporter #2: I, _____ (name of supporter), consent to act as a supporter under this agreement, and acknowledge my responsibilities under RSA 464-D.

(Signature of supporter) (Printed name of supporter).

My relationship to the principal is: _____.

Additional supporters may be added below as necessary.

Consent of Monitor

I, _____ (name of monitor), consent to act as a monitor under this agreement, and acknowledge my responsibilities under RSA 464-D.

(Signature of monitor) (Printed name of monitor).

My relationship to the principal is: _____.

Consent of the Principal

Wait until a notary or 2 witnesses are there to watch you sign.

(My signature) (My printed name).

Witnesses or Notary.

(Witness signature) (Printed name of witness).

(Witness signature) (Printed name of witness)

16 Effective Date.

I. Sections 1-8 of Part VII of this act shall take effect July 1, 2021.

II. Sections 11-13 and section 15 of Part VII of this act shall take effect 60 days after its passage.

III. Section 14 of Part VII of this act shall take effect January 1, 2022.

IV. The remainder of Part VII of this act shall take effect upon its passage.

Amend the bill by replacing the Part XI heading with the following:

PART XI

Relative to hemp.

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

439-A:3 Hemp Permitted. Hemp is an agricultural product which may be grown as a crop, processed, possessed, and commercially traded in New Hampshire. Any grower[, processor, or commercial trader] of hemp shall be licensed by the United States Department of Agriculture.

Amend section 1 of the bill (Sponsorship) by deleting Part IV and renumbering the original Parts V-XI to read as Parts IV-X, respectively.

Amend the bill by deleting Part IV and renumbering the original Parts V-XI, including references contained in the effective dates therein, to read as Parts IV-X, respectively.

2021-1341h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Prohibiting certain uses of laser pointing devices.

II. The revised uniform law on notarial acts and the uniform real property electronic recording act.

III. Incarceration under a suspended sentence.

IV. Procedures for structured settlements.

V. Establishing the New Hampshire collaborative law act.

VI. Probate administration, distribution upon intestacy, and powers of attorney and adopting the uniform disclaimer of property interests act.

VII. School employee and school volunteer criminal history background checks and establishing a committee to study department of education oversight of criminal history background checks for private schools.

VIII. Making an appropriation funding mental health intervention training programs.

IX. Employer access to motor vehicle records.

X. Authorization to grow industrial hemp.

Amendment to SB 137

(2021-1596h)

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services – r

Amend the bill by replacing section 1 with the following:

1 Minimum Hourly Rate; Tipped Employees. Amend the introductory paragraph of RSA 279:21 to read as follows:

Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee at an hourly rate lower than that set forth in the federal minimum wage law, as amended. Tipped employees of a restaurant, ***cigar bar as defined in RSA 178:20-a, II***, hotel, motel, inn or cabin, or ballroom who customarily and regularly receive more than \$30 a month in tips directly from the customers will receive a base rate from the employer of not less than ~~[45 percent of the applicable minimum wage]~~ ***the minimum direct wage as set forth in the federal minimum wage law, as amended, but in no case less than \$3.27 per hour.*** If ***such*** an employee shows to the satisfaction of the commissioner that the actual amount of wages received at the end of each pay period did not equal the minimum wage for all hours worked, the employer shall pay the employee the difference to guarantee the ~~[applicable]~~ ***federal statutory*** minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

Amendment to SB 142-FN

(2021-1612h)

Proposed by the Committee on Legislative Administration - c

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

AN ACT reestablishing the commission to study the incidence of post-traumatic stress disorder in first responders and reestablishing the commission to study grandfamilies in New Hampshire.

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

1 New Section; Commission to Study the Incidence of Post-Traumatic Stress Disorder in First Responders Reestablished. Amend RSA 281-A by inserting after section 17-c the following new section:

281-A:17-d Commission to Study the Incidence of Post-traumatic Stress Disorder in First Responders Reestablished.

I.(a) There is reestablished the commission to study the incidence of post-traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation. The members of the commission shall be as follows:

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

(2) Three members of the house of representatives, one of whom shall be from the labor, industrial and rehabilitative services committee, one of whom shall be from the executive departments and administration committee, and one of whom shall be from the state-federal relations and veterans affairs committee, appointed by the speaker of the house of representatives.

(3) The labor commissioner, or designee.

(4) The commissioner of safety, or designee.

(5) The insurance commissioner, or designee.

(6) The commissioner of the department of corrections, or designee.

(7) A representative of the New Hampshire Municipal Association, appointed by the association.

(8) A representative of the New Hampshire Association of Counties, appointed by the association.

(9) A representative of the National Alliance on Mental Illness New Hampshire, appointed by the alliance.

(10) A fire chief, appointed by the New Hampshire Association of Fire Chiefs.

(11) One member appointed by the New Hampshire Association of Chiefs of Police.

(12) One member appointed by the New Hampshire Police Association.

(13) A representative of the Professional Firefighters of New Hampshire, appointed by that organization.

(14) A representative of the New Hampshire Association of Emergency Medical Technicians, appointed by the association.

(15) A representative of the New Hampshire Public Risk Management Exchange, appointed by that organization.

(16) An attorney, appointed by the New Hampshire Association for Justice.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

II.(a) The commission shall study:

(1) Costs associated with training and resources, application of training, and operation of the presumption that post-traumatic stress disorder in first responders is occupationally caused.

(2) Whether a first responder's death from suicide is a line of duty death.

(3) Life insurance payouts for first responders who die of suicide.

(4) Life insurance payouts for retired first responders who die of suicide.

(5) Federal line of duty deaths by suicide.

(6) Cost and administration of resiliency training.

(7) The need for culture change to enable first responders to openly address PTSD issues without impacting their careers.

(8) Discuss the intersection of benefits provided by Workers' Compensation and the New Hampshire Retirement System when a first responder retires because of PTSD and whether additional benefits are warranted, including a retirement insurance subsidy.

(b) The commission may solicit input from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Nine members of the commission shall constitute a quorum.

IV. On or before November 1, 2021, the commission shall submit an interim report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library and shall submit a final report on or before November 1, 2022.

2 New Section; Commission to Study Grandfamilies in New Hampshire. Amend RSA 170-G by inserting after section 17-a the following new section:

170-G:17-b Commission to Study Grandfamilies in New Hampshire.

I. There is established a commission to study grandfamilies in New Hampshire. The membership of the commission shall be as follows:

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

(b) Three members of the house of representatives, one of whom shall serve on the health, human services and elderly affairs committee, one of whom shall serve on the committee responsible for children and family law, and one of whom shall serve on the finance committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of health and human services, or designee.

(d) The commissioner of the department of education, or designee.

(e) One representative of the division of family assistance, department of health and human services, appointed by that division.

(f) One representative of the division for children, youth and families, department of health and human services, appointed by that division.

(g) One representative of the Family Assistance Advisory Council, appointed by the council.

(h) One representative of Waypoint, formerly Child and Family Services of New Hampshire, appointed by that organization.

(i) One representative of a family resource center, appointed by Family Support New Hampshire.

(j) One representative of Court Appointed Special Advocates of New Hampshire, appointed by that organization.

(k) One representative of New Futures, appointed by that organization.

(l) One representative of National Alliance on Mental Illness New Hampshire, appointed by that organization.

(m) One representative of the NH Head Start Directors Association, appointed by the association.

(n) One public school principal, appointed by the New Hampshire Association of School Principals.

(o) One pediatrician licensed in New Hampshire, appointed by the New Hampshire Pediatric Society.

(p) One member of the New Hampshire Bar Association, appointed by the association.

(q) One representative of AARP, appointed by that organization.

(r) One representative of the New Hampshire Association of Chiefs of Police, appointed by the association.

(s) Three grandparent caregivers, appointed by the Family Assistance Advisory Council.

(t) One representative of a community health center in New Hampshire, appointed by the governor.

(u) One member of the Parenting a Second Time Around (PASTA) support group, appointed by the YMCA of Greater Londonderry.

II. The commission shall address issues related to grandfamilies in New Hampshire. The commission's duties shall include, but not be limited to:

(a) Review of current data regarding grandfamilies in New Hampshire.

(b) Review of current barriers facing grandparents who are raising children in New Hampshire.

(c) Identification of causes of issues affecting New Hampshire grandfamilies.

(d) Development of corrective actions for addressing issues facing grandfamilies in New Hampshire.

(e) Identification of current actions being taken to assist grandfamilies in New Hampshire and their effectiveness.

III. Members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 30 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

IV. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

V. The commission shall submit an interim report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2021. The commission shall submit a final report on or before November 1, 2022.

3 Repeal. The following are repealed:

I. RSA 281-A:17-d, establishing a commission to study the incidence of post-traumatic stress disorder in first responders.

II. RSA 170-G:17-b, establishing a commission to study grandfamilies in New Hampshire.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2022.

II. The remainder shall take effect upon its passage.

2021-1612h

AMENDED ANALYSIS

This bill reestablishes the commission to study the incidence of post-traumatic stress disorder in first responders. This bill also reestablishes the commission to study grandfamilies in New Hampshire.

Amendment to SB 143-FN

(2021-1431h)

Proposed by the Committee on Judiciary – c

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I. LSR 21-0943, relative to the appointment of counsel under RSA 169-B, sponsored by Sen. Carson, Prime/Dist 14.

Part II. LSR 21-0948, relative to alternative dispute resolution, sponsored by Sen. Carson, Prime/Dist 14.

Part III. LSR 21-0950, allowing judicial referees to issue orders in non-contested probate matters, sponsored by Sen. Carson, Prime/Dist 14.

Part IV. LSR 21-0952, permitting a supreme court justice to sit as a circuit court judge, sponsored by Sen. Carson, Prime/Dist 14.

Part V. LSR 21-0953, relative to the payment of costs for services other than counsel for indigent parties, sponsored by Sen. Carson, Prime/Dist 14.

Part VI. LSR 21-0918, relative to insurance company licenses, sponsored by Sen. Daniels, Prime/Dist 11; Rep. Potucek, Hills 18; Rep. Bartlett, Merr 19.

Part VII. LSR 21-1066, relative to the New Hampshire National Guard enlistment incentive program, sponsored by Sen. Carson, Prime/Dist 14.

Part VIII: relative to forfeiture of personal property.

2 Legislation Enacted. The general court hereby enacts the following legislation:

PART I

Relative to the appointment of counsel under RSA 169-B.

1 Delinquent Children; Issuance of Summons and Notice; Appointment of Council. Amend RSA 169-B:7, III to read as follows:

III. Upon receipt of the petition, the court shall appoint counsel for the minor. Such appointment shall occur promptly, and in no event later than the time when the summons is issued. Notice of the appointment shall be transmitted to counsel and to the petitioner by electronic mail and by first class mail on the day of the appointment. The summons shall contain a notice of the right to representation by counsel and ~~[the available procedures for obtaining counsel]~~ **the name, address, telephone number, and electronic mail address of the attorney who has been appointed by the court.** The summons shall also state as follows: “With limited exception, the department of health and human services shall be responsible for the cost of services provided under this chapter. RSA 186-C regarding children with disabilities grants minors and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided.”

2 Appointment of Counsel; Waiver of Counsel. Amend 169-B:12, I to read as follows:

I. Absent a valid waiver, the court shall appoint counsel ~~[at the time of arraignment of an indigent minor, provided that an indigent minor detained pursuant to RSA 169-B:11, III, shall have counsel appointed upon the issuance of the detention order]~~ **for an indigent minor pursuant to RSA 169-B:7, III.** For purposes of ~~[the appointment of counsel under]~~ this section, an indigent minor shall be a minor who satisfies the court, after appropriate inquiry, that the minor is financially unable to independently obtain counsel. If the court has received information indicating that the minor ~~[has]~~ **may have** an intellectual, cognitive, emotional, learning, or sensory disability, the court shall ~~[require the minor to consult with]~~ **not permit the minor to waive the right to** counsel.

3 Waiver of Counsel. Amend RSA 169-B:12, II-a to read as follows:

II-a. If the minor and the parent, guardian, or custodian have not consulted with counsel about the possible consequences of the proposed waiver of the right to counsel, the court ~~[may only]~~ **shall not** accept a waiver pursuant to paragraph II ~~[after making case-specific written findings with regard to each of the required conditions for waiver]~~.

4 Contract Attorneys. Amend RSA 604-A:2-b to read as follows:

604-A:2-b Contract Attorneys. The state of New Hampshire, by the judicial council and with the approval of governor and council, may, within the limits of available appropriations, contract with any qualified attorney in the state to provide for the representation of indigents in circumstances where, pursuant to RSA 604-B, the public defender program is unavailable to provide such representation. **No contract providing for the representation of children in proceedings arising under RSA 169-B shall be based on payment of a predetermined fee per case or other payment structure which creates a financial disincentive for attorneys to provide effective representation in such cases.** The executive director of the judicial council shall authorize payments to contract attorneys provided for under this section.

5 Development of Performance Standards. Amend RSA 604-A:10, V to read as follows:

V. The judicial council shall adopt standards relative to appointment for juvenile counsel. Such standards shall establish training, experience, and other qualifications for attorneys to represent minors in such proceedings, and shall be developed with consideration of relevant national standards including, but not limited to, the Juvenile Justice Standards of the Institute of Judicial Administration and American Bar Association. **The council shall develop the standards required by this section in consultation with the judicial branch, the New Hampshire Bar Association, New Hampshire Legal Assistance, the New Hampshire Public Defender, the Disability Rights Center of New Hampshire, and the American Civil Liberties Union of New Hampshire, and shall adopt them no later than July 1, 2022.**

6 Repeal. RSA 169-B:12, II-b, relative to appointment of counsel, is repealed.

7 Effective Date. Part I of this act shall take effect January 1, 2022.

PART II

Relative to alternative dispute resolution.

1 New Section; Office of Mediation and Arbitration; Quality Assurance Program. Amend RSA 490-E by inserting after section 5 the following new section:

490-E:6 Quality Assurance Program.

I. The office of mediation and arbitration may establish a quality assurance program to support the administration of alternative dispute resolution programs in all courts. The program may include, but is not limited to:

(a) Investigating and resolving complaints about alternative dispute resolution programs in all courts, including services or assistance provided by the office or a neutral party approved by the judicial branch; and

(b) Monitoring and evaluating the appropriateness of alternative dispute resolution services provided by the office or a neutral party approved by the judicial branch so that problems or trends in the delivery of services are identified and steps to correct problems can be taken.

