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No. 18A

Contains: Amendments

ADDENDUM TO HOUSE CALENDAR NO. 18

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to CACR 6

(2021-0291h)

Proposed by the Minority of the Committee on Judiciary – r

Amend the resolution by replacing paragraph I with the following:

I. That article 78 of the second part of the constitution be amended to read as follows:

[Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of ~~Judge of any Court, or Judge of Probate, or~~ Sheriff of any county, after he *or she* has attained the age of seventy years. ***No person shall hold the office of Judge or serve as a Judge of any court in any case or controversy after he or she has attained the age of 75 years.***

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending article 78 of the second part of the constitution to read as follows:

[Art.] 78. [Judges and Sheriffs, When Disqualified by Age.] No person shall hold the office of Sheriff of any county, after he or she has attained the age of seventy years. No person shall hold the office of Judge or serve as a Judge of any court in any case or controversy after he or she has attained the age of 75 years.”

Amend the resolution by replacing paragraph VII with the following:

VII. Voters’ Guide.

AT THE PRESENT TIME, a judge must retire by the age of 70.

IF THE AMENDMENT IS ADOPTED, the retirement age of judges will be raised to 75.

2021-0291h

AMENDED ANALYSIS

This constitutional amendment concurrent resolution extends the time a judge may serve to age 75.

Amendment to CACR 8

(2021-0516h)

Proposed by the Committee on Criminal Justice and Public Safety – r

Amend the resolution by replacing paragraph I with the following:

I. That article 2-a of the first part of the constitution be amended to read as follows:

[Art.] 2-a. [The Bearing of Arms.] All persons have the right to keep and bear arms in defense of themselves, their families, their property and the State. ***Neither the Legislature nor any political subdivision of the State shall enact any law, regulation, or rule that limits the right of a person to own, carry, or use firearms or firearm accessories in any manner. Any federal law that infringes upon rights guaranteed in this New Hampshire constitution shall be unenforceable by New Hampshire law enforcement.***

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be:

“Are you in favor of amending article 2-a of the first part of the constitution to read as follows:

I. That article 2-a of the first part of the constitution be amended to read as follows:

[Art.] 2-a. [The Bearing of Arms.] All persons have the right to keep and bear arms in defense of themselves, their families, their property and the State. Neither the Legislature nor any political subdivision of the

State shall enact any law, regulation, or rule that limits the right of a person to own, carry, or use firearms or firearm accessories in any manner. Any federal law that infringes upon rights guaranteed in this New Hampshire constitution shall be unenforceable by New Hampshire law enforcement.”

**Amendment to HB 15-FN
(2021-0599h)**

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

Amend the bill by replacing section 1 with the following:

1 Meals and Rooms Tax; Definition; Gross Rental Receipts; Motor Vehicle Rentals. Amend RSA 78-A:3, VI to read as follows:

VI. “Gross rental receipts” means value received or promised as consideration to the owner of a motor vehicle ***and any rental facilitator*** for ~~[rental of the vehicle, but]~~ ***a rental agreement, including any fee, service, or other charge or amount required to be paid by the renter as a condition for the rental agreement. The term*** shall not include:

- (a) Separately stated charges for insurance;
- (b) Charges for damages to the motor vehicle occurring during the rental agreement period;
- (c) Separately stated charges for motor fuel sold by the owner of the motor vehicle[-];

(d) Amounts paid by an operator to a travel agent as commission or compensation for the travel agent’s services.

Amend the bill by replacing section 3 with the following:

3 Definition; Rent; Room Facilitators Added. Amend RSA 78-A:3, XVII(a) to read as follows:

(a) The ~~[consideration received]~~ ***full retail price charged*** for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property, or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction of any kind, ***including any fee, service, or other charge required to be paid by the occupant to a room facilitator, except that the term rent shall not include amounts paid by an operator to a travel agent as commission or compensation for the travel agent’s services;*** and

**Amendment to HB 25-A
(2021-1029h)**

Proposed by the Committee on Public Works and Highways – r

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Department of Administrative Services

A. Court Facilities

- | | |
|--|-----------|
| 1. Hillsborough County South - Cooling And Controls | 975,000 |
| 2. Lebanon Circuit Courthouse - Remove And Replace Underground Fuel Storage Tank | 310,000 |
| 3. Portsmouth And Dover Circuit Court Boilers | 570,000 |
| 4. Statewide Courthouse Roof Replacements | 2,100,000 |

B. Facilities and Asset Management

- | | |
|--|---------|
| 1. Life Safety Upgrades | 570,000 |
| 2. Main Building Rewiring Phase 1 | 800,000 |
| 3. Philbrook Building - Sewer Line Replacement | 300,000 |
| 4. Thayer Building - Replace Roof | 650,000 |
| 5. Tunnel System: Repair And Abandonment Plan | 620,000 |

C. Financial Data Management

- | | |
|--|-----------|
| 1. NH First Migration To Information Cloud Environment | 5,100,000 |
|--|-----------|

D. General Services

- | | |
|--|-----------|
| 1. HHS Roof Replacement | 2,385,000 |
| 2. HHS/DES Mechanical Replacements And Controls | 1,200,000 |
| 3. Morton, Johnson, HHS Underground Tank Removal | 700,000 |
| 4. Safety Mechanical Replacements And Repairs | 3,125,000 |
| 5. Spaulding HVAC Replacements And Controls | 1,020,000 |
| 6. Supreme Court HVAC Replacements And Repairs | 1,300,000 |

E. Statewide Emergency Fund

- | | |
|--|-----------|
| F. Statewide Energy Efficiency Improvements Projects | 1,000,000 |
|--|-----------|

Total state appropriation paragraph I	\$23,725,000
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II. Department of Agriculture, Markets and Food

- | | |
|--|---------|
| 1. Repairs To NH Building At Eastern States Exposition | 180,000 |
|--|---------|

Total state appropriation paragraph II	\$180,000
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III. Department of Corrections

1. Air Handler And Ductwork Replacement - Medium Custody North and South Housing Units	1,950,000
2. Boiler Replacements	2,150,000
3. Door Controller Upgrade	970,000
4. Heating And Cooling Coil Replacements - North And South Wings	125,000
5. Perimeter Security And Fence Detection Systems	1,520,000
6. Rebuild Sewer Line And Grinder	670,000
7. Replace Steam Lines And Traps	2,500,000
8. Roof Replacement - Hancock And Industries Buildings	2,000,000
9. NH State Prison/M Door Replacement	200,000
Total state appropriation paragraph III	\$12,085,000

IV. Department of Education

1. Generator Installation At Walker Building	260,000
Less Federal Funds	<u>(260,000)</u>
Net State	0
2. Pre-Engineering Technology	300,000
3. Bathroom, First Floor, Renovation and ADA Modifications	200,000
Total state appropriation paragraph IV	\$500,000

V. Department of Environmental Services

1. Clean Water State Revolving Fund State Match	8,000,000
2. Dam Repairs And Reconstruction	8,100,000
3. Drinking Water State Revolving Fund State Match	6,000,000
4. One-Stop/ IT Systems Upgrades*	4,825,390
5. Coastal Flooding Modeling	188,110
6. Winnepesaukee River Basin Program (WRBP) Collection System Upgrade	10,673,000
Less Other Funds**	<u>(10,673,000)</u>
Net State	0
Total state appropriation paragraph V	\$27,113,500

* The department of environmental services shall report on the status of the One-Stop project in subparagraph 4, including modules being addressed and plans for future modules, to the capital budget overview committee in October and April of each year of the biennium.

** To provide funds for the appropriations made in subparagraph V, 6, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$10,673,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the Winnepesaukee river basin control replacement fund established in RSA 485-A:51.

VI. Fish and Game Commission

1. Powder Mill Fish Hatchery	4,615,000
Less Other Funds *	<u>(4,615,000)</u>
Net State	0
Total state appropriation paragraph VI	\$0

* To provide funds for the appropriations made in paragraph VI, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,615,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fish and game fund established in RSA 206:33.

VII. Department of Health and Human Services

1. Beneficiary Service Improvement	8,000,000
Less Federal Funds	<u>(7,200,000)</u>
Net State	800,000
2. DCYF Comprehensive Child Welfare Information System (CCWIS)	9,259,352
Less Federal Funds	<u>(4,629,676)</u>
Net State	4,629,676
3. Developmental Services Information Technology Remediation	13,278,333
Less Federal Funds	<u>(11,950,500)</u>
Net State	1,327,833
4. Electronic Visit Verification System	5,660,000
Less Federal Funds	<u>(5,094,000)</u>
Net State	566,000

5. Federal Reporting Integrity And Compliance	6,750,000
Less Federal Funds	<u>(4,522,500)</u>
Net State	2,227,500
6. Glencliff Home Lamott Wing Roof Replacement	1,100,000
7. Minimum Acceptable Risk of Security and Privacy	
Controls for Exchanges (MARS-E) Security Assessment And Remediation	600,000
Less Federal Funds	<u>(540,000)</u>
Net State	60,000
8. Medicaid Management Information System (MMIS) Lifecycle	
Management and Reprocurement	90,000,000
Less Federal Funds	<u>(81,000,000)</u>
Net State	9,000,000
9. NH Hospital Seclusion Room Safety Upgrades	510,000
10. NH Hospital Renovations To Comply With Health And Safety	
Standards - CandD Units	5,650,000
11. NH Bureau of Developmental Services (BDS) Direct Billing	1,000,000
Less Federal Funds	<u>(900,000)</u>
Net State	100,000
12. Demolition of Wilkins Building	750,000
Total state appropriation paragraph VII	\$26,721,009
VIII. Department of Information Technology *	
1. Cloud Services	3,449,700
2. Continuity Of Operation And Disaster Planning (Enterprise)	871,487
3. Cybersecurity - Program Enhancement (Enterprise)	2,086,000
Total state appropriation paragraph VIII	\$6,407,187
*The commissioner of the department of information technology is authorized to reallocate funds among the projects in subparagraphs 1-3 as necessary to complete the projects.	
IX. Judicial Branch	
1. NH e-Court	1,400,000
Total state appropriation paragraph IX	\$1,400,000
X. Liquor Commission	
1. Computer Software - Credit Card - POS	1,000,000
Less Other Funds*	<u>(1,000,000)</u>
Net State	0
Total state appropriation paragraph X	\$ 0
*To provide funds for the appropriations made in paragraph X, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the liquor commission fund established in RSA 176:16.	
XI. Military Affairs and Veterans Services	
1. Anti-Terrorism/Force Protection - Merrimack County	1,660,000
Less Federal Funds	<u>(1,660,000)</u>
Net State	0
2. Energy Resiliency And Efficiency Improvements Statewide	3,500,000
Less Federal Funds	<u>(3,500,000)</u>
Net State	0
3. Grafton County Field Maintenance Shop	13,700,000
Less Federal Funds	<u>(13,700,000)</u>
Net State	0
4. Minor Military Construction - Coos County	9,000,000
Less Federal Funds	<u>(9,000,000)</u>
Net State	0
5. Minor Military Construction - Strafford County	7,000,000
Less Federal Funds	<u>(7,000,000)</u>
Net State	0
6. Warehouse Facility Upgrades - Merrimack County	2,600,000
Less Federal Funds	<u>(2,600,000)</u>
Net State	0
7. Readiness Center Renovation Statewide	1,200,000

Less Federal Funds	(600,000)
Net State	600,000
Total state appropriation paragraph V	\$600,000
XII. Department of Natural and Cultural Resources	
1. Communication System Replacement	713,000
2. Mount Washington Water System Upgrade	1,020,000
3. Roofing And Repair*	1,550,000
4. Toilet Building Upgrades	2,300,000
Less Federal Funds	(1,150,000)
Net State	1,150,000
Total state appropriation paragraph XII	\$4,433,000

*The commissioner of the department of natural and cultural resources shall report on the status of the roofing and repair projects in subparagraph 3 to the capital budget overview committee in October and April of each year of the biennium.

XIII. Police Standards and Training Council	
1. Air Conditioner Replacements	475,000
2. Range Ventilation And Filtration Upgrade/Replacement	850,000
Total state appropriation paragraph XIII	\$1,325,000
XIV. Veterans Home	
1. New Hampshire Veterans Home Master Plan Update	80,000
2. Parking Lot Repairs And Improvements	1,380,000
Total state appropriation paragraph XIV	\$1,460,000
XV. Community College System of New Hampshire	
1. NCC Engineering Technology Renovation	2,550,000
2. Critical Maintenance	828,773
Total state appropriation paragraph XV	\$3,378,773
XVI. Department of Safety- General Funds	
1. State Emergency Operations Center - Technology and OPS Upgrade	750,000
Total state appropriation paragraph XVI	\$750,000
XVII. Department of Transportation, Aeronautics, Rail and Transit - General Funds	
1. 5% Match For Federal Aviation Administration Projects	28,931,467
Less Federal Funds	(27,758,695)
Net State	1,172,772
2. Development Of Aviation Management Software (Aircraft Registration)	300,000
3. Public Transit Bus and Facility Matching Funds	251,250
4. Coos County Rail Improvements*	500,000
5. Strafford and Carroll County Rail Improvements*	250,000
Total state appropriation paragraph XVII	\$2,474,022

*The sum appropriated in subparagraphs 4 and 5 shall be matched to private funds of an equal amount for each project. The department of transportation shall report on the use of the appropriation and matching private funds for each project to the capital budget overview committee in October and April for each year of the biennium.

Total state appropriation section 1	\$112,552,491
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2 Appropriation; Highway Funds; Department of Transportation. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Transportation	
1. Fuel Management System Replacement	4,000,000
2. Lancaster 701 - Storage Building Replacement	595,000
3. Londonderry 512 - Patrol And Salt Shed Replacements	6,750,000
4. NHDOT Work Order System Phase 2	800,000
5. Statewide - Construct Salt And Sand Sheds	1,700,000
6. Delayed Projects - Patrol Sheds, District Office*	2,150,000

* The sums appropriated in subparagraph 6 may be used by the department of transportation to fund increases in the anticipated costs of following projects, as extended by this act: 2019, 146:2, II, B for Manchester 527 - Patrol Shed Addition/Renovation; 2019, 146:2, II, F for Lancaster District Office - Addition; and 2017, 228:2, II, E, extended by 2019, 146:20, 147 for Dixville 103D New Patrol Shed Facilities.

Total state appropriation section 2	\$15,995,000
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3 Expenditures; General; Community College System of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 1 and 2 of this act, with the exception of appropriations in paragraph XV of section 1, and the sums available for those projects, shall be expended

by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 21-I and RSA 228.

II(a). The appropriations made for the community college system in paragraph XV of section 1 and the sums available for these projects shall be expended by the trustees of the community college system of New Hampshire.

(b) The appropriations made to the community college system in paragraph XV of section 1 are available for all costs incidental to the completion of the projects enumerated including but not limited to the costs of the services for architects, engineers, and other consultants of such kind and capacity as the community college system board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the community college system board of trustees and pursuant to policies adopted by the board of trustees.

(c) Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of federal law and regulations.

4 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 2 of this act, if any, as may be acquired under the appropriation shall be purchased by the commissioner of the department of administrative services or the commissioner of the department of transportation with the approval of governor and council.

5 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$327,900,862 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The source of funds are as follows: general fund \$112,552,491, highway fund \$15,995,000, and other funds \$16,288,000.

6 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 of this act shall be made when due from the general fund of the state.

II. The payment of principal and interest on bonds issued for the projects in section 2 of this act shall be made from the highway fund.

7 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 2 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 5 shall be reduced by the same amount.

8 Transfers. The individual project appropriations provided in sections 1 and 2 of this act, except as provided in section 3 of this act, shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

9 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1 and 2 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 5 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

10 Bureau of Public Works Design and Construction Inspection Services; Davis-Bacon Act Compliance. The appropriations for those projects which are managed by the bureau of public works design and construction, department of administrative services, may be expended to fund temporary personnel for the purpose of providing construction inspection services and Davis-Bacon Act Compliance services for projects utilizing federal funds, for those projects included in this act.

11 Capital Projects; University of New Hampshire. Pursuant to 2019, 146:3, 146:6, and 146:8, II the university system board of trustees are authorized to drawdown funds for the capital projects authorized in 2019, 146:3 and expend sums not to exceed \$15,000,000 for the biennium ending June 30, 2023.

12 Lapse of Prior Capital Balance; Highway Funds; Capital Appropriation for Department of Safety Project.

I. The amount of \$369,417 is hereby lapsed from the unencumbered balances from the following state capital projects:

(a) The appropriation made to the department of safety in 2013, 195:2, I, A extended by 2015, 220:23, 93, extended by 2017, 228:22, 110, extended by 2019, 146:20, 136 for radio interoperability infrastructure upgrade.

(b) The appropriation made to the department of safety in 2015, 220:2, II, C, extended by 2017, 228:22, 108, extended by 2019, 146:20, 134 for radio interoperability project.

II. The sum of \$369,417 is hereby appropriated for the fiscal year ending June 30, 2022 to the department of safety for a state police hanger construction. Said funds shall not lapse until June 30, 2023.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$369,417 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the highway fund of the state.

13 Lapse of Prior Capital Balance; General Funds; Capital Appropriation for Department of Safety Project.

I. The amount of \$56,989 is hereby lapsed from the unencumbered balances from the following state capital projects:

(a) The appropriation made to the department of safety in 2013, 195:1, XIV, A, extended by 2015, 220:23, 95, extended by 2017, 228:22, 111, extended by 2019, 146:20, 137 for radio interoperability infrastructure upgrade.

(b) The appropriation made to the department of safety in 2015, 220:1, XIV, D, extended by 2017, 228:22, 109, 2019, 146:20, 135 for radio interoperability project.

II. The sum of \$56,989 is hereby appropriated for the fiscal year ending June 30, 2022 to the department of safety for a state police hanger construction. Said funds shall not lapse until June 30, 2023.

III. To provide funds for the appropriation made in paragraph II, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$56,989 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

14 Lapse of Prior Capital Balance; Capital Appropriations for Pease Development Authority, Department of Corrections, Department of Environmental Services, Department of Health and Human Services and Community College System of New Hampshire.

I. The amount of \$2,233,117 is hereby lapsed from the unencumbered balances from the following state capital projects:

(a) The appropriation made to the department of administrative services in 2017, 228:1, II, B, 2 extended by 2019, 146:20, 14 for safety - roof replacement.

(b) The appropriation made to the department of administrative services in 2017, 228:1, II, B, 7 extended by 2019, 146:20, 19 for Walker building - roof modifications.

(c) The appropriation made to the department of administrative services in 2017, 228:1, II, D, 1 extended by 2019, 146:20, 25 for convert AOC building to probate court.

(d) The appropriation made to the department of administrative services in 2017, 228:1, II, D, 4 extended by 2019, 146:20, 27 for supreme court building - new roof, insulation, dome repair.

(e) The appropriation made to the department of administrative services in 2017, 228:1, II, D, 5 extended by 2019, 146:20, 28 for Hampton circuit court - new courthouse.

(f) The appropriation made to the department of administrative services in 2017, 228:1, II, D, 6 extended by 2019, 146:20, 29 for Portsmouth circuit court - new roof.

(g) The appropriation made to the department of administrative services in 2017, 228:1, II, D, 7 extended by 2019, 146:20, 30 for Rochester circuit court - new roof.

(h) The appropriation made to the department of administrative services in 2015, 220:1, II, D, 1, extended by 2017, 228:22, 26 extended by 2019, 146:20, 36 for Merrimack county superior court - new courthouse.

(i) The appropriation made to the department of health and human services in 2015, 220:1, VII, I, extended by 2017, 228:22, 71 extended by 2019, 146:20, 91 for the department email project.

(j) The appropriation made to the department of health & human services in 2011, 253:1, VII, Q extended by 2013 195:47, 70 extended by 2015, 220:23, 67, extended by 2017, 228:22, 87 extended by 2019, 146:20, 102 for ACCESS front door release II.

(k) The appropriation made to the department of environmental services in 2003, 240:1, V, A extended by 2005, 259:25, XXVIII extended by 2007, 264:29, XXXV extended by 2009, 145:19, 31 extended by 2011, 253:28, 53 extended by 2013, 195:47, 54 extended by 2015, 220:23, 51, extended by 2017, 228:22, 62 extended by 2019, 146:20, 73 for hazardous waste superfund match.

(l) The appropriation made to the department of natural and cultural resources in 2017, 228:1, XVIII, F as extended by 2019, 146:20, 128 for Mount Washington communication building study.

(m) The appropriation made to the department of corrections in 2017, 228:1, IV, C extended by 2019, 146:20, 45 for elevator replacement.

(n) The appropriation made to the department of corrections in 2017, 228:1, IV, D extended by 2019, 146:20, 46 for SHU door control software (NHSP-men).

(o) The appropriation made to the department of education in 2019, 146:1, V, C for pre-engineering technology.

(p) The appropriation made to the department of education in 2017, 228:1, VI, A extended by 2019, 146:20, 53 for renovation of Plymouth CTE center- state share.

(q) The appropriation made to the department of information technology in 2013, 195:1, VIII, A extended by 2015, 220:23, 71, extended by 2017, 228:22, 91, extended by 2019, 146:20, 109 for enterprise licensing solution.

(r) The appropriation made to the department of information technology in 2013, 195:42, I extended by 2015, 220:23, 73, extended by 2017, 228:22, 93 extended by 2019, 146:20, 111 for business one stop.

(s) The appropriation made to the New Hampshire veterans home in 2017, 228:1, XXIII, B extended by 2019, 146:20, 160 for security infrastructure improvements.

(t) The appropriation made to the New Hampshire veterans' home in 2013, 195:1, XVII, A extended by 2015, 220:23, 122, extended by 2017, 228:22, 145 extended by 2019, 146:20, 162 for equipment upgrades.

II. The sum of \$1,500,000 is hereby appropriated for the biennium ending June 30, 2023 to the Pease development authority for the Piscataqua River Turning Basin.

III. The sum of \$300,000 is hereby appropriated for the biennium ending June 30, 2023 to the department of corrections for the NHSP/M Door and Ceiling Replace/Repair – Close Custody Unit.

IV. The sum of \$161,890 is hereby appropriated for the biennium ending June 30, 2023 to the department of environmental services for the Coastal Flooding Modeling.

V. The sum of \$100,000 is hereby appropriated for the biennium ending June 30, 2023 to the department of health and human services for the SYSC Barn Boiler Replacement.

VI. The sum of \$171,227 is hereby appropriated for the biennium ending June 30, 2023 to the community college system of NH for Critical Maintenance.

VII. To provide funds for the appropriations made in paragraphs II through VI, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,233,117 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the general fund of the state.

VIII. All contracts and projects and plans and specifications therefor for the projects authorized in this section shall be awarded in accordance with the provisions of RSA 21-I.

15 Project Purpose Amended; Department of Safety; HVAC. Amend 2019, 146:1, XV, B to read as follows:

B. Fire Academy, New Truck <i>and HVAC Upgrades*</i>	1,200,000
Less Federal Funds	(504,000)
Less Other Funds	(696,000)
Net State	0

16 Priority Projects List. If federal funds become available from the American Rescue Plan Act of 2021, the following capital projects shall be identified as priority projects for funding:

Department	PROJECT	ESTIMATED COST
HHS	forensic psychiatric hospital	17,250,000
NCR	Cannon Tramway replacement	6,500,000
CCSNH	WMCC Expansion in Littleton	5,000,000
Corrections	NCF roof replacement (Berlin)	1,000,000
Corrections	Concord men's prison roof replacement	1,900,000
Corrections	NHCF/Women Construction Trades Building	350,000
HHS	Glenclyff - roof at Lamont	500,000
HHS	Glenclyff - waste water treatment system	1,200,000
HHS	NH Hospital Renovations - C&D Units	5,650,000
DAS	Statewide Energy Efficiency Improvement Projects	2,000,000

17 Lapse Dates Extended to June 30, 2023. The following appropriations are hereby extended to June 30, 2023:

1. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, A for Statewide Projects, Statewide Emergency Funding

2. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, B, 1 for Walker Building HVAC Repairs and Replacements.

3. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, B, 2 for State House Basement Fire Protection.

4. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, B, 3 for Storrs Street Parking Garage Repairs.

5. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, B, 4 for State House Annex Renovations.

6. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, B, 5 for State House Annex Elevator Upgrades.

7. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, B, 6 for Roof Replacements And Exterior Repairs.

8. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, B, 7 for Temporary Boiler Steam Infrastructure Removal.

9. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, B, 8 for HHS And DES Mechanical Replacements.

10. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, C, 1 for Concord Steam - Raze Structurally Deficient Building.

11. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, C, 2 for Emergency Back-Up Generator Power To New Boilers.

12. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, C, 3 for Annex 1 - Life Safety/ADA Improvements.

13. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, C, 4 for Thayer Building - Relocate and Upgrade Electrical Service.

14. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, C, 5 for Paint And Carpentry - Upgrade Electrical Service And Entrance.

15. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, D, 1 for Rockingham County and Hillsborough County South Courthouses - New Chiller, Variable Frequency Drives and Controls.

16. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, D, 2 for Rockingham County Courthouse - HVAC Pipes.

17. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, D, 3 for Coos County Courthouse - New Boilers.

18. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, D, 4 for Rochester Circuit Court - New Boilers And Building Management System.

19. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, D, 5 for Generators - Conway, Coos, Jaffrey, Lebanon, Plymouth.

20. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, D, 6 for Hillsborough County South - Cellblock Renovation.

21. The appropriation made to the Department of Administrative Services in 2019, 146:1, II, E for Financial Data Management, ERP Sustainability and Advancement.

22. The appropriation made to the Department of Administrative Services in 2019, 146:14, III for Bancroft Building Stabilization.

23. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, A, 1, extended by 2019, 146:20, 11 for Statewide Emergency Funding.

24. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, B, 1, extended by 2019, 146:20, 13 for DoIT - New Computer Room Fire System.

25. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, B, 3, extended by 2019, 146:20, 15 for Spaulding - Roof Replacement.

26. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, B, 4, extended by 2019, 146:20, 16 for State Owned Buildings - Security Upgrades.

27. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, B, 5, extended by 2019, 146:20, 17 for Health and Human Services - Security Upgrades.

28. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, B, 8, extended by 2019, 146:20, 20 for State Library Parapet and Ceiling Repair.

29. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, B, 10, extended by 2019, 146:20, 21 for Concord Steam Project, Heating of State-Owned Buildings.30. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, C, 1, extended by 2019, 146:20, 22 for Main Bldg Lodge Roof Replacement/brick/trim repairs.

31. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, C, 2, extended by 2019, 146:20, 23 for Main Bldg-North End ADA Access and Emergency Egress.

32. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, C, 3, extended by 2019, 146:20, 24 for Main Bldg, Peasley Wing Roof Replacement.

33. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, D, 3, extended by 2019, 146:20, 26 for Milford Circuit Court - New Courthouse.

34. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, E, 1, extended by 2019, 146:20, 31 for ERP Sustainability and Advancement.

35. The appropriation made to the Department of Administrative Services in 2017, 228:1, II, E, 2, extended by 2019, 146:20, 32 for ERP Scheduling and Attendance.

36. The appropriation made to the Department of Administrative Services in 2015, 220:1, II, A, 1, extended by 2017, 228:22, 12, extended by 2019, 146:20, 33 for all state owned facilities - emergency repairs.

37. The appropriation made to the Department of Administrative Services in 2015, 220:1, II, B, 7, extended by 2017, 228:22, 20, extended by 2019, 146:20, 34 for all buildings burglar alarm replacement.

38. The appropriation made to the Department of Administrative Services in 2015, 220:1, II, B, 8, extended by 2017, 228:22, 21, extended by 2019, 146:20, 35 for state house and Upham Walker house repairs.

39. The appropriation made to the Department of Administrative Services in 2011, 253:1, II, C, 1 extended by 2013 195:47, 13 extended by 2015, 220:23, 18, extended by 2017, 228:22, 29, extended by 2019, 146:20, 37 for critical IT infrastructure.

40. The appropriation made to the Department of Administrative Services in 2009, 145:1, II, C, 3 extended by 2011, 253:28, 21 extended by 2013 195:47, 23, extended by 2015, 220:23, 24, extended by 2017, 228:22, 32, extended by 2019, 146:20, 39 for main building bakery.

41. The appropriation made to the Community College System of New Hampshire in 2019, 146:1, III, A for Critical Maintenance and Safety, Master Plans.

42. The appropriation made to the Community College System of New Hampshire in 2019, 146:1, III, B for NCC Engineering Technology Renovation.

43. The appropriation made to the Community College System of New Hampshire in 2017, 228:1, III, A, extended by 2019, 146:20, 40 for Critical Maintenance and Safety.

44. The appropriation made to the Department of Corrections in 2019, 146:1, IV, A for Perimeter Security and Fence Detection Systems.