II. The office of mediation and arbitration may request information about an alternative dispute resolution program in the courts. Any information received by the office may be shared only within the judicial branch and such information shall otherwise be confidential and privileged as provided by law, rule, or order.

III. Records of the office's quality assurance program, including records of interviews, internal reviews or investigations, reports, statements, minutes, and other documentation, shall be confidential and shall be protected from direct or indirect discovery, subpoena, or admission into evidence in any judicial or administrative proceeding.

IV. No person who provides information as part of the quality assurance program shall be held liable in any action for damages or other relief arising from such provision of information.

2 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Allowing judicial referees to issue orders in non-contested probate matters.

1 New Paragraph; Judges of Probate; Jurisdiction. Amend RSA 547:3 by inserting after paragraph IV the following new paragraph:

V. The administrative judge of the circuit court may appoint one or more referees to any matter which is not contested and to which no objection has been filed, or to which all parties have assented, for any cases arising under subparagraphs I(a), (b), and (g). Any referee so assigned shall act under the direction of a judge of probate as defined in RSA 490-F:6, III. Any party aggrieved by a decision made by a referee pursuant to this paragraph may file a request for reconsideration within 10 days of the clerk's notice of decision, and if such request is filed, the matter shall be reviewed by a judge of probate.

2 Repeal. RSA 547:3, I(h), relative to the jurisdiction of the probate court over cases involving termination of parental rights, is repealed.

3 Effective Date. Part III of this act shall take effect 60 days after its passage.

PART IV

Permitting a supreme court justice to sit as a circuit court judge.

1 Superior Court; Assignment From Supreme Court. Amend RSA 491:3 and 3-a to read as follows:

491:3 Assignment From Supreme Court. When the business of the superior court **or circuit court** requires it, and upon request of the ~~[chief or senior associate justice]~~ **chief justice of the superior court or the administrative judge** of ~~[that]~~ **the circuit** court, the chief or senior associate justice of the supreme court may, if not inconsistent with the proper advancement of the business of the supreme court, assign himself **or herself** or some other justice of the supreme court to preside and serve in the superior court **or circuit court**. While thus presiding and serving, such supreme court justice shall have all the authority of a superior court justice **or circuit court judge**.

491:3-a Assignment of Judges. After assessing caseload needs and requirements and consulting with the **chief justice of the superior court or** administrative ~~[judges]~~ **judge of the circuit court**, the chief justice of the supreme court may assign any superior court ~~[judge]~~ **justice** to hear cases in the ~~[district]~~ **circuit** court.

2 Effective Date. Part IV of this act shall take effect 60 days after its passage.

PART V

Relative to the payment of costs for services other than counsel for indigent parties.

1 Termination of Parental Rights; Fees and Court Costs. Amend RSA 170-C:13 to read as follows:

170-C:13 Fees and Court Costs.

I. The petitioner shall pay all entry fees and court costs including costs of giving notice, costs of advertising, and court-appointed guardian ad litem fees. The court, however, may waive entry fees and court costs where payment would work a hardship on the petitioner. Where the court waives payment by the petitioner, the state, through the court system, shall pay court costs. The judicial council shall pay the cost of a CASA guardian ad litem appointed for the child or other guardian ad litem in cases arising from an underlying abuse and neglect proceeding when the state is the moving party or in cases where payment would work a hardship on the petitioner. The cost of such appointment, including counsel and investigative, expert, or other services and expenses necessary to provide adequate representation, shall be paid from funds appropriated for indigent defense pursuant to RSA 604-A.

II. The department of health and human services is exempted from paying any entry fees and court costs.

III. When appointment of counsel is made by the court pursuant to RSA 170-C:10 for a parent determined to be financially unable to employ counsel, the court shall use a financial eligibility guideline established by the office of cost containment to determine if the party is indigent. Upon determination that the party is indigent, the court may appoint counsel, subject to an order of repayment through the office of cost containment. The judicial council shall bear the financial responsibility for the payment of costs for attorneys appointed pursuant to RSA 170-C:10 in accordance with the financial eligibility guideline established by the office of cost containment. The cost of such appointment, including counsel and investigative, expert, or other services and expenses necessary to provide adequate representation, shall be paid from funds appropriated for indigent defense pursuant to RSA 604-A. Counsel shall petition the court for investigative, expert, or other services necessary to provide adequate representation. If the court finds that such services are necessary and that the parent is financially unable to obtain them, the court shall authorize counsel to obtain the necessary services on behalf of the parent. Services authorized under this section shall not include the payment of expenses that are the responsibility of any other agency pursuant to RSA 169-C or this chapter.

2 Guardians and Conservators; Right to Counsel. Amend RSA 464-A:6, I to read as follows:

I. The right to legal counsel for any person for whom a temporary guardian or guardianship of the person and estate, or person, or estate, is sought shall be absolute and unconditional. If the proposed ward does not have his or her own counsel, the court shall appoint counsel for the proposed ward immediately upon the filing of a petition for guardianship of the person and estate, or the person, or estate. The judicial council shall pay the cost of such appointment, including counsel and investigative, expert, or other services and expenses necessary to provide adequate representation, from funds appropriated for indigent defense pursuant to RSA 604-A. Prior to obtaining investigative, expert, and other services necessary to provide adequate representation, counsel shall apply to the court and, upon finding that such services are necessary and that the person is financially unable to obtain them, the court shall authorize counsel to obtain the necessary services on behalf of the person for whom temporary guardian or guardianship of the person and estate, or person or estate, is sought.

3 Adequate Representation for Indigent Defendants in Criminal Cases; Neglected or Abused Children. Amend RSA 604-A:1-a to read as follows:

604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a guardian ad litem is appointed for the child as provided in RSA 169-C:10, the cost of such appointment shall be paid from funds appropriated for indigent defense pursuant to this chapter. In cases involving a neglected or abused child, when an attorney is appointed to represent a parent determined to be indigent pursuant to RSA 169-C:10, II, at the preliminary hearing or a hearing pursuant to RSA 169-C:6-a, III, whichever occurs earlier, the cost of such appointment, including counsel and investigative, expert, or other services and

expenses, shall be paid from funds appropriated for indigent defense pursuant to this chapter. Counsel shall petition the court for investigative, expert, or other services necessary to provide adequate representation. If the court finds that such services are necessary and that the parent is financially unable to obtain them, the court shall authorize counsel to obtain the necessary services on behalf of the parent. Services authorized under this section shall be in addition to payment for expenses provided under RSA 169-C or RSA 170-C.

4 Effective Date. Part V of this act shall take effect 60 days after its passage.

PART VI

Relative to insurance company licenses.

1 Insurance Company Licenses. Amend RSA 402:12, I to read as follows:

I. On compliance with the foregoing conditions and if the company is found upon examination made by or under the direction of the commissioner to **(a) have complied with the laws of the state applicable to it; (b) have been consistent with the NAIC's Uniform Certificate of Authority Application process and standards; and (c) have complied with any other terms or documentation the commissioner may require**, a license to transact the kind of business specified in the license shall be issued until June 14 thereafter. Annually thereafter, on June 14, such license may be renewed so long as the company shall comply with the requirements of the law and the commissioner shall regard it as safe, reliable, and entitled to confidence, **so long as its application is consistent with the standards set forth by state law and NAIC guidelines** and so long as the company continues to conduct a meaningful insurance business, as determined by the commissioner, within New Hampshire.

2 Insurance Company Licenses; Foreign Insurance Companies and Agents. Amend RSA 405:12, I to read as follows:

I. If the foregoing provisions are complied with and the commissioner is satisfied that the company **(a)** has the requisite capital and assets ~~and~~; **(b)** is a safe, reliable company, entitled to confidence; **and (c) is consistent with the NAIC's Uniform Certificate of Authority Application process and standards**, ~~he~~ **the commissioner** shall grant a license to it to do insurance business by authorized agents within the state, subject to the laws of the state, until June 14 thereafter. Annually thereafter, on June 14, such license may be renewed so long as the company shall comply with the requirements of the law, **NAIC guidelines**, and the commissioner shall regard it as safe, reliable and entitled to confidence, and so long as the company continues to conduct a meaningful insurance business, as determined by the commissioner, within New Hampshire.

3 New Subparagraph; Department of Revenue Administration; Confidentiality of Department Records. Amend RSA 21-J:14, V(d) by inserting after subparagraph (9) the following new subparagraph:

(10) An officer or employee of the insurance department, pursuant to an agreement for exchange of information between the department and the insurance department, for the purposes of sharing information received by the department from insurance companies that claim a business enterprise tax credit, pursuant to RSA 400-A:34-a, and only to the extent necessary, for the administration and collection of tax premiums by the insurance department. The information disclosed pursuant to such exchange agreement shall not include records, files, returns, or information disclosed to officers or employees of the department by any other state, pursuant to a compact for the exchange of information between the department and any other state, unless permitted by such state or compact. Officers or employees of the insurance department, having in their custody or control any confidential taxpayer information obtained from the department pursuant to the exchange agreement authorized under this subparagraph, shall be subject to the provisions of RSA 21-J:14.

4 Effective Date. Part VI of this act shall take effect 60 days after its passage.

PART VII

Relative to the New Hampshire National Guard enlistment incentive program.

1 National Guard Enlistment Incentive Program. The subdivision heading before RSA 160-B:60 is repealed and reenacted to read as follows:

National Guard Enlistment Incentive Program

2 National Guard Enlistment Incentive Program. RSA 110-B:60-62 are repealed and reenacted to read as follows:

110-B:60 New Hampshire National Guard Enlistment Incentive Program Established. For the purpose of encouraging enlistment in the national guard there is hereby established a New Hampshire national guard enlistment incentive program. This program authorizes a cash incentive up to \$500 to current members of the New Hampshire national guard in the pay grades of E-1 to O-3 or any former member of the New Hampshire national guard for each new or prior service recruit that they bring into the New Hampshire national guard.

110-B:61 Revenue for Enlistment Incentive Program.

I. There is hereby established a fund to be known as national guard enlistment incentive program fund. Any appropriations received shall be deposited in the fund. Moneys in the fund and any interest earned on the fund shall be used for the purpose of encouraging enlistment in the national guard and shall not be used for any other purpose. The adjutant general shall oversee expenditures from the fund. The moneys in the fund shall be nonlapsing.

II. In addition to any moneys appropriated, the New Hampshire national guard enlistment incentive program fund may consist of an annual appropriation, as determined by the general court, to be awarded in accordance with written policies promulgated by the adjutant general under RSA 110-B:62.

110-B:62 Oversight and Administration. The adjutant general shall adopt rules pursuant to RSA 541-A relative to the administration of the enlistment incentive program and relative to its execution by the New Hampshire Army and Air National Guard recruiting offices in coordination with the department of military affairs and veterans services.

3 New Subparagraph; National Guard Enlistment Incentive Program Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys deposited in the national guard enlistment incentive program fund established in RSA 110-B:61.

4 Reference to National Guard Scholarship Fund Removed. Amend RSA 110-B:55, I to read as follows:

I. Fines may be paid to a military court or to an officer executing its process. The amount of any fine imposed may be noted upon any state roll or account for pay of the delinquent and deducted from any pay or allowance due or thereafter to become due them, until said fine is liquidated; or the same may be collected with lawful costs of collection, as in the case of executions issued in action founded upon torts. ~~[Fines shall be paid over to the state treasurer and credited to the New Hampshire national guard recruitment and retention scholarship fund under RSA 110-B:60.]~~

5 Reference to National Guard Scholarship Fund Removed. Amend RSA 110-B:29 to read as follows:

110-B:29 Use of Armories or Other National Guard Facilities.

~~[I.]~~ All New Hampshire national guard facilities shall be primarily for the military duty, instruction, and training of the national and state guard and for the storage and maintenance of military property. Other use of national guard facilities may be authorized by the adjutant general and shall be governed by rules and regulations promulgated under this section.

~~[II. Rental fees for the use of national guard facilities shall be fixed by the adjutant general and shall be declared as revenue and paid to the adjutant general subject to the provisions of RSA 110-B:61.]~~

6 Repeal. RSA 110-B:63, relative to the national guard scholarship program, is repealed.

7 Effective Date. Part VII of this act shall take effect July 1, 2021.

PART VIII

Relative to forfeiture of personal property

1 New Section; Forfeiture of Personal Property. Amend RSA 617 by inserting after section 12 the following new section:

617:13 Limiting Adoptions by the Federal Government of Property Seized Under State Law.

I. A state or local law enforcement agency shall not offer for transfer or adoption property, seized under state law, to a federal agency for the purpose of forfeiture under the federal Controlled Substances Act, Public Law 91-513, unless the seized property includes more than \$100,000 in United States currency.

II. Paragraph I shall only apply to a seizure by a state or local law enforcement agency pursuant to its own authority under state law and without involvement of the federal government in the seizure. Nothing in paragraph I shall be construed to limit state and local law enforcement agencies from participating in a joint task force with the federal government.

III. The state or local law enforcement agency shall not accept payment of any kind or distribution of forfeiture proceeds from the federal government if the state or local law enforcement agency violates paragraph I. All proceeds received shall be transferred and deposited to the state's general fund.

2 Effective Date. Part VIII of this act shall take effect January 1, 2022.

2021-1431h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Appointment of counsel for a minor in a juvenile delinquency proceeding.

II. Alternative dispute resolution.

III. Allowing judicial referees to issue orders in non-contested probate matters.

IV. Permitting a supreme court justice to sit as a circuit court judge.

V. Payment of costs for services other than counsel for indigent parties.

VI. Insurance company licenses.

VII. The New Hampshire National Guard enlistment incentive program.

VIII. Limiting the conditions under which seized property may be transferred to a federal agency.

Amendment to SB 146-FN

(2021-1573h)

Proposed by the Committee on Resources, Recreation and Development – c

Amend the bill by replacing section 1, Sponsorship, with the following:

1 Sponsorship. This act consists of the following proposed legislation:

Part I. LSR 21-0255, establishing the coastal program administered by the department of environmental services, sponsored by Sen. Watters, Prime/Dist 4; Sen. Gannon, Dist 23; Sen. Gray, Dist. 6; Sen. Sherman, Dist 24; Sen. Perkins Kwoka, Dist 21; Rep. Edgar, Rock 21; Rep. Spang, Straf 6.

Part II. Extending the deadline for the PFAS firefighting foam take-back program.

Part III. LSR 21-0926, relative to the prevention of zoonotic disease transmission, sponsored by Sen. Watters, Prime/Dist 4; Sen. Sherman, Dist 24; Sen. Bradley, Dist 3; and Rep. Bixby, Straf 17.

Part IV. LSR 21-0927, relative to tidal waters, sponsored by Sen. Watters, Prime/Dist 4; Sen. Sherman, Dist 24; Sen. Perkins Kwoka, Dist 21; Rep. Cushing, Rock 21; and Rep. Simpson, Rock 36.

Part V. LSR 21-0823, establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup, sponsored by Sen. Watters, Prime/Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Sherman, Dist 24; and Rep. Spang, Straf 6.

Part VI. LSR 21-1062, relative to public use of coastal shorelands, sponsored by Sen. Sherman, Prime/Dist 24; Sen. Soucy, Dist 18; Rep. Murray, Rock 24; and Rep. Cushing, Rock 21.

Part VII. HB 235, addressing impacts to other water users from new sources of water for community water systems, sponsored by Rep. M. Pearson, Rock 34; Rep. Guthrie, Rock 13; Rep. Green, Rock 13; Rep. Welch, Rock 13; Rep. Hobson, Rock 35; Rep. Weyler, Rock 13; Rep. Salloway, Straf 5; and Sen. Birdsell, Dist 19
Amend the bill by replacing Part II with the following:

PART II

Extending the deadline for the PFAS firefighting foam take-back program.

1 Extending the Deadline for PFAS Firefighting Foam Take-Back Program. Amend RSA 154:8-b, VIII to read as follows:

VIII. The department shall survey municipalities throughout the state on the quantitative stock of legacy foams and determine the cost of instituting a take-back program for the purpose of safe and contained disposal. The development and processing of the survey shall be subject to rules adopted by the commissioner of the department of environmental services pursuant to RSA 541-A. On or before December 1, 2020, the department shall submit a report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library. Beginning on July 1, ~~[2021]~~ **2023**, the department shall institute a take-back program of legacy foams for the purpose of safe and contained disposal.

2 Effective Date. Part II of this act shall take effect upon its passage.

Amend Part III of the bill by replacing section 2 with the following:

2 New Section; Prohibited Import of Animals and Fish; Risk of Zoonotic Disease Transmission. Amend RSA 207 by inserting after section 14-a the following new section:

207:14-b Prohibited Import of Animals and Fish; Risk of Zoonotic Disease Transmission. The fish and game department shall monitor available information on animals and fish, not currently restricted under state and federal wildlife trafficking laws, that if transported into the state, will risk zoonotic disease transmission. The department may consult as needed with the department of health and human services, the state veterinarian, and scientific and educational institutions. The department shall make recommendation to the legislature on any legislation or rules needed for import or other restrictions on identified species, and to the governor if an executive order is deemed necessary.

Amend the bill by replacing Part V with the following:

PART V

Establishing a surcharge on certain saltwater licenses and
establishing a fund for derelict fishing gear and coastal cleanup.

1 New Subparagraph; Application of Receipts; Derelict Fishing Gear and Coastal Cleanup Fund Established. Amend RSA 6:12, I(b) by inserting after subparagraph (364) the following new subparagraph:

(365) Moneys deposited into the derelict fishing gear and coastal cleanup fund established in RSA 211:77.

2 New Paragraph; Litter Control Law; Penalties. Amend RSA 163-B:4 by inserting after paragraph I the following new paragraph:

I-a. Any fines collected under this section for littering in coastal waters or beaches and for abandoning fishing gear shall be credited to the derelict fishing gear and coastal cleanup fund established in RSA 211:77.

3 New Paragraph; Lobsters and Crabs; Surcharge Added. Amend RSA 211:18 by inserting after paragraph III-b the following new paragraph:

III-c. The executive director shall establish a surcharge on each class of license issued under paragraph III-a of not more than \$25 nor less than \$10 to be deposited in the derelict fishing gear and coastal cleanup fund, established in RSA 211:77, and shall adopt rules for implementing and collecting the surcharge. Any person who satisfactorily demonstrates to the executive director that he or she is participating in a coastal

cleanup program shall not be required to pay the surcharge. The executive director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in a coastal cleanup program and to account for licensees who are exempt from the surcharge each year.

4 Nonresident Commercial Salt Water License; Surcharge Added. Amend RSA 211:49-a, II to read as follows:

II. The fee for an annual license shall be set by the executive director pursuant to RSA 206:10, I. The license shall be for the operator of the boat, vessel, flotation device, or gear, and helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops by diving. ***The executive director shall establish a surcharge on each license issued under this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing gear and coastal cleanup fund established in RSA 211:77, and shall adopt rules for implementing and collecting the surcharge. Any person who satisfactorily demonstrates to the executive director that he or she is participating in a coastal cleanup program, or the sea urchin or scallop fishery, shall not be required to pay the surcharge. The executive director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in a coastal cleanup program and to account for licensees who are exempt from the surcharge each year.***

5 Resident Commercial Salt Water License; Surcharge Added. Amend RSA 211:49-b, II to read as follows:

II. The fee for such annual license shall be set by the executive director pursuant to RSA 206:10, I. The license shall be for the operator of the boat, vessel, flotation device, or gear, and helpers; provided, however, that helpers shall not be allowed for the taking of sea urchins or scallops by diving. ***The executive director shall establish a surcharge on each license issued under this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing gear and coastal cleanup fund established in RSA 211:77, and shall adopt rules for implementing and collecting the surcharge. Any person who satisfactorily demonstrates to the executive director that he or she is participating in a coastal cleanup program, or the sea urchin or scallop fishery, shall not be required to pay the surcharge. The executive director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in a coastal cleanup program and to account for licensees who are exempt from the surcharge each year.***

6 Aquaculture; Surcharge Added. Amend RSA 211:62-e, II-b to read as follows:

II-b. The executive director shall adopt rules, pursuant to RSA 541-A, for the issuance of 5-year licenses under this section to oyster aquaculture operations in the Great Bay estuary, and the fees, terms, and conditions therefor as authorized under paragraph II-a. ***The executive director shall establish a surcharge on each license issued under this section of not more than \$25 nor less than \$10 to be deposited in the derelict fishing gear and coastal cleanup fund established in RSA 211:77, and shall adopt rules for implementing and collecting the surcharge. Any person who satisfactorily demonstrates to the executive director that he or she is participating in a coastal cleanup program shall not be required to pay the surcharge. The executive director shall adopt rules pursuant to RSA 541-A to determine satisfactory participation in a coastal cleanup program and to account for licensees who are exempt from the surcharge each year.***

7 New Subdivision; Derelict Fishing Gear and Coastal Cleanup Fund. Amend RSA 211 by inserting after section 76 the following new subdivision:

Derelict Fishing Gear and Coastal Cleanup Fund

211:77 Derelict Fishing Gear and Coastal Cleanup Fund Established. There is hereby established a separate fund to be known as the derelict fishing gear and coastal cleanup fund. The fund shall be administered by the executive director and shall be nonlapsing and continually appropriated to the executive director for the purposes of this section. The executive director shall credit to this fund all federal moneys, state funds appropriated, fines or settlements for derelict fishing gear or other items, and fines for littering in coastal waters or beaches collected under RSA 163-B:4. The executive director may accept and expend all funds, including any gifts, grants, or donations made to the fund. The moneys in the fund shall be used to establish and support new and existing programs to retrieve and dispose of derelict fishing gear, to conduct periodic coastal cleanup programs for the removal of derelict fishing gear and marine trash, and to support recycling efforts for fishing gear and other marine trash. In this section, "derelict fishing gear" means lost, discarded, or abandoned fishing gear.

8 Effective Date.

I. Sections 3-6 of part V of this act shall take effect January 1, 2022.

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

Amend the bill by inserting after Part VI the following:

PART VII

Addressing impacts to other water users from new sources of water for community water systems.

1 New Section; Small Groundwater Withdrawals. Amend RSA 485-C by inserting after section 25 the following new section:

485-C:26 Groundwater Withdrawals Less than 57,600 Gallons Over Any 24-Hour Period for Community Water Systems. The department shall adopt rules pursuant to RSA 541-A specifying criteria and procedures

to ensure a groundwater withdrawal less than 57,600 gallons over any 24-hour period from a new source of water for a community water system as defined by RSA 485:1-a and subject to RSA 485:8 does not cause an unmitigated impact to an existing private water supply well in accordance with RSA 485-C:21, V-c(a) or RSA 485-C:21, V-c(c).

2 Effective Date. Part VII of this act shall take effect 60 days after its passage.

2021-1573h

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. Establishing the coastal program administered by the department of environmental services.
- II. Establishing a statewide solid waste disposal reduction goal.
- III. The prevention of zoonotic disease transmission.
- IV. Tidal waters.
- V. Establishing a surcharge on certain saltwater licenses and establishing a fund for derelict fishing gear and coastal cleanup.
- VI. Public use of coastal shorelands.
- VII. Addressing impacts to other water users from new sources of water for community water systems.

Amendment to SB 147-FN

(2021-1635h)

Proposed by the Majority of the Committee on Education – r

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I. LSR 21-0933, relative to filing an application for federal student aid, sponsored by Sen.Kahn, Prime/Dist. 10; Sen. Prentiss, Dist. 5.

Part II. LSR 21-0951, relative to a central registry in the department of education to maintain records of founded reports of abuse and neglect, sponsored by Sen.Ward, Prime/Dist. 8.

Part III. LSR 21-1019, relative to the transportation of pupils in a contract carrier, sponsored by Sen. Kahn, Prime/Dist.10; Sen.Watters, Dist. 4; Sen. Prentiss, Dist. 5.

Part IV. Relative to additional state aid for special education for certain communities of 1,000 or fewer residents and relative to special education risk management association.

2 Legislation Enacted. The general court hereby enacts the following legislation:

PART I

Relative to filing an application for federal student aid.

1 New Subparagraph; Delivery of an Adequate Education. Amend RSA 193-E:3, I by inserting after subparagraph (n) the following new subparagraph:

(o) The number and percentage of graduating high school students provided in-person school assistance in completing a free application for federal student aid (FAFSA) form.

2 Effective Date. Part I of this act shall take effect upon its passage.

PART II

Relative to a central registry in the department of education to maintain records of founded reports of abuse and neglect.

1 Department of Education; Rulemaking. Amend RSA 21-N:9, II(s) to read as follows:

(s) License standards for educational personnel, to include the establishment and implementation of a secure system for conducting criminal background checks pursuant to RSA 189:13-a for all first-time applicants listed in this section, the establishment and implementation of a secure system for accessing findings of abuse for individuals on the central registry pursuant to RSA 169-C:35, and educator certification fees for granting licenses to educational personnel, including teachers, paraprofessionals, superintendents, assistant superintendents, special education administrators, business administrators, principals, vocational directors, coordinators of comprehensive health education and services, directors of pupil personnel services, guidance directors, guidance counselors, school psychologists, associate school psychologists, speech-language specialists, social workers, health educators, physical education teachers, consumer and family science teachers, elementary teachers, specialists in assessment of intellectual functioning, school bus drivers and transportation monitors, media supervisors, media generalists, and master teachers as authorized by RSA 186:8 and RSA 186:11, X, professional licenses including beginning educator licenses, experienced educator licenses, and intern authorizations, and other classifications of educators, administrators, specialists, and paraprofessionals necessary to address educational needs as determined by the state board upon the recommendation of the professional standards board pursuant to RSA 186:60.

2 Reporting; Central Registry. Amend RSA 169-C:35, I to read as follows:

I. There shall be established a state registry for the purpose of maintaining a record of founded reports of abuse and neglect. The registry shall be confidential and subject to rules on access established by the com-

missioner of the department under RSA 541-A. The commissioner of the department shall allow the credentialing bureau of the department of education access to the records of applicants for purposes of RSA 21-N:9, II(s) and in accordance with RSA 189:13-c.

3 New Paragraphs; Central Registry. Amend RSA 169-C:35 by inserting after paragraph VII the following new paragraphs:

VIII. Upon receipt of a written request from the department of education, credentialing bureau, the department shall provide the department of education with a copy of the notice of finding or court order establishing the finding and resulting individual's name being placed on the central registry.

IX. The department of education shall maintain the confidentiality of all division for children, youth, and families records.

4 New Section; Teacher Credentialing Criminal History Records Check. Amend RSA 189 by inserting after section 13-b the following new section:

189:13-c Credentialing Applicant State Registry Check.

I. In this subdivision, "credentialing applicant" means a first-time applicant for a New Hampshire teaching credential.

II. The department shall complete a central registry check as established in RSA 169-C:35 on each credentialing applicant. The central registry check shall include a check of the department's central registry of founded reports of child abuse under RSA 169-C:35.

III. By submitting an application for a teaching credential, an applicant is deemed to have consented to have the department of education check his or her name for findings of abuse on the central registry pursuant to RSA 169-C:35.

IV. Any individual whose name has been submitted for this check who has been the subject of finding of abuse, shall be denied a teaching credential by the department.

V. The department shall adopt rules, pursuant to RSA 541-A, governing the rights of a credentialing applicant and the ability to appeal a denial of a teaching credential pursuant to a founded report of child abuse under RSA 169-C:35.

5 Effective Date. Part II of this act shall take effect January 1, 2022.

PART III

Relative to the transportation of pupils in a contract carrier.

1 New Section; Pupils Transported in a Contract Carrier. Amend RSA 189 by inserting after section 6-d the following new section:

189:6-e Pupils Transported in a Contract Carrier.

I. A school district may contract with a contract carrier of passengers, as defined by RSA 376:2, VII, that is designed to transport 16 or more passengers including the operator, to transport pupils to or from school activities. The motor vehicle used by the contract carrier of passengers shall bear a valid state inspection sticker, comply with applicable provisions of RSA 376, and be operated by a driver who holds a valid commercial driver's license.

II. In this section, "school activities" shall include, but is not limited to, sporting events, intramural events, events associated with student clubs or organizations, job training programs, field trips, special education transition services that require travel of at least 150 miles round trip. "School activities" shall not include transportation between home and school.

2 Effective Date. Part III of this act shall take effect upon its passage.

PART IV

Relative to additional state aid for special education for certain communities of 1,000 or fewer residents and special education risk management association.