45. The appropriation made to the Department of Corrections in 2019, 146:1, IV, B for Kitchen Renovation.

46. The appropriation made to the Department of Corrections in 2019, 146:1, IV, C for Replace Electrical Services.

47. The appropriation made to the Department of Corrections in 2019, 146:1, IV, D for Generator Replacement of 2 Generators.

48. The appropriation made to the Department of Corrections in 2019, 146:1, IV, E for Rebuild/Replace Access Road, Berlin.

49. The appropriation made to the Department of Corrections in 2019, 146:1, IV, F for Door Replacements.

50. The appropriation made to the Department of Corrections in 2017, 228:1, IV, A, extended by 2019, 146:20, 43 for Transitional Work Center - Complete Bathroom Replace.

51. The appropriation made to the Department of Corrections in 2017, 228:1, IV, B, extended by 2019, 146:20, 44 for Repair Bathroom Floors - Med Cust N and Med Cust.

52. The appropriation made to the Department of Corrections in 2017, 228:1, IV, E, extended by 2019, 146:20, 47 for Door Replacement (NHSP-Men).

53. The appropriation made to the Department of Corrections in 2017, 228:1, IV, F, extended by 2019, 146:20, 48 for Electronic Controls and Security Camera Installation.

54. The appropriation made to the Department of Corrections in 2017, 228:1, IV, G, extended by 2019, 146:20, 49 for Body Alarm/Man Down System (NHSP-Men).

55. The appropriation made to the Department of Education in 2019, 146:1, V, B for Renovation of Hudson CTE Center, State Share.

56. The appropriation made to the Department of Education in 2017, 228:1, VI, C, extended by 2019, 146:20, 55 for Pre-Engineering Technology Program.

57. The appropriation made to the Office of Energy and Planning in 2017, 228:1, VII, A, extended by 2019, 146:20, 59 for Fuel Assistance Program/Weatherization Assistance Program. 58. The appropriation made to the Department of Environmental Services in 2019, 146:1, VI, A for Dam Repairs and Reconstruction.

59. The appropriation made to the Department of Environmental Services in 2019, 146:1, VI, B for Construction and Operations Facility.

60. The appropriation made to the Department of Environmental Services in 2019, 146:1, VI, C for Clean Water State Revolving Fund State Match.

61. The appropriation made to the Department of Environmental Services in 2019, 146:1, VI, D for Drinking Water State Revolving Fund State Match.

62. The appropriation made to the Department of Environmental Services in 2019, 146:1, VI, E for IT Upgrades For E-Permitting and Automation.

63. The appropriation made to the Department of Environmental Services in 2019, 146:1, VI, F for Comprehensive Monitoring Program for the Piscataqua Region Estuaries.

64. The appropriation made to the Department of Environmental Services in 2017, 228:1, VIII, C, extended by 2019, 146:20, 62 for Clean Water SRF State Matching Funds.

65. The appropriation made to the Department of Environmental Services in 2017, 228:1, VIII, F, extended by 2019, 146:20, 63 for Hazardous Waste Superfund Match.

66. The appropriation made to the Department of Environmental Services in 2017, 228:1, VIII, G, extended by 2019, 146:20, 64 for Construction and Operations Facility.
67. The appropriation made to the Department of Environmental Services in 2017, 228:1, VIII, H, extended by 2019, 146:20, 65 for Ossipee Lake Dam Reconstruction.
68. The appropriation made to the department of environmental services in 2015, 220:1, VI, B, extended by 2017, 228:22, 50, extended by 2019, 146:20, 66 for hazardous waste superfund state match.
69. The appropriation made to the department of environmental services in 2015, 220:1, VI, C, extended by 2017, 228:22, 51, extended by 2019, 146:20, 67 for Suncook river infrastructure protection project.
70. The appropriation made to the department of environmental services in 2015, 220:1, VI, D, extended by 2017, 228:22, 52, extended by 2019, 146:20, 68 for rehabilitation of natural resources conservation.
71. The appropriation made to the department of environmental services in 2015, 220:1, VI, F, extended by 2017, 228:22, 53, extended by 2019, 146:20, 69 for permitting, environmental monitoring and flood forecasting.
72. The appropriation made to the department of environmental services in 2011, 253:1, VI, E extended by 2013 195:47, 47 extended by 2015, 220:23, 48, extended by 2017, 228:22, 59, extended by 2019, 146:20, 71 for WRBP infrastructure capital improvements.
73. The appropriation made to the Fish And Game Department in 2019, 146:1, VII, A for Building Security And Fire Safety Improvements.
74. The appropriation made to the Fish And Game Department in 2017, 228:1, IX, B, extended by 2019, 146:20, 75 for Hatchery Infrastructure Improvements.
75. The appropriation made to the Department of Health and Human Services in 2019, 146:1, VIII, A for DCYF Comprehensive Child Welfare Information System.
76. The appropriation made to the Department of Health and Human Services in 2019, 146:1, VIII, B for Glencliff Home Potable Water System - Phase II.
77. The appropriation made to the Department of Health and Human Services in 2019, 146:14, IV for Glencliff Home Electrical System Enhancement.
78. The appropriation made to the Department of Health and Human Services in 2017, 228:1, X, A, extended by 2019, 146:20, 76 for MMIS Technical Stack Upgrade.
79. The appropriation made to the Department of Health and Human Services in 2017, 228:1, X, C, extended by 2019, 146:20, 78 for Developmental Services IT Remediation Plan.
80. The appropriation made to the Department of Health and Human Services in 2017, 228:1, X, D, extended by 2019, 146:20, 79 for Glencliff Home Fire Road and Travel Rebuild.
81. The appropriation made to the Department of Health and Human Services in 2017, 228:1, X, E, extended by 2019, 146:20, 80 for New HEIGHTS and NH EASY Gateway Modernization.
82. The appropriation made to the Department of Health and Human Services in 2017, 228:1, X, G, extended by 2019, 146:20, 82 for NH Hospital Air Handling System Upgrades.
83. The appropriation made to the Department of Health and Human Services in 2017, 228:1, X, H, extended by 2019, 146:20, 83 for Automated In-Line Mailing System.
84. The appropriation made to the Department of Health and Human Services in 2017, 228:1, X, I, extended by 2019, 146:20, 84 for Glencliff Home LaMott Wing Window Replacement.
85. The appropriation made to the Department of Health and Human Services in 2015, 220:1, VII, A extended by 2017, 228:22, 63, extended by 2019, 146:20, 85 for Glencliff home potable water system.
86. The appropriation made to the Department of Health and Human Services in 2015, 220:1, VII, B, extended by 2017, 228:22, 64, extended by 2019, 146:20, 86 for campus security Glencliff.
87. The appropriation made to the Department of Health and Human Services in 2015, 220:1, VII, C, extended by 2017, 228:22, 65, extended by 2019, 146:20, 87 for main access tunnel repair.
88. The appropriation made to the Department of Health and Human Services in 2015, 220:1, VII, D, extended by 2017, 228:22, 66, extended by 2019, 146:20, 88 for replace roof over auditorium at Howard rec.
89. The appropriation made to the Department of Health and Human Services in 2015, 220:1, VII, F, extended by 2017, 228:22, 68, extended by 2019, 146:20, 89 for chillers and associated components replacement.
90. The appropriation made to the Department of Health and Human Services in 2015, 220:1, VII, J, extended by 2017, 228:22, 72, extended by 2019, 146:20, 92 for NH hospital electronic health record pharmacy and scanning module.
91. The appropriation made to the Department of Health and Human Services in 2015, 220:1, VII, L, extended by 2017, 228:22, 74, extended by 2019, 146:20, 93 for NH hospital renovation of existing space.
92. The appropriation made to the Department of Health and Human Services in 2013, 195:1, VII 253:1, VII, A extended by 2015, 220:23, 52, extended by 2017, 228:22, 75, extended by 2019, 146:20, 94 for Glencliff fire and ADA code compliance.
93. The appropriation made to the Department of Health and Human Services in 2013, 195:1, VII 253:1, VII, B extended by 2015, 220:23, 53, extended by 2017, 228:22, 76, extended by 2019, 146:20, 95 for APS security and safety upgrades.

94. The appropriation made to the Department of Health and Human Services in 2013, 195:1, VII 253:1, VII, E extended by 2015, 220:23, 56, extended by 2017, 228:22, 79, extended by 2019, 146:20, 96 for new heights incremental modernization.

95. The appropriation made to the Department of Health and Human Services in 2011, 253:1, VII, H 63 extended by 2015, 220:23, 63, extended by 2017, 228:22, 84, extended by 2019, 146:20, 100 for electronic health records.

96. The appropriation made to the Department of Health and Human Services in 2011, 253:1, VII, L extended by 2013 195:47, 66 extended by 2015, 220:23, 66, extended by 2017, 228:22, 86, extended by 2019, 146:20, 101 for replatform option application.

97. The appropriation made to the Department of Information Technology in 2019, 146:1, IX, A for Digital Government Transformation (Enterprise).

98. The appropriation made to the Department of Information Technology in 2019, 146:1, IX, B for Continuity of Operation and Disaster Planning.

99. The appropriation made to the Department of Information Technology in 2019, 146:1, IX, C for Cybersecurity - Program Enhancements.

100. The appropriation made to the Department of Information Technology in 2017, 228:1, XII, B, extended by 2019, 146:20, 105 for Enterprise Workflow/Document Mgmt (All - Enterprise).

101. The appropriation made to the Department of Information Technology in 2017, 228:1, XII, C, extended by 2019, 146:20, 106 for Statewide Archiving Assessment.

102. The appropriation made to the Department of Information Technology in 2017, 228:1, XII, D, extended by 2019, 146:20, 107 for Enterprise GIS Alignment (All-Enterprise).

103. The appropriation made to the Judicial Branch in 2019, 146:1, X, A for New Hampshire e-Court.

104. The appropriation made to the Judicial Branch in 2017, 228:1, XIII, A, extended by 2019, 146:20, 112 for New Hampshire e-Court.

105. The appropriation made to the Judicial Branch in 2015, 220:1, X, A, extended by 2017, 228:22, 94, extended by 2019, 146:20, 113 for new Hampshire e-court.

106. The appropriation made to the Legislative Branch in 2017, 228:16, II, extended by 2019, 146:20, 114 for State House Complex Building Maintenance.

107. The appropriation made to the Liquor Commission in 2019, 146:1, XI, A for Computer Software - Credit Cards - POS.

108. The appropriation made to the Liquor Commission in 2017, 228:1, XV, A, extended by 2019, 146:20, 115 for Computer Software - Credit Cards - POS.

109. The appropriation made to the Liquor Commission in 2017, 228:14, III, extended by 2019, 146:20, 118 for the Concord headquarters roof replacement and parking lot.

110. The appropriation made to the Liquor Commission in 2013, 195:1, XII, G extended by 2015, 220:23, 82, extended by 2017, 228:22, 101, extended by 2019, 146:20, 121 for computer software-credit card.

111. The appropriation made to the Liquor Commission in 2017, 228:1, XV, D, extended by 2019, 146:20, 117 for Hampton North and South New Liquor Stores.

112. The appropriation made to the Military Affairs and Veterans Services in 2019, 146:1, I, A for Concord Aviation Readiness Center.

113. The appropriation made to the Military Affairs and Veterans Services in 2019, 146:1, I, B for Federal Statewide Repairs And Upgrades.

114. The appropriation made to the Military Affairs and Veterans Services in 2019, 146:1, I, C for Minor Military Construction Statewide.

115. The appropriation made to the Military Affairs and Veterans Services in 2019, 146:1, I, D for Manchester Anti-Terrorism Force Protection Renovations.

116. The appropriation made to the Military Affairs and Veterans Services in 2019, 146:1, I, E for Grafton County Readiness Center Design.

117. The appropriation made to the Military Affairs and Veterans Services in 2019, 146:1, I, F for Aviation Hangar Bay.

118. The appropriation made to the Military Affairs and Veterans Services in 2019, 146:14, II for Environmental Hazard Remediation and Land Acquisition.

119. The appropriation made to the Military Affairs and Veterans Services in 2017, 228:1, I, A, extended by 2019, 146:20, 1 for Pembroke Readiness Ctr and State Active Duty Annex.

120. The appropriation made to the Military Affairs and Veterans Services in 2017, 228:1, I, B, extended by 2019, 146:20, 2 for Concord Readiness Center.

121. The appropriation made to the Military Affairs and Veterans Services in 2017, 228:1, I, J, extended by 2019, 146:20, 5 for Archaeological Study for Phase 2 Cemetery Development.

122. The appropriation made to the Military Affairs and Veterans Services in 2015, 220:1, I, D extended by 2017, 228:22, 4, extended by 2019, 146:20, 7 for land for military construction.

123. The appropriation made to the Military Affairs and Veterans Services in 2015, 220:1, I, E extended by 2017, 228:22, 5, extended by 2019, 146:20, 8 for readiness center design.

124. The appropriation made to the Military Affairs and Veterans Services in 2013, 195:1, I, A extended by 2015, 220:23, extended by 2017, 228:22, 7, extended by 2019, 146:20, 9, for unspecified minor military construction.

125. The appropriation made to the Department of Natural and Cultural Resources in 2019, 146:1, XII, A for Roofing and Repair.

126. The appropriation made to the Department of Natural and Cultural Resources in 2019, 146:1, XII, B for Mount Washington Sewage Treatment Expansion.

127. The appropriation made to the Department of Natural and Cultural Resources in 2019, 146:1, XII, C for Restoration of Historic Sites.

128. The appropriation made to the Department of Natural and Cultural Resources in 2019, 146:1, XII, D for Campground Toilet Buildings.

129. The appropriation made to the Department of Natural and Cultural Resources in 2019, 146:1, XII, E for Day-Use Toilet Buildings.

130. The appropriation made to the Department of Natural and Cultural Resources in 2019, 146:1, XII, F for Mount Sunapee State Park Beach Boat Ramp.

131. The appropriation made to the Department of Natural and Cultural Resources in 2019, 146:1, XII, G for Communication System Replacement.

132. The appropriation made to the Department of Natural and Cultural Resources in 2019, 146:1, XII, H for Climate Controlled Storage Area - State Library.

133. The appropriation made to the Department of Natural and Cultural Resources in 2019, 146:1, XII, I for Design and Engineering Services; Archaeology Lab; Office, Lab, and Storage Space Needs.

134. The appropriation made to the Department of Natural and Cultural Resources in 2017, 228:1, XVIII, B, extended by 2019, 146:20, 125 for Roofing and Repair of DRED Buildings Statewide. 135. The appropriation made to the Department of Natural and Cultural Resources in 2017, 228:1, XVIII, C, extended by 2019, 146:20, 126 for Dams and Retaining Walls.

136. The appropriation made to the Department of Natural and Cultural Resources in 2017, 228:1, XVIII, D, extended by 2019, 146:20, 127 for Restorations at Historic Sites.

137. The appropriation made to the Department of Natural and Cultural Resources in 2015, 220:1, XIII, B, extended by 2017, 228:22, 104, extended by 2019, 146:20, 129 for fire tower repairs - statewide.

138. The appropriation made to the Pease Development Authority in 2017, 228:1, XVI, A, extended by 2019, 146:20, 122 for Piscataqua River Turning Basin.

139. The appropriation made to the Pease development authority in 2015, 220:1, XII, extended by 2017, 228:22, 102, extended by 2019, 146:20, 123 for the Piscataqua river turning basin.

140. The appropriation made to the Department of Revenue Administration in 2017, 228:1, XIX, A, extended by 2019, 146:20, 130 for Revenue Information Management System (RIMS).

141. The appropriation made to the Police Standards and Training Council in 2019, 146:1, XIV, A for Boiler Replacement.

142. The appropriation made to the Department of Safety, General Funds in 2019, 146:1, XV, A for Fire Academy HVAC Upgrade.

143. The appropriation made to the Department of Safety, General Funds in 2019, 146:1, XV, B for Fire Academy, New Truck and HVAC Upgrades.

144. The appropriation made to the Department of Safety, General Funds in 2019, 146:1, XV, C for Criminal Records Customer Portal.

145. The appropriation made to the Department of Safety, General Funds in 2019, 146:1, XV, D for Troop C Renovation - General Fund Portion.

146. The appropriation made to the Department of Safety in 2019, 146:2, I, A for Troop C Renovation, Highway Fund Portion.

147. The appropriation made to the Department of Safety in 2019, 146:2, I, B for DMV Online Customer Portal.

148. The appropriation made to the Department of Safety in 2017, 228:1, XX, C, extended by 2019, 146:20, 132 for State Police Records Management System.

149. The appropriation made to the department of safety in 2011, 253:1, XIII, A extended by 2013 195:47, 89 extended by 2015, 220:23, 96, extended by 2017, 228:22, 112, extended by 2019, 146:20, 138 for e-911 next generation.

150. The appropriation made to the Department of State 2017, 228:1, XXI, A, extended by 2019, 146:20, 139 for Archives Addition.

151. The appropriation made to the Department of Transportation, General Funds in 2019, 146:1, XVI, A for Aeronautics, Rail, and Transit, 5 percent match for Federal Aviation Administration Projects.

152. The appropriation made to the Department of Transportation, General Funds in 2019, 146:1, XVI, C for Repairs to State-Owned Active Railroad Bridges.

153. The appropriation made to the Department of Transportation, General Funds in 2019, 146:1, XVI, D for Coos County Rail Improvements.

154. The appropriation made to the Department of Transportation, General Funds in 2019, 146:1, XVI, E for Strafford and Carroll County Rail Improvements.

155. The appropriation made to the Department of Transportation, General Funds in 2019, 146:1, XVI, F for Public Transit Bus and Facility Matching Funds.

156. The appropriation made to the Department of Transportation in 2019, 146:2, II, A for Statewide Equipment 2020.

157. The appropriation made to the Department of Transportation in 2019, 146:2, II, B for Manchester 527 - Patrol Shed Addition/Renovation.

158. The appropriation made to the Department of Transportation in 2019, 146:2, II, C for Derry 528 - Brine System.

159. The appropriation made to the Department of Transportation in 2019, 146:2, II, D for Statewide - Life Safety Code Improvements.

160. The appropriation made to the Department of Transportation in 2019, 146:2, II, E for Statewide Salt Sheds.

161. The appropriation made to the Department of Transportation in 2019, 146:2, II, F for Lancaster District Office - Addition.

162. The appropriation made to the Department of Transportation in 2019, 146:2, II, G for Statewide Underground Fuel Tank Replacement.

163. The appropriation made to the Department of Transportation in 2019, 146:2, II, H for NHDOT Document Management Software.

164. The appropriation made to the Department of Transportation in 2019, 146:2, II, I for NHDOT Work Order System Phase 1.

165. The appropriation made to the Department of Transportation in 2019, 146:15, II for Statewide Equipment.

166. The appropriation made to the Department of Transportation, General Funds in 2017, 228:1, XXII, A, extended by 2019, 146:20, 140 for Aeronautics, Rail, and Transit, Public Transit Bus and Facility Matching Funds.

167. The appropriation made to the Department of Transportation, General Funds in 2017, 228:1, XXII, B, extended by 2019, 146:20, 141 for Repairs to Granite Arches in Westmoreland and Walpole.

168. The appropriation made to the Department of Transportation, General Funds in 2017, 228:1, XXII, E, extended by 2019, 146:20, 142 for Eastern Slope Regional Airport Terminal/Hangar Building.

169. The appropriation made to the Department of Transportation in 2017, 228:2, II, A, extended by 2019, 146:20, 143 for Lisbon 114 - New Patrol Shed Facilities.

170. The appropriation made to the Department of Transportation in 2017, 228:2, II, B, extended by 2019, 146:20, 144 for Statewide-Underground Fuel Tank Replacement.

171. The appropriation made to the Department of Transportation in 2017, 228:2, II, C, extended by 2019, 146:20, 145 for Statewide Salt Sheds.

172. The appropriation made to the Department of Transportation in 2017, 228:2, II, D, extended by 2019, 146:20, 146 for Manchester 527 Addition to Patrol Shed.

173. The appropriation made to the Department of Transportation in 2017, 228:2, II, E, extended by 2019, 146:20, 147 for Dixville 103D New Patrol Shed Facilities.

174. The appropriation made to the Department of Transportation in 2015, 220:1, XVI, A, 1, extended by 2017, 228:22, 116, extended by 2019, 146:20, 148 for 5% match for federal aviation administration project.

175. The appropriation made to the Department of Transportation in 2015, 220:1, XVI, A, 2, extended by 2017, 228:22, 117, extended by 2019, 146:20, 149 for repairs to state-owned railroad bridges.

176. The appropriation made to the Department of Transportation in 2015, 220:1, XVI, A, 3, extended by 2017, 228:22, 118, extended by 2019, 146:20, 150 for public transit bus and facility matching funds.

177. The appropriation made to the Department of Transportation in 2015, 220:2, III, A, extended by 2017, 228:22, 120, extended by 2019, 146:20, 151 for underground fuel tank replacement statewide.

178. The appropriation made to the Department of Transportation in 2015, 220:2, III, B, extended by 2017, 228:22, 121, extended by 2019, 146:20, 152 for oversize/overweight permit software.

179. The appropriation made to the Department of Transportation in 2015, 220:2, III, F, extended by 2017, 228:22, 125, extended by 2019, 146:20, 154 for welcome and information center capital improvement.

180. The appropriation made to the Department of Transportation in 2013, 195:XVI, A, 1 extended by 2015, 220:23, 106, extended by 2017, 228:22, 134, extended by 2019, 146:20, 155 for 5% match for FAA projects.

181. The appropriation made to the Department of Transportation in 2005, 259:1, XIII, F amended by 2007, 264:20, extended by 2007, 264:29 extended by 2009, 145:19, 81 extended by 2011, 253:28, 104 extended by 2013 195:47, 110, extended by 2015, 220:23, 120, extended by 2017, 228:22, 142, extended by 2019, 146:20, 157 for railroad acquisition right of first refusal rail match.

182. The appropriation made to the Department of Transportation in 1999, 226:1, XIII, C, as extended by 2001, 202:28, XXXIII, and 2003, 240:34, LXXVI extended by 2005, 259:25, LVI extended by 2007, 264:29 LXXIV extended by 2009, 145:19, 64 extended by 2011, 253:28, 98 extended by 2013 195:47, 111 extended by 2015, 220:23, 121, extended by 2017, 228:22, 143, extended by 2019, 146:20, 158 for acquisition for railroad and airport properties.

183. The appropriation made to the Veterans Home in 2019, 146:1, XVII, A for Heat Pump Equipment Replacements.

184. The appropriation made to the New Hampshire Veterans Home in 2017, 228:1, XXIII, A, extended by 2019, 146:20, 159 for LEDU Building Fire Wall Repairs.

185. The appropriation made to the New Hampshire Veterans' Home in 2015, 220:1, XVII, A, extended by 2017, 228:22, 144, extended by 2019, 146:20, 161 for third floor addition to the LEDU building - vets home.

18 Effective Date.

I. Section 17 of this act shall take effect June 30, 2021.

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

Amendment to HB 62-FN

(2021-0067h)

Proposed by the Minority of the Committee on Commerce and Consumer Affairs – r

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 Managed Care Provider Contract Standards.. Amend RSA 420-J:8, XI to read as follows:

XI. Every contract entered into after July 1, 2003 between a health carrier and any physician or facility shall contain a provision that ensures that covered persons will have continued access to the provider in the event that the contract is terminated for any reason other than unprofessional behavior. The continued access to providers shall be made available ~~[for 60 days from the date of termination of the contract]~~ **as required by RSA 420-J:7-d** and shall be provided and paid for in accordance with the terms and conditions of the covered person's health benefit plan and the prior contract between a health carrier and a health care provider. Within 5 business days of the contract termination, the health carrier shall provide written notice to affected covered persons explaining their continued access rights.

Amendment to HB 67-L

(2021-0553h)

Proposed by the Majority of the Committee on Municipal and County Government – r

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Government of Town Meeting; Official Ballot Referenda; Warrant Articles. Amend RSA 40:13, IV by inserting after subparagraph (c) the following new subparagraph:

(d) No petitioned warrant article shall be amended to change its specific intent.

2021-0553h

AMENDED ANALYSIS

This bill prohibits the amendment of a petitioned warrant article when such amendment would change the specific intent of a petitioned warrant article.

Amendment to HB 71

(2021-0498h)

Proposed by the Majority of the Committee on Education – r

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; School Meetings; Raising Money at Special Meeting. Amend RSA 197:3, I by inserting after subparagraph (c) the following new subparagraph:

(d) The court shall not allow a special meeting if the emergency involves a collective bargaining agreement that was voted down at the regular meeting, including a collective bargaining agreement modified after the regular meeting.

2021-0498h

AMENDED ANALYSIS

This bill prohibits the superior court from allowing special school meetings for a collective bargaining agreement that was voted down at the regular meeting.

Amendment to HB 72

(2021-0304h)

Proposed by the Committee on Executive Departments and Administration – c

Amend the bill by replacing section 2 with the following:

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.

2021-0304h

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 HB 77

(2021-0402h)

Proposed by the Committee on Election Law – r

Amend the bill by replacing section 1 with the following:

1 Nominations; Forwarding Declarations of Candidacy. Amend RSA 655:18 to read as follows:

655:18 Forwarding Declarations of Candidacy.

I. Each city or town clerk shall forward each declaration of candidacy filed with him or her to the secretary of state on the day of filing of the same.

II. City and town clerks shall provide to the secretary of state, on at least a daily basis, a summary of any filings received pursuant to this chapter each day. Such summary shall be submitted electronically and shall include the name and address of any candidate who has filed. The secretary of state shall then add those persons to the daily report for that day.

III. Clerks shall only be required to report to the secretary of state pursuant to this section on days the clerks' offices are open and receiving filings.

Amendment to HB 83

(2021-0369h)

Proposed by the Committee on Judiciary – c

Amend RSA 507:17, II as inserted by section 1 of the bill by replacing it with the following:

II. In any action or claim by or against a governmental unit or any former or current elected official, appointed official, officer, or employee, where the governmental unit has agreed to a settlement of such action or claim, the complete terms of the settlement and the decree of the court judgment shall be available as a matter of public record pursuant to RSA 91-A.

Amendment to HB 89-FN

(2021-0437h)

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

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 New Subparagraphs; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX(b) by inserting after subparagraph (3) the following new subparagraphs:

(4) Autism spectrum disorder in adults 21 years of age or older.

(5) Autism spectrum disorder in people under 21 years of age with the requirement of a consultation with a certified provider of child and/or adolescent psychiatry, developmental pediatrics, or pediatric neurology, who confirms that the autism spectrum disorder has not responded to previously prescribed medication or for which other treatment options produced serious side effects and who supports certification for the use of therapeutic cannabis.

2021-0437h

AMENDED ANALYSIS

This bill adds moderate to severe insomnia and autism spectrum disorder to the definition of “qualifying medical condition” for the purposes of the use of cannabis for therapeutic purposes law.

Amendment to HB 98

(2021-0743h)

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

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

1 Election of Officers and Delegates; Election Dates; State Primary Election; Authority for Change in Filing Period. Amend RSA 653:8 to read as follows:

653:8 State Primary Election. The state primary election shall be held on the [second] **fourth** Tuesday in [September] **June** of every even-numbered year.

653:8-a Change in Primary Date. Notwithstanding the provisions of RSA 653:8, if the secretary of state changes the dates of the filing period pursuant to RSA 655:14-c, he or she is hereby authorized to make a corresponding change to the date of the primary election.

2 Voters and Checklists; Hearings on Alterations to Party Registration. Amend RSA 654:32 to read as follows:

654:32 Hearings on Alterations to Party Registration. Before each state or presidential primary election, the supervisors of the checklist shall be in session before each primary for the change of registration of legal voters as provided in RSA 654:34 or 654:34-a or both. Before the presidential primary, the session shall be on the Friday preceding the first day of the filing period, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. Before the state primary election, the session shall be on Tuesday before the first Wednesday in ~~[June]~~ **March** between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours.

3 Voters and Checklists; Change of Registration. Amend RSA 654:34, IV to read as follows:

IV. No person, who is already registered to vote, whether his **or her** party membership has been previously registered or not, shall affiliate with a party or disaffiliate from a party between the first Wednesday in ~~[June]~~ **March** and the day before the state primary election.

4 Voters and Checklists; Verification of Checklists. Amend RSA 654:38, III to read as follows:

III. Upon completion of verification of the checklist, but, in no event later than ~~[September 1]~~ **June 1**, the supervisors shall file with the secretary of state the following certificate: We, the supervisors of the checklist of the town (or ward _____) of _____, do hereby certify that we have verified the checklist of registered voters in the town (or ward _____ of the city) of _____ as directed by the ballot law commission.

5 Voters and Checklists; Verification Every 10 Years. Amend RSA 654:39, V to read as follows:

V. Upon completion of verification of the checklist, but in no event later than ~~[September 1]~~ **June 1**, the supervisors shall file with the secretary of state the following certificate: We, the supervisors of the checklist (or registrars of voters) of the town (or ward _____) of _____, do hereby certify that we have verified the checklist of registered voters in the town (or ward _____ of the city) of _____, pursuant to the provisions of RSA 654:39.

6 Elections; Nominations by Primary; Filing: General Provisions. Amend RSA 655:14 to read as follows:

655:14 Filing; General Provisions. The name of any person shall not be printed upon the ballot of any party for a primary unless he or she is a registered member of that party, he or she shall have met the age and domicile qualifications for the office he or she seeks at the time of the general election, he or she meets all the other qualifications at the time of filing, and he or she shall file with the appropriate official between the ~~[first]~~ **fourth** Wednesday in ~~[June]~~ **April** and the Friday of the following week a declaration of candidacy as provided in RSA 655:17.

7 Elections; Nominations by Primary. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of _____ ss.

City (Town) of _____

I do hereby join in a petition for the printing on the primary ballot of the name of _____ whose domicile is in the city (town) of _____ (ward, street, and number, if in a city), in the county of _____, for the office of _____ to be voted for on Tuesday, the _____ day of ~~[September]~~ **June**, _____ (year), and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the _____ party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of _____ (ward, street, and number, if in a city), in the county of _____. I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA 655:10, and that he or she is not a federal employee which makes him or her ineligible to file as a candidate for this office. I further certify that I believe the above-named person is especially qualified to fill said office.

I hereby swear, under the penalties for voting fraud set forth below, that the information above is true and correct to the best of my knowledge and belief.

Print Voter's name

Voter's 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.

8 Elections; Nomination by Primary; Examination and Rejection. Amend RSA 655:26 to read as follows:

655:26 Examination and Rejection. The officer with whom primary petitions are filed shall immediately upon receipt thereof examine the same and ascertain whether they conform to the law. If found not to conform

thereto or to be conflicting as provided in RSA 655:23, he *or she* shall then endorse thereon the reason why such petition cannot be accepted and shall, within 24 hours, return the same to the candidate in whose behalf it was filed. In such case, the candidate may file supplementary petitions with the official, but not later than ~~[the third Wednesday in June]~~ **14 days after the opening of the filing period under RSA 655:14.**

9 Ballot Law Commission; Hearing Date. Amend the introductory paragraph of RSA 665:5, I to read as follows:

I. If necessary, the ballot law commission shall meet on the ~~[third]~~ **second** Thursday ~~[of September]~~ **following the date of the state primary election** in each general election year and the third Friday following the presidential primary election in order to hear and decide:

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

2021-0743h

AMENDED ANALYSIS

This bill changes the date of the state primary election to the fourth Tuesday in June.

Amendment to HB 101

(2021-0164h)

Proposed by the Committee on Municipal and County Government – c

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

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

2021-0164h

AMENDED ANALYSIS

This bill requires counties to close their books 45 days following the end of the fiscal year unless granted an extension by the commissioner of revenue administration.

Floor Amendment to HB 107

(2021-0618h)

Proposed by Rep. Deshaies

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

1 Minimum Hourly Rate. Amend the introductory paragraph of RSA 279:21 to read as follows:

279:21 Minimum Hourly Rate. 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, ***or the following, whichever is higher:***

From January 1, 2022 to December 31, 2022, \$7.65 per hour.

From January 1, 2023 to December 31, 2023, \$8.05 per hour.

From January 1, 2024 to December 31, 2024, \$8.45 per hour.

From January 1, 2025 to December 31, 2025, \$8.85 per hour.

From January 1, 2026 to December 31, 2026, \$9.25 per hour.

Beginning September 1, 2026, and each September 1 thereafter, the commissioner shall adjust the minimum hourly rate then in effect based upon the increase in the cost of living. The increase in the cost of living shall be calculated using the 12-month percentage increase, if any, in the Consumer Price Index for all Urban Consumers, U.S. city average, all items or its successor index as published by the Bureau of Labor Statistics of the United States Department of Labor, for the most recent 12-month period for which data is available at the time that the calculation is made. The commissioner shall round the adjusted minimum hourly rate to the nearest multiple of 5 cents and announce it by October 1 of each year and it shall become effective on January 1 of the following year.

Tipped employees of a restaurant, 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]~~ **hourly rate. From January 1, 2023 to December 31, 2024, the base rate for tipped employees shall be 42.5 percent of the applicable minimum hourly rate; and on January 1, 2025 and thereafter, the base rate for tipped employees shall be 40 percent of the applicable minimum hourly rate.** If 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 minimum wage. The limitations imposed hereby shall be subject to the following exceptions:

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

2021-0618h
AMENDED ANALYSIS

This bill increases the state minimum hourly rate, requires a consumer price index adjustment to the minimum hourly rate, and amends the minimum hourly rate for tipped employees.

Floor Amendment to HB 113
(2021-0660h)

Proposed by Rep. Cahill

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Protective Legislation; Wages. Amend RSA 275:43 by inserting after paragraph V the following new paragraph:

V-a. An employee who leaves in good standing, or whose termination is the result of a layoff, shall be paid for unused vacation hours no later than the next regular pay period. If the termination is the result of a change of business ownership, the prior employer shall, upon completion of the transfer of ownership, pay the employee's unused vacation wages or transfer the employee's unused vacation hours to the new employer.

2021-0660h
AMENDED ANALYSIS

This bill requires an employer to pay an employee for earned but unused vacation time. The bill also provides that if the termination is the result of a change of business ownership, the prior employer shall pay the employee's unused vacation wages or credit the unused vacation hours to the new employer.

Amendment to HB 120
(2021-0517h)

Proposed by the Committee on Children and Family Law – c

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

1 New Paragraphs; Delinquent Children; Definitions Added. Amend RSA 169-B:2 by inserting after paragraph XIII the following new paragraphs:

XIII-a. "Psychotropic medication" means a drug prescribed by a licensed medical practitioner, to treat illnesses that affect psychological functioning, perception, behavior, or mood.

XIII-b. "Medication restraint" means the involuntary administration of any medication, including psychotropic medication, without a clinical diagnosis for the purpose of controlling behavior, unless it is to ensure the immediate physical safety of persons when there is substantial and imminent risk of serious bodily harm to the child or others.

2 Delinquent Children; Treatment Plan Involving the Use of Psychotropic Medication. Amend RSA 169-B:23 to read as follows:

169-B:23 Orders for ~~[Physical]~~ **Health** Examination and Treatment. If it is alleged in any petition, or it appears at any time during the progress of the case, that a delinquent is in need of ~~[physical]~~ **health** treatment, the failure to receive which is a contributing cause of delinquency, due notice of that fact shall be given as provided in RSA 169-B:7. If the court, upon hearing, finds that such treatment is reasonably required, it shall be ordered and the expense thereof shall be borne as provided in RSA 169-B:40. ***Prior to prescribing psychotropic medication, the prescriber shall ensure the undertaking of, and guidance from, a recent comprehensive medical assessment to rule out an underlying physical cause and a comprehensive psychosocial assessment to address psychosocial issues. The prescribing of any medication shall include consultation with the child's caregiver or legal guardian and the division for children, youth and families (DCYF) district nurse. The use of medication restraint shall be limited as provided in RSA 126-U.***

3 New Paragraphs; Child Protection Act; Definitions Added. Amend RSA 169-C:3 by inserting after paragraph XXV-a the following new paragraphs:

XXV-b. "Psychotropic medication" means a drug prescribed by a licensed medical practitioner, to treat illnesses that affect psychological functioning, perception, behavior, or mood.

XXV-c. "Medication restraint" means the involuntary administration of any medication, including a psychotropic medication, without a clinical diagnosis for the purpose of controlling behavior, unless it is to ensure the immediate physical safety of persons when there is substantial and imminent risk of serious bodily harm to the child or others.

4 New Paragraph; Duties of the Department of Health and Human Services Under the Child Protection Act; Oversight of Children in Foster Care Receiving Psychotropic Medication. Amend RSA 169-C:34 by inserting after paragraph VIII the following new paragraph:

IX. The use of medication restraint shall be limited as provided in RSA 126-U.

5 New Paragraphs; Children in Need of Services (CHINS); Definitions Added. Amend RSA 169-D:2 by inserting after paragraph XIII the following new paragraphs:

XIII-a. “Psychotropic medication” means a drug prescribed by a licensed medical practitioner, to treat illnesses that affect psychological functioning, perception, behavior, or mood.

XIII-b. “Medication restraint” means the involuntary administration of any medication, including a psychotropic medication, without a clinical diagnosis for the purpose of controlling behavior, unless it is to ensure the immediate physical safety of persons when there is substantial and imminent risk of serious bodily harm to the child or others.

6 New Paragraph; Children in Need of Services; Oversight of Children in Foster Care Receiving Psychotropic Medication. Amend RSA 169-D:17 by inserting after paragraph VIII the following new paragraph:

IX. The department shall ensure that, when psychotropic medication is prescribed for children in foster care, appropriate medication monitoring is provided pursuant to current American Academy of Child and Adolescent Psychiatry (AACAP) Standards.

7 New Subparagraph; Residential Care and Child Placing Agency Licensing; Compliance with Rules Relative to the Use of Psychotropic Medication in Children. Amend RSA 170-E:34, I by inserting after subparagraph (h) the following new subparagraph:

(i) Compliance with RSA 126-U, regarding the use of physical and medication restraint.

8 New Paragraphs; Services for Children, Youth and Families; Definitions Added. Amend RSA 170-G:1 by inserting after paragraph VII the following new paragraphs:

VIII. “Psychotropic medication” means a drug prescribed by a licensed medical practitioner, to treat illnesses that affect psychological functioning, perception, behavior, or mood.

IX. “Medication restraint” means the involuntary administration of any medication, including a psychotropic medication, without a clinical diagnosis for the purpose of controlling behavior, unless it is to ensure the immediate physical safety of persons when there is substantial and imminent risk of serious bodily harm to the child or others.

9 New Paragraph; Duties of the Department of Health and Human Services; Medication Monitoring for Children in Foster Care Receiving Psychotropic Medication. Amend RSA 170-G:4 by inserting after paragraph XXII the following new paragraph:

XXIII.(a) Ensure that division for children, youth and families (DCYF) district office nurses provide medication monitoring for children in foster care receiving psychotropic medication pursuant to current American Academy of Child and Adolescent Psychiatry (AACAP) Standards, which shall include providing relevant health education and guidance to caregivers and DCYF field staff, and that any use of medication restraint conforms with the limitations in RSA 126-U.

(b) Beginning November 1, 2022, and annually thereafter, report to the joint legislative oversight committee on health and human services established under RSA 126-A:13 and the office of the child advocate established under RSA 21-V, regarding the use of psychotropic medications by children in foster care and compliance with the limitations on medication restraint in RSA 126-U. Such report shall include a description of progress during the preceding fiscal year toward compliance with the recommendations of the September 2018 report of the United States Department of Health and Human Services, Office of the Inspector General entitled “Treatment Planning and Medication Monitoring Were Lacking for Children in Foster Care Receiving Psychotropic Medication.” Such description shall include statistical information regarding the number of children in foster care, the number of such children receiving treatment with psychotropic medications, the total Medicaid expenditures for psychotropic medications for such children, and the diagnoses of such children. In addition, the report shall include statistical information regarding the number of children in foster care receiving treatment with psychotropic medications who have treatment plans and medication monitoring as required by statute, regulation, and department procedures.

10 New Subparagraph; Confidentiality of Department Case Records; Access by Licensed Medical Practitioner. Amend RSA 170-G:8-a, II(b) by inserting after subparagraph (5) the following new subparagraph:

(6) A licensed medical practitioner who is overseeing the use of psychotropic medication prescribed to the child.

11 New Paragraph; Foster Care Children’s Bill of Rights. Amend RSA 170-G:21 by inserting after paragraph II the following new paragraph:

II-a. To receive appropriate medical supervision of any prescribed psychotropic medications.

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

Amendment to HB 123-FN

(2021-0760h)

Proposed by the Committee on Criminal Justice and Public Safety – r

Amend the bill by replacing section 1 with the following:

1 Legislative Intent. It is the intent of the general court to encourage a victim of sexual assault as defined in RSA 632-A:2, 632-A:3, or 632-A:4 to report such crimes to law enforcement by establishing a state policy of protecting the victim from arrest, prosecution, and conviction for prostitution if they report such a crime. The immunity from arrest, prosecution, or conviction shall extend to cases in which a victim has come forward to law enforcement.

Amend RSA 645:2, VII as inserted by section 2 of the bill by replacing it with the following:

VII. As used in this section, “reports being the victim of a sexual assault or other crime” means reporting the initial crime to law enforcement and does not include further cooperation.

Amendment to HB 125

(2021-0385h)

Proposed by the Committee on Criminal Justice and Public Safety – r

Amend RSA 105:20 as inserted by section 1 of the bill by replacing it with the following:

105:20 Law Enforcement; Post-Arrest Photo Distribution. Post-arrest photos taken by law enforcement officers of arrested persons shall be considered records compiled for investigatory purposes and shall not be subject to RSA 91-A unless the subject of the photo is convicted of a charge arising out of the arrest that led to the taking of the photo. Law enforcement officers may publish post-arrest photos related to a crime for which the subject has not been convicted if the subject fails to appear before the court after having been granted bail or is suspected of committing a subsequent crime while on bail and the assistance of the public is necessary to locate the subject after routine non-public methods of location have been exhausted. Law enforcement officers may also release post-arrest photos if the subject presents an immediate danger to the public and the release of the photo is necessary for public safety. The subject shall be notified of the potential for public release of the photo when it is taken. Law enforcement officers may also release such applicable post-arrest photos to the subject of the photo upon written request of the person. Law enforcement officers shall maintain a record of all applicable photos released or disseminated and shall include with whom the photos were shared and for what purpose. Nothing in this subdivision shall prohibit the ability of law enforcement agencies from disseminating such post-arrest photos to witnesses or to other law enforcement agencies in the performance of any valid law enforcement function. Nothing in this subdivision shall alter the ability of law enforcement agencies to take or use the photos of convicted, registered sex offenders under the provisions in RSA 651-B:5.

Amendment to HB 135

(2021-0473h)

Proposed by the Majority of the Committee on Judiciary – r

Amend RSA 485:17-b, III and IV as inserted by section 1 of the bill by replacing them with the following:

III. If the connection required in paragraph I cannot be made in 6 months or less, the public or private corporation, individual, partnership, or other entity shall pay for the temporary installation of a whole house water filter and the maintenance of such filter until the connection can be made.

IV. The public or private corporation, individual, partnership, or other entity shall pay the owner of the residence or business affected by the violation a monthly sum based on the average water usage and billing of comparable residences or businesses for 2 years from the date of the connection required under paragraph I or until the residence or business is sold to a different owner, whichever comes first.

Amendment to HB 141-FN

(2021-0877h)

Proposed by the Committee on Executive Departments and Administration – c

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

AN ACT allowing a county to exempt its chief administrative officer from compulsory participation in the retirement system.

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

1 Retirement System; Modifications; Counties. Amend RSA 100-A:22 to read as follows:

100-A:22 Modifications.

I. Membership in the retirement system shall be optional for officers and employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such officer or employee who elects to join the retirement system within one year thereafter shall be credited with prior service covering such periods of prior service rendered to such employer for which the employer is willing to make accrued liability contributions. If the employer is unable or unwilling to make such contributions, a member in service may petition the board of trustees for periods of prior service rendered to such employer. Upon payment by the member of the amount determined in accordance with RSA 100-A:3, VI(b) and with the approval of the board, the member shall receive credit for such prior service. Thereafter, service for such employer on account of which contributions are made by the employer and member shall also be considered as creditable service. However, in no event shall prior service purchased as creditable service under this section be used as creditable service for the purpose of eligibility for medical benefits under RSA 100-A:52, RSA 100-A:52-a, or RSA 100-A:52-b.

II. Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective. Municipalities *and counties* may, by action of their city council [or], board of selectmen, *or board of commissioners*, exempt their chief administrative officer, at the time of

initial hiring or appointment, from compulsory membership provided herein. The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of trustees such information and shall cause to be performed with respect to the employees of such employer, who are members of the retirement system, such duties as shall be prescribed by the trustees in order to carry out the provisions of this chapter.

2 New Paragraph; Retirement System; Employer Contributions; Certain Municipal and County Employees Exempt. Amend RSA 100-A:16 by inserting after paragraph II-a the following new paragraph:

II-b. In addition to employer contributions required under paragraph II, municipalities and counties that exempt their chief administrative officers from participation in the retirement system under RSA 100-A:22 shall make contributions at the percentage rates certified by the board of trustees for the compensation paid to such employees; provided that the percentage rates applied shall only be for the employers' share of the unfunded accrued liability determined under subparagraph II(e).

3 Applicability. This act shall apply to chief administrative officers exempted from participation in the New Hampshire retirement system under RSA 100-A:22 who commence employment on or after the effective date of this act.

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

2021-0877h

AMENDED ANALYSIS

This bill allows the county commissioners to exempt the county chief administrative officer from compulsory membership in the state retirement system.

Amendment to HB 143

(2021-0444h)

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs – r
Amend the bill by replacing section 2 with the following:

2 New Paragraph; Pharmacists and Pharmacies; Prescriptions. Amend RSA 318:47-c by inserting after paragraph II the following new paragraph:

III.(a) Notwithstanding any provision of law to the contrary, no person shall issue a prescription for a controlled drug unless the prescription is made by electronic prescription from the person issuing the prescription to a pharmacy and the electronic prescription contains the information and signature required in paragraph II, except for prescriptions issued:

(1) In circumstances where electronic prescribing is not available due to temporary technological or electrical failure.

(2) By a practitioner to be dispensed by a pharmacy located outside of New Hampshire, provided that such pharmacy complies with the laws and regulations of the state where the pharmacy is located.

(3) When the prescriber is the dispenser.

(4) By a practitioner for a drug that the federal Food and Drug Administration (FDA) requires the prescription to contain certain elements that are not able to be accomplished with electronic prescribing.

(5) By practitioners who have received a waiver or a renewal thereof for a specified period determined by the practitioner's licensing board, not to exceed one year, from the requirement to use electronic prescribing, pursuant to a process established in rules of the board, due to economic hardship, technological limitations that are not reasonably within the control of the practitioner, or other exceptional circumstance demonstrated by the practitioner.

(6) In circumstances where electronic prescribing is not available due to RSA 318-B:2, VI-a.

(7) For a compounded prescription for a hospice patient or in circumstances where access to electronic prescribing technology is temporarily unavailable to electronically prescribe a controlled drug for a hospice patient.

(8) By a veterinarian, until such time that the New Hampshire board of veterinary medicine determines that electronic prescribing software is widely available for veterinarians and notifies the pharmacy board. The board of veterinary medicine shall at least annually make such a determination.

(b) A pharmacist who receives a written, oral, or faxed prescription shall not be required to verify that the prescription properly falls under one of the exceptions under subparagraph (a). Pharmacists may continue to dispense medications from otherwise valid written, oral, or faxed prescriptions that are consistent with this section.

Amendment to HB 146

(2021-0507h)

Proposed by the Committee on Health, Human Services and Elderly Affairs – c
Amend the bill by replacing section 1 with the following:

1 New Section; Purity and Branding of Foods and Drugs; Medications Administered by Injection; List of Ingredients Required. Amend RSA 146 by inserting after section 6-b the following new section:

146:6-c Medications Administered by Injection; List of Ingredients Required.

I. Any prescription drug manufacturer of a medication that is administered by injection, including a vaccine, shall make a complete list of the medication's ingredients available to the public and to health care providers. Any health care provider who prescribes a vaccine or other injectable medication shall furnish, upon the request of the patient or the patient's parent or legal representative, a list of the medication's ingredients.

II. In this section:

(a) "Health care provider" means any person licensed, certified, or otherwise statutorily authorized to administer a vaccine or other injectable medication.

(b) A "list of the medication's ingredients" means a copy of the label on the injectable medication as regulated by 21 C.F.R. section 201.100(b)(5) or as listed in the DailyMed database maintained by the United States National Library of Medicine.

III. This section shall not apply to investigational drugs or to patients involved in double blind studies, or in case of an emergency.

Amendment to HB 155**(2021-0396h)****Proposed by the Committee on Executive Departments and Administration – c**

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

AN ACT establishing a holiday commemorating Indigenous People's Day.

Amend the bill by replacing section 2 with the following:

2 Holidays. Amend RSA 288:1 to read as follows:

288:1 Holidays. January 1; the third Monday in January, known as Martin Luther King, Jr. Civil Rights Day; the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day or, on a date to coincide with the federal observance if it is held on a different day; July 4, known as Independence Day; **August 9, known as Indigenous People's Day**; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; the day on which the biennial election is held; November 11, known as Veterans Day; Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

2021-0396h

AMENDED ANALYSIS

This bill establishes a holiday commemorating Indigenous People's Day.

Amendment to HB 157-FN**(2021-0488h)****Proposed by the Committee on Health, Human Services and Elderly Affairs – c**

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

AN ACT relative to the state health improvement plan and the state health assessment and state health improvement plan advisory council.

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

1 State Health Improvement Plan; State Health Assessment and State Health Improvement Plan Advisory Council. RSA 126-A:87 and RSA 126-A:88 are repealed and reenacted to read as follows:

126-A:87 State Health Improvement Plan.

I. The commissioner of the department of health and human services shall, in consultation with the state health assessment and state health improvement plan advisory council established in RSA 126-A:88, and others, develop a state health assessment and a state health improvement plan.

II. The state health assessment shall:

(a) Describe the status of health and well-being in New Hampshire, access to critical healthcare services including maternity care, the cost of healthcare and insurance coverage, and the fiscal stability and sustainability of critical services to ensure sufficient and equitable access throughout the state.

(b) Utilize input from state and local level stakeholders obtained through public forums.

(c) Identify disparities in social determinants that may impact health, health outcomes, and access to care.

(d) Map health care service delivery, utilization, inter-entity collaboration, and identification of gaps or redundancies.

(e) Describe the role of state agencies in supporting the public health system in New Hampshire.

(f) Utilize existing data and plan for future data to support statewide and local planning.

(g) Identify priorities for the state health improvement plan.

III. The state health improvement plan shall guide the department in assessing, planning, implementing, and monitoring improvement in the health and well-being of New Hampshire's population.

IV. The state health improvement plan shall focus on strategies to:

(a) Improve the overall health and wellness of populations; improve the quality and experience of care and reduce cost both to individuals and overall to the healthcare system.

- (b) Improve specific health outcomes and reduce inequities in measurable ways; and
- (c) Optimize the public health and human service delivery systems.

V. The state health improvement plan shall identify priorities and evidence-based practices, recommend integration of services, and encourage the leveraging of resources across the state.

VI. The department shall make publicly available through an Internet website an analysis pertaining to state health assessment indicators, identification of state health priorities, goals, and the development of the state health improvement plan.

VII. The information made available shall be maintained as a public resource for centralized and decentralized decision making and policy analysis by state and local health and human service entities, housing developers, municipalities, policy makers, the public, and other entities as they consider health improvement planning and health in all policies.

VIII. The information may also be used by the department to align planning, integrate services, and leverage resources across the department.

IX. The commissioner, in consultation with the state health assessment and state health improvement plan advisory council, shall release to the public, the state health assessment no later than 12 months after the effective date of this section and the state health improvement plan no later than 24 months after the effective date of this section. The plan shall be reviewed annually and updated every 5 years, or earlier if determined necessary by the commissioner.

126-A:88 State Health Assessment and State Health Improvement Plan Advisory Council Established.

I. There is hereby established a state health assessment and state health improvement plan advisory council. The council should be diverse with respect to race, ethnicity, geography, ideology, and age, and shall be comprised of the following members:

(a) Two members of the house of representatives, one of whom shall be appointed by the speaker of the house of representatives and one of whom shall be appointed by the minority leader.

(b) Two members of the senate, one of whom shall be a member of the minority party, appointed by the senate president.

(c) The commissioner of the department of health and human services, or designee.

(d) The commissioner of the department of education, or designee.

(e) The commissioner of the insurance department, or designee.

(f) The commissioner of the department of safety, or designee.

(g) The commissioner of the department of corrections, or designee.

(h) The attorney general, or designee.

(i) The director of the division of public health services, department of health and human services, or designee.

(j) The chairperson of state commission on aging, or designee.

(k) The director of the Manchester health department, or designee.

(l) A representative from the New Hampshire Public Health Association, appointed by the association.

(m) A representative of the New Hampshire Alliance for Healthy Aging, appointed by the alliance.

(n) A representative of the North Country Health Consortium, appointed by the consortium.

(o) A representative of the New Hampshire Fiscal Policy Institute, appointed by the institute.

(p) Two representatives from housing entities, one appointed by the New Hampshire Housing Finance Authority, and one appointed by the New Hampshire Housing Authorities Corporation.

(q) Three representatives of hospitals located in New Hampshire, One from an academic medical center, one from a community hospital which is not a critical access hospital, and one from a critical access hospital, appointed by the New Hampshire Hospital Association.

(r) A representative of a federally qualified community health center, appointed by the Bi-State Primary Care Association.

(s) A psychiatrist or psychologist licensed in New Hampshire, appointed by the commissioner of the department of health and human services.

(t) A physician, appointed by the New Hampshire Medical Society.

(u) An advanced practice nurse practitioner licensed in New Hampshire, appointed by the New Hampshire Nurse Practitioners Association.

(v) A representative of municipal government, appointed by the New Hampshire Municipal Association.

(w) A school superintendent, appointed by the New Hampshire School Administrators Association.

(x) A representative of a peer recovery program, appointed by the commissioner of the department of health and human services.

(y) An environmental health researcher from a New Hampshire college or university, appointed by the commissioner of the department of health and human services.

(z) A representative of a philanthropic organization, appointed by the commissioner of the department of health and human services.

(aa) A substance use disorder treatment provider, appointed by the NH Providers Association.

(bb) A community action program representative, appointed by the New Hampshire Community Action Partnership.

(cc) The director of the Nashua health department, or designee.

(dd) A health officer, appointed by the New Hampshire Health Officers Association.

(ee) The commissioner of the department of business and economic affairs, or designee.

(ff) A representative from Community Support Network, Inc. (CSNI), appointed by CSNI.

(gg) A representative from New Hampshire Community Behavioral Health Association, appointed by association.

(hh) The director of the office of health equity, department of health and human services, or designee.

(ii) The director of the Josiah Bartlett Center for Public Policy, or designee.

II. The council may solicit information and participation from any person or entity determined necessary by the council in the performance of its duties. The council shall be administratively attached to the department.

III. Members of the council appointed under subparagraphs I(a) through (j) shall serve a term coterminous with their term in office. The members appointed pursuant to subparagraphs I(k) through (jj) shall serve 6-year terms provided that initial appointments shall be for staggered terms of one to 6 years. Legislative members shall receive mileage at the legislative rate when attending to the duties of the council. The first-named senate member shall convene the organizational meeting of the council within 45 days of the effective date of this section for the purpose of electing officers. The chairperson shall be elected upon a majority vote of the council. Twenty members shall constitute a quorum.

IV. The chairperson may establish subcommittees upon majority vote of the council. Membership of the subcommittees shall be established by the chairperson upon majority vote of the council. If any member of the council is absent without previously being excused by the chairperson for 3 or more regular meetings, the member may be removed upon a majority vote of the council.

V. The council shall be subject to the provision of RSA 91-A.

VI. The commissioner, in collaboration with the council, shall submit an annual report to the president of the senate, the speaker of the house of representatives, the governor, the chairpersons of the house and senate committees having jurisdiction over finance and health and human services, and chairperson of the oversight committee on health and human services, established under RSA 126-A:13, by November 1 of each year, commencing on November 1, 2021, on the council's activities and including the council's recommendations for legislation to include estimated cost and benefit summary based on existing resources.

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

2021-0488h

AMENDED ANALYSIS

This bill revises components of the state health improvement plan and revises the membership and duties of the state health assessment and state health improvement plan advisory council.

Amendment to HB 161

(2021-0549h)

Proposed by the Majority of the Committee on Children and Family Law – r

Amend the bill by inserting after section 5 the following and renumbering the original sections 6-7 to read as 7-8, respectively:

6 New Paragraph; Adjustments to the Application of the Guidelines Under Special Circumstances; Modification of Child Support As Justice and The Best Interest of the Child May Require. Amend RSA 458-C:5 by inserting after paragraph II the following new paragraph:

III. Nothing in this section shall preclude a court from modification of the presumptive child support order such as justice and the best interest of the child may require.