1 Special Education; State Aid. Amend RSA 186-C:18, III(a) to read as follows:

III.(a) The state board of education through the commissioner, department of education, shall distribute aid available under this paragraph as entitlement to such school districts as have a special education pupil for whose costs they are responsible, for whom the costs of special education in the fiscal year exceed 3 1/2 times the estimated state average expenditure per pupil for the school year preceding the year of distribution. If in any year, the amount appropriated for distribution as special education aid in accordance with this section is insufficient therefor, the appropriation shall be prorated proportionally based on entitlement among the districts entitled to a grant. If there are unexpended funds appropriated under this paragraph at the end of any fiscal year, such funds shall be distributed for court-ordered placements under RSA 186-C:19-b. The state may designate up to \$250,000 of the funds which are appropriated as required by this paragraph, for each fiscal year, to assist those school districts which, under guidelines established by rules of the state board of education, may qualify for emergency assistance [for] **to mitigate the impact of** special education costs. **The state may designate up to an additional \$250,000 of the funds which are appropriated under this paragraph for each fiscal year for any community of 1,000 or fewer residents to mitigate the impact of special education costs when emergency assistance is necessary to prevent significant**

financial harm to such district or community. Upon application to the commissioner of education, and approval by the commissioner, such funds may be accepted and expended by school districts in accordance with this chapter; provided, however, that if a school district has received emergency assistance funds for certain children with disabilities, it shall not receive special education aid for those same children with disabilities. If any of the funds designated for emergency assistance under this paragraph are not used for such emergency assistance purposes, the funds shall be used to assist school districts in meeting special education cost increases in their special education programs as provided by this paragraph.

2 Findings. The general court finds that:

I. Under federal and state law, local school districts are required to provide all children with a free appropriate public education (FAPE).

II. The average per student special education cost in 2020 was \$74,000.

III. Special education costs are increasing each school year.

IV. Only 15 percent of the funds necessary to pay for mandated special education services are provided by the federal government.

V. Only 20 percent of the funds necessary to pay for mandated special education services are provided by the state of New Hampshire.

VI. The remaining 65 percent of the funds necessary to pay for mandated special education services are borne by local school district taxpayers.

VII. Local school district budgets must be finalized prior to the start of the next school year and before the number of special education students and associated services are known.

VIII. Consequently, last minute student transfers into the district as well as unforeseen special education services for those students can far exceed the budgets for these services.

IX. Districts with smaller tax bases struggle to meet these unexpected special education costs.

X. To compensate for lack of funds, districts may compromise the quality and quantity of the services provided to our children. Consequently, our children do not get the services they need to enable them to grow to their fullest potential.

XI. To compensate for lack of funds, districts often move money from programming in one area to provide mandated funding in the areas of special education.

XII. To ensure that all our children receive and enjoy their basic right to a public education, it is a valid public purpose that the general court may promote mechanisms that provide special education funding stability to local school districts.

XIII. Recognizing the risk, some districts in the state purposely create non-lapsing special education capital reserve accounts as “rainy-day” funds.

3 Purpose. The purpose of this act is to:

I. Provide the legal mechanisms necessary to create and maintain a special education cost recovery pool.

II. Permit local school districts to voluntarily join a risk pool of the type outlined in RSA 5-B which may self-insure or include an insurance agreement to be offered within the pool to members.

III. Minimize the state regulatory oversight of the pool.

IV. Provide legal protections to the local school districts that enter into pool agreements.

V. Provide local school districts with information necessary to:

(a) Understand the extent of special education aid coverage available to them.

(b) Understand the methods used to determine policy premiums.

(c) Compare past special education costs borne by the district with the cost of pool coverage.

(d) Make informed decisions prior to each year’s school district budget formation.

(e) Promote the general welfare by providing districts with options to cover unanticipated special education costs.

(f) Recognize the need to protect student privacy by maintaining control over student data by the department of education.

4 New Subparagraph; Pooled Risk Management. Amend RSA 5-B:3 by inserting after subparagraph (g) the following new subparagraph:

(h) Unanticipated special education cost recovery.

5 New Chapter; Pooled Risk Management for Unanticipated Special Education Cost Recovery. Amend RSA by inserting after chapter 186-C the following new chapter:

CHAPTER 186-D

SPECIAL EDUCATION RISK MANAGEMENT ASSOCIATION

186-D:1 Definitions. In this chapter:

I. “Cost predictor spreadsheet tool” means an actuary-designed tool that can be used to predict future school district special education obligations based on past claims analysis.

II. “Risk pool” means a non-lapsing reserve account held by the state treasurer from which all cost recovery funding is derived. The account held by the treasurer may be funded by member school district assessments, insurance proceeds, interest, or other sources.

III. "RSA 5-B special education cost recovery association" means a voluntary group of at least 5 school districts that form an association under the RSA 5-B risk pool provision specifically to deal with special education cost recovery.

IV. "RSA 5-B special education cost recovery association governing board" means a group of at least 5 superintendents elected from the association members.

V. "Unanticipated special education cost recovery" means the program providing school districts with expanded pathways to recover those costs that are directly associated with special education provided to students assigned to the school district and payable under RSA 186-C:18 that occur after school budgets are fixed.

186-D:2 Risk Management Association. No fewer than 5 school districts, by resolution of their governing bodies, may form an RSA 5-B special education cost recovery association under the laws of this state to develop and administer a risk management program for the purpose of recovering unanticipated costs of special education. The members of the association may agree to pool self-insurance reserves, risks, claims, losses, and the expenses of administrative services associated with them. Each district shall be represented by its superintendent, or designee. The members of the association shall elect a governing board from among the members. The RSA 5-B special education cost recovery association governing board shall consist of no fewer than 5 member superintendents, or designees, with diversity in terms of district size and geographic region represented. Each board member shall serve one 3-year term and may only serve one term in each 9 year period. The chairperson of the governing board shall be chosen by the board. Minutes of each meeting shall be kept and made available to the public. There shall be one 2-week period annually, to be decided by the governing board, when new districts shall be allowed to join the association.

186-D:3 Duties of the Department of Education. The department shall:

I. Provide all school districts with materials to facilitate the formation of an association under RSA 186-D:2.

II. Update the department website to include the name of each special education cost recovery association with contact information, current membership, a description of the risk pool association, and the advantages and disadvantages of the program.

III. Gather current student data regarding claims and costs which shall be redacted to exclude, to the greatest extent possible, personal student information for all requests for proposals.

IV. Arrange one or more educational opportunities for interested school districts. Topics shall include but not be limited to: risk pools, risk calculators, premium predictors, required information for actuarial calculations, the effects of claims on future premiums, and the advantages and disadvantages of using insurance products to achieve the goals of the association.

V. Annually assist the risk pool governing board by calculating the unreimbursed special education amounts to be paid to the risk pool member districts from the risk pool funds held by the state treasurer.

186-D:4 Requests for Proposals.

I. The department of education shall be the sole drafter of requests for proposals in order to protect all student privacy provisions. Proposals shall be submitted no later than June 30 and shall require a contract duration of not less than 3 years. The proposals shall be for the purpose of soliciting bids with actuarial firms specifying:

(a) Annual cost, based on actuarial calculations, of self-funding a reimbursement pool including individual cost structure for each school district's unreimbursed costs directly associated with special education provided to students assigned to the school district and payable under RSA 186-C:18.

(b) The bids may also indicate recommendations for options that exist for using insurance products, including re-insurance, to achieve the same result as the self-insurance risk pool along with the advantages and disadvantages of each. The commissioner of the department of education may grant bidders access to data, including claims history, to the extent necessary to achieve accuracy of the annual cost. All data shall be protected under signed confidentiality agreements and shall be devoid of sensitive personal student information to the extent possible. The department of education shall impose a one month deadline after issuance of the request for proposals to receive bids. Any bids received by the department after the deadline shall be returned to the sender unopened and shall not be considered for acceptance. The department shall specify the minimum threshold for bid acceptance. Acceptance criteria shall include, but not be limited to, weighted factors such as insurance coverage, financial stability of the proposing insurance carrier, bond rating of the company, and insurance maintenance costs in any not included in the premiums. The bids that meet the minimum threshold shall then be ranked by the department based on the bid premium costs for each level of insurance coverage specified in the request for proposals.

II. The governing board of the association shall select the most qualified proposal. The board shall decide whether to self-fund or provide insurance products, or both, to the members and shall notify the department of education which shall then notify the selected bidder.

III. If the decision is to purchase an insurance product each member district shall be notified and shall be responsible for its share of the premium. Should the insurance agreement require a vote at town meeting,

a majority vote of those present and voting shall be required to approve the agreement. The association shall be responsible for informing each member school district of the process and timing of the billing, the handling of late premiums, the lapsing of premiums, and the adjudication process in case of disputes.

IV. If the decision is to self-fund, the association board shall provide each member with an outline indicating, at minimum, the cost for the district and the risk pool reimbursement period, which shall be not more than 3 months after the state has reimbursed each school district in the association for the final portion of special education state aid under RSA 186-C:18. Any eligible special education expenses incurred by a member school district that were not reimbursed by the state and were not reimbursed by a purchased insurance product through the association shall be reimbursed by the risk pool to the full extent permitted by the risk pool governing agreement.

V. The selected bidder shall create or update a cost predictor spreadsheet tool so all the school districts may develop budgets and test various situations to arrive a reasonable special education expense prediction. Specific situations built into the spreadsheet shall include, but not be limited to, full or limited state funding and changes in student population or cost trends. The spreadsheet shall be able to determine rates and district contributions for membership in the risk pool with additional data updates possible to maintain accuracy. The department of education may limit the usage or sharing of the spreadsheet if they solely determine that student privacy may be compromised. The spreadsheet tool and each subsequent revision shall be the sole property of the department of education.

VI. All costs associated with the establishment of the risk pool including filing fees, requests for proposals, education and training for prospective members of the association, and the actuarial services and cost predictor spreadsheet tool shall be the responsibility of the department of education for the first 5 years after the effective date of this chapter.

VII. All costs associated with the administration of the risk pool after the filing fees are paid and all costs after the initial 5 year period shall be the responsibility of the association governing board. The governing board may pay those costs from the risk pool fund and shall adjust member district yearly charges to reflect the administration costs by separate line item.

VIII. Risk pool funds shall be held in a non-lapsing account by the state treasurer. The governing body may withdraw the funds only by written request with signed board approval. The fund withdrawals shall be kept to a minimum number each year. Funds shall only be removed for payment of unreimbursed costs of all member districts and for administrative costs.

IX. The risk pool may be terminated by a resolution of the association governing board and notification to the secretary of state, the department of education, and the state treasurer. All funds shall be distributed to the districts after a professional audit to determine the rightful share. Disputes may be directed to the attorney general.

6 Effective Date. Part IV of this act shall take effect 60 days after its passage.

2021-1635h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Applications for federal student aid.

II. The central registry in the department of education maintaining records of founded reports of abuse and neglect.

III. The transportation of pupils in a contract carrier.

IV. Mitigation of special education costs and a special education risk management association.

Amendment to SB 147-FN

(2021-1588h)

Proposed by the Minority of the Committee on Education – r

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

AN ACT adopting omnibus legislation relative to student aid, the central registry, and transportation of students.

Amend section 1, sponsorship, by deleting Part IV.

Amend the bill by deleting PART IV.

2021-1588h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Applications for federal student aid.

II. The central registry.

III. The transportation of pupils.

**Amendment to SB 148-FN
(2021-1637h)**

Proposed by the Majority of the Committee on Education – r

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

AN ACT adopting omnibus legislation relative to vocational and career education, environmental education, and emergency plans for cocurricular related injuries and emergencies.

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

1 Sponsorship. This act consists of the following proposed legislation:

Part I: LSR 21-0956, repealing provisions relating to vocational rehabilitation and authorizing the state board of education to adopt rules relative to the provision of vocational rehabilitation, sponsored by Sen. Ward, Prime/Dist. 8.

Part II: LSR 21-0270, relative to career and technical education, sponsored by Sen. Watters, Prime/Dist. 4; Sen. Carson, Dist. 14; Sen. Rosenwald, Dist. 13; Sen. Whitley, Dist. 15; Sen. Sherman, Dist. 24; Sen. D'Allesandro, Dist. 20; Sen. Prentiss, Dist. 5; Sen. Hennessey, Dist. 1; Rep. Ladd, Graf. 4; Rep. Moffett, Merr. 9.

Part III: Relative to emergency plans for cocurricular related injuries and emergencies.

Part IV: LSR 021-0987, relative to the definition of private postsecondary career school, sponsored by Sen. Ward, Prime/Dist. 8.

Part V: Relative to environmental science and outdoor recreation as criteria for an adequate education.

2 Legislation Enacted. The general court hereby enacts the following legislation:

PART I

Repealing provisions relating to vocational rehabilitation and authorizing the state board of education to adopt rules relative to the provision of vocational rehabilitation.

1 Repeal. The following are repealed:

I. RSA 200-C:7, relative to telecommunications equipment.

II. RSA 200-C:9, relative to definitions.

III. RSA 200-C:10, relative to the establishment and amount of subsidies.

IV. RSA 200-C:11, relative to eligibility standards.

V. RSA 200-C:12, relative to appeals.

VI. RSA 200-C:13, relative to insufficient funds.

VII. RSA 200-C:15, relative to rulemaking.

VIII. RSA 200-C:19, III, relative to administering the telecommunications equipment program.

2 Worker's Personal Care Assistance Program; Rulemaking Authority. Amend RSA 200-C:8 to read as follows:

200-C:8 Rulemaking Authority.

The board of education shall adopt rules, under RSA 541-A, relative to[–

~~I. Procedures for disbursement of moneys from the program established under RSA 200-C:7.–~~

~~II. Eligibility criteria for equipment under the program, including priority criteria assigned to persons seeking equipment under the program.–~~

~~III. Procedures for the purchase, maintenance and repair of special telecommunications equipment]~~ **the provision of vocational rehabilitation services.**

3 Vocational Rehabilitation Programs; Rulemaking Authority. Amend RSA 200-C:8 to read as follows:

200-C:8 Rulemaking Authority. The board of education shall adopt rules, under RSA 541-A, relative to:

~~I. [Procedures for disbursement of moneys from the program established under RSA 200-C:7.–~~

~~H.] Eligibility criteria for equipment under the program, including priority criteria assigned to persons seeking equipment under the program.~~

~~[HH.] II. Procedures for the purchase, maintenance and repair of special telecommunications equipment.~~

4 Effective Date. Part I of this act shall take effect 60 days after its passage.

PART II

Relative to career and technical education.

1 Regional Career and Technical Education; Definitions; Sending District. Amend RSA 188-E:2, VIII(b) to read as follows:

(b) If a student attends a chartered public school, **private school, or is home schooled**, the sending district shall be the school district in which the student resides.