2021-0549h

AMENDED ANALYSIS

This bill revises the child support guideline percentages, increases the self-support reserve amount, defines a shared parenting plan, establishes a new formula for the calculation of child support in cases involving shared parenting plans; and permits the court to modify the presumptive child support amount as justice and the best interest of the child may require.

Amendment to HB 163-FN

(2021-0238h)

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs – r

Amend the bill by replacing sections 3-4 with the following:

3 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph V the following new paragraph:

VI. The department shall adopt rules, pursuant to RSA 541-A, to document that counseling has been provided by the certifying provider to all women of child-bearing age and adolescents 25 years of age or less, and the parent or guardian of a patient less than age 18, about the risks of cannabis use in adolescence, during pregnancy, and while breastfeeding, prior to issuing or reissuing a therapeutic cannabis card to such individuals.

4 New Subparagraphs; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, XVI(c) by inserting after subparagraph (6) the following new subparagraphs:

(7) Information about the risks of cannabis use during pregnancy and while breastfeeding, as outlined by the therapeutic cannabis medical oversight board. Such information shall include the posting of an informational poster regarding the risks of cannabis use during pregnancy and while breastfeeding in a conspicuous location at the alternative treatment center's dispensary location.

(8) Information regarding safe storage and disposal of cannabis and paraphernalia to prevent accidental poisonings, including the contact information for the Northern New England Poison Control Center.

(9) Information about the risks of cannabis use in adolescence as outlined by the therapeutic cannabis medical oversight board. Such information shall include the posting of an informational poster on the risks of cannabis use in adolescence in a conspicuous location at the alternative treatment center's dispensary location.

Amendment to HB 177

(2021-0353h)

Proposed by the Minority of the Committee on Environment and Agriculture - r

Amend RSA 149-M:9 as inserted by section 1 of the bill by replacing it with the following:

XV. No permit shall be issued by the department for the siting of a new landfill if any part of the actual solid waste disposal area is proposed to be located within 2 miles of the boundary of any state park. For purposes of this paragraph, "state park" means any state park managed by the state director of the division of parks and recreation pursuant to RSA 216-A:2. "State park" shall not include the state historic sites and recreational rail trails. Nothing in this paragraph shall be construed to prohibit the expansion of any existing landfills.

Amendment to HB 179-FN

(2021-0741h)

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

Amend the bill by inserting after the enacting clause the following and renumbering the original sections 1-4 to read as 2-5, respectively.

1 Short Title. This act shall be known as Tyler Shaw's Law.

Amendment to HB 180

(2021-0397h)

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

Amend the bill by replacing section 1 with the following:

1 Interference With Freedom; Trafficking in Persons. Amend RSA 633:7, III-a to read as follows:

III-a.(a) A person is guilty of a [class-B] **class A** felony if the person pays, agrees to pay, or offers to pay to engage in sexual contact, as defined in RSA 632-A:1 or sexual penetration, as defined in RSA 632-A:1, V with a person under the age of 18, or to observe a sexually explicit performance involving a person under the age of 18. The payment or offer or agreement to pay may be made to the person under the age of 18 or a third party. Neither the actor's lack of knowledge of the other person's age nor consent of the other person shall constitute a defense to a charge under this paragraph.

(b) A person is guilty of a class B felony if the person pays, agrees to pay, or offers to pay to engage in sexual contact, as defined in RSA 632-A:1 or sexual penetration, as defined in RSA 632-A:1, V with a person who is 13 years of age or older and under 16 years of age and the actor is 20 years of age or under, where the age difference between the actor and the other person is not more than 3 years. The payment or offer or agreement to pay may be made to the person under the age of 16 or a third party. Neither the actor's lack of knowledge of the other person's age nor consent of the other person shall constitute a defense to a charge under this paragraph.

2021-0397h

AMENDED ANALYSIS

This bill changes the penalty for a person who pays to engage in sexual contact with another person under the age of 18 who is a victim of human trafficking and inserts a lesser offense based on the age difference between the victim and the offender.

**Amendment to HB 182
(2021-0690h)**

Proposed by the Majority of the Committee on Education – r

Amend the bill by replacing section 1 with the following:

1 New Section; Adequate Public Education; Approval of Courses and Programs. Amend RSA 193-E by inserting after section 3-e the following new section:

193-E:3-f Approval of Courses and Programs. The principal or other administrator of a high school shall grant credit toward high school graduation for similar courses and programs that have been satisfactorily completed at other approved schools or shall provide reasonable justification for denial. For purposes of this section, approved schools include all New Hampshire public schools, including chartered public schools, public academies, approved public or private tuition program schools, and all schools in Vermont and Maine that are members of an interstate school district with schools in New Hampshire.

**Amendment to HB 183
(2021-0092h)**

Proposed by the Majority of the Committee on Municipal and County Government – r

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

AN ACT prohibiting municipalities from requiring a license for a soft drink stand operated by a person under the age of 18.

Amend the bill by replacing section 1 with the following:

1 Hawkers, Peddlers, and Vendors; Exception. Amend the introductory paragraph of RSA 31:102-a to read as follows:

The governing board of a city, town or village district may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within a town or who go from town to town or place to place within a town for such purposes. Any person who violates any provision of such ordinance or regulation shall be guilty of a class B misdemeanor, and each continuing day of violation after notice shall constitute a separate offense. A city, town, or village district shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40. ***A city, town, or village district shall also be specifically prohibited from licensing or regulating a soft drink stand operated by a person under the age of 18.*** Provisions adopted under this section shall be in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and may include, but shall not be limited to:

2021-0092h

AMENDED ANALYSIS

This bill prohibits a city, town, or village district from licensing or regulating a soft drink stand operated by a person under the age of 18.

**Floor Amendment to HB 185
(2021-0415h)**

Proposed by Rep. Acton

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

AN ACT suspending the work requirement of the New Hampshire granite advantage health care program.

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

1 Granite Advantage Health Care Program; Suspensions. The following provisions are suspended until July 1, 2022:

I. RSA 126-AA:2, I(h), relative to savings generated as a result of individuals disenrolled in the New Hampshire granite advantage health care program for failing to meet the work requirements.

II. RSA 126-AA:2, III-IV, relative to the work and community engagement requirements under the New Hampshire granite advantage health care program.

III. RSA 126-AA:4, II(a)(9), relative to a certain duty of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program.

IV. RSA 126-AA:4, II(d), relative to making a certain recommendation relative to the work and community engagement requirement.

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

2021-0415h

AMENDED ANALYSIS

This bill suspends the work and community engagement requirements of the New Hampshire granite advantage health care program.

Amendment to HB 186**(2021-0869h)****Proposed by the Committee on Legislative Administration – c**

Amend the bill by deleting section 5 and renumbering the original sections 6-22 to read as 5-21, respectively. Amend the bill by replacing section 8 with the following:

8 Advisory Committee on Marine Fisheries; Membership Qualifications. Amend RSA 211:60, I to read as follows:

I. There is established an advisory committee on marine fisheries to recommend programs and policies regarding marine fisheries to the fish and game commission. The advisory committee shall consist of 5 members and one alternate member, ~~[all]~~ **the majority** of whom shall be residents of the seacoast region, appointed by the governor and council.

Amend the bill by replacing all after section 20 with the following:

21 Federal Health Care Reform 2010; Purpose and Scope. Amend RSA 420-N:1 to read as follows:

420-N:1 Purpose and Scope. The intent of this chapter is to preserve the state's status as the primary regulator of the business of insurance within New Hampshire and the constitutional integrity and sovereignty of the state of New Hampshire under the Tenth Amendment to the United States Constitution and part I, article 7 of the New Hampshire constitution and ~~[to create a legislative oversight committee to supervise]~~ the insurance commissioner's administration of the insurance reforms required under the Patient Protection and Affordable Care Act of 2009, Public Law 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Public Law 111-152, including any federal regulations, interpretations, standards, or guidance issued thereunder (hereinafter "the Act").

22 Authority of the Commissioner. Amend the introductory paragraph of RSA 420-N:5 to read as follows:

420-N:5 Authority of the Commissioner. ~~[Only with such prior approvals from the oversight committee as are required under RSA 420-N:4,]~~ The commissioner shall have authority to:

23 Waiver. Amend RSA 420-N:6-a to read as follows:

420-N:6-a Waiver. If such action is supported by the recommendations of actuarial experts retained by the department as being consistent with the purposes of RSA 404-G:1, I, the commissioner shall, at the earliest practicable date, submit an application on behalf of the state to the United States Secretary of the Treasury, and if required, to the United States Secretary of Health and Human Services, to waive certain provisions of the Act, as provided in section 1332 of the Act, or any other applicable waiver provision in order to create a risk sharing or reinsurance mechanism for the individual market under RSA 404-G which is eligible to draw down federal pass-through funding to support such mechanism. The commissioner shall publish and accept public comment on the 1332 waiver application and the plan of operation for the individual market mechanism prior to approving such plans. ~~[Upon approval of the joint health care reform oversight committee,]~~ The commissioner shall implement any federally approved waiver, including but not limited to overseeing the implementation of a revised plan of operations under RSA 404-G:12.

24 Prohibition on State-Based Health Exchange. Amend RSA 420-N:7, III to read as follows:

III. Subject to the requirements of this chapter ~~[with respect to oversight committee approval]~~, state agencies or departments may operate specific functions of a federally-facilitated exchange consistent with this subdivision to enable the continuation of traditional areas of state regulation and authority.

25 Federally-Facilitated Exchange; Authority of Commissioner. Amend RSA 420-N:8, V to read as follows:

V. The commissioner may adopt rules, pursuant to RSA 541-A ~~[and in accordance with RSA 420-N:4, H]~~, as necessary to perform the duties specified in this section and to protect against adverse selection by creating a level playing field between a federally-facilitated exchange and the commercial health insurance market.

26 Federally-Facility Exchange; Authority of Health and Human Services Commissioner. Amend RSA 420-N:9, III to read as follows:

III. The commissioner of health and human services may adopt rules, pursuant to RSA 541-A ~~[and subject to oversight committee approval under RSA 161:11]~~, as necessary to fulfill the purposes of this subdivision.

27 New Hampshire Granite Advantage Health Care Program. Amend the introductory paragraph of RSA 126-AA:2, III(b) to read as follows:

(b) If an individual in a family receiving benefits under this paragraph fails to comply with the work or community engagement activities required in accordance with this paragraph, the assistance shall be suspended. The commissioner shall adopt rules under RSA 541-A to determine good cause and other exceptions to termination. ~~[Following approval by the joint health care reform oversight committee, pursuant to RSA 161:11, to initiate rulemaking,]~~ Any rules proposed under this subparagraph shall be submitted to the

fiscal committee of the general court, which shall review the rules prior to submission to the joint legislative committee on administrative rules and make recommendations to the commissioner regarding the rules. An individual may apply for good cause exemptions which shall include, at a minimum, the following verified circumstances:

28 New Hampshire Granite Advantage Health Care Program. Amend the introductory paragraph of RSA 126-AA:2, III(e) to read as follows:

(e) The commissioner shall adopt rules under RSA 541-A pertaining to the community engagement requirement. ~~[Following approval by the joint health care reform oversight committee, pursuant to RSA 161:11 to initiate rulemaking,]~~ Any rules proposed under this subparagraph shall be submitted to the fiscal committee of the general court, which shall review the rules prior to submission to the joint legislative committee on administrative rules and make recommendations to the commissioner regarding the rules. The rules shall be consistent with the terms and conditions of any waiver issued by the Centers for Medicare and Medicaid Services for the program, provided that any waiver issued by the Centers for Medicare and Medicaid Services is not unreasonably inconsistent with any provision of this chapter, and shall address, at a minimum, the following:

29 New Hampshire Granite Advantage Health Care Program. Amend RSA 126-AA:2, VIII to read as follows:

VIII. Any person receiving benefits from the program shall be responsible for providing information regarding his or her change in status or eligibility, including current contact information. The commissioner shall adopt rules, under RSA 541-A, pertaining to the opportunity to cure and for re-activation following noncompliance. ~~[Following approval by the joint health care reform oversight committee, pursuant to RSA 161:11, to initiate rulemaking,]~~ Any rules proposed under this subparagraph shall be submitted to the fiscal committee of the general court, which shall review the rules prior to submission to the joint legislative committee on administrative rules and make recommendations to the commissioner regarding the rules.

30 Effective Date.

I. Section 2 of this act shall take effect July 1, 2023.

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

Amendment to HB 187

(2021-0952h)

Proposed by the Committee on Executive Departments and Administration – c

Amend RSA 21-P:53, VIII as inserted by section 1 of the bill by replacing it with the following:

VIII. Except as provided in paragraph IX, an emergency order issued under this section shall be subject to review by the joint legislative oversight committee on health and human services, established in RSA 126-A:13. The committee may vote to sponsor a joint resolution rescinding the emergency order pursuant to RSA 21-P:53 X. The commissioner shall notify the ethics oversight advisory committee established in RSA 141-C:27 of any emergency order issued under this section, and the joint legislative oversight committee shall consider the input of the ethics committee, if provided, in any decision. If the emergency precludes either committee from meeting in person, they shall be authorized, notwithstanding any other provision of law, to meet remotely for this purpose.

Amend RSA 21-P:53 as inserted by section 1 of the bill by inserting after paragraph IX the following new paragraph:

X. If the committee votes to sponsor a joint resolution pursuant to subparagraph VIII, the joint resolution shall be introduced in the house of representatives or senate within 20 business days of such vote when the general court is in session and 20 business days of the start of the following legislative session if such vote occurs when the general court is not in session. If a joint resolution is introduced within this time frame, the commissioner shall be prevented from enforcing such emergency order until final legislative action is taken on the resolution or the passage of 90 consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such joint resolution has been introduced, then the commissioner shall be prevented from enforcing such emergency order until 90 calendar days, beginning with the next session of the general court, have passed. Amend RSA 141-C:27, III as inserted by section 2 of the bill by replacing it with the following:

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

(a) ***Two members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives.***

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

(c) The director of the ***department of health and human services***, division of public health services.

~~[(b)]~~ (d) The state epidemiologist.

~~[(c)]~~ (e) The attorney general, or designee.

~~[(d)]~~ (f) A representative of a public health network, appointed by the commissioner.

~~[(e)]~~ (g) A representative from a college or university public health program, appointed by the commissioner.

~~[(f)]~~ **(h)** A chief of police or a police officer of a local police department, appointed by the New Hampshire Association of Chiefs of Police.

~~[(g)]~~ **(i)** A chief of a local fire department, appointed by the New Hampshire Association of Fire Chiefs.

~~[(h)]~~ **(j)** A physician, licensed under RSA 329, appointed by the New Hampshire Medical Society.

~~[(i)]~~ **(k)** The commissioner of the department of safety, or designee.

~~[(j)]~~ **(l)** A member of a fire department with a minimum of EMT-B certification, appointed by the Professional Firefighters of New Hampshire.

~~[(k)]~~ **(m)** A representative of a hospital, appointed by the New Hampshire Hospital Association.

~~[(l)]~~ A county representative, appointed by the New Hampshire Association of Counties.]

(n) The commissioner of the department of labor, or designee.

(o) A representative of the Disability Rights Center of New Hampshire, appointed by the center.

2021-0952h

AMENDED ANALYSIS

This bill makes various changes to the powers of the commissioner of the department of health and human services during a public health emergency; authorizes the joint legislative oversight committee on health and human services to review, and rescind by a 2/3 vote, emergency orders issued by the commissioner; gives a person subject to a treatment order for a communicable disease a right to a hearing on the order; and amends the membership and duties of the ethics oversight advisory committee. The bill also amends the house membership on the health and human services oversight committee.

Amendment to HB 196

(2021-0758h)

Proposed by the Majority of the Committee on Criminal Justice and Public Safety – r

Amend the bill by replacing section 1 with the following:

1 Criminal Threatening. Amend RSA 631:4, IV to read as follows:

IV. A person who responds to a *person criminally trespassing pursuant to RSA 635:2 or other* threat which would be considered by a reasonable person as likely to cause *property damage*, serious bodily injury, or death to the person or to another by displaying a firearm or other means of self-defense with the intent to warn away the person *criminally trespassing or* making the threat shall not have committed a criminal act under this section.

Amendment to HB 199

(2021-0351h)

Proposed by the Committee on Environment and Agriculture - c

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

1 State Plan; Implementation of the Federal Soil Conservation. Amend RSA 432:3 to read as follows:

432:3 State Plan. The department is hereby authorized, empowered and directed to formulate and submit to the Secretary of Agriculture, in conformity with the provisions of said Soil Conservation and Domestic Allotment Act, a state plan for each year. It shall be the purpose of each such plan and each such plan shall be designed to promote such utilization of land and such farming practices as the department finds will tend, in conjunction with the operation of such other plans as may be approved for other states by the Secretary of Agriculture, to preserve and improve soil fertility *and soil health; to promote adaptation to changes in climate and environment*; to promote the economic use and conservation of land; to diminish exploitation and wasteful and unscientific use of natural soil resources; to protect rivers and waterways against the results of soil erosion and aid in flood control; and to reestablish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms, as defined in subsection (a) of section 7 of the Soil Conservation and Domestic Allotment Act. Each such plan shall provide for adjustments in utilization of land, and in farming practices through agreements with producers or through other voluntary methods, and for benefit payments in connection therewith, and for such methods of administration not in conflict with any law of the state, and for such reports as the Secretary of Agriculture finds necessary for the effective administration of the plan, and for ascertaining whether the plan is being carried out according to its terms.

2 Declaration of Policy; Conservation Districts; Soil Conservation. Amend RSA 432:8 to read as follows:

432:8 Declaration of Policy. It is hereby declared to be the policy of the state to provide for the establishment of conservation districts under the supervision of a state conservation committee, said districts to be composed of landowners and land occupiers within the district, who may join together in the interest of the *health*, conservation, and development of the soil, water, and related natural resources; ~~[and]~~ preventing soil erosion, floodwater and sediment damages; *promoting soil health practices, drought resilience, and adaption to changes in climate and environment*. It is the intent of this subdivision to facilitate the joint

effort of landowners, land occupiers, and units of government in carrying out measures for the conservation and development of lands within the district, voluntarily and with such assistance as may be available for this purpose from local, state, or federal governmental agencies.

3 Soil Conservation; Conservation Districts. Amend RSA 432:9 to read as follows:

432:9 Definitions. As used in this subdivision the following words shall have the following meanings:

I. "Adaptation" means the process of adjustment to actual or scientifically projected conditions.

[E] **II.** "District" or "conservation district" means the territory included within the boundaries of a county, organized in accordance with the provisions of this subdivision.

[H] **III.** "Land occupier" or "occupier of land" includes any person who shall hold title to, or shall be in lawful possession of, any parcel of land lying within a district organized under the provisions of this subdivision.

[HH] **IV.** "District supervisor" or "supervisor" shall mean a member of the governing body appointed in accordance with the provisions of this subdivision.

V. "Soil health" means the overall composition of the soil, including the amount of organic matter in and water holding capacity of the soil, and the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans.

VI. "Healthy soils practices" mean agricultural practices that improve the health of soils, including but not limited to consideration of depth of topsoil horizons, water infiltration rate, organic carbon content, nutrient content, bulk density, biological activity, biological and microbiological diversity, and minimization of bare ground.

4 Creation of Conservation Districts; Soil Health. Amend RSA 432:12 to read as follows:

432:12 Creation of Conservation Districts. There are hereby established, as governmental subdivisions of this state and public bodies corporate and politic, 10 conservation districts as follows: (1) each of the 10 counties within the state is hereby incorporated into a conservation district; (2) each of the 10 districts shall be known by the name of the county to which its boundaries conform. Upon the appointment of the district supervisors as hereinafter provided the districts shall become duly organized and thereafter the districts and the supervisors thereof shall have all powers and duties conferred upon them by this subdivision; provided, however, that no such district shall exercise any of the powers conferred on districts or the supervisors thereof under this subdivision until after the state conservation committee shall adopt a resolution determining that there is a need, in the interest of public health, safety and welfare, for such district to function and that a substantial proportion of the land occupiers of such districts are in favor of its operation. In making such determinations the committee may accept petitions and conduct such public meetings and referenda as it deems necessary, and shall give due consideration to the distribution and intensity of erosion, floodwaters and sediment damages, **the effects of drought**, need for land drainage, [and] changes in land use, [and] the conservation[,] and development of the natural resources, **the impact of changing climate and environment, and capacity of soil health to improve resilience** on land within the said district, and to other relevant factors. From and after the date of adoption by the committee of a resolution in favor of the operation of a particular district, such district shall be deemed to be duly organized, and the supervisors of such district shall thereupon be entitled to exercise the powers conferred on them by this subdivision. A certified copy of such resolution shall be evidence of the due organization of such districts. All districts heretofore organized under RSA 430 or 430-B shall be identified as "conservation districts" and shall have all the powers and duties provided in this subdivision for conservation districts.

5 Conservation Districts; Powers of Districts and Supervisors; Soil Conservation. Amend RSA 432:16 to read as follows:

432:16 Powers of Districts and Supervisors. A conservation district organized under the provisions of this subdivision, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this subdivision:

I. To conduct surveys, investigations and research relating to the character of soil erosion; floodwater and sediment damages; land drainage; the **health**, conservation, and development of the soil, water, and related natural resources; **the impact of drought, and the promotion of practices to adapt to a changing climate and environment**; and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement; provided, however, that in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

II. To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the cooperation and consent of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods, and measures by which soil and soil resources may be conserved **and soil health improved**, and how soil erosion in the form of soil blowing and soil washing may be prevented and controlled, and how land may be

drained and floodwater and sediment damages may be prevented; and how other works of improvement for the **health**, conservation, and development of the soil, water, and related natural resources may be carried out; **and how healthy soils practices can aid in adaptation to changes in climate and environment**;

III. To carry out preventive and control measures and works of improvement for the **health**, conservation, and development of the soil, water, and related natural resources within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, the drainage of land and changes in use of land, and measures for the prevention of floodwater and sediment damages, on lands owned or controlled by this state or any of its agencies, with the cooperation and consent of the agency administering and having jurisdiction thereof, and on any other land within the district upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands;

IV. To cooperate, or enter into agreements with and to furnish financial or other aid to, any agency, governmental or otherwise, or any occupier of lands within the district, in carrying out the erosion control, flood prevention, drainage, watershed protection, and resource conservation and development projects or other works of improvement for the **health**, conservation, and development of the soil, water, and related natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this subdivision;

V. To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this subdivision; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this subdivision;

VI. To make available, on such terms as it shall prescribe, to land occupiers within the district, **incentives, education, technical assistance**, agricultural and engineering machinery, equipment, fertilizer, seeds, seedlings, and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the **health**, conservation, and development of soil, water, and related natural resources, **for the promotion of practices to foster drought resilience and adapt to a changing climate and environment**, for the drainage of land, for the prevention and control of soil erosion, and for the prevention of floodwater and sediment damages;

VII. To construct, improve, operate and maintain such structures as may be necessary or convenient for the performance of any of the operations authorized in this subdivision;

VIII. To develop comprehensive plans for changes in land use and for the conservation, and development of the **healthy** soil, water, and related natural resources, for the control and prevention of soil erosion, for land drainage, [and] for the prevention of floodwater and sediment damages within the **district, for the promotion of drought resilience and for adaptation to changes in climate and environment**, which plans shall specify in such detail as may be possible the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of lands; and to publish such plans and information and bring them to the attention of occupiers of lands within the district;

IX. To take over by purchase, lease, or otherwise, and to administer any **soil health**, soil conservation, drainage, **drought resilience**, flood prevention, erosion control, erosion prevention, watershed protection, or resource conservation and development project, or other works of improvement for the **health**, conservation, and development of soil, water, and related natural resources or combinations thereof, located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any **soil health**, soil conservation, **drought resilience**, drainage, flood prevention, erosion control, erosion prevention, watershed protection, or resource conservation and development project, or other works of improvement for the **health**, conservation, and development of soil, water, and related natural resources or combinations thereof within its boundaries; to act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any **soil health**, soil conservation, drainage, **drought resilience**, flood prevention, erosion control, erosion prevention, watershed protection, or resource conservation and development project or other works of improvement for the **health**, conservation, and development of soil, water, and related natural resources or combinations thereof within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies or from this state or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying on its operations;

X. As a condition to the extending of any benefits under this subdivision to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the supervisors may require contributions in money, services, materials, or otherwise to any operations conferring such benefits, and

may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to provide drainage, prevent or control erosion, prevent floodwater and sediment damages, and otherwise provide for the conservation and development of the resources thereon.

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

2021-0351h

AMENDED ANALYSIS

This bill amends current provisions relative to soil conservation to include soil health and climate and environmental change adaptation.

Amendment to HB 216

(2021-0680h)

Proposed by the Minority of the Committee on Judiciary – r

Amend the bill by replacing section 1 with the following:

1 Access to Governmental Records and Meetings; Meetings Open to the Public. Amend RSA 91-A:2, III to read as follows:

III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

~~[(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.]~~

~~(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an “emergency” means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.]~~

~~(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting.]~~

(a) A physical location is not required for any meeting, provided the meeting complies with the provisions of this paragraph.

(b) If a meeting has no physical location, public access shall be provided to the public by telephone, and additional access may be provided by video or other electronic means.

(c) If a meeting has no physical location, public notice of the meeting, with all information necessary to access the meeting telephonically and by other means, shall be given as provided in this chapter. The notice shall provide a mechanism for the public to alert the public body during the meeting if there are problems with access. The meeting shall be adjourned if the public is unable to access the meeting.

(d) Each member participating electronically or otherwise [must] in a meeting required to be open to the public shall be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting’s location, if the meeting has a physical location. Any member participating in such fashion shall identify the location from which the person is participating and the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication, including an online chat function, that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

~~[(d)]~~ ***(e)*** Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

~~[(e)]~~ ***(f)*** A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.

Amendment to HB 218

(2021-0256h)

Proposed by the Majority of the Committee on Executive Departments and Administration – r

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

AN ACT repealing RSA 320 relative to hawkers and peddlers and RSA 321 relative to itinerant vendors.

Amend the bill by replacing sections 1 and 2 with the following:

1 Powers and Duties of Towns; Regulation of Hawkers, Peddlers and Vendors; Cross Reference to RSA 321 Removed. Amend the introductory paragraph of RSA 31:102-a to read as follows:

31:102-a Hawkers, Peddlers and Vendors. The governing board of a city, town or village district may adopt, by ordinance or regulation, provisions for the licensure and regulation of itinerant vendors, hawkers, peddlers, traders, farmers, merchants, or other persons who sell, offer to sell, or take orders for merchandise from temporary or transient sales locations within a town or who go from town to town or place to place within a town for such purposes. Any person who violates any provision of such ordinance or regulation shall be guilty of a class B misdemeanor, and each continuing day of violation after notice shall constitute a separate offense. A city, town, or village district shall be specifically prohibited, however, from licensing or regulating a candidate for public office in the process of obtaining signatures on nomination papers, who seeks to have the candidate's name placed on the ballot for the state general election by submitting nomination papers under RSA 655:40. Provisions adopted under this section ~~[shall be in addition to any requirements imposed by the state under either RSA 320 or RSA 321 and]~~ may include, but shall not be limited to:

2 Repeal. The following are repealed:

I. RSA 320, relative to hawkers and peddlers.

II. RSA 321, relative to itinerant vendors.

2021-0256h

AMENDED ANALYSIS

This bill repeals RSA 320, relative to hawkers and peddlers, and repeals RSA 321, relative to itinerant vendors.

Amendment to HB 220

(2021-0575h)

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

Amend the bill by replacing section 1 with the following:

1 New Section; Communicable Disease; Medical Freedom. Amend RSA 141-C by inserting after section 1 the following new section:

141-C:1-a. Medical Freedom.

I. Every person has the natural, essential, and inherent right to bodily integrity, free from any threat or compulsion that the person accepts any medical intervention, including immunization. No person may be compelled to receive an unwanted medical intervention, including immunization.

II. Paragraph I shall not:

(a) Limit the commissioner's authority to order treatment pursuant to RSA 141-C:15 or RSA 141-C:18, nor to order quarantine pursuant to RSA 141-C:11 or RSA 141-C:18.

(b) Supersede the requirement for vaccination as a prerequisite for admission to a school or child care agency pursuant to RSA 141-C:20-a II.

(c) Supersede the involuntary emergency admission process pursuant to RSA 135-C:27-33; the revocation of conditional discharge process under RSA 135-C:51; or involuntary treatment of patients compliant with RSA 135-C:57 III.

(d) Limit treatment authorized by a guardian over a person; or short term treatment of a personal safety emergency declared by a licensed physician or nurse practitioner in a psychiatric care setting, or authorized by a surrogate decision maker or durable power of attorney for health care delegated by the person while competent to make decisions for them during periods when they are not competent, pursuant to RSA 137-J.

III. Employers may only mandate medical treatment or immunization as a condition of employment when a direct threat exists as defined in 29 CFR 1630.2(r). The department of corrections may mandate medical treatment or immunization for inmates when a direct threat exists as defined in 29 CFR 1630.2(r).

Amendment to HB 224

(2021-0446h)

Proposed by the Majority of the Committee on Transportation – r

Amend RSA 266:58-a, III as inserted by section 2 of the bill by replacing it with the following:

III. It shall be unlawful to drive on any way any motor vehicle registered in this state which has after market tinting on the windshield ~~[or on the windows to the left and right of the driver]~~. Where after market tinting is applied to windows to the rear of the driver, outside rear view mirrors shall be required on both the left and right side of the vehicle for the use of the driver and a front seat passenger. The light transmittance of after-market tinted windows *to the left and right of the driver where they are allowed shall not be less than 70 percent, and the light transmittance of after-market tinted rear windows* where they are allowed shall not be less than 35 percent, except that the light transmittance of after market tinted rear windows of multipurpose passenger vehicles, as defined in 49 C.F.R. *section* 571.3 and pickup trucks may be such percentage as is allowed by 49 C.F.R. *section* 571.205 with respect to pre-market tinted rear windows.

**Amendment to HB 227
(2021-0361h)**

Proposed by the Majority of the Committee on Judiciary – r

Amend RSA 540:2, II by inserting after subparagraph (g) the following new subparagraph:

(h) For a lease or tenancy the original term of which is 6 months or longer, or for a lease or tenancy the term of which is less than 6 months but which has been renewed for a total period of 6 months or longer, the expiration of the term of the lease or tenancy, provided that the landlord has provided the tenant with written notice at least 30 days in advance of the termination date of the lease term that the lease will not be renewed and that the tenant must vacate the rental property at the end of the lease term.

**Amendment to HB 235
(2021-0580h)**

Proposed by the Committee on Resources, Recreation and Development – c

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

AN ACT addressing impacts to other water users from new sources of water for community water systems.

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

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. This act shall take effect 60 days after its passage.

2021-0580h

AMENDED ANALYSIS

This bill requires the department of environmental services to adopt rules concerning small groundwater withdrawals from new sources of water.

**Amendment to HB 243
(2021-0546h)**

Proposed by the Majority of the Committee on Municipal and County Government – r

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

AN ACT 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.

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

2 Budget Preparation; Estimate of Expenditures and Revenues. Amend RSA 32:4 to read as follows:

32:4 Estimate of Expenditures and Revenues. All municipal officers, administrative officials, and department heads, including officers of such self-sustaining departments as water, sewer, and electric departments, shall prepare statements of estimated expenditures and revenues for the ensuing fiscal year, and shall submit such statements to their respective governing bodies, at such times and in such detail as the governing body may require, ***but no fewer than 30 days prior to the public hearing for its budget. The governing body shall publish the draft budget and revised versions, after making any updates to the budget, within 5 days. Budgets shall be published in full line item detail, and made available in CSV and PDF formats for easy viewing and use by common spreadsheet programs.***

3 Duties of Governing Bodies; Budget Committee Requirements. Amend RSA 32:17 to read as follows:

32:17 Duties of Governing Body and Other Officials. The governing bodies of municipalities adopting this subdivision, or of districts which are wholly within towns adopting this subdivision, shall review the statements submitted to them under RSA 32:4 and shall submit their own recommendations to the budget committee, together with all information necessary for the preparation of the annual budget, including each purpose for which an appropriation is sought and each item of anticipated revenue, at such [time] ***times and in such detail*** as the budget committee shall fix. In the case of a special meeting calling for the appropriation of money, the governing body shall submit such information not later than 5 days prior to the required public hearing. Department heads and other officers shall submit their departmental statements of estimated expenditures and receipts to the budget committee, if requested.

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

2021-0546h
AMENDED ANALYSIS

This bill requires:

- I. Municipal, district, and administrative unit budgets to use full line item detail.
- II. Governing bodies to publish statements of estimated expenditures and revenues for the next fiscal year in full line item detail.
- III. Governing bodies to submit to the budget committee information necessary for the preparation of the annual budget in whatever detail the budget committee requires.

Amendment to HB 249
(2021-0349h)

Proposed by the Committee on Environment and Agriculture – c

Amend RSA 437:8, V(b) as inserted by section 2 of the bill by replacing it with the following:

(b) All dogs, cats, or ferrets 3 months of age or older shall be vaccinated against rabies in accordance with RSA 436:100 before transfer, if proof of rabies vaccination is not available.

Amend RSA 437:8, V(e) as inserted by section 2 of the bill by replacing it with the following:

(e) If listed owners or agents cannot be located or refuse to reclaim possession of the animal, every effort shall be made to contact the secondary owner listed by microchip registries as soon as possible, not to exceed 72 hours.

Amendment to HB 250
(2021-0350h)

Proposed by the Committee on Environment and Agriculture – c

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

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

IV. "Pet vendor" means any person, firm, corporation, or other entity that transfers [25] **30** or more dogs, [25] **35** or more cats, 30 or more ferrets, or 50 or more birds, live animals or birds customarily used as household pets to the public, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire, when transfer to the final owner occurs within New Hampshire, between ~~July 1 and June 30~~ **January 1 and December 31** of each year. Pet vendor also means any person, firm, corporation, or other entity that transfers amphibians, reptiles, fish, or small mammals customarily used as household pets to the public in quantities set in rules adopted by the department, with or without a fee or donation required, and whether or not a physical facility is owned by the licensee in New Hampshire between ~~July 1 and June 30~~ **January 1 and December 31** of each year. Nothing in this paragraph shall be construed to alter or affect the municipal zoning regulations that a pet vendor shall conform with under RSA 437:3.

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

437:7 Exceptions.

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

II.(a) A person who has previously not met the requirements for licensure as a pet vendor but who intends to transfer more than 30 dogs or 35 cats in a year may apply to the commissioner for an exemption from licensure as a pet vendor if he or she meets the following criteria:

(1) The person has transferred fewer than 30 dogs or 35 cats annually in the previous 4 12-month periods beginning January 1 and running through the following December 31; and

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

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

(c) A person exempt from licensure as a pet vendor under this paragraph may transfer no more than 15 dogs or 15 cats in addition to the 30 dog or 35 cat limit in subparagraph (a) within the period his or her exemption is valid.

3 Requirements for Sale of Animals. Amend the introductory paragraph of RSA 437:3 to read as follows: No pet vendor shall transfer animals or birds without a license. A pet vendor shall apply to the commissioner for a license, giving such information as the commissioner shall require. ~~[The application]~~ ***A pet vendor that transfers more than 50 or more dogs, 50 or more cats, 50 or more ferrets, or 50 or more birds shall include proof that the zoning enforcement official of the municipality wherein any facility is to be maintained has certified that the facility conforms to the municipal zoning regulations in his or her application.*** The application shall be accompanied by a non-refundable \$200 fee. All licenses shall expire on June 30 of each year and be subject to renewal upon submission of a new application. No licenses shall be transferable. A pet vendor licensed under this subdivision shall:

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

**Amendment to HB 251-FN
(2021-0652h)**

Proposed by the Majority of the Committee on Transportation – r

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

1 Rules of the Road; Child Passenger Restraints Required. Amend RSA 265:107-a, I-b to read as follows:

I-b. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than 7 years of age unless such passenger is properly fastened and secured by a child restraint system which is in accordance with the safety standards approved by the United States Department of Transportation in 49 C.F.R. section 571.213. If the passenger is 57 inches or more in height, the provisions of this paragraph shall not apply. ***Each child restraint system must be used in accordance with its manufacturer instructions, including manufacturer height and weight limits, proper attachment to the vehicle, correct securement of the child, and expiry dates.***

I-c. No person shall drive a motor vehicle on any way while carrying as a passenger a person less than 2 years of age unless such passenger is properly fastened and secured by a rear facing child restraint system which is in accordance with safety standards.

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

**Amendment to HB 260-FN
(2021-0208h)**

Proposed by the Majority of the Committee on Transportation – r

Amend RSA 261:75, II as inserted by section 1 of the bill by replacing it with the following:

II. Every vehicle driven in or on any way in this state, if required to be registered hereunder, shall have displayed conspicuously thereon a number plate or plates to be furnished by the department, together with any current validation sticker issued by the department and which has a changeable designation of their effective period. The director may make special rules relative to the number of plates, the location of said plate or plates on the vehicle, and the material and design thereof, provided, however, that number plates for passenger vehicles shall have the state motto “Live Free or Die” written thereon, ***and further provided that an antique vehicle, as defined in RSA 259:4, a custom vehicle, as defined in RSA 259:17-a, or a street rod, as defined in RSA 259:106-a, shall only be required to display one number plate on the rear of the vehicle.*** The plate shall be kept clean.

2021-0208h

AMENDED ANALYSIS

This bill provides that certain vehicles shall only be required to display one number plate on the rear of the vehicle.

**Amendment to HB 263
(2021-0333h)**

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

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

2 New Paragraph; Registration of Political Committees. Amend RSA 664:3 by inserting after paragraph V the following new paragraph:

VI. For purposes of filing expenditure reports pursuant to RSA 664:6 and RSA 664:7, a candidate for office may choose to file as a candidate or, if such candidate creates a candidate committee, as a candidate committee.

3 Political Expenditures and Contributions; Prohibited Political Contributions. Amend RSA 664:4, V to read as follows:

V. By any person (1) if in excess of ~~[\$5,000]~~ ***\$3,500*** in value ***to a candidate or a candidate committee***, except for contributions made by a candidate in behalf of his own candidacy, ~~[or if in excess of \$1,000 in value by any person or by any political committee to a candidate or a political committee working on behalf of a candidate who does not voluntarily agree to limit his campaign expenditures and those expenditures made on his behalf as provided in RSA 664:5-a,]~~ ***or in excess of \$10,000 in value to a political committee other than a political committee of a candidate***, (2) if made anonymously or under a name not that of the donor, (3) if made in the guise of a loan, (4) if any other manner concealed, (5) if made without the knowledge and written consent of the candidate or his fiscal agent, a political committee or its treasurer, or not to any one of the same.

4 Political Expenditures and Contributions; Reporting by Political Committee. Amend RSA 664:6, I to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts or expenditures exceed ~~[\$500]~~ ***\$1,500*** shall file with the secretary of state an itemized statement in the form prescribed by the secretary of state, signed by its chairman and

treasurer showing each of its receipts exceeding \$25 with the full name and postal address of the contributor in alphabetical order and the amount of the contribution, the date it was received, and the aggregate total for each election for each contributor of over \$100. Statements shall be filed not later than the first Wednesday in June and December after the state general election and before the filing deadline established in RSA 655:14, after which statements shall be filed no later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. All receipts of \$25 or under shall appear on the statements as unitemized receipts. Any listing that exceeds an individual's aggregate total of \$100 for each election shall be accompanied by the contributor's occupation including official job title, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each committee expenditure exceeding \$25 with the full name and postal address of the payee or promise of payment, the date paid or obligated, and the election for which the expenditure was made, with the specific nature and amount of each expenditure since the date of the registration.

5 Political Expenditures and Contributions; Reporting by Political Committee. Amend RSA 664:6, IV and IV-a to read as follows:

IV. Any political committee whose receipts or expenditures do not exceed [\$500] **\$1,500** for a reporting period need not file. However, when a committee's accumulated receipts or expenditures for an election exceed [\$500] **\$1,500** the committee shall file a statement at the next reporting deadline, and shall continue to file at each reporting deadline.

IV-a. Any political committee whose independent expenditures, in aggregate, exceed [\$500] **\$1,500** shall file an itemized statement with the secretary of state which shall be received by the secretary of state not later than 48 hours after such expenditures are made, and thereafter each time a further [\$500] **\$1,500** is expended. Such itemized statements shall cover the period during which independent expenditures totaling [\$500] **\$1,500** were made. Each statement shall include a certification by the chairman of the political committee that the independent expenditure meets the definition in RSA 664:2, XI. Each statement shall contain the date of each independent expenditure; the name and address of the person to whom the expenditure was made; the name of the candidate on whose behalf or against whom each independent expenditure was made; the amount of each expenditure; the purpose of each expenditure, and the aggregate amount of all previous independent expenditures. If the independent expenditure is made in support of or in opposition to more than one candidate, the statement made under this paragraph shall allocate the way in which the expenditure was made among the candidates on a reasonable basis. For the purposes of this paragraph, "reasonable basis" means a statement that reflects the benefit or the burden reasonably expected to be derived or suffered by each candidate. The filing requirements of this paragraph shall be in addition to all other filing requirements under this section, and shall not be limited to the filing periods during which expenditures must otherwise be reported.

6 Political Expenditures and Contributions; Reporting by Candidate Committee. Amend RSA 664:7 to read as follows:

664:7 Reporting by Candidates. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures exceeding [\$500] **\$1,500**, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, II, II-a, III, IV, and V, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

7 Political Expenditures and Contributions; Identification Required. Amend RSA 664:16-a, II to read as follows:

II. Any person or entity who violates paragraph I shall be subject to penalty under RSA 664:21, ~~[V and VI]~~ **IV and V**.

8 Political Expenditures and Contributions; Penalty. Amend RSA 664:21 to read as follows:

664:21 Penalty.

~~[I. Any candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a, and who exceeds the total political expenditure limitation as provided in RSA 664:5-a and 5-b in running for any office in either a state primary or state general election, or both, shall be subject to a fine schedule which is based on the percentage by which the candidate exceeds permitted campaign expenditures, so that the candidate shall pay a percentage of the excess campaign expenditures as follows:-~~

~~(a) Candidates for United States Senate and governor:-~~

~~under \$1,000-one percent~~

~~\$1,000-\$5,000-10 percent~~

~~\$5,000-\$10,000-25 percent~~

~~\$10,000-\$50,000-50 percent~~

~~over \$50,000-100 percent~~

~~(b) Candidates for representative to Congress:-~~

~~under \$1,000-one percent~~

~~\$1,000-\$5,000-10 percent~~
~~\$5,000-\$10,000-25 percent~~
~~\$10,000-\$25,000-50 percent~~
~~over \$25,000-100 percent~~

~~(c) Candidates for executive council and county officers:-~~
~~under \$500-one percent~~
~~\$500-\$1,000-10 percent~~
~~\$1,000-\$5,000-25 percent~~
~~\$5,000-\$10,000-50 percent~~
~~over \$10,000-100 percent~~

~~(d) Candidates for state senate:-~~
~~under \$100-one percent~~
~~\$100-\$500-10 percent~~
~~\$500-\$1,000-25 percent~~
~~\$1,000-\$5,000-50 percent~~
~~over \$5,000-100 percent~~

~~(e) Candidates for the general court:-~~
~~under \$100-one percent~~
~~\$100-\$250-10 percent~~
~~\$250-\$500-25 percent~~
~~\$500-\$1,000-50 percent~~
~~over \$1,000-100 percent~~

~~H:] I.~~ Any fine assessed under the provision of this section shall be paid to the secretary of state for deposit into the general fund.

~~[HH:] II.~~ Nothing in this section shall be construed to limit the enforcement powers of the attorney general under RSA 664:18.

~~[IV. In addition to the fines levied under paragraph I,]~~ **III.** Any person who fails to file any report or statement on the date on which the report or statement is due under this chapter shall be subject to a daily fine of \$25 for every weekday for which the report or statement is late and until the report or statement is actually filed, except that candidates for the general court shall be subject to a daily fine of \$5 under this paragraph.

~~[V. The provisions of this paragraph shall apply to violations of this chapter other than the violation of RSA 664:5-a and 5-b, and]~~ **IV.** A person liable under the provisions of this paragraph shall not also be subject to the penalties imposed under ~~[paragraphs I, H and IV]~~ **paragraph III.** Any person who otherwise violates any provision of this chapter shall be guilty of a misdemeanor if a natural person or shall be guilty of a felony if any other person.

~~[VI:] V.(a)~~ Whoever violates any of the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political advertising on private property shall be subject to a civil penalty not to exceed \$1,000.

(b) The court, upon petition of the attorney general, may levy upon any person who violates the provisions of RSA 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political advertising on private property a civil penalty in an amount not to exceed \$1,000 per violation. All penalties assessed under this paragraph shall be paid to the secretary of state for deposit into the general fund.

(c) The attorney general shall have authority to notify suspected violators of RSA 664:16-a or the provisions of RSA 664:17 relative to removing, defacing, or destroying political advertising on private property of the state's intention to seek a civil penalty, to negotiate, and to settle with such suspected violators without court action, provided any civil penalty paid as settlement shall be paid to the secretary of state for deposit into the general fund.

~~[VH:] VI.(a)~~ A political committee other than a political committee of a candidate that fails to register in accordance with RSA 664:3 shall be subject to a fine up to 25 percent of the total amount of independent expenditures made during the period from the date the political committee was required to register to the date the political committee registered.

(b) A political committee that fails to report independent expenditures in accordance with RSA 664:6, IV-a shall be subject to a fine up to 25 percent of the total amount of independent expenditures not reported or reported late.

~~[VHH:] VII.~~ Any person who willfully makes and subscribes to any statement filed under this chapter that he or she does not believe to be true and correct as to every material matter shall be guilty of false swearing under RSA 641:2.

9 Repeal. RSA 664:5-a and 664:5-b, relative to voluntary political expenditure limitations, are repealed.

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

2021-0333h

AMENDED ANALYSIS

This bill repeals voluntary expenditure limits, increases the expenditure and contribution reporting threshold for all political entities, and modifies the maximum contribution amount a person may contribute to candidate committees and political committees.

Amendment to HB 271**(2021-0577h)****Proposed by the Committee on Resources, Recreation and Development – c**

Amend RSA 485:16-e, VI as inserted by section 2 of the bill by replacing it with the following:

VI. This section shall only pertain to [PFCs] **PFAS** for which at least one *peer reviewed* study has been conducted in accordance with generally accepted scientific principles that demonstrates that the [PFC] **PFAS** of concern is known to cause or may reasonably be anticipated to cause acute, chronic, mutagenic, reproductive, or developmental health effects in humans as a result of exposure to such [PFC] **PFAS**. The implementation of this section shall only rely upon standards that are based on federal maximum contaminant levels, health advisories, provisional health advisories, standards that are derived from federally published toxicological data, or more restrictive New Hampshire state standards.

Amendment to HB 272**(2021-0405h)****Proposed by the Committee on Environment and Agriculture – c**

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

1 New Subdivision; Products Containing Hemp. Amend RSA 146 by inserting after section 21 the following new subdivision:

Products Containing Hemp or Hemp Products

146:22 Definitions. In this subdivision:

I. “Food” means food used for human consumption. “Food” does not include animal feed.

II. “Hemp” means the plant *Cannabis sativa* L. and any part of the plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a dry weight basis.

III. “Products containing CBD derived from hemp” means a formulation of a product for sale which contains any amount of cannabidiol (CBD) derived from hemp. Products which differ only in the container size shall be considered the same unique product. “Products containing CBD derived from hemp” includes products sold on the Internet.

146:23 Products; Hemp.

I. Notwithstanding any other provision of law to the contrary, food, food additives, or food products that contain hemp, including cannabidiol (CBD) derived from hemp, shall not be considered adulterated or misbranded solely on the inclusion of hemp or CBD derived from hemp. The nonpharmaceutical or nonmedical production, marketing, sale, or distribution of food, food additives, or food products within this state that contain hemp or CBD shall not be prohibited within this state based solely on the inclusion of hemp or CBD. No person shall make a claim that products that contain hemp or CBD derived from hemp can diagnose, treat, cure, or prevent any disease, condition or injury without the approval of the federal Food and Drug Administration pursuant to federal law.

II. Pursuant to federal law, any food product containing CBD offered for sale in New Hampshire shall be manufactured in New Hampshire. In this subdivision, “manufactured” means the addition of CBD derived from hemp to any food product shall take place in New Hampshire. If federal law allows interstate commerce of food products containing CBD, then this paragraph shall be void.

III. For all point-of-sale CBD-infused food products, only CBD products registered in New Hampshire under this subdivision can be added to a food product at the point of sale with such CBD-infused food product clearly labeled as to the quantity of the CBD product added and the label and certificate of analysis of the registered and labeled CBD product which was added shall be displayed with the point of sale CBD-infused food product.

IV. The therapeutic cannabis program established under RSA 126-X shall be exempt from the provisions of this subdivision.

146:24 Testing of Products.

I. Each unique product containing CBD derived from hemp (excluding a food product which contains a registered product containing CBD derived from hemp) offered for sale shall have testing done by a third party laboratory that is accredited in accordance with ISO/IEC 17025 by an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement. The laboratory shall issue a certificate of analysis listing the following accredited tests: CBD content, THC content, the presence and content of pesticides, heavy metals, residual solvent, mold, bacteria, and yeast. Such certificate of analysis shall be displayed on the label of the product offered for sale or be traceable to the certificate of analysis in such a manner that the consumer may retrieve the certificate of analysis.

II. Any laboratory offering testing of products containing CBD derived from hemp shall be approved by the department of health and human services according to rules adopted by the commissioner of the department under RSA 541-A.

146:25 Products; Labeling. All products containing CBD derived from hemp shall be labeled with the following:

I. If an oral tincture, the amount of milligrams of CBD per milliliter and if a pill or capsule, the amount of milligrams of CBD per pill or capsule.

II. If any other product, the serving size and the contents of CBD in milligrams per serving size or if there is no serving size the contents of CBD in milligrams per milliliter.

III. The following warning: "The FDA strongly advises that during pregnancy and while breast-feeding, you avoid using CBD. There is no FDA approval for use of CBD in children except by prescription for severe seizure disorder."

IV. An explanation that the product is derived from hemp and may contain THC, unless the testing shows zero THC.

V. A warning that the consumer ought to consult with a medical provider if he or she is taking any other medication.

VI. A warning to keep such products out of the reach of children.

VII. The process lot number.

VIII. The manufacturing date and expiration date of the product.

IX. A list of all ingredients in descending predominance by weight if the ingredient represents at least 0.05 percent of the content of the product.

X. The name and address of the manufacturer of the product.

XI. The identity of product.

XII. The net weight or net volume of the product.

XIII. The recommended serving size, according to the manufacturer of the product.

XIV. A link to the Certificate of Analysis using a QR code or a website.

146:26 Registration. Any product with CBD derived from hemp shall be registered by its manufacturer with the commissioner of the department of health and human services prior to selling any such products. Applications for registration or re-registration shall be in writing, under oath, in a form prescribed by the commissioner of the department of health and human services, in consultation with the department of agriculture, markets, and food, and shall be accompanied by a fee of \$250 per product which shall be deposited in the cannabidiol program fund established in RSA 146:28. The product registration application shall be accompanied by the ISO/IEC 17025 accreditation documentation of the testing lab used by the manufacturer. Each product registration is valid for one year and may be renewed for additional one-year periods upon application and payment of the fee.

146:27 Rulemaking. The commissioner of the department of health and human services, in consultation with the commissioner of the department of agriculture, markets, and food, shall adopt rules under RSA 541-A relative to:

I. Application procedures for obtaining a registration per product under this subdivision.

II. Qualifications of applicants in addition to those set forth in this subdivision.

III. Procedures for renewal of registration.

IV. Setting of and collection of fees to cover the costs of administering this subdivision.

V. Establishment of administrative penalties and fines for violations of this subdivision to be applied to the manufacturer of the product, which shall include assessment of fines up to \$1,000.

146:28 Cannabidiol Program Fund. There is hereby established the cannabidiol program fund that shall be non-lapsing and continually appropriated to the department of health and human services for the purposes of this subdivision. The department shall be authorized to receive public funds, private funds, gifts, grants and donations to be deposited in the fund.

2 Inspector; Position Authorized. In order to facilitate the state's enforcement of the registration of products containing CBD derived from hemp, the department of health and human services is authorized to hire an inspector from the fees collected in RSA 146:26.

3 New Subparagraph; Cannabidiol Program Fund. Amend RSA 6:12 by inserting after I(b)(364) the following new subparagraph:

(365) Moneys deposited in the cannabidiol program fund under RSA 146:28.

4 Effective Date. This act shall take effect July 1, 2022.

2021-0405h

AMENDED ANALYSIS

This bill:

I. Allows for the sale of products containing CBD derived from hemp.

II. Requires products containing CBD derived from hemp to be registered annually by the manufacturer.

III. Creates a position in the department of health and human services to perform inspections relative to registered products containing CBD derived from hemp.

IV. Creates a special cannabidiol program fund.

**Amendment to HB 279
(2021-0319h)**

Proposed by the Majority of the Committee on Transportation – r

Amend the bill by replacing section 1 with the following:

1 Motor Vehicles; Maximum Gross Weight. Amend RSA 266:18-b, III(g) to read as follows:

(g) For a combination of truck-tractor and single semi-trailer with 4 or more axles, the weight on any single axle shall not exceed 22,400 pounds and the weight on any tandem axle shall not exceed 36,000 pounds, and the weight of any tri-axle shall not exceed 54,000 pounds. ***For a combination of truck-tractor and single semi-trailer with 4 or more axles that is carrying raw forestry products, the weight on any tandem axle shall not exceed 40,000 pounds. For purposes of this subparagraph, “raw forestry products” means unprocessed logs and wood chips harvested from forestland, as defined in RSA 227-G:2, VIII, that have not previously been moved off site.***

2021-0319h

AMENDED ANALYSIS

This bill increases the maximum gross weight allowed on any tandem axle for a combination of truck-tractor and single semi-trailer with 4 or more axles that carries raw forestry products. The bill also defines “raw forestry products” for purposes of calculating maximum gross weight.

**Amendment to HB 282
(2021-0616h)**

Proposed by the Majority of the Committee on Education – r

Amend RSA 193:3, VI as inserted by section 2 of the bill by replacing it with the following:

VI. If there is no public school for the child’s grade in the resident district, the school board may ~~assign the child to~~ ***contract with*** another public school in another school district or ~~to~~ ***with*** any ~~nonsectarian~~ private school that has been approved as a school tuition program by the school board ~~[- The school board may execute a contract with an approved nonsectarian private school to provide for the education of a child who resides in the school district], and may raise and appropriate money for the purposes of the contract, if the school district [does not have a public school at the pupil’s grade level and the school board] decides it is in the best interest of the pupil. The district may either assign all children to schools that have been approved as a school tuition program, or allow each child’s parent to choose a school from among schools that have been approved as a school tuition program.~~

**Amendment to HB 283
(2021-0540h)**

Proposed by the Committee on Executive Departments and Administration – c

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

AN ACT proclaiming April 11, 2021 as Wentworth Cheswill Day.

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

1 Wentworth Cheswill Day. The governor shall proclaim April 11, 2021 as Wentworth Cheswill Day in New Hampshire to celebrate the 275th anniversary of his birth and shall encourage all New Hampshire citizens to observe the day with appropriate educational activities. Mr. Cheswill was born on April 11, 1746 in Newmarket, New Hampshire. Mr. Cheswill, a man of color, has been said to have been the first African-American elected official in the United States. He was a Revolutionary War veteran and served under John Langdon in Langdon’s Company of Light Horse Volunteers. He was an elected Newmarket town official and served the town in various elected town offices from 1768 until his death in 1817. In 1801, Mr. Cheswill was among the founders of the first free library in the town and provided in his will for public access to his personal library.

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

2021-0540h

AMENDED ANALYSIS

This bill proclaims April 11, 2021 as Wentworth Cheswill Day.

**Amendment to HB 284
(2021-0569h)**

Proposed by the Committee on Municipal and County Government – c

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 674:39-aa, II(a), relative to the deadline to submit requests to restore involuntarily merged lots, is repealed.

2021-0569h

AMENDED ANALYSIS

This bill repeals the deadline for requests for restoration of lots that were involuntarily merged.

Amendment to HB 293

(2021-0590h)

Proposed by the Majority of the Committee on Children and Family Law – r

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

1 Adoption; Assessment Not Required. Amend RSA 170-B:18, V to read as follows:

V. Notwithstanding the provisions of RSA 170-B:18, I and II, in the adoption of a ~~[related]~~ minor child, the court may~~[, for good cause shown,]~~ proceed to a hearing and a decree without an assessment when ~~[both]~~ **either** of the following circumstances are met:

(a) **(1)** The parents of the minor child have surrendered their parental rights, ***the parents of the minor are deceased, or the parents' parental rights have been terminated;*** and

~~[(b)] (2)~~ The minor child has resided with the petitioners ~~[to whom the child is related]~~ for at least **[3] 2 consecutive** years prior to filing the petition for adoption; **or**

(b) An assessment has been completed in the previous 3 years.