2 Construction or Renovation of Career and Technical Education Centers. Amend RSA 188-E:3, I to read as follows:

I. The commissioner, department of education, shall make grants available to designated regional centers for construction of career and technical education facilities or renovation, **expansion, or replacement** of existing regional career and technical education centers. The state board shall adopt rules, pursuant to RSA 541-A and RSA 21-N:9, II, which the commissioner shall carry out, relative to requirements for approval of

regional career and technical education centers to receive funds for construction [or], renovation, **expansion, or replacement** of such facilities. The rules shall include criteria which guarantee potential sending districts an opportunity to enroll students in the regional career and technical education program, and basic criteria for planning such facilities through cooperative development of plans by the career and technical education staff of the state department of education and the local school district's staff. When such plans appear to be both educationally and financially acceptable, the department's career and technical education staff shall recommend to the commissioner that they be approved for funding.

3 Regional Career and Technical Education; Program. Amend RSA 188-E:5, II to read as follows:

II. Career and technical education of consistent quality shall be equally available to students and across the state. Each career and technical education program pathway shall include embedded rigorous academic skills and technical core competencies aligned with national business and industry standards delivered through a relevant sequence of courses. ***New Hampshire students are encouraged to access career and technical education to learn and apply technical, academic, and employability skills needed for career and life.***

4 Career and Technical Education; Transportation. Amend RSA 188-E:8 to read as follows:

188-E:8 Transportation. The department of education is authorized to reimburse from its regular budget the **full** cost of transportation, **subject to availability of funding** for (a) regional career and technical education students who attend regional career and technical education centers and for (b) at-risk students who attend alternative education programs located at a regional career and technical education center or other comprehensive high school. Transportation costs shall not exceed the rate adopted pursuant to RSA 541-A by the state board. The [sending] **student's resident** district shall be responsible for **providing transportation and** paying the transportation costs and shall **then** be reimbursed from state funds. ***If a student is permitted to self-transport, the student's resident district shall reimburse the student in accordance with rules adopted pursuant to RSA 541-A. The department of education shall then reimburse the district from its regular budget.***

5 Payment of Tuition and Transportation Funds. Amend RSA 188-E:9, I to read as follows:

I. The state shall pay the receiving district for its portion of the tuition charge upon receipt by the department of education of forms showing the charges as requested by them. Payment of transportation shall be made to the [sending] **resident** district by the department of education upon certification of payment or liability of payment of transportation charges on forms prescribed by the department. School districts shall report actual tuition and transportation costs for reimbursement by the state to the department by September 30 of each year. Failure to file such information on the forms required under this paragraph shall result in withholding of funds.

6 Career and Technical Education; Funding for Construction, Renovation, Expansion, and Replacement. Amend RSA 188-E:10, I to read as follows:

I. The department of education is responsible for maintaining a statewide system of regional [vocational] **career and technical** education centers to provide and allow for a variety of career and technical education programs funded within state budget appropriations. The treasurer of the state of New Hampshire is hereby authorized to make funds available to the department of education for the **construction, renovation [and], expansion, or replacement** of qualified regional career and technical education centers or regional career and technical education programs authorized in the capital budget, provided that:

(a) The commissioner of the department of education shall ensure that all requests submitted are both educationally and financially appropriate within the state capital project authorization process;

(b) The commissioner of the department of education submits on a biennial basis in a capital budget request a priority list of facilities and programs eligible for **construction, renovation [and], expansion, or replacement** provided that priority shall be given to programs that have been certified by an approved standard or that need additional funds to become certified by an approved standard;

(c) Each request for funding follows the capital budget procedure pursuant to RSA 9:3-a, provided that no qualified project funded in a state capital budget as required in this section shall have additional funds for the same project included in a subsequent proposal for capital appropriation under RSA 9:3-a unless directed by the priority list of the department of education;

(d) Each school district requesting funds from the department of education establishes and funds a **construction, renovation [and], expansion, and replacement** reserve fund, which shall be used by the school district to pay **construction, renovation [and], expansion, and replacement** costs not funded by the state, and which may include funding for the replacement of equipment; and

(e) The state shall fund not less than 50 percent nor more than 75 percent of the cost of a qualified project approved pursuant to this section.

(f) In this section, "qualified" means the project:

- (1) Demonstrates need connected to the labor market.
- (2) Accepts students from sending schools.

(3) Demonstrates adequate numbers of students through enrollment figures based on 3-year averages.

(4) Demonstrates alignment with program competencies and academic competencies required by the department of education.

(5) Allows for matriculation into a postsecondary venue.

(6) Meets all industry and building standards.

(7) Meets the procedural requirements for requests under this section and any other requirements in rules of the department of education.

(8) Is a regional career and technical education center within a public school, or a public academy as defined in RSA 194:23, II, in the state of New Hampshire.

(9) Has the capacity to provide academic courses for students from the sending districts who are approved for full-time attendance at the center.

7 New Subparagraph; Advisory Council on Career and Technical Education. Amend RSA 188-E:10-b, I by inserting after subparagraph (h) the following new subparagraph:

(i) A high school counselor from a sending school district, appointed by the president of the New Hampshire School Counselor Association.

8 Advisory Council on Career and Technical Education. Amend RSA 188-E:10-b, III to read as follows:

III. Members of the advisory council appointed under subparagraphs I(f)-~~(h)~~**(i)** shall serve for terms of 3 years and may be reappointed, except that terms of initial appointments by the commissioner under subparagraphs (f) and (h) shall be staggered.

9 New Paragraph; Career and Technical Education; Rulemaking. Amend RSA 188-E:10-b by inserting after paragraph VI the following new paragraph:

VII. By June 30, 2021, upon recommendation of the council, the department shall adopt rules, pursuant to RSA 541-A, establishing requirements for a career readiness credential.

10 Secondary Career and Technical Education Programs; Federal Authorization. Amend RSA 188-E:12 to read as follows:

188-E:12 Secondary Career and Technical Education Programs; Federal Authorization. In accordance with 20 U.S.C. section 9271, the state shall include in its unified plan, all secondary career and technical education programs authorized under 20 U.S.C. 2301 et seq., known as the Carl D. Perkins Career and Technical Education Act of 2006 **as amended**.

11 Pre-Engineering and Technology Curriculum and Pre-Engineering and Technology Advisory Council; Membership and Terms. Amend RSA 188-E:16, I(d) to read as follows:

(d) The ~~president~~ **chancellor of the community college system** of ~~the~~ New Hampshire ~~technical institute~~, or designee.

12 Advanced Manufacturing Education Advisory Council; Membership and Terms. Amend RSA 188-E:22, I(e) to read as follows:

(e) The ~~president~~ **chancellor of the community college system** of ~~the~~ New Hampshire ~~technical institute~~, or designee.

13 Dual and Concurrent Enrollment Program; Program Established. Amend RSA 188-E:26 to read as follows:

188-E:26 Program Established. There is established a dual and concurrent enrollment program in the department of education. Participation in the program shall be offered to high school and career technical education center students in grades 10 through 12. The program shall provide opportunities for qualified New Hampshire high school students to gain access and support for dual and concurrent enrollment in **career and technical education courses**, STEM (science, technology, engineering, and mathematics) and STEM-related courses that are fundamental **and necessary** for success in postsecondary education, **career path opportunities**, and to meet New Hampshire's emerging workforce needs.

14 Dual and Concurrent Enrollment Program; School Board Policy. Amend RSA 188-E:28, I to read as follows:

I. ~~[No later than July 1, 2018,]~~ The school board of each school district shall develop and adopt a policy permitting students residing in the district who are in grade **10**, 11 or 12 to participate in the dual and concurrent enrollment program. The policy shall, at a minimum, include compliance with measurable educational standards and criteria approved by the CCSNH and that meet the same standard of quality and rigor as courses offered on campus by the CCSNH. The policy shall also comply with the standards for accreditation and program development established by the National Alliance for Concurrent Enrollment Partnerships. The policy shall include, but not be limited to, student eligibility criteria, standards for course content, standards for faculty approval, program coordination and communication requirements, tuition and fees, textbooks and materials, course grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and process for renewal of the agreement.

15 Department of Education; Community College System of New Hampshire; Dual and Concurrent Enrollment Agreement. The department of education and the CCSNH shall develop and approve a model dual and concurrent enrollment agreement that shall be used by the CCSNH and the school board of a school district participating in the dual and concurrent enrollment agreement program. The model agreement shall include

standards established by the CCSNH, shall include elements, standards, and criteria that have been approved by the department of education and CCSNH, and shall serve as the framework for the development, implementation, and administration of the dual and concurrent enrollment program in each school district by clearly defining the procedures related to concurrent and dual enrollment of high school students in college classes. The department shall further develop guidelines for the program relating to reporting, accountability, and payment of available funds to the CCSNH.

16 New Paragraph; Delivery of an Adequate Education. Amend RSA 193-E:3 by inserting after paragraph VII the following new paragraph:

VIII. Beginning in September 2021, and each year thereafter, school districts shall, for entering high school freshman: assess student career interests; document school pathways to career readiness credentials; advise all entering high school students how to achieve a career ready credential upon graduation; and record on a student's transcript progress towards the credential. School districts shall report the following annually: the number of students who complete CTE; the number of dual enrollments, concurrent enrollments, extended learning opportunities, and work based learning enrollments; and the number of career ready credentials awarded.

17 Repeal Date Extended. Amend 2019, 247:3 to read as follows:

247:3 Repeal; [2022] **2026**. RSA 188-E:9-a, relative to donations to regional career and technical education center programs, is repealed.

18 Effective Date Change. Amend 2019, 247:4, I to read as follows:

I. Section 3 of this act shall take effect June 30, [2022] **2026**.

19 Effective Date. Part II of this act shall take effect 60 days after its passage.

PART III

Requiring emergency action plans for cocurricular related injuries and emergencies.

1 New Section; Health Services; Emergency Plans for Cocurricular Related Injuries and Emergencies. Amend RSA 200 by inserting after section 40-b the following new section:

200:40-c Emergency Plans for Cocurricular Related Injuries.

I. The local board of each school district or chartered public school or the governing body of each non-public school shall establish an emergency action plan for responding to cocurricular related injuries and emergencies. In this section "cocurricular" shall include those activities which are designed to supplement and enrich regular academic programs of study, provide opportunities for social development, and encourage participation in clubs, athletics, intramurals, performing groups, and service to school and community. Each school plan shall:

(a) Document the proper procedures to be followed when a student sustains an injury or emergency while participating in school sponsored cocurricular activity.

(b) Identify the employees, team coaches, and licensed athletic trainers in each school who are trained in first aid or cardiopulmonary resuscitation.

(c) Identify the employees, team coaches, or licensed athletic trainers responsible for attending to cocurricular injuries or emergencies connected with cocurricular activity.

(d) Identify the activity location, address, or venue for the purpose of directing emergency personnel.

(e) Identify the equipment and supplies and location thereof needed to respond to the emergency;

(f) Identify the location of any automated external defibrillators and personnel trained in the use of the automated external defibrillator.

(g) Document procedural policies regarding injuries sustained in cocurricular activities such as but not limited to: sprains and strains, muscle injury, ligament tear, heart-related illnesses, bone injury, exhaustion and fatigue, head trauma, and heat-related illnesses.

II. The plan shall be posted within each school and disseminated to, and coordinated with emergency medical services, fire department, and law enforcement. In addition, each school district shall adopt procedures for obtaining accurate disclosure of student-participant medical information and communicating relevant student-participant medical information to cocurricular employees, team coaches, or licensed athletic trainers responsible for carrying out the emergency action plan. Access, filing, and confidentiality of student-participant medical information shall be managed in accordance with the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA).

III. The plans shall be implemented by the beginning of the first full school year after the effective date of this section.

2 Effective Date. Part III of this act shall take effect September 1, 2022.

PART IV

Relative to the definition of private postsecondary career school.

1 New Subparagraph; Private Postsecondary Career Schools; Definitions. Amend RSA 188-G:1, II by inserting after subparagraph (l) the following new subparagraph:

(m) Entities that have annual gross tuition of \$100,000 or less.

2 Effective Date. Part IV of this act shall take effect 60 days after its passage.

PART V

Environmental Science Required for Adequate Education

1 Criteria for an Adequate Education. Amend RSA 193-E:2, III to read as follows:

III. Knowledge of the biological, physical, and earth sciences, ***including environmental sciences that investigate the complex interaction of physical, chemical, and biological processes that take place on the earth***, to enable them to understand and appreciate the world ***and the engineering, socio-economic, and geopolitical challenges*** around them.

2 Criteria for an Adequate Education; Science. Amend RSA 193-E:2, VI-VII to read as follows:

VI. Sound wellness and environmental practices, ***including outdoor recreation***, to enable them to enhance their own well-being, as well as that of others.

VII. Skills for lifelong learning, including interpersonal and technological skills, to enable them to learn, work, ***communicate***, and participate effectively in a changing society ***and environment***.

3 New Paragraph; Regional Career and Technical Education; Program. Amend RSA 188-E:5 by inserting after paragraph XI the following new paragraph:

XII. Since outdoor recreation education includes instruction in outdoor recreational activities and preparation for participation in the outdoor recreation industry, the director of career and technical education shall report to the advisory council on career and technical education by June 1, 2022 on the availability of programs in outdoor recreation and the potential for new programs to provide workforce training and appropriate credentialing in careers related to the outdoor recreation industry.

4 Effective Date. Part V of this act shall take effect 60 days after its passage.

2021-1637h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. Vocational rehabilitation.

II. Career and technical education.

III. Emergency plans for cocurricular related injuries and emergencies.

IV. Private postsecondary career schools.

V. Environmental science education.

Amendment to SB 148-FN

(2021-1585h)

Proposed by the Minority of the Committee on Education – r

Amend the bill by replacing Part III with the following:

PART III

Requiring emergency action plans for sports related injuries.

1 New Section; Health Services; Emergency Plans for Sports Related Injuries. Amend RSA 200 by inserting after section 40-b the following new section:

200:40-c Emergency Plans for Sports Related Injuries.

I. The local board of each school district or the governing body of each nonpublic school that includes any of the grades 4 through 12, shall establish an emergency action plan for responding to serious or potentially life-threatening sports related injuries. In this section “sports” shall include school sponsored intrascholastic or interscholastic physical activity. Each school plan shall:

(a) Document the proper procedures to be followed when a student sustains a serious injury or illness while participating in school sponsored sports or other athletic activity.

(b) Identify the employees, team coaches, and licensed athletic trainers in each school who are trained in first aid or cardiopulmonary resuscitation.

(c) Identify the employees, team coaches, or licensed athletic trainers responsible for carrying out the emergency action plan.

(d) Identify the activity location, address, or venue for the purpose of directing emergency personnel.

(e) Identify the equipment and supplies and location thereof needed to respond to the emergency.

(f) Identify the location of any automated external defibrillators and personnel trained in the use of the automated external defibrillator.

(g) Document policies related to cooling for an exertional heat stroke victim consistent with guidelines established by the American College of Sports Medicine and the National Athletic Trainers’ Association.

II. The plan shall be posted within each school and disseminated to, and coordinated with emergency medical services, fire department, and law enforcement. In addition, each school district shall adopt procedures for obtaining accurate disclosure of student-participant medical information using the American Academy of Pediatrics Pre-Participation Exam and communicating relevant student-participant medical information to

employees, team coaches, or licensed athletic trainers responsible for carrying out the emergency action plan. Access, filing, and confidentiality of student-participant medical information shall be managed in accordance with the Health Insurance Portability and Accountability Act (HIPAA) and the Family Educational Rights and Privacy Act (FERPA); policies related to hydration, heat acclimatization and wet bulb globe temperature guidelines as established by the American College of Sports Medicine and the National Athletic Trainers' Association; and procedures for students to return to play after a positive Covid-19 diagnosis, which shall be kept on file by each school district and made available to the department of education and public upon request. Each plan shall be added to the school's emergency response plan and adopted procedures shall be reviewed annually and updated as necessary.

III. The plans shall be implemented by the beginning of the first full school year after the effective date of this section.

2 Effective Date. Part III of this act shall take effect September 1, 2022.

**Amendment to SB 149-FN
(2021-1295h)**

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs – r
Amend the bill by replacing Part II with the following:

PART II

Relative to automated pharmacy systems.

1 New Section; Pharmacies; Automated Pharmacy Systems. Amend RSA 318 by inserting after section 42 the following new section:

318:42-a Automated Pharmacy Systems; Long-term Care Facilities, Hospices, or State Correctional Institutions.

I. A pharmacy may provide pharmacy services to a long-term care facility or hospice licensed under RSA 151 or to a state correctional institution through the use of an automated pharmacy system that need not be located at the same location as the pharmacy.

II. The board shall adopt rules governing the use of an automated pharmacy system under this section, not later than January 1, 2022, which shall specify:

- (a) Recordkeeping requirements;
- (b) Security requirements; and
- (c) Labeling requirements.

2 Effective Date. Part II of this act shall take effect 60 days after its passage.

**Amendment to SB 154
(2021-1220h)**

Proposed by the Majority of the Committee on Criminal Justice and Public Safety – r
Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

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

1 New Chapter; Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right to Keep and Bear Arms. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E

**PRESIDENTIAL EXECUTIVE ORDERS AND STATUTORY LAW
RELATING TO THE RIGHT TO KEEP AND BEAR ARMS**

159-E:1 Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right to Keep and Bear Arms. Pursuant to the general court's authority under Part II, Article 5 of the New Hampshire Constitution, the state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law shall be prohibited from using any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the United States Government or Executive Order of the President of the United States that is inconsistent with any law of this state regarding the regulation of firearms, ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies, or knives. Silence in the New Hampshire Revised Statutes Annotated pertaining to a matter regulated by federal law shall be construed as an inconsistency for the purposes of this chapter.

159-E:2 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

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

2021-1220h

AMENDED ANALYSIS

This bill prohibits the state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law from using any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the United States Government or Executive Order of the President of the United States that is inconsistent with any law of this state regarding the regulation of firearms, ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies, or knives.

Amendment to SB 155-FN**(2021-1646h)****Proposed by Rep. Roy**

Amend the bill by replacing sections 1 and 2 with the following:

1 Temporary Health Partner Authorized in Skilled Nursing Facilities under Federal and State Waivers.

I. In this section, "temporary health partner" means an individual who has been hired pursuant to federal and state waivers of certain qualifications for long-term care facility staff.

II. To address staffing shortages at long-term care facilities and meet the needs of some of New Hampshire's most vulnerable populations, the position of temporary health partner (THP) is hereby authorized to work in a skilled nursing facility, notwithstanding any provision of RSA 326-B:14, provided that:

(a) The THP completes training of no less than 8 hours, provided by a national association such as the American Health Care Association or by a New Hampshire educational program.

(b) THPs shall work under the supervision of an RN, APRN, or LPN, as is required of LNAs under RSA 326-B:14.

(c) The scope of work authorized to be performed by THPs is limited to the work set forth in this section and shall be performed in accordance with the resident care plan.

(d) The THP has demonstrated competency, as determined by the employing long-term care facility, prior to performing any of the activities set forth in this section.

III. Scope of work for a temporary health partner (THP):

(a) The THP is a temporary position limited to assist LNAs and nurses in their daily tasks. Each of these tasks shall not be performed without proper training and demonstrating competency in such tasks. The THP shall work under the direction and supervision of licensed nurses to assist nurses and LNAs to provide services set forth in each resident care plan. Before performing any tasks described in subparagraph (b), the THP shall have been trained and demonstrated competency to perform such tasks, and shall review and adhere to the resident care plan. The facility shall provide direction and oversight to the THP.

(b) After the employing facility ensures skill competency, the THP may perform any of the following activities:

(1) Nutrition and elimination assistance. Assist with elimination, including toileting and peri-care, and assist with routine ostomy care.

(2) Comfort care and end-of-life care. Assist with promoting comfort and sleep, assist with end-of-life care, and assist with physical care of body after death.

(3) Activities of daily living. Assist with bathing, oral care, denture care, grooming, shaving, nail care, and dressing and undressing.

(4) Infection control practices. Assist with hand hygiene, standard and transmission-based precautions, cleaning and disinfection, utilization of personal protective equipment (PPE).

(5) Positioning, moving, and restorative care. Assist with ambulation or walking and occupied bedmaking.

III. The position of THP shall not be considered a substitute for licensure as an LNA under RSA 326-B:14 but is intended to assist the work of LNAs. The THP shall not perform services independently and shall be supervised by licensed nurses at all times.

2 New Section; Office of Professional Licensure and Certification; Emergency Licensing Process. Amend RSA 310-A by inserting after section 1-g the following new section:

310-A:1-h Emergency Licensing Process. Notwithstanding any other law to the contrary, the office of professional licensure and certification may issue emergency licenses to the following applicants:

I. Any medical provider previously licensed in New Hampshire in the last 3 years whose license is no longer active, subject to the following:

(a) The medical provider's license was in good standing prior to being placed in inactive or lapsed status.

(b) Notwithstanding any law or rule to the contrary, a medical provider shall not be required to complete continuing education as a condition precedent to reactivating their license pursuant to this section.

II. Any medical provider previously licensed to practice in another jurisdiction within the last 3 years whose license is no longer active, subject to the following:

(a) The medical provider's license was in good standing in another United States jurisdiction prior to being placed in inactive or lapsed status; and

(b) The medical provider presents evidence to the office of professional licensure and certification that the medical provider was licensed and in good standing immediately prior to the change in licensure status.

(c) Notwithstanding any law or rule to the contrary, a medical provider shall not be required to complete continuing education as a condition precedent to receive an emergency license pursuant to this section.

III. Any fellow enrolled in a New Hampshire program accredited by the Accreditation Council for Graduate Medical Education to practice within the fellow's core specialty, subject to the following:

(a) The fellow is American Board of Medical Specialties (ABMS) or American Osteopathic Association (AOA) board-eligible or certified in the core specialty.

(b) The fellow is appointed to the medical staff at a sponsoring institution and will engage in practice consistent with the policies and procedures of the sponsoring institution and its participating sites.

(c) The time spent in core specialty service is limited to 20 percent of the fellow's annual education time in any academic year.

(d) A fellow seeking to practice under this paragraph shall provide the office of professional licensure and certification with appropriate evidence that the required qualifications have been met.

IV. Senior nursing students, who are scheduled to graduate within 5 months from the date of application, from a board of nursing approved registered nursing or practical nursing program, subject to the following:

(a) The individual is employed by or providing health care services at the direction of, a licensed health care facility or a licensed health care provider.

(b) The individual is directly supervised while providing health care services.

(c) The health care services are being provided in response to the COVID-19 pandemic.

V. Any provider seeking an emergency license under this section shall submit his or her request on a form adopted by the office of professional licensure and certification for such purpose.

VI. In this section, an applicant in good standing shall include medical providers who are subject to non-disciplinary conditions, but shall not include medical providers whose licenses have been revoked, canceled, surrendered, suspended, denied, or subject to disciplinary restrictions.

VII. Licenses issued pursuant to this section shall be on a temporary basis and shall expire on or before January 31, 2022.

VIII. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

IX. The office of professional licensure and certification may issue guidance relative to the emergency licensing process established in this section, which may include guidance concerning the appropriate supervision of nursing students. Any guidance shall be posted on the board's website.

Amend the bill by replacing all after section 4 with the following:

5 New Section; Pharmacists and Pharmacies; Out-of-state Pharmacies as Temporary Limited Licensed Mail-Order Facilities. Amend RSA 318 by inserting after section 37 the following new section:

318:37-a Out-of-state Pharmacies as Temporary Limited Licensed Mail-Order Facilities.

I. To protect public health and increase access to medical care in New Hampshire, and to promote and secure the safety and protection of the people of New Hampshire, any out-of-state pharmacy seeking to ship investigational drugs to clinical trial participants who reside in New Hampshire and who are unable to retrieve the investigational drugs from the out-of-state pharmacy due to the novel coronavirus shall be allowed to operate as if the out-of-state pharmacy were licensed as a mail-order pharmacy within the state of New Hampshire if the following conditions are met:

(a) The out-of-state pharmacy is licensed and in good standing in another United States jurisdiction.

(b) The medical services provided within New Hampshire are in-person or through appropriate forms of telehealth.

(c) The out-of-state pharmacy presents to the office of professional licensure and certification evidence that they are licensed in good standing in another jurisdiction. Such out-of-state pharmacies shall be issued an emergency mail-order pharmacy license at no cost, which shall remain in effect until January 31, 2022.

(d) Such out-of-state pharmacies shall be subject to the jurisdiction of the board of pharmacy while acting under an emergency mail-order pharmacy license.

II. The office of professional licensure and certification, in consultation with the board of pharmacy, shall provide assistance and guidance, as necessary, to out-of-state pharmacies regarding the requirements of this section.

6 New Subdivision; Local Land Use Planning; Protection of Pre-existing, Non-conforming Use Status for Summer Camps. Amend RSA 674 by inserting after section 73 the following new subdivision:

Protection of Pre-existing, Non-conforming Use Status for Summer Camps

674:74 Protection of Pre-existing, Non-conforming Use Status for Summer Camps.

I. Notwithstanding any provision of law or municipal ordinance or regulation to the contrary, any summer camp that has been operating in the state of New Hampshire as a pre-existing, nonconforming use under

its applicable zoning ordinance that either closed for the summer of 2020 and/or 2021 due to the COVID-19 pandemic, or was forced to operate for a shorter season or at a reduced capacity during the summer of 2020 and/or 2021 due to the COVID-19 pandemic, shall not lose its status as a pre-existing, non-conforming use due to either:

(a) Its failure to operate during the summer of 2020 and/or 2021; or

(b) Its operation for a shorter season or at a reduced capacity during the summer of 2020 and/or 2021.

II. The summer camp's status or ability to operate as a pre-existing, non-conforming use shall not be in any way affected by its failure to operate during the summer of 2020 and/or 2021, or its operation for a shorter season or at a reduced capacity during the summer of 2020 and/or 2021.

7 Liquor Licenses and Fees; Authorization for Other Areas; Expansion of Outdoor Dining. Amend RSA 178:24 to read as follows:

178:24 Authorization for Other Areas. A business holding a license authorizing the consumption of alcoholic beverages on its licensed premise may petition the commission for permission to extend service for beverages and liquor to any clearly defined area under the control of the licensee. ***In addition, a licensee may expand into a shared space, such as a sidewalk or street, with the approval of local officials.*** Petitions shall include written plans and diagrams that shall provide detailed information on the proposed extension of alcohol service. Petitions shall also conform to local zoning requirements and include the written approval of local officials. ***Businesses served by a waste disposal system, as defined by RSA 485-A:2, XI, shall obtain approval from the department of environmental services for any expansion under this section. Businesses that are on municipal sewer may expand seating as permitted by the municipality.*** The commission may approve plans submitted by licensees and may add such terms and conditions as it deems appropriate to preserve public health and safety. The commission may deny, in its discretion, any petition under this section which constitutes a risk to public health, safety, or welfare of any community.

8 Prospective Repeals. The following are repealed:

I. RSA 310-A:1-h, relative to emergency licensing procedures.

II. RSA 318:37-a, relative to out-of-state pharmacies temporarily licensed as mail-order facilities.

9 Effective Date.

I. Paragraphs I and II of section 8 of this act shall take effect January 31, 2022.

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

2021-1646h

AMENDED ANALYSIS

This bill:

I. Establishes the position of temporary health partner.

II. Authorizes emergency licensing of medical providers.

III. Authorizes COVID-19 testing by pharmacists and pharmacy technicians.

IV. Permits out-of-state pharmacies providing investigational drugs to clinical trial participants in New Hampshire to be temporarily licensed as mail-order pharmacies.

V. Protects the pre-existing, non-conforming use status of summer camps that were unable to operate during the summer of 2020 or 2021 due to COVID-19.

VI. Allows expanded outdoor dining.

Amendment to SB 155-FN

(2021-1685h)

Proposed by Rep. Roy

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

AN ACT codifying provisions included in select emergency orders issued by the governor in response to the COVID-19 pandemic, prohibiting discrimination on the basis of vaccination or immunity status, relative to childhood immunization, and relative to the immunization registry.

Amend the bill by replacing sections 1 and 2 with the following:

1 Temporary Health Partner Authorized in Skilled Nursing Facilities under Federal and State Waivers.

I. In this section, "temporary health partner" means an individual who has been hired pursuant to federal and state waivers of certain qualifications for long-term care facility staff.

II. To address staffing shortages at long-term care facilities and meet the needs of some of New Hampshire's most vulnerable populations, the position of temporary health partner (THP) is hereby authorized to work in a skilled nursing facility, notwithstanding any provision of RSA 326-B:14, provided that:

(a) The THP completes training of no less than 8 hours, provided by a national association such as the American Health Care Association or by a New Hampshire educational program.