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

2021-0590h

AMENDED ANALYSIS

This bill provides that, in an adoption proceeding, a home assessment may not be required if the parents are deceased or their parental rights have been terminated and the child has lived with the prospective adoptive parents for at least 2 years, or if an assessment has been completed in the previous 3 years.

Amendment to HB 295

(2021-0608h)

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs – r

Amend RSA 5-C:87, V(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The individual shall surrender any prior birth record issued by the state of New Hampshire in the individual's possession. The original birth record shall be retained by the city or town of birth. The city or town clerk shall submit the individual's application, the health care provider's certification, and a certified copy of the original birth record to the state registrar for review. Upon approval by the state registrar, the city or town clerk shall issue a new birth record without a marginal note. The birth record shall reflect the gender as male or female.

Amend RSA 5-C:87, V as inserted by section 1 of the bill by inserting after subparagraph (e) the following new subparagraph:

(f) On or before January 1, 2022, the secretary of state shall create and make available an application for statewide use to implement RSA 5-C:87, V.

Amendment to HB 307

(2021-0411h)

Proposed by the Majority of the Committee on Criminal Justice and Public Safety – r

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

1 Legislative Findings. The general court finds that:

I. New Hampshire is not a home rule state.

II. If municipal ordinances and regulations regarding regulation of firearms; ammunition; ammunition components; knives; firearms components; firearms accessories; and firearms supplies differ from municipality to municipality it may place a citizen in danger of inadvertently violating the law.

III. We are a nation of laws and every person is subject to the law, including people who are lawmakers, law enforcement officials, and judges.

IV. Citizens have good reason to expect that elected officials will be held to the same standard as citizens and that our statutes shall be followed and penalties are reasonable for purposeful violations of the law.

2 Name of Act. This act shall be known as the New Hampshire Second Amendment state preemption act.

3 Firearms, Ammunition, and Knives; State Preemption. The subdivision heading preceding RSA 159:26 and RSA 159:26 are repealed and reenacted to read as follows:

New Hampshire Second Amendment State Preemption Act

159:26 Legislative Intent.

I. It is the intent of this subdivision to provide uniform firearms laws in the state; to declare all ordinances and regulations null and void which have been enacted by any jurisdictions other than state and federal jurisdictions, which regulate firearms; ammunition; ammunition components; knives; firearms components;

firearms accessories; and firearms supplies; to prohibit the enactment of any future ordinances or regulations relating to firearms; ammunition; ammunition components; knives; firearms components; firearms accessories; and firearms supplies unless specifically authorized by this subdivision or general law; and to require local jurisdictions to enforce state firearms laws. Except as otherwise specifically provided by statute, no ordinance or regulation of a political subdivision, including, without limitation, any school district or school administrative unit, shall regulate the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms; ammunition; ammunition components; knives; firearms components; firearms accessories; and firearms supplies in this state.

II. It is further the intent of this subdivision to deter and prevent the violation of this subdivision and the violation of rights protected under the constitution and laws of this state related to firearms; ammunition; ammunition components; knives; firearms components; firearms accessories; and firearms supplies by the abuse of official authority that occurs when enactments are passed in violation of state law or under color of local or state authority.

159:27 State Preemption. Except as expressly provided by the state constitution or statute, the general court hereby declares that it is occupying the whole field of regulation of firearms; ammunition; ammunition components; knives; firearms components; firearms accessories; and firearms supplies, including the purchase, sale, transfer, taxation, manufacture, repair, modification, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto or by any school district or school administrative unit. Any existing ordinances, rules, or regulations of any county, city, town, municipality, school district or school administrative unit are, upon the effective date of this section, hereby declared null and void.

159:28 Prohibitions; Penalties.

I. No public entity shall, and no private entity leasing or operating in any manner on any property owned, whole or in part, by the state, a political subdivision of this state, committee, or other governmental unit thereof, including a school district or school administrative unit shall regulate or attempt to regulate the sale, use, or possession of firearms; ammunition; ammunition components; knives; firearms components; firearms accessories; and firearms supplies on any property owned, whole or in part, by the state, political subdivision, committee, or other governmental unit thereof, including a school district or school administrative unit, unless explicitly authorized by statute.

II. A superior court having jurisdiction over the defendant or defendants shall declare invalid and unenforceable any ordinance, regulation, or rule adopted by any person, county, agency, municipality, district, or other political subdivision, including a school district or school administrative unit and any private entity leasing or operating in any manner on any property owned, whole or in part, by the state, a political subdivision of this state, committee, or other governmental unit thereof, including a school district or school administrative unit that violates the provisions of this subdivision and shall issue a permanent injunction against the political subdivision or private entity, as applicable, that adopted such ordinance, regulation, or rule prohibiting it from enforcing such ordinance, regulation, or rule. It shall be no defense that in enacting the ordinance, regulation, or rule the county, city, town, or other local government entity, including a school district or school administrative unit or private entity leasing or operating in any manner on any property owned, whole or in part, by the state, a political subdivision of this state, committee, or other governmental unit thereof, including a school district or school administrative unit, was acting in good faith or upon the advice of counsel.

III. Upon a good faith belief that a county, city, town, or other local government entity, or other public or private organization or entity has violated this section, any citizen of this state residing within the geographic boundaries within which the applicable county, city, town, or other local government entity, or other public or private organization or entity is located and believing themselves to be aggrieved by such actions shall give written notice by certified mail, return receipt requested, or by a nationally-recognized courier service, to the county, city, town, or other local government entity or public or private organization or entity that is believed to have violated this section of the citizen's reasonable belief of such a violation, and the county, city, town, or other local government entity or other public or private organization or entity shall, within 90 days of receiving such notice, rescind any such ordinance, regulation, rule or policy that violates this section. If after the expiration of such 90-day period, the county, city, town, or other local government entity or other public or private organization or entity that enacted any such ordinance, regulation, rule, or policy fails or refuses to rescind such ordinance, regulation, or rule, such citizen of this state claiming to be so aggrieved and who has given such notice may bring an action in the superior court for the county in which the applicable county, city, town, or other local government entity, or other public or private organization or entity is located to require the rescission of any such ordinance, regulation, rule, or policy and may be awarded reasonable attorneys' fees and costs of the person bringing the action, including such attorneys' fees and costs in all courts and on appeal. The aggrieved citizen of this state giving such notice shall be deemed to have standing to bring suit under this section.

IV. If the court determines that a violation was inadvertent or the result of simple negligence, the court shall assess a civil fine of \$500 against the county, city, town, or other local government entity or other public or private organization or entity that enacted any such ordinance, regulation, rule, or policy for the first violation, a civil fine of up to \$1,000 for a second violation, and a civil fine of up to \$2,500 for a third or subsequent violation. If the court determines that a violation was committed purposely or knowingly, or committed recklessly or as the result of gross negligence, the court shall assess a civil fine of up to \$5,000 against the county, city, town, or other local government entity or other public or private organization or entity that enacted any such ordinance, regulation, rule, or policy.

V. A purposeful or knowing violation of any provision of this section by a person acting in an official capacity for any entity enacting or causing to be enforced a local ordinance or administrative rule or regulation or policy prohibited under this section or otherwise under color of law shall be cause for termination of employment or contract or removal from office by the governor.

VI. Any citizen of this state residing within the geographic boundaries within which the applicable county, city, town, or other local government entity, or other public or private organization or entity aggrieved by any ordinance, regulation, measure, directive, rule, enactment, order, or policy enacted, adopted or enforced in violation of this section is located may, after giving notice as provided for in paragraph III and after expiration of the 90-day time period, file suit in the superior court of the county in which the applicable county, city, town, or other local government entity, or other public or private organization or entity is located against any county, agency, municipality, school district, school administrative unit, or other entity that enacted any such ordinance, regulation, rule or policy for declaratory and injunctive relief and for damages caused by the violation. Upon such filing, the court shall schedule a hearing on the matter which shall be within 10 days, excluding Saturdays, Sundays, and legal holidays, from the date of filing. Any citizen of this state residing within the geographic boundaries within which the applicable county, city, town, or other local government entity, or other public or private organization or entity aggrieved by any ordinance, regulation, measure, directive, rule, enactment, order, or policy enacted, adopted or enforced in violation of this section, as well as any organization whose membership is aggrieved by any ordinance, regulation, measure, directive, rule, enactment, order, or policy enacted, adopted or enforced in violation of this section, shall be deemed to have standing to bring an action under this section. After a hearing on the merits, if the court finds in favor of the petitioner, the court shall:

(a) Issue an injunction against the person, or public or private organization or entity, or political subdivision from enacting or enforcing the ordinance, regulation, rule, or policy;

(b) Issue a declaratory judgment that the ordinance, regulation, rule, or policy is void and unenforceable;

(c) Award the prevailing petitioner in any such suit reasonable attorney's fees and costs, including a contingency fee multiplier if the petitioner was represented by counsel working on the basis of a contingent fee, including such attorneys' fees and costs in all tribunals and on appeal; and

(d) Award to the successful petitioner bringing the action liquidated damages in the amount of \$10,000 against the defendant county, agency, municipality, school district, school administrative unit, or other entity, as applicable.

159:29 Exceptions. This subdivision shall not prohibit:

I. Zoning ordinances that encompass firearms businesses along with other businesses, except that zoning ordinances that are designed for the purpose of restricting or prohibiting the sale, purchase, transfer, repair or manufacture of firearms or ammunition or ammunition components or knives or regulating the sale of firearms accessories as a method of regulating firearms or ammunition or ammunition components or knives are in conflict with this subdivision, are prohibited, and are hereby declared to be null and void.

II. A duly organized law enforcement agency from enacting and enforcing regulations pertaining to firearms, ammunition, ammunition components, firearm accessories or knives issued to or used by peace officers in the course of their official duties.

III. A court or administrative law judge from hearing and resolving any case or controversy or issuing any opinion or order on a matter within the jurisdiction of that court or judge.

159:30 Savings Provision. In the event that any of the terms or provisions of this act are declared invalid or unenforceable by any court of competent jurisdiction, the remaining terms and provisions that are not affected thereby shall remain in full force and effect.

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

Amendment to HB 312

(2021-0093h)

Proposed by the Committee on Commerce and Consumer Affairs – c

Amend RSA 397-A:12, IV(b) as inserted by section 2 of the bill by replacing it with the following:

(b) Failure to provide files ~~[and]~~ **or** documents within the time established by this paragraph shall subject a licensee or person to a fine of \$50 per day for each day ~~[after 21 days]~~ the files ~~[and]~~ **or** documents

are not produced. Failure to provide files ~~[and]~~ **or** documents within 60 days after ~~[being requested to do so by the department]~~ **receipt of the request** shall be sufficient cause for license revocation, suspension, or denial.

Amendment to HB 315

(2021-0748h)

Proposed by the Committee on Science, Technology and Energy – r

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

1 Aggregation of Electric Customers; Definition; Aggregation. Amend RSA 53-E:2, I to read as follows:

I. “Aggregation” means the grouping of retail electric customers to provide, broker, or contract for ~~[electric power supply and]~~ energy services for such customers.

2 New Paragraph; Definition; Energy Services. Amend RSA 53-E:2 by inserting after paragraph V the following new paragraph:

V-a. “Energy services” means the provision of electric power supply solely or in combination with any or all of the services specified in RSA 53-E:3.

3 Municipal and County Authority; Agreements. Amend RSA 53-E:3, II(a) to read as follows:

II.(a) Enter into agreements and provide for **energy services, specifically:**

(1) The supply of electric power **and capacity.**

(2) Demand side management.

(3) Conservation.

(4) Meter reading, **with commission approval for meters owned or controlled by the electric distribution utilities or used for load settlement.**

(5) Customer service **for aggregation provided services.**

(6) Other related services.

(7) The operation of energy efficiency and clean energy districts adopted by a municipality pursuant to RSA 53-F and as approved by the municipality’s governing body.

4 Municipal Aggregators. Amend RSA 53-E:3-a to read as follows:

53-E:3-a Municipal Aggregators Authorized. Municipal aggregators of electricity load under this chapter, and municipalities operating municipal electric utilities under RSA 38, are expressly authorized to aggregate ~~[other]~~ **energy** services ~~[commonly and regularly billed to customers]~~ **as described in RSA 53-E:3.** Municipalities may operate approved aggregation programs as self-supporting enterprise funds including the use of revenue bonds pursuant to RSA 33-B and RSA 374-D and loans from other municipal enterprise funds as may be approved by the governing body and the legislative body of the municipality. Any such loans from other municipal enterprise funds shall be used for purposes that have a clear nexus to the primary purposes of such other funds, such as generation, storage, or sale of power generated from sites, facilities, or resources that might otherwise be operated or produced by the other enterprise fund. Nothing in this chapter shall be deemed to limit the capacity of customers to select any service or combination of services offered by such municipal aggregators or to limit the municipality from combining billing for ~~[any or all utility]~~ **energy services with other municipal** services.

5 Regulation of Aggregators. Amend RSA 53-E:4, I to read as follows:

I. An aggregator operating under this chapter shall not be considered a **public** utility ~~[engaging in the wholesale purchase and resale of electric power]~~ **under RSA 362:2** and shall not be considered a municipal utility under RSA 38. ~~[Providing electric power or energy services to aggregated customers within a municipality or county shall not be considered a wholesale utility transaction. However,]~~ A municipal or county aggregation may elect to participate in the ISO New England wholesale energy market as a load serving entity for the purpose of procuring or selling electrical energy or capacity on behalf of its participating retail electric customers, including itself.

6 Regulation of Aggregators. Amend RSA 53-E:4, IV to read as follows:

IV. For the purpose of obtaining interval meter data for load settlement, the provision of energy services, and near real-time customer access to such data, a municipal and county aggregator may contribute to the cost of electric utility provided meter upgrades, jointly own revenue grade meters with an electric utility, or provide its own revenue grade electric meter, which would be in addition to a utility provided meter[.]. **Such metering shall only be implemented** subject to the commission finding **it is** in the public good, **assuring that meters used for distribution tariff implementation remain under the control and majority ownership of the electric distribution utility,** and ~~[approval of]~~ **otherwise approving** the terms and conditions for such arrangements, including sharing or transfer of meter data from and to the electric distribution utility.

7 Financial Responsibility. Amend RSA 53-E:5 to read as follows:

53-E:5 Financial Responsibility. Retail electric customers who choose not to participate in an aggregation program adopted under RSA 53-E:7 shall not be responsible for, and no entity shall require them to pay, any costs associated with such program, through taxes or otherwise except for electric power supply or en-

ergy services consumed directly by the municipality or county, or incidental costs, which may include costs necessary to comply with the provisions of this chapter up to the time that the aggregation starts to produce revenue from participating customers, **but shall not include any capitalized or operating costs of an aggregation program.**

8 Electric Aggregation Plan. Amend RSA 53-E:6, I to read as follows:

I. The governing body of a municipality or county may form an electric aggregation committee to develop a plan for an aggregation program for its citizens. A municipality or county may join other municipalities or counties in developing such plans. **A county plan may provide an aggregation program for all or a subset of municipalities within the county that request to participate by a majority vote of their respective governing bodies.**

9 Aggregation Program. RSA 53-E:7 is repealed and reenacted to read as follows:

53-E:7 Aggregation Program.

I. The governing body of a municipality or county may submit to its legislative body for adoption a final plan for an aggregation program or any revision to include an opt-out aggregation program, to be approved by a majority of those present and voting.

II. Every electric aggregation plan and any revision of a plan to include an opt-out default service program shall be submitted to the commission, either before or after being submitted by the governing body to the legislative body for approval, to determine whether the plan conforms to the requirements of this chapter and applicable rules of the commission. The commission shall approve any plan submitted to it unless it finds that it does not meet the requirements of this chapter and other applicable rules and shall detail in writing addressed to the governing bodies of the municipalities or counties concerned, the specific respects in which the proposed plan substantially fails to meet the requirements of this chapter and applicable rules. Failure to disapprove a plan submitted hereunder within 60 days of its submission shall constitute approval thereof. A municipality or county may submit a plan that is revised to comply with applicable requirements at any time and start the review process over. Any plan submitted to the commission under this paragraph shall also be submitted on the same date to the office of the consumer advocate under RSA 363:28 and any electric distribution utility providing service within the jurisdiction of the municipality or county. The consumer advocate, utilities, and members of the public may file comments about such plans within the first 21 days of their submission. Commission review and approval of electric aggregation plans shall not require a contested case but shall allow time for submission and consideration of any such comments.

III. If the plan is adopted or once adopted is revised to include an opt-out service, the municipality or county shall mail written notification to each retail electric customer within the municipality or county service area. To enable such mailed notification and notwithstanding RSA 363:38, after an aggregation plan is duly approved the electric distribution utility or utilities serving an adopting municipality or county shall provide to such municipality or county a current list of the names and mailing addresses of all electric customers taking distribution service within the municipality or county service area, and for such customers on utility provided default service, the account numbers and any other information necessary for successful enrollment in the aggregation. Notification shall include a description of the aggregation program, the implications to the municipality or county, and the rights and responsibilities that the participants will have under the program, and if provided on an opt-out basis, the fixed rate or charges that will apply. No retail electric customer shall be included in a program in which the customer does not know all of the rates or charges the customer may be subject to at least 30 days in advance and has the option, for a period of not less than 30 days from the date of the mailing, to opt out of being enrolled in such program, unless the customer affirmatively responds to the notification or requests in writing to be included in the program.

IV. Within 15 days after notification of the plan has been sent to retail electric customers in the service area, a public information meeting to answer questions on the program shall be held.

V. Services proposed to be offered by or through the aggregation shall be on an opt-in basis unless the adopted aggregation plan explicitly creates an opt-out alternative default energy service program where the rate or price is known at least 30 days in advance of its application and, for a period of not less than 30 days from the date notification is mailed, the customer has the opportunity to opt out of being enrolled in such program, by return postcard, website, or such additional means as may be provided. Customers who are on default service provided by an electric distribution utility shall be enrolled by the aggregator in an aggregation provided alternative default service if they do not elect to opt out. Customers opting out will instead remain on utility provided default service. Customers taking energy service from a competitive electricity supplier shall not be enrolled in any aggregation program, unless they voluntarily opt in.

VI. New customers to the electric distribution utility after the notification mailing required by paragraph III shall initially be enrolled in utility provided default service unless the customer has relocated within a single utility's service area and is continuing service with a competitive supplier or a municipal or county aggregation program. Upon request of an aggregator, but not more frequently than monthly and notwithstanding RSA 363:38, the utility shall make available to each operating municipal aggregation, or county aggregation where there is no municipal aggregation, the names, account numbers, mailing addresses, and

any other information necessary for successful enrollment in the aggregation of customers that are new to or then currently on electric distribution utility provided default service after they have provided the customer list for the initial customer mailing required by paragraph III and that are located within the aggregation service area. The aggregation shall periodically mail a written notification to such new customers that have not previously opted out of the aggregator's service and shall enroll them in the aggregation consistent with the opt-in or opt-out requirements of this paragraph and paragraph III.

VII. Municipal aggregations shall take priority or precedence over any county aggregations and each such aggregation shall be responsible for assuring that customers are enrolled with the correct aggregation.

VIII Customers enrolled in a municipal- or county-provided default service shall be free to elect to transfer to utility provided default service or to transfer to a competitive electricity supplier with adequate notice in advance of the next regular meter reading by the distribution utility, in the same manner as if they were on utility provided default service or as approved by the commission. No such customer shall be required to pay any exit fee or charge for such transfer. Customers requesting transfer of supply service upon dates other than on the next available regular meter reading date may be charged an off-cycle meter reading and billing charge. Upon request of the customer the aggregator shall transfer the customer back to utility provided default service.

IX. Once adopted, an aggregation plan and program may be amended and modified from time to time as provided by the governing body of the municipality or county. In all cases the establishment of an opt-out default service program shall be approved as provided in paragraphs I, II, and IV.

X. The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to the extent authorities granted to municipalities and counties by this chapter materially affect the interests of electric distribution utilities and their customers, to reasonably balance such interests with those of municipalities and counties for the public good, which may also be done through adjudicative proceedings to the extent specified or not addressed in rules. Such rules shall include but not be limited to rules governing the relationship between municipal and county aggregators and distribution utilities, metering, billing, access to customer data for planning and operation of aggregations, notice of the commencement or termination of aggregation services and products, and the reestablishment of a municipal or county aggregation that has substantially ceased to provide services. Where the commission has adopted rules in conformity with this chapter, complaints to and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.

10 New Section; Billing Arrangements. Amend RSA 53-E by inserting after section 8 the following new section:

53-E:9 Billing Arrangements.

I. For purposes of this section the term "supplier" shall mean an aggregator functioning as a load serving entity under this chapter or a competitive electricity supplier serving an aggregation under this chapter. The term shall also include competitive electricity suppliers generally to the extent and for such customer rate classes as the commission finds, after notice and hearing, that it is for the public good. Such a determination shall be on a utility-specific basis, if proposed and assented to by the utility.

II. Each electric distribution utility shall propose to the commission for review and approval a program for the purchase of receivables of the supplier in which the utility shall pay in a timely manner the amounts due such suppliers from customers for electricity supply and related services less a discount percentage rate equal to the utility's actual uncollectible rate, adjusted to recover capitalized and operating costs specific to the implementation and operation of the purchase of receivables program, including working capital. Additionally, such discount rate adjustments shall include a pro rata share of the cost of administering collection efforts such that the utility's participation in the purchase of receivables program shall not require the utility or non-participating consumers to assume any costs arising from its use. Such pro rata costs must include, but not be limited to, any increases in the utility's bad debt write-offs attributable to participants in the purchase of receivables program, as approved by the commission. However, the allocation of costs arising from different rate components and determination of the uncollectible rate shall be equitably allocated between such suppliers, utility provided default service, and other utility charges that are a part of consolidated billing by the utility as approved by the commission. The discount percentage rate shall be subject to periodic adjustment as approved by the commission.

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

Amendment to HB 319

(2021-0726h)

Proposed by the Majority of the Committee on Education – r

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

1 New Section; University System of New Hampshire; Civics Graduation Requirement. Amend RSA 187-A by inserting after section 16-b the following new section:

187-A:16-c Civics Graduation Requirement. Every student admitted or transferring to an institution in the university system of New Hampshire on or after January 1, 2023 shall, as a requirement for graduation

and in addition to any other baccalaureate degree graduation requirements, show proof of having passed the 128-question 2020 version of the United States Citizenship and Immigration Services naturalization test with a score of 70 or better, or shall be required take and pass such test with a score of 70 or greater. University system of New Hampshire institutions shall establish procedures to administer, certify, and record results of this assessment for students needing to satisfy this requirement. Exchange students and foreign nationals shall be exempt from this section.

2 New Section; Community College System of New Hampshire; Civics Graduation Requirement. Amend RSA 188-F by inserting after section 6 the following new section:

188-F:6-a Every student admitted or transferring to an institution in the community college system of New Hampshire on or after January 1, 2023 shall, as a requirement for graduation and in addition to any other degree graduation requirements, show proof of having passed the 128-question 2020 version of the United States Citizenship and Immigration Services naturalization test with a score of 70 or better, or shall be required take and pass such test with a score of 70 or greater. Community college system of New Hampshire institutions shall establish procedures to administer, certify, and record results of this assessment for students needing to satisfy this requirement. Exchange students and foreign nationals shall be exempt from this section.

3 Effective Date. This act shall take effect on January 1, 2023.

Amendment to HB 321

(2021-0537h)

Proposed by the Majority of the Committee on Education – r

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

AN ACT requiring school districts to submit an annual report concerning gifted and talented students.

Amend the bill by replacing section 1 with the following:

1 New Section; Instruction of Pupils; Gifted and Talented Students; Report. Amend RSA 189 by inserting after section 29-a the following new section:

189:29-b Identification and Accommodation of Gifted and Talented Students.

I. In this section, “gifted and talented student” means a student identified as having unique academic, artistic, or athletic potential according to assessments selected and administered locally.

II. No later than August 1 of each year, every New Hampshire public school shall submit a narrative report to the department of education detailing what policies, programs, and procedures are in place to identify and accommodate the unique needs of gifted and talented students. The format, length, and substance of the report shall be at the discretion of the local school. If no such policies, programs, or procedures exist, then said report shall so state.

2021-0537h

AMENDED ANALYSIS

This bill requires all public schools to submit annual reports to the department of education detailing the policies, programs, and procedures that are in place to identify and accommodate the needs of gifted and talented students.

Amendment to HB 321

(2021-0960h)

Proposed by the Minority of the Committee on Education – r

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

AN ACT requiring school districts to submit annual reports concerning gifted students and programs that encourage student growth and effort.

Amend the bill by replacing section 1 with the following:

1 New Sections; Instruction of Pupils; Gifted and Talented Students; Encouragement of Student Growth and Effort; Report. Amend RSA 189 by inserting after section 29-a the following new sections:

189:29-b Identification and Accommodation of Gifted and Talented Students.

I. In this section, “gifted and talented student” means a student identified as having unique academic, artistic, or athletic potential according to assessments selected and administered locally.

II. No later than August 1 of each year, every New Hampshire public school shall submit a narrative report to the department of education detailing what policies, programs, and procedures are in place to identify and accommodate the unique needs of gifted and talented students. The format, length, and substance of the report shall be at the discretion of the local school. If no such policies, programs, or procedures exist, then said report shall so state.

189:29-c Encouragement of Student Growth and Effort; Report.

I. Findings. Studies show that teaching people to have a growth mindset, which encourages a focus on effort, helps them to become high achievers in school and in life.

II. No later than August 1 of each year, every New Hampshire public school shall submit a narrative report to the department of education detailing what policies, programs, or procedures are in place to encourage student growth and effort. The format, length, and substance of the report shall be at the discretion of the local school. If no such policies, programs, or procedures exist, then the report shall state this fact.

2021-0960h

AMENDED ANALYSIS

This bill requires all public schools to submit annual reports to the department of education detailing the policies and procedures that are in place to identify and accommodate the needs of gifted students and to encourage student growth and effort.

Amendment to HB 338-FN

(2021-0395h)

Proposed by the Committee on Criminal Justice and Public Safety – r

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

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

2021-0395h

AMENDED ANALYSIS

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

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

Amendment to HB 341

(2021-0692h)

Proposed by the Minority of the Committee on Municipal and County Government – r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Zoning; Grant of Power; Single Family Lots. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI. In the exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places shall allow as a matter of right any single-family dwelling in a residential zoning district served by water and sewer to be configured as a single 4-unit building, 2 duplex units, 4 single units, one duplex unit with 2 accessory dwelling units, 4 townhouses, or one single family house with 3 accessory dwelling units. The lot and yard standards, setbacks, parking requirements, and lot coverage shall be no more restrictive than those required for a single family dwelling. All relevant building and fire codes shall apply. This paragraph shall apply to new construction or rehabilitation of existing buildings.

Amendment to HB 345

(2021-0239h)

Proposed by the Majority of the Committee on Executive Departments and Administration – r

Amend RSA 143-A:21, VII-VIII as inserted by section 1 of the bill by replacing them with the following:

VII. "Mushroom" means the fleshy, spore-bearing, fruiting body of a fungus.

VIII. "Tier 1 mushroom" means a wild mushroom which is easily identified, that has no toxic look-alikes, and which is unlikely to cause illness in humans.

IX. "Tier 2 mushroom" means a wild mushroom which is difficult to identify, may have toxic look-alikes, or may cause illness in some humans.

Amendment to HB 348

(2021-0047h)

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 New Section; Public Employees Labor Relations Board; Notice of Tentative Agreement Required. Amend RSA 273-A by inserting after section 3 the following new section:

273-A:3-a Notice of Tentative Agreement Required. A public employer shall post notice of a tentative agreement on any new or amended collective bargaining agreement in a conspicuous place on the public employer's Internet website. The public employer shall also make available for inspection an electronic copy of the tentative agreement on any new or amended collective bargaining agreement on the public employer's Internet website. Both the notice and the electronic copy of the tentative agreement shall remain on the

public employer's Internet website for not less than 30 days after reaching the tentative agreement. No new or amended collective bargaining agreement shall be ratified by the public employer until after the Internet posting has expired.

Amendment to HB 360

(2021-0513h)

Proposed by the Committee on Judiciary – c

Amend the bill by replacing sections 2 and 3 with the following:

2 Rental of Shared Facilities; Remedies. Amend RSA 540-B:7 to read as follows:

540-B:7 Remedies.

I. Violations of this chapter shall be subject to the remedies set forth in RSA 540-A:4, however, a tenant of a shared facility must identify in the petition, which may be by a checkbox on the circuit court's form petition, that their rental is governed by RSA 540-B.

II. A tenant shall not enjoy the remedies set forth in RSA 540-A:4 in regard to tenant lockout if the owner or agent of the owner of the shared facility has complied with the requirements of RSA 540-B:3.