(b) THPs shall work under the supervision of an RN, APRN, or LPN, as is required of LNAs under RSA 326-B:14.

(c) The scope of work authorized to be performed by THPs is limited to the work set forth in this section and shall be performed in accordance with the resident care plan.

(d) The THP has demonstrated competency, as determined by the employing long-term care facility, prior to performing any of the activities set forth in this section.

III. Scope of work for a temporary health partner (THP):

(a) The THP is a temporary position limited to assist LNAs and nurses in their daily tasks. Each of these tasks shall not be performed without proper training and demonstrating competency in such tasks. The THP shall work under the direction and supervision of licensed nurses to assist nurses and LNAs to provide services set forth in each resident care plan. Before performing any tasks described in subparagraph (b), the THP shall have been trained and demonstrated competency to perform such tasks, and shall review and adhere to the resident care plan. The facility shall provide direction and oversight to the THP.

(b) After the employing facility ensures skill competency, the THP may perform any of the following activities:

(1) Nutrition and elimination assistance. Assist with elimination, including toileting and peri-care, and assist with routine ostomy care.

(2) Comfort care and end-of-life care. Assist with promoting comfort and sleep, assist with end-of-life care, and assist with physical care of body after death.

(3) Activities of daily living. Assist with bathing, oral care, denture care, grooming, shaving, nail care, and dressing and undressing.

(4) Infection control practices. Assist with hand hygiene, standard and transmission-based precautions, cleaning and disinfection, utilization of personal protective equipment (PPE).

(5) Positioning, moving, and restorative care. Assist with ambulation or walking and occupied bedmaking.

III. The position of THP shall not be considered a substitute for licensure as an LNA under RSA 326-B:14 but is intended to assist the work of LNAs. The THP shall not perform services independently and shall be supervised by licensed nurses at all times.

2 New Section; Office of Professional Licensure and Certification; Emergency Licensing Process. Amend RSA 310-A by inserting after section 1-g the following new section:

310-A:1-h Emergency Licensing Process. Notwithstanding any other law to the contrary, the office of professional licensure and certification may issue emergency licenses to the following applicants:

I. Any medical provider previously licensed in New Hampshire in the last 3 years whose license is no longer active, subject to the following:

(a) The medical provider's license was in good standing prior to being placed in inactive or lapsed status.

(b) Notwithstanding any law or rule to the contrary, a medical provider shall not be required to complete continuing education as a condition precedent to reactivating their license pursuant to this section.

II. Any medical provider previously licensed to practice in another jurisdiction within the last 3 years whose license is no longer active, subject to the following:

(a) The medical provider's license was in good standing in another United States jurisdiction prior to being placed in inactive or lapsed status; and

(b) The medical provider presents evidence to the office of professional licensure and certification that the medical provider was licensed and in good standing immediately prior to the change in licensure status.

(c) Notwithstanding any law or rule to the contrary, a medical provider shall not be required to complete continuing education as a condition precedent to receive an emergency license pursuant to this section.

III. Any fellow enrolled in a New Hampshire program accredited by the Accreditation Council for Graduate Medical Education to practice within the fellow's core specialty, subject to the following:

(a) The fellow is American Board of Medical Specialties (ABMS) or American Osteopathic Association (AOA) board-eligible or certified in the core specialty.

(b) The fellow is appointed to the medical staff at a sponsoring institution and will engage in practice consistent with the policies and procedures of the sponsoring institution and its participating sites.

(c) The time spent in core specialty service is limited to 20 percent of the fellow's annual education time in any academic year.

(d) A fellow seeking to practice under this paragraph shall provide the office of professional licensure and certification with appropriate evidence that the required qualifications have been met.

IV. Senior nursing students, who are scheduled to graduate within 5 months from the date of application, from a board of nursing approved registered nursing or practical nursing program, subject to the following:

(a) The individual is employed by or providing health care services at the direction of, a licensed health care facility or a licensed health care provider.

(b) The individual is directly supervised while providing health care services.

(c) The health care services are being provided in response to the COVID-19 pandemic.

V. Any provider seeking an emergency license under this section shall submit his or her request on a form adopted by the office of professional licensure and certification for such purpose.

VI. In this section, an applicant in good standing shall include medical providers who are subject to non-disciplinary conditions, but shall not include medical providers whose licenses have been revoked, canceled, surrendered, suspended, denied, or subject to disciplinary restrictions.

VII. Licenses issued pursuant to this section shall be on a temporary basis and shall expire on or before January 31, 2022.

VIII. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

IX. The office of professional licensure and certification may issue guidance relative to the emergency licensing process established in this section, which may include guidance concerning the appropriate supervision of nursing students. Any guidance shall be posted on the board's website.

Amend the bill by replacing all after section 4 with the following:

5 New Section; Pharmacists and Pharmacies; Out-of-state Pharmacies as Temporary Limited Licensed Mail-Order Facilities. Amend RSA 318 by inserting after section 37 the following new section:

318:37-a Out-of-state Pharmacies as Temporary Limited Licensed Mail-Order Facilities.

I. To protect public health and increase access to medical care in New Hampshire, and to promote and secure the safety and protection of the people of New Hampshire, any out-of-state pharmacy seeking to ship investigational drugs to clinical trial participants who reside in New Hampshire and who are unable to retrieve the investigational drugs from the out-of-state pharmacy due to the novel coronavirus shall be allowed to operate as if the out-of-state pharmacy were licensed as a mail-order pharmacy within the state of New Hampshire if the following conditions are met:

(a) The out-of-state pharmacy is licensed and in good standing in another United States jurisdiction.

(b) The medical services provided within New Hampshire are in-person or through appropriate forms of telehealth.

(c) The out-of-state pharmacy presents to the office of professional licensure and certification evidence that they are licensed in good standing in another jurisdiction. Such out-of-state pharmacies shall be issued an emergency mail-order pharmacy license at no cost, which shall remain in effect until January 31, 2022.

(d) Such out-of-state pharmacies shall be subject to the jurisdiction of the board of pharmacy while acting under an emergency mail-order pharmacy license.

II. The office of professional licensure and certification, in consultation with the board of pharmacy, shall provide assistance and guidance, as necessary, to out-of-state pharmacies regarding the requirements of this section.

6 New Subdivision; Local Land Use Planning; Protection of Pre-existing, Non-conforming Use Status for Summer Camps. Amend RSA 674 by inserting after section 73 the following new subdivision:

Protection of Pre-existing, Non-conforming Use Status for Summer Camps

674:74 Protection of Pre-existing, Non-conforming Use Status for Summer Camps.

I. Notwithstanding any provision of law or municipal ordinance or regulation to the contrary, any summer camp that has been operating in the state of New Hampshire as a pre-existing, nonconforming use under its applicable zoning ordinance that either closed for the summer of 2020 and/or 2021 due to the COVID-19 pandemic, or was forced to operate for a shorter season or at a reduced capacity during the summer of 2020 and/or 2021 due to the COVID-19 pandemic, shall not lose its status as a pre-existing, non-conforming use due to either:

(a) Its failure to operate during the summer of 2020 and/or 2021; or

(b) Its operation for a shorter season or at a reduced capacity during the summer of 2020 and/or 2021.

II. The summer camp's status or ability to operate as a pre-existing, non-conforming use shall not be in any way affected by its failure to operate during the summer of 2020 and/or 2021, or its operation for a shorter season or at a reduced capacity during the summer of 2020 and/or 2021.

7 Liquor Licenses and Fees; Authorization for Other Areas; Expansion of Outdoor Dining. Amend RSA 178:24 to read as follows:

178:24 Authorization for Other Areas. A business holding a license authorizing the consumption of alcoholic beverages on its licensed premise may petition the commission for permission to extend service for beverages and liquor to any clearly defined area under the control of the licensee. ***In addition, a licensee may expand into a shared space, such as a sidewalk or street, with the approval of local officials.*** Petitions shall include written plans and diagrams that shall provide detailed information on the proposed extension of alcohol service. Petitions shall also conform to local zoning requirements and include the written approval of local officials. ***Businesses served by a waste disposal system, as defined by RSA 485-A:2, XI, shall obtain approval from the department of environmental services for any expansion under this section. Businesses that are on municipal sewer may expand seating as permitted by the municipality.*** The commission may approve plans submitted by licensees and may add such terms and conditions as it deems appropriate to preserve public health and safety. The commission may deny, in its discretion, any petition under this section which constitutes a risk to public health, safety, or welfare of any community.

8 Prospective Repeals. The following are repealed:

I. RSA 310-A:1-h, relative to emergency licensing procedures.

II. RSA 318:37-a, relative to out-of-state pharmacies temporarily licensed as mail-order facilities.

9 New Subdivision; State Commission for Human Rights; Prohibition on Discrimination Based on Vaccination or Immunity Status. Amend RSA 354-A by inserting after section 17 the following new subdivision:

Discrimination Based on Vaccination or Immunity Status Prohibited

354-A:17-a Discrimination Based on Vaccination or Immunity Status. It shall be an unlawful discriminatory practice for any person or government entity to deny an individual access to goods, services, employment, housing, education, or places of public accommodation based on an individual's vaccination status or immunity status. For purposes of this subdivision, it shall be unlawful:

I. For a person or government entity to ask about or make decisions based on vaccine status or immunity status in matters of housing.

II. For a person or government entity to ask about or in any way discriminate against an individual based on vaccine status or immunity status in matters of public accommodation, to include public and private transportation.

III. For the state or any political subdivision to pass any law, rule, ordinance or order that would require a vaccine or proof of vaccine status or immunity status by any citizen of New Hampshire.

IV. For any public or private university, college or other secondary school to require students or parents or guardians of minor students to provide proof of vaccination or immunity documentation where:

(a) A physician licensed under RSA 329, or a physician exempted under RSA 329:21, III, certifies that vaccination against a particular disease may be detrimental to the student's health.

(b) A student or the parent or legal guardian of a minor student objects to vaccination because of religious beliefs, and the student signs a notarized form stating that the student has not be vaccinated because of religious beliefs.

(c) A physician licensed under RSA 329, or a physician exempted under RSA 329:21, III, certifies that the student has sufficient antibody levels or previously contracted the illness for which vaccination is required, and is therefore immune.

V.(a) For an employer to ask about or make employment decisions based on an individual's vaccine status or immunity status except as provided in subparagraph (b).

(b) If the employer is a health care provider or the employee is an emergency first responder, the employer may inquire as to vaccination status, and require vaccination of employees, where a direct threat is determined to exist that cannot be eliminated or reduced by reasonable accommodation.

(1) In this subparagraph, "direct threat" means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation. The determination that an individual poses a "direct threat" shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge and/or on the best available objective evidence. In determining whether an individual would pose a direct threat, the factors to be considered include:

(A) The duration of the risk;

(B) The nature and severity of the potential harm;

(C) The likelihood that the potential harm will occur; and

(D) The imminence of the potential harm.

(2) Subparagraph (b) shall not apply where no direct threat exists or where:

(A) A physician licensed under RSA 329, or a physician exempted under RSA 329:21, III, certifies that vaccination against a particular disease may be detrimental to the employee's health.

(B) An employee objects to vaccination because of religious beliefs, and the employee signs a notarized form stating that the employee has not be vaccinated because of religious beliefs.

(C) A physician licensed under RSA 329, or a physician exempted under RSA 329:21, III, certifies that the employee has sufficient antibody levels or previously contracted the illness for which vaccination is required, and is therefore immune.

(c) Nothing in this section shall prevent an employer from mandating the use of personal protective equipment (PPE) approved by the Occupational Safety and Health Administration (OSHA) for appropriate application in the specific occupation or work environment.

10 Communicable Disease; Immunization. Amend RSA 141-C:20-a, I to read as follows:

I. All parents or legal guardians shall have their children who are residing in this state immunized against certain diseases. These diseases shall include~~[-but not be limited to;-]~~ diphtheria, mumps, pertussis, poliomyelitis, rubella, rubeola, ~~[and] tetanus,~~ **and varicella**. ~~[The commissioner shall adopt rules under RSA 541-A relative to other diseases which require immunization.]~~ **Any new vaccine, or additional disease for which immunization is required, shall be approved by the legislature and governor through the legislative process and specified in statute.**

11 New Paragraph; Communicable Disease; Immunization Registry. Amend RSA 141-C:20-f by inserting after paragraph II the following new paragraph:

II-a. Each patient, or the patient's parent or guardian if the patient is a minor, shall be given the opportunity to opt-in to the immunization registry. No patient's immunization or vaccination information shall be entered into the registry without the explicit, written, opt-in consent of the patient, or the patient's parent or guardian.

12 Effective Date.

I. Paragraphs I and II of section 8 of this act shall take effect January 31, 2022.

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

2021-1685h

AMENDED ANALYSIS

This bill:

I. Establishes the position of temporary health partner.

II. Authorizes emergency licensing of medical providers.

III. Authorizes COVID-19 testing by pharmacists and pharmacy technicians.

IV. Permits out-of-state pharmacies providing investigational drugs to clinical trial participants in New Hampshire to be temporarily licensed as mail-order pharmacies.

V. Protects the pre-existing, non-conforming use status of summer camps that were unable to operate during the summer of 2020 or 2021 due to COVID-19.

VI. Allows expanded outdoor dining.

VII. Prohibits discrimination based on an individual's vaccination or immunity status.

VIII. Adds measles and varicella to the statutory list of diseases for which children are required to be immunized and removes the administrative rulemaking authority of the commissioner of the department of health and human services to expand this list.

IX. Requires patients to affirmatively opt-in to the state immunization registry.

Amendment to SB 162-FN

(2021-1402h)

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs – r
Amend the bill by replacing section 12 with the following:

12 Youth Access to and Use of Tobacco Products. Amend RSA 126-K:1 to read as follows:

126-K:1 Purpose. The purpose of this chapter is to protect the citizens of New Hampshire from the possibility of addiction, disability, and death resulting from the use of tobacco products by ensuring that tobacco products will not be supplied to persons under the age of 21. ***This chapter shall not apply to alternative treatment centers registered under RSA 126-X:7 or to individuals who have been issued a registry identification card under RSA 126-X:4 only with respect to the therapeutic use of cannabis; this chapter shall still apply to alternative treatment centers and these individuals with respect to tobacco products.***

Amend RSA 170-A, as inserted by section 48 of the bill, by inserting after RSA 170-A:1 the following new RSA sections:

170-A:2 Financial Responsibility. Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact for the Placement of Children shall be determined in accordance with the provisions of Article XIII of the compact in the first instance. However, in the event of partial or complete default of performance under the compact, the provisions of RSA 546-A and RSA 546-B shall apply.

170-A:3 Designation of Agencies and Officials. The "appropriate public authorities" as used in the Interstate Compact for the Placement of Children shall, with reference to this state, mean the department of health and human services and said department shall receive and act with reference to notices. The commissioner designated in Article VIII, paragraph II of the Interstate Compact for the Placement of Children shall mean the commissioner of the department of health and human services.

170-A:4 Authority. The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to Article VII, and Article XVII paragraph II of the Interstate Compact for the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the commissioner of the department of health and human services in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

170-A:5 Placement by and Jurisdiction of Courts. Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to Article III of the Interstate Compact for the Placement of Children and shall retain jurisdiction unless terminated pursuant to Article IV paragraph IV.

170-A:6 Designation of Administrator.

I. As used in Article VIII of the Interstate Compact for the Placement of Children, the term “executive head” means the governor. The “executive head of the state human services administration” in Article XIV means the commissioner of the department of health and human services.

II. Nothing in this act shall be construed to authorize the establishment of a new division or the hiring of additional personnel to carry out the intent of this compact.

170-A:7 Rulemaking. The commissioner of the department of health and human services shall adopt rules under Article XI of the compact in accordance with RSA 541-A.

Amend the bill by inserting after section 71 the following and renumbering the original section 72 to read as 75:

72 New Section; Delinquent Children; Placement in a Qualified Residential Treatment Program. Amend RSA 169-B by inserting after section 19-c the following new section:

169-B:19-d Placement in a Qualified Residential Treatment Program. For any child placed in a qualified residential treatment program, as defined in the federal Family First Prevention Services Act of 2017, the court shall:

I. Order an assessment to be completed within 30 days of placement by a qualified individual as defined by the federal Family First Prevention Services Act of 2017; and

II. Review the assessment and issue an order approving the placement or changing the placement within 60 days of placement.

73 New Section; Child Protection Act; Placement in a Qualified Residential Treatment Program. Amend RSA 169-C by inserting after section 19-e the following new section:

169-C:19-f Placement in a Qualified Residential Treatment Program. For any child placed in a qualified residential treatment program, as defined in the federal Family First Prevention Services Act of 2017, the court shall:

I. Order an assessment to be completed within 30 days of placement by a qualified individual as defined by the federal Family First Prevention Services Act of 2017; and

II. Review the assessment and issue an order approving the placement or changing the placement within 60 days of placement.

74 New Section; Children in Need of Services; Placement in a Qualified Residential Treatment Program. Amend RSA 169-D by inserting after section 9-c the following new section:

169-D:9-d Placement in a Qualified Residential Treatment Program. For any child placed in a qualified residential treatment program, as defined in the federal Family First Prevention Services Act of 2017, the court shall:

I. Order an assessment to be completed within 30 days of placement by a qualified individual as defined by the federal Family First Prevention Services Act of 2017; and

II. Review the assessment and issue an order approving the placement or changing the placement within 60 days of placement.

2021-1402h

AMENDED ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; youth tobacco use; the interstate compact for the placement of children; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight and establishes assessment procedures for a child placed in a qualified residential treatment program.

Floor Amendment to SB 162-FN

(2021-1763h)

Proposed by Rep. Cushman

Amend the bill by deleting sections 48-50 and renumbering the original sections 51-72 to read as 48-69, respectively.

Amend the bill by replacing section 66 with the following:

66 Applicability. Sections 64-65 of this act shall apply to affidavits or claims filed on or after the effective date of this section.

Amend the bill by replacing section 69 with the following:

69 Effective Date.

I. Sections 3-4, 6, 10, 12-32, and 67 of this act shall take effect 60 days after its passage.

II. Sections 39-40 and 64-66 of this act shall take effect July 1, 2021.

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

2021-1763h

AMENDED ANALYSIS

This bill makes numerous revisions to funds, positions, and programs within the department of health and human services, including the therapeutic cannabis program; youth tobacco use; residential care and child placement licensing procedures; availability of epinephrine auto-injectors and asthma inhalers at recreation camps; the developmentally disabled wait list; the New Hampshire granite workforce program; and child protection investigations. The bill also establishes a public health services special fund and directs certain fees to that fund to be used by the department for program oversight.

PUBLIC HEALTH MEASURES & EMERGENCY MEDICAL RESPONSE CAPACITY

General Court of NH – House session at the NH Sportsplex

June 3rd and 4th, 2021

68 Technology Dr, Bedford, NH 03110

(603) 641-1313

MEMBERSHIP and ARRIVALS:

- In order to mitigate traffic backups, and delays in distributing materials, please do your best to follow this schedule of arrival times.

7:30 – Doors Open
 7:40 – Manchester & Nashua Delegations
 7:50 – Hillsborough County
 8:00 – Rockingham County
 8:10 – Merrimack County
 8:20 – Cheshire, Sullivan & Belknap Counties
 8:30 – Grafton & Strafford Counties
 8:40 – Coos & Carroll Counties

Should the Speaker announce that the session may start at 10:00AM on Friday, these times should all be assumed to move forward 1 hour.

- As the Members arrive at the NH Sportsplex, the vehicles will be directed to Republican and Democratic designated parking areas that will be closest to their designated entrances to the complex.
- If legislator lots reach maximum capacity, overflow parking will be available at 10 Iron Horse Dr. in Bedford with shuttle service to and from the venue. The event venue is also accessible by a short walk through a tree line area between properties.
- Separate entrances on opposite side of the building will be used by Republican and Democratic members. Both entrances are ADA accessible with ramps.
- Attendees are encouraged to not congregate in the parking lot, cars, or entrances to building. Physical distancing of at least 6 feet is recommended outside the facility.
- Attendees are encouraged to wear their face mask upon exiting their vehicles in the event that they are unexpectedly unable to maintain 6 feet distancing, including while outside of the NH Sportsplex facility.
- All attendees are to screen themselves prior arrival at the NH Sportsplex for fever, symptoms of COVID-19, and additional risk factors. See questions below for screening:
 - Do you have any symptoms of COVID-19 or fever of 100.4 degrees Fahrenheit or higher? The symptoms of COVID-19 can include:
 - Fever, or feeling feverish;
 - Respiratory symptoms such as runny nose, nasal congestion, sore throat, cough, or shortness of breath;
 - General body symptoms such as muscle aches, chills, and severe fatigue;
 - Gastrointestinal symptoms such as nausea, vomiting, or diarrhea, and
 - Changes in a person's sense of taste or smell
 - Have you had close contact with someone who is suspected or confirmed to have
 - COVID-19 in the prior 14 days and are unvaccinated?
 - Have you traveled in the prior 14 days outside of the United States or by cruise ship?
- Any Non-Member with a positive answer to any of the above questions are not to attend the House session. Any Member with a positive answer to the above questions are recommended not to attend the session.
- Members of the General Court staff and signage will direct the parking of the vehicles and Members to the correct entrance.

- As the Members proceed through the designated entrances of the Sportsplex, they will each receive an individual bag, the contents of which will include:
 - (2) disposable facemasks
 - (1) waste disposal bag
 - Bottles of water will be available & Members may bring their own.
 - Voting device will be giving to each member by their caucus staff
 - Mileage documents/paperwork/etc.
- The General Court has obtained a quantity of KN-95 masks for Member use during sessions. These will be made available to Members but will not be distributed in their bags. Members should request an KN-95 mask, if they choose, at the time they pick up their other materials.
- Lunches will be delivered and distributed in an organized manner prior to lunch time to maintain freshness. Members may bring their own food, beverages, and snacks. Members who did not pre-order a lunch are prohibited from taking a lunch that had been pre-ordered for another member.
- EXPECTED ATTENDANCE: 400 members and staff

PROTOCOLS WITHIN COMPLEX:

- Overall, this session is designed to have minimal touchpoint surfaces and designed for the Members to remain primarily at their seats.
- Members may stand, stretch and walk in the area immediately around their seat.
- Seats will be spaced at least 10 feet apart providing ample spacing to maintain physical distancing.
- All General Court staff, media, and any non-Members in attendance are required to wear face masks when unable to maintain physical distancing.
- Members are recommended to wear face masks.
 - The Center for Disease Control and Prevention updated recommendations about masks on May 13th, 2021 and issued guidance for the wearing of mask by vaccinated and unvaccinated people for large gatherings.
 - The CDC still recommends that both vaccinated and unvaccinated people wear masks and physical distance with at least 6 feet distance at large gatherings. <https://www.cdc.gov/coronavirus/2019-ncov/your-health/large-gatherings.html>
 - The CDC recommends people to choose masks that have two or more layers of washable, breathable fabric, completely cover your nose and mouth, fit snugly against the sides of your face and don't have gaps, and have a nose wire to prevent air from leaking out of the top of the mask. Additional information regarding masks is available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>
 - The CDC recognizes that some persons are exempt from mask recommendations when a person with certain disabilities or underlying health conditions who cannot wear a mask or cannot safely wear a mask, for reasons to the disability or condition. In the event that a person cannot safely wear a mask, the CDC advises consideration of adaptations and alternatives of which persons can discuss with their healthcare provider.
 - Face shields will be available to members who cannot wear a mask due to medical reasons.
 - Additional information is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html#mask-adaptations-alternatives>
- Hand sanitizer stations will be present at numerous locations throughout the facility.
- There are bathroom facilities inside the main entrance of the facility for mask wearing attendees and separate bathrooms in Building One, immediate adjacent to a section of the Sportsplex designated for non-mask wearing Members. Both sets of bathrooms are ADA-compliant. A cleaning schedule will be followed for all restroom facilities. Disinfecting wipes will be available in restrooms for on-demand sanitizing of touchpoints by users.
- Members are encouraged to avoid loitering or congregating in the entryways to the facilities and bathroom areas. Physical distancing shall be maintained at all times. The Sargent at Arms staff will monitor the entryways, gallery areas, and outside the entrances to the bathroom facilities to limit excess number of attendees within these areas of the chamber at any given time that would exceed the areas' capacity to allow for physical distancing.
- Hand sanitizer pump bottles and sanitizing wipes will be on a table at all the bathroom areas.

- Members are welcome to use bathroom facilities whenever they deem appropriate in order to avoid visits at crowded times. Members walking back to their seat during a recorded vote are permitted to use their voting device while not in their seat.
- To ensure access to microphones in a timely fashion, stationary microphones will be placed strategically throughout the seating areas. Microphones will be labeled so Members may identify the location where they are speaking. Sanitizing wipes will be stationed at each stationary microphone for use between speakers.
- Dedicated personnel for each section of the chamber will also have microphones on handheld poles brought to the Members at their individual seats to minimize the movement of Members throughout the seating area. If a stationary mic is not convenient or necessary, members may wave over a microphone runner to their seat. Microphones will be disinfected after each use.
- There will be a section for Members who choose to not wear masks and a separate section for Members who are unable to wear masks for reasons of disability or health conditions. There will be maximum allowable spacing between sections of mask-wearing Members, non-mask wearing Members by choice, and non-mask wearing members for reasons of underlying disability and health conditions. Members in the non-masked by choice section will be required to wear a mask to enter any section of the main building other than the non-masked by choice section.
- Members are encouraged to continue use of PPE and minimize the amount of time they are out of their designated seating area.
- Masks may be removed in the masked section for the purpose of eating or drinking. Members may eat lunch in their cars to avoid being unmasked at lunch time. Members are discouraged from congregating at lunch time and are encouraged to maintain physical distancing.
- The HVAC system of the NH Sportsplex will be set to provide the best possible ventilation and fresh outdoor airflow. Large inflow of fresh air with intakes from the roof of the facility will be set to flow with fresh air into the facility with ventilation ducts on either side and length of the facility. The entryways and large garage door immediately adjacent to the non-mask wearing sections of Members will be opened, allowing for continual airflow to exit the facility maximally away from the HVAC intake on the roof and opposite end of the facility and away from the section for mask-wearing Members.

EVENT STAFF:

- ALL session staff, i.e. GCNH staff and contractors, will screen for temperature using the wall mounted scanners at the main entrance & self-screen to health questions the morning of the event before being allowed to work inside of the NH Sportsplex.
- ALL law enforcement, security, fire, and EMS personnel working the event will screen for temperature using the wall mounted scanners at the main entrance & self-screen to health questions the morning of the event
- ALL GCNH staff & contractors are required to wear face masks when unable to maintain physical distancing or in any designated masked seating area.

MEDICAL RESPONSE:

- Bedford Fire Department personnel will have their normal shift compliment.
- Area medical facilities: Catholic Medical Center/ Elliot Hospital/Southern NH Medical Center.
- Medical care room will be set-up with appropriate medical equipment as well as stretchers and wheelchairs for movement of Members, as needed.
- AMR will have (2) paramedics assigned to the event.

ADDITIONAL CONSIDERATIONS:

- Security will be provided by House Sargent at Arms and GCNH – Protective Services for the interior of the facility.
- Additional Agencies involved with event planning or in communication with GCNH: NH DHHS, NH State Police, Town of Bedford Police, NH Information & Analysis Center, NH HSEM, Bedford Fire Dept., NH State Fire Marshalls Office, AMR ambulance service.
- LED Message Board roadside signs as well as staff members will assist in navigating the NH House members to the event site & parking lot areas.
- Should there be any additional Americans with Disabilities Act (ADA) requests for accommodations at specific to attendance at the event venue, these should be submitted to the General Court's ADA representative in advance of the session. Requests can be emailed to Jennifer.Becker@leg.state.nh.us.

PUBLIC AND PRESS ACCESS

- The session will be livestreamed and members of the public and press are encouraged to utilize the stream to observe the meeting. The link to the streaming video will be posted on the General Court website on the day of the events.
- In the event a member of the public or press wishes to be present at the meeting, they shall enter through a designated entrance to the left of the main entrance and proceed directly to a mezzanine on the second floor of the entrance area that overlooks the field area.
- The capacity of the mezzanine will be limited to no more than 50 people and will be monitored by staff and security. Attendees in this area must maintain physical distancing at all times.
- No member of the public or press shall have access to members on the field level.
- Members of the public and press shall park in the designated off-site parking to maximize parking for House members.
- Off-site parking will be available at 10 Iron Horse Dr. in Bedford, NH. A shuttle will provide transportation to and from the event site. The event site is a short walk through a tree line boundary area from the off-site parking area. If on foot, press and public should proceed to the front of the main NH Sportsplex building and enter in the designated entrance.