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

Amendment to HB 368

(2021-0494h)

Proposed by the Majority of the Committee on Judiciary – r

Amend RSA 125-T:3, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The plaintiff now suffers from a significantly increased risk of illness, disease, or latent disease. The plaintiff does not need to prove that the illness, disease, or latent disease is certain or likely to develop as a result of the exposure;

Amendment to HB 369-FN

(2021-0185h)

Proposed by the Committee on Executive Departments and Administration – c

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

1 Occupational Therapists; Rulemaking. Amend RSA 326-C:7 to read as follows:

326-C:7 Rulemaking. The board shall adopt rules pursuant to RSA 541-A specifying:

~~I. [The physical agent modalities which may be applied as an adjunct to, or in preparation for, engagement in purposeful activities and occupations;]~~

~~II. The eligibility requirements to be met by licensees seeking a certificate authorizing the application of physical agent modalities;~~

~~III. The documentation required by the board for the issuance of a certificate authorizing a licensee to apply physical agent modalities;~~

~~IV.] ***The requirements and use of occupational therapy techniques involving ultrasound or electrical physical agent modalities by occupational therapy practitioners;***~~

II. The requirements for supervision of licensed occupational therapy assistants by licensed occupational therapists; and

~~V.] ***III. The use and supervision of non-licensed persons providing supportive services to licensed occupational therapists or occupational therapy assistants.***~~

2 Occupational Therapists; Physical Agent Modalities. RSA 326-C:8 is repealed and reenacted to read as follows:

326-C:8 Physical Agent Modalities.

I. An occupational therapist who is licensed under this chapter and who has been trained may utilize occupational therapy techniques involving ultrasound or electrical physical agent modality devices.

II. An occupational therapy assistant who is licensed under this chapter may apply ultrasound or electrical physical agent modality devices if he or she:

(a) Works under the supervision of a qualified occupational therapist who is licensed under this chapter; and

(b) Has been trained to utilize occupational therapy techniques involving ultrasound or electrical agent modality devices.

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

2021-0185h

AMENDED ANALYSIS

This bill clarifies the use of ultrasound and electrical physical agent modalities by occupational therapists and occupational therapy assistants.

This bill is a request of the office of professional licensure and certification.

**Amendment to HB 373
(2021-0455h)**

Proposed by the Majority of the Committee on Science, Technology and Energy – r

Amend the bill by replacing section 1 with the following:

1 Low Carbon Fuel Standards Programs; State Participation. Amend RSA 21-O:23, II to read as follows:

II. The department of environmental services ~~[may engage in regional and national]~~ ***shall not participate in discussions or planning of such programs unless specifically directed by the governor or designated representative on a case by case basis.***

2021-0455h

AMENDED ANALYSIS

This bill prohibits the department of environmental services from participating in discussions of any state, regional, or national low carbon fuel standards program unless specifically directed by the governor.

**Amendment to HB 384-FN
(2021-0155h)**

Proposed by the Majority of the Committee on Judiciary – r

Amend RSA 570-A:2-b, II(a) as inserted by section 1 of the bill by replacing it with the following:

II(a) No mobile application developer or a telecommunications carrier shall share a customer's location data, other than to fulfill an explicit request from such customer, unless the customer has affirmatively waived such right after being properly informed. For purposes of this section, continuing to use a service or website shall not be considered an affirmative waiver.

**Amendment to HB 385-FN
(2021-0307h)**

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services – r

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

1 Workers' Compensation; Firefighter and Heart, Lung, or Cancer Disease; Presumption. Amend RSA 281-A:17, I(c) to read as follows:

(c) The benefits of RSA 281-A:17, I shall not continue in effect beyond one month after a call, volunteer or permanent firefighter reaches his or her ~~[sixty-fifth]~~ ***seventieth*** birthday.

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

2021-0307h

AMENDED ANALYSIS

This bill extends to age 70 the benefits from the presumption that heart or lung disease is occupationally related for firefighters.

**Amendment to HB 388
(2021-0923h)**

Proposed by the Majority of the Committee on Education – r

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

1 School Attendance; Change of School or Assignment; Best Interest of Student. Amend RSA 193:3 to read as follows:

193:3 Change of School or Assignment; Best Interest of Student.

I.(a) The parent or guardian of a student may apply to the superintendent of the student's district of residence if the parent or guardian believes it would be in the best interest of the student to change the student's school or assignment.

(b) Upon such request, the superintendent shall schedule a meeting with the parent or guardian, to be held within 10 days of the request.

(c) Prior to or at such meeting, the parent or guardian shall make a specific request that the student be re-assigned by the school board to another public school, ~~[or]~~ public academy, ***or an approved private school*** within the district or to a public school, ~~[or]~~ public academy, ***or an approved private school*** in another district.

(d) At such meeting, the parent or guardian may present documents, witnesses, or other relevant evidence supporting the parent's belief that it is in the best interest of the student to change the student's school or assignment. The superintendent may present such information as he or she deems appropriate.

(e) In determining whether it is in the best interest of the student to change the student's school or assignment, the superintendent shall consider the student's academic, physical, personal, or social needs.

(f) If the superintendent finds it is in the best of the interest of the student to change the student's school or assignment, the superintendent shall initiate:

- (1) A change of assignment within the student's current assigned school;
- (2) The student's transfer to another public school or public academy within the district of residence; or
- (3) The student's transfer to a public school, [or] public academy, **or an approved private school** in another district.

(g) If a student is reassigned as a result of a best interest determination **to a public school or public academy**, the superintendents **or administrators** involved in the reassignment shall jointly establish a tuition rate for such student. Some or all of the tuition may be waived by the superintendent of the receiving district for good cause shown or pursuant to school board policy of the receiving district. The school board of the student's district of residence shall approve the payment of tuition upon the superintendent's finding that is in the best interest of the student to be reassigned. Transportation shall be the responsibility of the parent or legal guardian.

(h) **If the student is reassigned as the result of a best interest determination to an approved private school, the private school may charge tuition to the parent or may enter into an agreement for payment of tuition with the school district in which the child resides.**

(i) If the superintendent does not find that it is in the best interest of the student to change the student's school or assignment, the parent or guardian may request a hearing with the school board of residence to determine if the student is experiencing a manifest educational hardship under paragraph II.

II.(a) "Manifest educational hardship" means that a student has a documented hardship in his or her current educational placement; and that such hardship has a detrimental or negative impact on the student's academic achievement or growth, physical safety, or social and emotional well-being. Such hardship must be so severe, pervasive, or persistent that it interferes with or limits the ability of the student to receive an education.

(b) The superintendent shall duly notify the school board that the parent or guardian has requested a manifest educational hardship hearing, upon which the school board shall schedule a hearing to be held no more than 15 days after the request has been received.

(c) At such hearing, the parent or guardian may present documents, witnesses, or other relevant evidence supporting their belief that the student is experiencing a manifest educational hardship. The superintendent may present such information as he or she may deem appropriate to assist the school board in reaching its decision. The parties shall have the right to examine all evidence and witnesses.

(d) Prior to or at such hearing, the parent or guardian shall make a specific request that the student be re-assigned by the school board to another public school, [or] public academy, **or an approved private school** within the district or to a public school, [or] public academy **or an approved private school** in another district.

(e) The parent or guardian shall have the burden of establishing the presence of a manifest educational hardship by clear and convincing evidence.

(f) If the school board finds that the student has a manifest educational hardship, the school board shall grant the parent's or guardian's request to re-assign the student to another public school, [or] public academy **or an approved private school** within the district or to a public school, [or] public academy, **or an approved private school** in another district.

(g) If the school board finds that the parent or guardian has not met their burden of proof, the parent or guardian may appeal the local school board decision to the state board of education. If the state board of education chooses to accept the parent's or guardian's appeal, the state board of education shall schedule hearing on the matter, pursuant to applicable department of education rules.

(h) If a student is assigned to attend **a public school or public academy** in another district because of a manifest educational hardship, the district in which the student resides shall pay tuition to the district to which the child is re-assigned. Such tuition shall be computed according to RSA 193:4. The school board of the district in which the student resides shall approve the tuition payment.

III. The state board of education may permit such child to withdraw from the school the student currently attends for such time as the state board deems necessary. Children with disabilities as defined in RSA 186-C:2 shall be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

III-a.(a) A student reassigned under this section shall be counted in the average daily membership in residence of the student's resident school district. The student's resident district shall forward any tuition payment due to the district to which the student was reassigned.

(b) The superintendent of the student's resident school administrative unit shall notify the department of education within 30 days of any reassignment of students under this section.

(c) Nothing in this section shall alter or impair the right of a child with a disability, as defined in RSA 186-C:2, to be accorded a due process review pursuant to rules adopted under RSA 186-C:16.

(d) The total reassignments or transfers in any one school year shall not exceed one percent of the average daily membership in residence of a school district, or 5 percent of the average daily membership in residence of any single school, whichever is greater, unless the school board votes to exceed this limit.

(e) The state board of education shall adopt rules, pursuant to RSA 541-A, relative to manifest educational hardship. Each school board shall establish a policy, consistent with the state board's rules, which shall allow a school board, with the recommendation of the superintendent, to take appropriate action including assignment to another public school or public academy within the district or to a public school or public academy in another district.

(f) Students re-assigned under this section shall meet the admission requirements of the school to which the student is re-assigned.

IV.(a) Any person having custody of a child may apply to enroll that child in a public school or public academy outside the school district in which the person and child reside. If the non-resident school district or public academy agrees to enroll the child it may charge tuition to the parent or may enter into an agreement for payment of tuition with the school district in which the child resides.

(b) When a child is enrolled pursuant to subparagraph (a), the district in which the child is enrolled shall immediately notify the district in which the child resides of the name, date of birth, address, and grade assignment of the child. This same notification shall be made at the beginning of each school year for which the child is enrolled.

(c) When a child is enrolled pursuant to subparagraph (a), the district in which the child resides shall retain all responsibility for the provision of special education and related services pursuant to RSA 186-C.

(d) The decision by a school district or a public academy to deny enrollment of a non-resident pupil shall not be based, in whole or in part, on whether such pupil is a child with a disability as defined in RSA 186-C:2, I, or a child that requires an accommodation under the Rehabilitation Act of 1973, as amended. ***If a parent or guardian believes the denial was based upon the child's disability, such parent may appeal the decision to the state board of education consistent with the provisions of RSA 21-N:11, III or file a complaint with the state commission for human rights under RSA 354-A:28. The decision of a parent to enroll a child in a chartered public school shall not be subject to the provisions of this section.***

(e) The decision of a parent to enroll a child in a charter school shall not be subject to the provisions of this section.

(f) Disputes related to the provision of special education services under this paragraph shall be governed by RSA 186-C.

V. A placement made by a child's special education team pursuant to that child's individualized education program shall not be deemed a change of school assignment for purposes of this section.

VI. If there is no public school for the child's grade in the resident district, the school board may assign the child to another public school in another school district or to any [nonsectarian] private school that has been approved as a school tuition program by the school board. The school board may execute a contract with an approved [nonsectarian] private school to provide for the education of a child who resides in the school district, and may raise and appropriate money for the purposes of the contract, if the school district does not have a public school at the pupil's grade level and the school board decides it is in the best interest of the pupil.

VII. In this section, "approved as a school tuition program" means a school that has been approved and contracted by the school board to provide students with the opportunity to acquire an adequate education as defined in RSA 193-E:2. Upon approval by the school board, the school shall receive status as an approved school tuition program, shall be deemed in compliance with the provisions of RSA 193-E:3-b, I(a) and (b), and shall qualify as a school approved to provide the opportunity for an adequate education. The school shall be required to submit to the school board an annual student performance progress report in a format selected by the school board, which may include reporting of aggregate achievement data to protect student privacy, and that demonstrates that students are afforded educational opportunities that are substantially equal in quality to state performance standards for determining an adequate education. A private school that receives tuition program students shall:

(a) Comply with statutes and regulations relating to agency approvals such as health, fire safety, and sanitation;

(b) Be a [nonsectarian] school ***approved and contracted by a local public school board to provide students with the opportunity for an adequate education;***

(c) Be incorporated under the laws of New Hampshire or the United States; and

(d) Administer an annual assessment in reading and language arts, mathematics, and science as defined in RSA 193-C:6 to tuition program students. The assessment may be any nationally recognized standardized assessment used to measure student academic achievement, shall be aligned to the school's academic standards, and shall satisfy the requirements of RSA 193-C:6 for school tuition program students. The school's annual assessment results for tuition program students shall be submitted to the commissioner and school board. If the school enrolls 10 or more publicly-funded tuition program students and if the school's group assessment percentile score for tuition program students is less than the 40th percentile, the commissioner may require a site visit to determine if the school provides the opportunity for an adequate education

in accordance with RSA 193-E:3-b. After the third consecutive year of a tuition program school being unable to demonstrate that it provides an opportunity for an adequate education, the school may be subject to revocation of tuition program status.

VIII. If the student is assigned to an approved private school under the manifest educational hardship determination and the private school agrees to enroll the child, it may charge tuition to the parent or may enter into an agreement for payment of tuition with the school district in which the child resides.

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

Amendment to HB 397

(2021-0609h)

Proposed by the Committee on Resources, Recreation and Development – c

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Shoreland Protection Act; Permitting Fees: Municipality, County, State, Federal Projects. Amend RSA 483-B:5-b by inserting after paragraph IX the following new paragraph:

X. Applications for projects solely funded by municipal, county, state, or federal entities shall incur a permitting fee no greater than \$3,750.

2021-0609h

AMENDED ANALYSIS

This bill sets a limit on permitting fees for municipal, county, state, and federal projects under the shoreland protection act.

Amendment to HB 401

(2021-0148h)

Proposed by the Committee on Education – c

Amend RSA 189:13-a, III as inserted by section 1 of the bill by replacing it with the following:

III. The ***department of education shall conduct training concerning the reading and interpretation of criminal history records.*** The superintendent ***or designee*** of the school administrative unit or the chief executive officer of the chartered public school or public academy shall complete ***such training*** and shall maintain the confidentiality of all criminal history records information received pursuant to this paragraph. If the criminal history records information indicates no criminal record, the superintendent ***or designee*** of the school administrative unit or the chief executive officer of the chartered public school or public academy shall destroy the information received immediately following review of the information. If the criminal history records information indicates that the applicant has been convicted of any crime or has been charged pending disposition for or convicted of a crime listed in paragraph V, the superintendent ***or designee*** of the school administrative unit or the chief executive officer of the chartered public school or public academy shall review the information for a hiring decision, and the division of state police shall notify the department of education of any such charges pending disposition or convictions. The superintendent ***or designee*** of the school administrative unit or the chief executive officer of the chartered public school or public academy shall destroy any criminal history record information that indicates a criminal record within 60 days of receiving such information.

Amendment to HB 413

(2021-0343h)

Proposed by the Committee on Environment and Agriculture – c

Amend RSA 149-M:61, II as inserted by section 2 of the bill by replacing it with the following:

II. Unless otherwise indicated, the members of the working group shall be appointed by the commissioner. Terms for state agency and legislative members shall be the same as their terms in office. All other working group members shall serve for the duration of the working group. Upon term expiration, each appointed member shall hold office until a successor shall be appointed and qualified.

Amend RSA 149-M:61, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The working group shall hold its organizational meeting no later than November 1, 2021. The working group shall submit its initial report on November 30, 2022 and its final report on November 1, 2026, to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, the state library and the house and senate committees responsible for solid waste oversight.

Amend the bill by replacing section 5 with the following:

5 Effective Date.

I. Section 4 of this act shall take effect November 1, 2026.

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

**Amendment to HB 417
(2021-0973h)**

Proposed by the Majority of the Committee on Executive Departments and Administration – r
Amend the title of the bill by replacing it with the following:

AN ACT relative to the powers of the governor during a renewal of a declared state of emergency, and relative to the acceptance of federal assistance.

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

1 Emergency Powers; Termination at 30 Days. Amend RSA 4:45, I(d) and II to read as follows:

(d) Duration of the state of emergency, if less than [21] **30** days.

II.(a) A state of emergency shall terminate automatically [21] **30** days after its declaration unless it is renewed ~~[under the same procedures set forth in paragraph I of this section. The governor may, by executive order, renew a declaration of a state of emergency as many times as the governor finds is necessary to protect the safety and welfare of the inhabitants of this state.]~~ **by the majority vote of each chamber of the legislature prior to termination. In the event that the legislature is unable to convene prior to the termination date, the state of emergency and orders issued pursuant thereto shall automatically extend in 14-day increments or until the legislature can convene to vote on the renewal, whichever comes first.**

(b) If the governor finds that maintaining the state of emergency is no longer justified, the governor shall issue an executive order terminating the state of emergency.

(c) The legislature may terminate a state of emergency by concurrent resolution adopted by a majority vote of each chamber. ~~[The governor's power to renew a declaration of a state of emergency shall terminate upon the adoption of a concurrent resolution under this subparagraph;]~~ Provided, however, that such resolution shall not preclude the governor from declaring a new emergency for different circumstances under paragraph I of this section.

2 State of Emergency; Powers. Amend the introductory paragraph of RSA 4:45, III to read as follows:

III. During the existence of [a] **an initial period of a** state of emergency, **prior to any renewal**, and only for so long as such state of emergency shall exist, the governor shall have and may exercise the following additional emergency powers:

3 New Paragraph; State of Emergency; Powers In Renewal; Procedure. Amend RSA 4:45 by inserting after paragraph III the following new paragraph:

IV.(a) If a state of emergency is renewed, any orders issued by the governor shall be approved by a majority of each chamber of the legislature, present and voting in such a manner as required by rules of the legislature, prior to such orders going into effect. In the event that the legislature is unable to convene within 3 calendar days of the renewal, the state of emergency and orders issued pursuant thereto shall automatically extend in 14-day increments or until the legislature can convene to vote on the orders for the renewal, whichever comes first. All emergency orders issued in the original 30-day state of emergency and any issued thereafter that were not subject to a vote in the legislature shall be presented to the legislature for a vote to be continued or terminated.

(b) The governor shall make every effort to assist members of the legislature in convening to include transportation to and from the location for the seat of state government should the circumstances of the emergency so require. Members of the legislature shall be exempt from any emergency orders that would infringe on their ability to travel or otherwise conduct their business as representatives of the people.

V. The acceptance of any federal, private, or other non-state gift, grant, or loan for purposes of emergency powers of the state which exceed \$100,000, shall be required to be approved by the fiscal committee of the general court according to RSA 14:30-a, VI.

4 Homeland Security; Executive Council Approval. Amend RSA 21-P:43 to read as follows:

21-P:43 Appropriations and Authority to Accept Services, Gifts, Grants, and Loans. Each political subdivision may make appropriations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision for the payment of expenses of its local organization for emergency management. Whenever the federal government or any federal agency or officer offers to the state, or through the state to any of its political subdivisions, services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency management the state, acting through the governor **and council**, commissioner, or such political subdivision, acting with the consent of the governor **and council** and through its executive officer, city council, or board of selectmen, may accept such offer, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. Whenever any person, firm or corporation offers to the state or to any of its political subdivisions services, equipment, supplies, materials, or funds by way of gift, grant, or loan for purposes of emergency management the state, acting through the governor **and council**, or such political subdivision, acting through its executive officer, city council, or board of selectmen, may accept such offer, subject to its terms.

5 Applicability of Act. The provisions of this act shall take effect upon the latter of either the passage of this act or 30 days after the termination of the COVID-19 state of emergency, as certified to the secretary of state and the director legislative services by the office of the governor.

6 Effective Date. This act shall take effect as provided in section 5 of this act.

2021-0973h

AMENDED ANALYSIS

This bill terminates a state of emergency called by the governor after 30 days and modifies the procedure for renewal. Any orders issued during the period of a renewal of the state of emergency shall be subject to prior approval by the legislature. This bill also requires executive council approval in the acceptance of services, equipment, supplies, materials, or funds from the federal government.

Amendment to HB 434

(2021-0436h)

Proposed by the Minority of the Committee on Judiciary - r

Amend section 2 of the bill by replacing paragraph II with the following:

II. The purpose of this act is to ensure, to the maximum extent permitted by the Supremacy Clause, that public funds are not used to subsidize abortion.

Amend RSA 132:44 as inserted by section 3 of the bill by replacing it with the following:

132:44 Use of School Tuition and Fees for Abortion Prohibited. No part of any tuition or fees paid to a public institution of higher education shall be used in any way to pay for an abortion, provide or perform an abortion, make a referral for abortion, or provide facilities for an abortion.

Amend RSA 132:48 as inserted by section 3 of the bill by replacing it with the following:

132:48 Construction. The scope of this subdivision is limited to those abortions not received by Medicaid recipients and reimbursed or otherwise financed pursuant to the state's Medicaid plan. Nothing in this subdivision shall be construed as creating or endorsing a statutory right, or recognizing a constitutional right, to abortion or to federal or state funds for abortion.

Amendment to HB 436

(2021-0587h)

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

Amend the bill by replacing section 1 with the following:

1 Eyewitness Identification; Policy Required. Amend RSA 595-C:2 to read as follows:

595-C:2 Written Policy Required. Each state, county, and local law enforcement agency that conducts photo lineups, live lineups, or show-ups shall adopt a written policy that sets forth the manner in which [they] **such lineups** shall be conducted. Such policy shall conform to the standards and procedures established by the office of the attorney general and as contained in the latest version of the law enforcement manual pertaining to pretrial identification procedures. Such written policy shall be kept on file and available for inspection by the attorney general.

Amendment to HB 437

(2021-0404h)

Proposed by the Committee on Environment and Agriculture - c

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

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

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the shortage of animal slaughter and meat processing facilities in New Hampshire and the implementation of the meat inspection program established in RSA 427:3.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study:

I. The barriers New Hampshire farmers face in accessing slaughter facilities.

II. Possible approaches to improving availability of slaughter facilities.

III. The implementation of the meat inspection program established in RSA 427:3.

2021-0404h

AMENDED ANALYSIS

This bill establishes a committee to study the shortage of animal slaughter and meat processing facilities in New Hampshire and the implementation of the meat inspection program.

**Amendment to HB 440
(2021-0486h)**

Proposed by the Majority of the Committee on Judiciary – r

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

AN ACT prohibiting the suspension of civil liberties during a state of emergency.

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

1 Title. This act may be known and cited as the “Civil Liberties Defense Act.”

2 Legislative Findings.

I. RSA 4:45 and 4:47, together known as the emergency powers statutes, allow the governor of New Hampshire to declare a state of emergency and thereby activate emergency powers. The emergency powers statutes were passed by the general court in order to give the governor flexible, enumerated powers in a time of public disaster.

II. On Friday, March 13, 2020, the governor issued Executive Order 2020-04, declaring a state of emergency due to the novel coronavirus, or Covid-19. This order formed the basis for several emergency orders.

III. On Tuesday, March 17, 2020, *Binford, et. al. v. Sununu* became the first legal challenge to these emergency orders. The lawsuit claimed that aspects of the orders violated the plaintiffs’ civil liberties.

IV. In response to this lawsuit, the state, rather than arguing simply that the orders in question were constitutional, disturbingly asked the New Hampshire superior court to hold that civil liberties are suspended due to the state of emergency. See *Binford, et. al. v. Sununu, Merrimack Cty. Super. Ct., 217-2020-CV-00152* at 10 (March 25, 2020) (Kissinger, J.) (“...the State contends [that] during a state of emergency, executives are granted broad latitude to suspend civil liberties”).

V. The superior court agreed with the state and concluded that civil liberties in New Hampshire are suspended during the Covid-19 emergency. *Id.* at 11 (affirming that “[i]n an emergency situation, fundamental rights such as the right of travel and free speech may be... suspended”) (quoting *Smith v. Avino*, 91 F. 3d 105, 109 (11th Cir. 1996); *id.* at 16 (“the Court finds that the Governor may suspend... constitutional rights during a state of emergency...”). Although the superior court then proceeded to find that the governor’s orders were constitutional, it noted that it was doing so only “for the purpose of establishing a complete record.” *Id.*

VI. In subsequent emergency orders, the governor has cited the superior court’s opinion letter in *Binford* as a legal authority. See e.g. Emergency Order No. 74 at 1 (Nov. 19, 2020) (citing *Binford, et. al. v. Sununu, Merrimack Cty. Super. Ct., 217-2020-CV-00152*).

VII. In enacting RSA 4:45 and 4:47, the general court intended to give the governor flexible enumerated powers during a time of disaster. It did not intend to allow the governor to suspend or otherwise infringe upon the New Hampshire bill of rights or the United States Constitution.

VIII. The general court makes no comment on the specific outcome of the *Binford* decision, recognizing that case-by-case applications of legal rights are within the province of the judicial branch. Yet the superior court exceeded its authority to the extent that it purported to authorize the governor to suspend or infringe upon the New Hampshire bill of rights or the United States Constitution.

IX. Civil liberties are a codification of the inherent and binding duties of governments to their citizens. The rule of law in a free society must therefore be permanent and inviolable. The New Hampshire bill of rights and the United States Constitution may never be suspended, set aside, or otherwise nullified by the governor, the judiciary, this general court, or any other official authority. “Government is not free to disregard the First Amendment in times of crisis.” *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U. S. ____ (2020) (Gorsuch, J., concurring in the judgment).

X. Since the *Binford* decision was issued, the United States Supreme Court has correctly reaffirmed that “even in a pandemic, the Constitution cannot be put away and forgotten.” *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U. S. ____ (2020).

XI. The United States Supreme Court has never held that constitutional rights may be suspended due to a pandemic. *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U. S. ____ (2020) (Gorsuch, J., concurring in the judgment) (“Jacobson didn’t seek to depart from normal legal rules during a pandemic, and it supplies no precedent for doing so... Instead, Jacobson applied what would become the traditional legal test associated with the right at issue—exactly what the Court does today.”) (citing *Jacobson v. Massachusetts*, 197 U. S. 11 (1905)); *Id.* (“Nor does any [dissenting Justice in the *Cuomo* decision] seek to explain why anything other than our usual constitutional standards should apply during the current pandemic.”).

XII. The general court does not seek to obstruct lawful efforts by the governor or the governor’s officials to manage public disasters. Yet New Hampshire courts may not depart from the federal or state constitutions during a crisis. Given the alarming nature of the state’s argument in *Binford*, and the superior court’s resulting findings, the general court concludes that it would be negligent to wait for action by the New Hampshire supreme court before enacting this legislation.

3 Purpose. The purposes of this act are:

I. To clarify that the general court never intended that emergency powers granted to the governor would be used to suspend civil liberties, and to amend the emergency powers statutes to expressly prohibit the suspension of civil liberties.

II. To reject as ultra vires and to preclude any judicial decision purporting to suspend civil liberties in New Hampshire, whether reached under the emergency powers statutes or any other law or legal principle.

III. To ensure that “even in a pandemic, the Constitution cannot be put away and forgotten.” *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 U. S. ____ (2020). Legal challenges brought under the state or federal constitution must accordingly be subject to meaningful constitutional analysis.

4 Definitions. In this act:

I. “Civil liberties” encompasses any guarantee against, protection against, or remedy for an imposition, intrusion, fine, punishment, or penalty by a governmental entity or agent enumerated in the New Hampshire bill of rights, in the United States Constitution, or in any binding legal decision construing any part of the same.

II. “Suspension” refers to a time period or condition in which courts of law do not or are not required to subject impositions, intrusions, fines, punishments, or penalties by governmental entities or agents to constitutional analysis, instead subjecting such challenges to a “good faith” requirement or other extraordinary standard.

III. “New Hampshire bill of rights” means part I of the New Hampshire constitution and any legal precedent applying any article therein so as to invalidate, prohibit, punish, or remedy an imposition, intrusion, fine, punishment, or penalty by a governmental entity or agent.

5 Civil Liberties Protected. No power delegated or otherwise granted by any statute or act of this general court to the governor or any of the governor’s subordinates, whether before or after the date of this act, shall be construed to suspend or permit the suspension of civil liberties.

6 New Paragraph; State of Emergency; Powers of the Governor. Amend RSA 4:45 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding the foregoing enumerated powers, civil liberties shall on no account be suspended. Nor shall the United States Constitution or the New Hampshire bill of rights be suspended, set aside, or otherwise infringed.

7 Emergency Management Powers. Amend RSA 4:47, III to read as follows:

III. The power to make, amend, suspend and rescind necessary orders, rules and regulations to carry out the provisions of this subdivision in the event of a disaster beyond local control; ***provided that civil liberties shall on no account be suspended, nor shall the United States Constitution or the New Hampshire bill of rights be suspended, set aside, or otherwise infringed.***

8 Rules of Construction.

I. This act and the amendments affected thereby shall be construed in favor of substantive protections for civil liberties.

II. The protections afforded by this act are in addition to any further protections provided under federal law, state law, and the state and federal constitutions.

III. This act shall not be construed to impede the application of any duly enacted amendment to the New Hampshire constitution.

IV. This act shall not be construed to imply that civil liberties are conferred upon the citizens of New Hampshire by the general court or that the general court has or claims for itself the power to suspend civil liberties.

V. Nothing in this act shall be construed to preempt or repeal any state or local law that is equally or more protective of civil liberties. Nothing in this act shall be construed to narrow the meaning or application of any state or local law protecting civil liberties.

VI. This act applies to, and in cases of conflict supersedes, each statute of the state that impinges upon civil liberties unless a conflicting statute is expressly made exempt from the application of this act. This act also applies to, and in cases of conflict supersedes, any ordinance, rule, regulation, order, opinion, decision, practice, or other exercise of the government’s authority that impinges upon civil liberties.

VII. If any provision of this act or any application of such provision to any particular person or circumstance is held to be invalid under law, the remainder of this act and the application of its provisions to any other person or circumstance shall not be affected.

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

2021-0486h

AMENDED ANALYSIS

This bill prohibits the suspension of civil liberties during a state of emergency.

Amendment to HB 451-FN

(2021-0221h)

Proposed by the Committee on Transportation – c

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

AN ACT relative to organizations authorized to issue decals for multi-use decal number plates and relative to gold star family decals for motor vehicles.

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

1 New Paragraphs; Multi-Use Decal Plates; Authorized Organizations. Amend RSA 261-B:9 by inserting after paragraph XV the following new paragraphs:

XVI. The Grand Lodge of Ancient, Free and Accepted Masons in New Hampshire.

XVII. The New Hampshire State Council of the Knights of Columbus.

2 Multi-Use Veterans Decal Plates; Decals; Fee. Amend RSA 261-C:2, III to read as follows:

III. The ***department of military affairs and veterans services*** division of veterans services may issue decals to eligible veterans who qualify under this chapter ~~[and to gold star family members pursuant to RSA 261-C:3-a,]~~ and shall collect a fee of \$10 for the set of decals. ***The division of veterans services shall provide gold star family decals to those who qualify under RSA 261-C:3-a free of charge.*** Revenue collected under this paragraph shall be restricted revenue to the division of veterans services and shall be nonlapsing and continually appropriated to the division.

3 Gold Star Family Decals; Fee. Amend RSA 261-C:3-a, V to read as follows:

V. Pursuant to RSA 261-C:2, the ***department of military affairs and veterans services*** division of veterans services ~~[may issue gold star family decals to eligible family members and shall collect a fee of \$10 for the set of decals. Revenue collected under this paragraph shall be restricted revenue to the division of veterans services and shall be nonlapsing and continually appropriated to the division.]~~ ***shall provide gold star family decals to those who qualify under this section free of charge.***

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

2021-0221h

AMENDED ANALYSIS

This bill permits the Grand Lodge of Free and Accepted Masons of New Hampshire and the New Hampshire State Council of the Knights of Columbus to issue decals for multi-use plates.

This bill also authorizes the New Hampshire office of veterans services to issue free of charge gold star family decals for motor vehicles owned by certain family members of persons killed while on duty in United States armed services.

Amendment to HB 456

(2021-0306h)

Proposed by the Committee on Executive Departments and Administration – c

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

1 Vital Records Administration; Privacy. Amend RSA 5-C:4, II to read as follows:

II. In collecting information, prime consideration shall be given to the protection of the privacy of the individuals about whom information is given. In accordance with the provisions of this chapter, the secretary of state shall ensure that, when information is collected, the minimum of data shall be collected to accomplish a specific purpose, that no information shall be available to unauthorized personnel, that only the minimum be made available to authorized personnel, and that no information that could possibly adversely affect an identified individual be made public. The department of health and human services shall have access to vital records information in accordance with the provisions of RSA 126:24-c. The New Hampshire retirement system shall have access to a limited data set of vital records information in accordance with the provisions of RSA 100-A:14, XVI. ***The department of corrections shall have access to a limited set of vital records information in accordance with the provisions of RSA 21-H:8, XI-c.***

2 New Paragraph; Vital Records; Disclosure of Information. Amend RSA 5-C:9 by inserting after paragraph VIII the following new paragraph:

IX. The department of corrections shall have a direct and tangible interest in a limited data set of death, marriage and divorce information of individuals they are charged with collection of fees and control and supervision by the department pursuant to RSA 21-H, RSA 504-A:12, VI, and RSA 504-A:13, limited to name of person, date of birth, social security number, date of vital event, place of vital event, cause of death, marital status, and name of spouse. The secretary of state and the commissioner of the department of corrections shall enter into a memorandum of understanding for the purposes of delineating specific procedures and protections for access to this limited data set.

3 New Paragraph; Department of Corrections, Administration; Access to Vital Records. Amend RSA 21-H:8 by inserting after paragraph XI-b the following new paragraph:

XI-c. The department of corrections shall have a direct and tangible interest in a limited data set of death, marriage and divorce information of individuals they are charged with collection of fees and control and supervision by the department pursuant to this chapter, RSA 504-A:12, VI, and RSA 504-A:13, limited to name of person, date of birth, social security number, date of vital event, place of vital event, cause of

death, marital status, and name of spouse. The commissioner and the secretary of state shall enter into a memorandum of understanding for the purposes of delineating specific procedures and protections for access to this limited data set.

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

2021-0306h

AMENDED ANALYSIS

This bill grants the department of corrections authority to access a limited data set of vital records data on deaths, marriages, and divorces held by the division of vital records administration.

Amendment to HB 464

(2021-0841h)

Proposed by the Committee on Education – r

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

1 Repeal. RSA 193-E:2-e, relative to the commission to study school funding, is repealed.

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

Amendment to HB 471

(2021-0386h)

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

Amend RSA 106-L:5, III as inserted by section 1 of the bill by replacing it with the following:

III. For the purposes of a disciplinary hearing, subpoena and examine witnesses under oath, take oaths or affirmations, and reduce to writing testimony given at any hearing. Any person whose rights or privileges may be affected at such a disciplinary hearing may appear with witnesses and be represented by counsel. ***A disciplinary hearing shall be public; however, a portion of the hearing may be closed to the public only if the party seeking closure can prove with specificity that the portion of the hearing will reveal confidential information that creates a compelling interest outweighing the public's presumed right of access. The council may in a nonpublic session, hear and consider the request for closure and rule on such request.***

Amendment to HB 474

(2021-0461h)

Proposed by the Committee on Judiciary – c

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

3 New Subparagraph; Highway Surveillance Prohibited. Amend RSA 236:130, III by inserting after subparagraph (g) the following new subparagraph:

(h) Is undertaken for security and to facilitate law enforcement in the investigation of criminal activity at properties under the jurisdiction of the department of natural and cultural resources, provided that no video recording shall be stored longer than 24 days except if needed in a judicial or administrative proceeding in a particular case. The properties on which surveillance occurs shall display signage indicating the presence of 24-hour video cameras.

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

Amendment to HB 485

(2021-0409h)

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

Amend RSA 595-A:10 as inserted by section 1 of the bill by replacing it with the following:

595-A:10 Consent to Search; Right to Refuse Consent.

I. Before an officer attempts to conduct a search of a person, his or her vehicle, home, or other property, the officer shall inform such person of his or her right to refuse the search without penalty. If the person consents to the search, the officer shall first document the person's consent either in writing or by audio recording, and then may conduct the search. A person's refusal to consent to the search shall not be used to establish probable cause for a warrantless search or in an application for a search warrant, nor shall it be used to further extend any stop or interaction with a member of the public, provided all other lawful reasons for the stop or interaction have been concluded. An officer who fails to comply with the requirements of this paragraph, but proceeds with a search shall, as a matter of law, be conducting a search without consent.

II. This section shall not preclude searches incident to arrest, those searches allowed under the United States Constitution for officer safety, or inventory searches of lawfully-seized property, including but not limited to vehicles towed in conjunction to the arrest of the operator.

**Amendment to HB 496-FN
(2021-0631h)**

Proposed by the Committee on Transportation – c

Amend the bill by replacing section 2 with the following:

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

**Amendment to HB 499
(2021-0247h)**

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 the use of face recognition technology.

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

1 New Subdivision; Breaches of the Peace; Face Recognition Technology Prohibited. Amend RSA 644 by inserting after section 22 the following new subdivision:

Face Recognition Technology Prohibited

644:23 Definitions. In this subdivision:

I. “Face recognition technology” means an automated or semi-automated process that assists in identifying or tracking an individual or capturing information about an individual, based on the physical characteristics of an individual’s face. It does not include the process by which an individual visually identifies another individual by viewing a representation of the individual on a computer, video recording, photograph or other media.

II. “State” means any department, agency, bureau, or administrative unit of the state of New Hampshire, including any city, town, county, school district, or municipal entity therein.

644:24 Use of Face Recognition Technology; Requirements. The state shall only use face recognition technology if it has a search warrant supported by probable cause and signed by a neutral and detached magistrate.

644:25 Evidence Inadmissible.

I. Any data or information collected or derived from the state’s own use of face recognition technology in violation of this subdivision shall be inadmissible in any trial, hearing, or other proceeding in or before any court or regulatory agency in the state of New Hampshire.

II. Any evidence derived from data or information collected from any use of face recognition technology in violation of this subdivision shall be inadmissible in any trial, hearing, or other proceeding in or before any court or regulatory agency in the state of New Hampshire, unless sufficiently attenuated from the original violation, including but not limited, to an affirmative showing that no state official had requested, facilitated, or otherwise caused the use of face recognition technology by an entity other than the state as defined above.

2 Drivers’ Licenses; Use of Facial Recognition Technology Prohibited. RSA 263:40-b is repealed and reenacted to read as follows:

263:40-b Use of Face Recognition Technology Prohibited. The department shall not allow access to any of its digital representations of faces by any face recognition technology nor shall the department use face recognition technology. No state agency, other than the department, shall create or maintain a searchable database of face images.

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

2021-0247h

AMENDED ANALYSIS

This bill permits the state to use face recognition technology if it has a warrant supported by probable cause.

**Amendment to HB 500
(2021-0474h)**

Proposed by the Committee on Education – c

Amend the bill by replacing section 1 with the following:

1 New Section; Powers of School Districts; Reduction of School Food Waste. Amend RSA 194 by inserting after section 3-d the following new section:

194:3-e Reduction of School Food Waste. A school may partner with a nonprofit or implement a program on its own to make leftover school food, that was prepared but never served, into frozen to-go meals or portions for distribution in compliance with state food safety regulations and Federal Food and Drug Administration requirements and guidelines. The protections of the Bill Emerson Good Samaritan Food Donation Act, 42 U.S.C section 1791, shall apply to any participating school. The school may send such frozen meals or portions home with any child whose family indicates a desire to participate in such program.

**Amendment to HB 503
(2021-0678h)**

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs – r
Amend the title of the bill by replacing it with the following:

AN ACT codifying the council on housing stability.

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

1 Statement of Intent. The intent of the general court is to codify the council on housing stability established by the governor in Executive Order 2020-22, to add additional members, and to expand upon its existing duties to further address homelessness in New Hampshire.

2 New Chapter; Council on Housing Stability. Amend RSA by inserting after chapter 4-G the following new chapter:

CHAPTER 4-H
COUNCIL ON HOUSING STABILITY

4-H:1 Council on Housing Stability Established. There is hereby established the council on housing stability for the purpose of creating and implementing a plan to create housing stability for all citizens of the state of New Hampshire.

4-H:2 Membership.

I. The initial members of the council on housing stability shall be those appointed by Executive Order 2020-22 and shall serve at the pleasure of the governor as follows:

(a) Two individuals, one of whom shall be a parent and one of whom shall be a young adult, who have current and/or recent lived experience with housing instability.

(b) Commissioners or executive directors, or their designees, of the following agencies:

(1) Department of health and human services.

(2) Department of education.

(3) Department of safety.

(4) Department of transportation.

(5) Department of business and economic affairs.

(6) Department of corrections.

(7) Department of employment security.

(8) Department of military affairs and veterans services.

(9) New Hampshire housing finance authority.

(10) Community development finance authority.

(c) The bureau chief of the bureau of housing supports.

(d) The director of the division of behavioral health services, or designee.

(e) The director of the division of economic and housing stability, or designee.

(f) The director of the division for children, youth and families, or designee.

(g) One representative of each of New Hampshire's Continuum of Care, appointed by each continuum.

(h) A representative of the New Hampshire Municipal Association.

(i) A representatives of a local educational agency.

(j) A representative of the department of education responsible for programs for children experiencing homelessness.

(k) A representative of the NH Landlord Association.

(l) A representative of NH Builder's Association.

(m) A representative of local providers of housing services.

(n) A representative of Housing Action New Hampshire.

(o) A representative of a county economic development council.

(p) A representative of the Community Behavioral Health Association, appointed by the association.

(q) A representative of the faith based community.

(r) A representative of a member agency of the NH Coalition Against Domestic and Sexual Violence, nominated by the coalition.

(s) Two representatives of the philanthropic community with expertise in housing instability.

(t) A representative of the business community with an interest in affordable housing.

(u) Three legislators, one appointed by the governor, one appointed by the senate president, and one appointed by the speaker of the house of representatives.

(v) Any other individual or representative of an organization or entity that the governor deems appropriate to support the work of the council.

(w) Three mayors, or their designees, representing different regions of New Hampshire.

(x) A representative from a law enforcement agency.

II. Additional members are appointed as follows:

- (a) One representative of Waypoint, appointed by that organization.
- (b) One representative of NAMI NH, appointed by that organization.
- (c) One municipal welfare director, appointed by the New Hampshire Welfare Association.
- (d) One representative of Families in Transition, appointed by that organization.
- (e) One representative of the Nashua Soup Kitchen and Shelter, appointed by that organization.

- (f) One representative of Harbor Homes, Inc., appointed by that organization.
- (g) One representative of the New Hampshire Coalition to End Homelessness, appointed by the coalition.
- (h) One representative of the NH Providers Association, appointed by that organization.
- (i) One representative of the New Hampshire Psychological Association, appointed by the association.

III. The council is authorized to perform its work virtually. If physical meeting is necessary, legislative members of the council shall receive mileage at the legislative rate when attending to the duties of the council. The council may form subcommittees as necessary in the course of its work.

4-H:3 Duties; Quorum; Authority to Accept Grants.

I. The council on housing stability shall develop and monitor a plan which makes recommendations to address and/or undertake the following:

- (a) Necessary measures to strengthen New Hampshire's housing market and to create housing stability for all citizens.
- (b) Conduct an affordable housing needs assessment in each county to determine the housing deficit.
- (c) The barriers to affordable housing and what can be done to remove such barriers.
- (d) The necessary system of care to support individuals and families to obtain and maintain stable housing.
- (e) Integrate and coordinate a housing stability governance structure across state government and connect to local communities by conducting ongoing needs assessment and strategic planning.
- (f) Enhance the interoperability of data systems within and across government agencies to inform and monitor program and service access, equity, and quality.
- (g) Have housing options available throughout citizens' lifespans, based on the needs and desire people have at different times of their life.
- (h) Develop a comprehensive update to the state's plan on homelessness which shall include, but not be limited to:

- (1) Reviewing the coordinated services currently administered in New Hampshire, including outreach, treatment, and transitional to independence services.

- (2) Reviewing housing availability for unsheltered individuals.

- (3) Identifying the number of children experiencing homelessness, the adequacy of available services, and shelter options.

- (4) Identifying the number of veterans experiencing homelessness, the adequacy of available services, and shelter options.

- (5) Reviewing non-government service agencies and their involvement in their communities.

- (6) Identifying public and private programs that effectively address and prevent homelessness, the ability of those programs to meet the need for assistance, and potential funding sources for expansion, if appropriate.

- (7) Reviewing the state of New Hampshire's regional capacity in shelters and programs in addressing homelessness.

- (8) Exploring national models that successfully address and mitigate homelessness.

II. The council on housing stability shall be led by the department of health and human services, the department of business and economic affairs, and the New Hampshire community development finance authority.

III. A majority of the appointed council members shall constitute a quorum and all official actions of the council shall require a majority vote of those present and voting.

IV. The council may accept grants and other assistance to support its work, contingent upon the approval of the governor and executive council. Such items may be brought forward by any state agency that is represented on the council.

4-H:4 Reporting Requirement.

I. The council on housing stability shall submit its initial report and action plan, dated December 14, 2020, to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the state library. The council shall report its final plan 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 at its earliest convenience.

II. Thereafter, on or before November 1, the council shall provide an annual report of its activities and the status of the plan to create housing stability for all citizens of the state 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.

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

2021-0678h

AMENDED ANALYSIS

This bill codifies the council on housing stability initially established by the governor in Executive Order 2020-22.

Amendment to HB 512

(2021-0563h)

Proposed by the Minority of the Committee on Municipal and County Government – r

Amend RSA 48-A:12, II as inserted by section 1 of the bill by replacing it with the following:

II. No municipality shall require a housing code inspection as a condition of emergency housing assistance granted pursuant to RSA 165.

Amendment to HB 533

(2021-0906h)

Proposed by the Committee on Executive Departments and Administration – c

Amend RSA 284:15-b, II as inserted by section 2 of the bill by replacing it with the following:

II. The attorney general shall have the authority to conduct an investigation on the attorney general's motion into the background of the license applicant or holder, of any person included in paragraph I or of any person or entity upon whom the license applicant or holder relies for financial support. In addition, whenever the lottery commission shall receive an application, it shall ~~refer the application to the attorney general who shall conduct such an investigation~~ **notify the attorney general, and in concert and consultation with the attorney general, the lottery commission shall conduct an investigation of the applicant.** The investigation may be conducted through any appropriate state or federal law enforcement system and may seek information as to the subject's financial, criminal or business background, or any other information which ~~[the attorney general, in the attorney general's sole discretion,]~~ may ~~[find to]~~ bear on the subject's ~~[fitness]~~ **suitability** to be associated with racing in New Hampshire, including, but not limited to, the subject's character, personal associations, and the extent to which the subject is properly doing business in the manner in which it purports to operate. When the lottery commission ~~[requests]~~ **initiates** such an investigation, the ~~[attorney general]~~ **lottery commission** shall report the results of such investigation to the ~~[lottery commission]~~ **attorney general** within ~~[90]~~ **45** days after the ~~[receipt of the request]~~ **initiation of the investigation.** Notwithstanding any other law to the contrary, the results of any such investigation shall be confidential and shall not be subject to disclosure or to public inspection, except that the attorney general shall have sole discretion to determine the extent to which and the manner in which the results may be reported to ~~[the lottery commission or]~~ other state ~~[agency]~~ **agencies** or ~~[official]~~ **officials** and, if reported, whether such results are to retain their confidential character. ~~[; provided, however, that whenever the attorney general conducts such an investigation,]~~ The attorney general ~~[shall notify the lottery commission whether or not in the attorney general's opinion]~~ **and the lottery commission shall confer and determine, if in their opinion,** such person is ~~[fit]~~ **suitable** to be associated with racing in New Hampshire **and upon a determination that the person is not suitable, the person shall not be issued or continue to hold a license.** ~~[Notwithstanding any other provision of law, no person shall be issued or hold a license if in the opinion of the attorney general such person is not fit to be associated with racing in this state.]~~

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Lottery Commission; Condition of Licensee. Amend RSA 284:16-b, II to read as follows:

II. The lottery commission, after conducting a hearing, may require a licensee to divest itself of any partner, person, sub-corporation, shareholder, or any other entity of the licensee if the lottery commission determines that any partner, person, sub-corporation, shareholder, or any other entity of the licensee is not ~~[fit]~~ **suitable** to be associated with racing in this state.

Amendment to HB 540

(2021-0565h)

Proposed by the Committee on Judiciary – c

Amend the bill by replacing section 1 with the following:

1 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.

Amend RSA 186-C:3-c as inserted by section 4 of the bill by replacing it with the following:

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.

Amend RSA 464-D:9, I as inserted by section 5 of the bill by replacing it with the following:

I. To act loyally, without self-interest, and in good faith.

Amend RSA 464-D:11 as inserted by section 5 of the bill by replacing it with the following:

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.

Amend RSA 464-D:15, I as inserted by section 5 of the bill by replacing it with the following:

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.

Amendment to HB 542

(2021-0623h)

Proposed by the Majority of the Committee on Judiciary – r

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

AN ACT relative to the protection of religious liberty.

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

1 Title. This act may be known and cited as the New Hampshire religious liberty act.

2 Legislative Findings. The general court finds that:

I. The framers of our federal and state constitutions made the value judgment that religion warrants distinct protections. "In matters of Religion, no mans right is abridged by the institution of Civil Society... Religion is wholly exempt from its cognizance." James Madison, Memorial and Remonstrance Against Religious Assessments.

II. The right to the free exercise of religion, in both the federal and New Hampshire constitutions, was not meant to be a vague sentiment. Nor was it meant to protect mere private opinion or thought. It was intended to be just as concrete as the right of free speech, the right to be free from unreasonable searches, or any other enumerated right. It is "held by the same tenure with all our other rights... it is enumerated with equal solemnity, or rather studied emphasis." *Id.*

III. The general court understands the protections afforded to religious exercise under the New Hampshire Bill of Rights to be even stronger than those provided by the federal Bill of Rights. New Hampshire Constitution, Part 1, Articles 5; 6.

IV. Governments have trampled on religious exercise by crafting generally applicable laws which do not explicitly target a religion or religious activity. The fact that a law is generally applicable does not mean that it complies with the federal or state free exercise clauses. As the United States Supreme Court has said, the "constitutional rights of those spreading their religious beliefs through the spoken and printed word are not to be gauged by standards governing retailers or wholesalers of books." *Murdock v. Com. of Pennsylvania*, 319 U.S. 105, 111 (1943).

V. Protecting free exercise rights is especially important when it comes to the exercise of controversial or unpopular religious beliefs. "[M]any people hold beliefs alien to the majority of our society -- beliefs that are protected by the First Amendment but which could easily be trod upon under the guise of 'police' or 'health' regulations reflecting the majority's views." *Sherbert v. Verner*, 374 U.S. 398 at 411 (Douglas, J., concurring in the judgment).

VI. The United States Supreme Court has observed that forcing people to abandon the precepts of their religion “puts the same kind of burden upon the free exercise of religion as would a fine imposed” for a worship service. *Sherbert*, 374 U.S. 398 at 404 (1963).

VII. Although the state may legitimately burden religious exercise, it may only do so if there exists “some compelling state interest... [which] justifies the substantial infringement of [a person’s] First Amendment right.” *Sherbert*, 374 U.S. 398 at 406. The government must have a “paramount interest” in burdening free exercise. *Id.*

VIII. In response to the common argument that religious liberty protections will result in confusion and anarchy, allowing individuals to capriciously nullify ordinary laws, the Supreme Court in 1963 found that “there is no proof whatever to warrant such fears of malingering or deceit... it is highly doubtful whether such evidence would be sufficient to warrant a substantial infringement of religious liberties.” *Sherbert*, 374 U.S. 398 at 407.

IX. The free exercise of religion is currently under threat from many sides. As four justices of the United States Supreme Court have observed, the Court’s 1990 decision in *Employment Division v. Smith* has “drastically cut back on the protection provided by the Free Exercise Clause.” *Kennedy v. Bremerton Sch. Dist.*, cert. denied, 139 S. Ct. 634, 635 (2019) (Alito, J., concurring.). In the wake of the Covid-19 pandemic, many governors’ emergency orders have treated churches far more restrictively than comparable secular entities. *Maryville Baptist Church, Inc. v. Beshear*, 957 F.3d 610, 614, (2020) (“The [Governor of Kentucky’s] orders also likely ‘prohibit[] the free exercise’ of ‘religion’ in violation of the First and Fourteenth Amendments... Discriminatory laws come in many forms.”). At the same time, federal politicians are currently introducing bills intended to roll back statutory protections for the free exercise of religion.

X. *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418 (2006), indicates that legislative bodies may enact statutory law requiring that laws and other state action burdening the free exercise of religion be justified by a compelling governmental interest. Many states have done so, passing laws similar to this act.

XI. The compelling interest test, set forth in pre-1990 Supreme Court rulings and this act, is a workable test for striking sensible balances between religious liberty and competing governmental interests.

3 Purpose. The purposes of this act are:

I. To adopt the compelling interest test as articulated in *Sherbert v. Verner*, 374 U.S. 398 (1963) and to guarantee its application in all cases where the free exercise of religion is substantially burdened by state action;

II. To provide a claim or defense to a person or persons whose exercise of religion is substantially burdened by state action;

III. To provide a claim or defense to any religious organization whose religious services are, in a state of emergency, treated more restrictively than any other essential service; and

IV. To adopt this act as the general court’s construction of the relevant provisions in the New Hampshire Bill of Rights, so that New Hampshire courts may consider as persuasive this act, including the general court’s legislative findings, in any future cases interpreting the New Hampshire Bill of Rights.

4 New Chapter; Protection of Religious Liberty. Amend RSA by inserting after chapter 546-B the following new chapter:

CHAPTER 546-C PROTECTION OF RELIGIOUS LIBERTY

546-C:1 Definitions. In this chapter:

I. “Person” means any individual, association, partnership, corporation, church, religious institution, estate, trust, foundation, or other legal entity.

II. “Exercise of religion” means the practice or observance of religion. It includes, but is not limited to, any action that is motivated by a sincerely held religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief.

III. “Religious organization” means:

(a) A house of worship, including but not limited to churches, synagogues, mosques, shrines, and temples;

(b) A religious group, corporation, association, educational institution, ministry, order, society, or similar entity, regardless of whether it is integrated or affiliated with a church or other house of worship; or

(c) An officer, owner, employee, manager, religious leader, clergy, or minister of an entity or organization described in this paragraph.

IV. “Religious service” means a meeting, gathering, or assembly of 2 or more persons organized by a religious organization for the purpose of worship, teaching, training, providing educational services, conducting religious rituals, or other activities that are deemed necessary by the religious organization for the exercise of religion.

V. “State action” means the implementation or application of any law, including, but not limited to, state and local laws, ordinances, rules, regulations, and policies, whether statutory or otherwise, or other action by any governmental entity including but not limited to any subdivision of the state and any local government, municipality, instrumentality, or public official authorized by law.

VI. “State government” means:

- (a) The state or a political subdivision of the state;
- (b) Any agency of the state or of a political subdivision of the state, including a department, bureau, board, commission, council, court, or public institution of higher education;
- (c) Any person acting under color of state law; and
- (d) Any private person suing under or attempting to enforce a law, rule, or regulation adopted by the state or a political subdivision of the state.

VII. “Substantial burden” means any action that directly or indirectly constrains, inhibits, curtails, or denies the exercise of religion by any person or compels any action contrary to a person’s exercise of religion. It includes, but is not limited to, withholding benefits, assessing criminal, civil, or administrative penalties or damages, or exclusion from governmental programs or access to governmental facilities.

546-C:2 Free Exercise of Religion Protected.

I. State action shall not substantially burden a person’s right to exercise of religion, even if the burden results from a rule of general applicability, unless it is demonstrated that applying the burden to that person’s exercise of religion in this particular instance:

- (a) Is essential to further a compelling governmental interest; and
- (b) Is the least restrictive means of furthering that compelling governmental interest.

II. A person whose exercise of religion has been burdened, or is likely to be burdened, in violation of this section may assert such violation or impending violation as a claim or defense in a judicial or administrative proceeding, regardless of whether the state or one of its political subdivisions is a party to the proceeding. The person asserting such a claim or defense may obtain appropriate relief, including relief against the state or its political subdivisions. Appropriate relief includes, but is not limited to, injunctive relief, declaratory relief, compensatory damages, and costs and attorney fees.

III. This section applies to all laws, and the implementation of laws, whether statutory or otherwise, and whether adopted before or after the effective date of this chapter.

546-C:3 State of Emergency Protections.

I. To guarantee the free exercise of religion and right of the people to peaceably assemble, as required by the First Amendment of the United States Constitution and Part I, Article 5 of the New Hampshire constitution, any powers activated pursuant to a state of emergency, as defined in RSA 21-P:35, VIII, shall not prohibit in-person gatherings at established houses of worship, such as churches, monasteries, mosques, shrines, synagogues, or temples.

II. Notwithstanding RSA 4:45 or any other provision of law to the contrary, during a state of emergency, the state government shall permit a religious organization to continue operating and to engage in religious services to the same or greater extent that other organizations or businesses that provide essential services that are necessary and vital to the health and welfare of the public are permitted to operate.

III. Nothing in this section shall prohibit the state government from requiring religious organizations to comply with neutral health, safety, or occupancy requirements issued by the state or federal government that are applicable to all organizations and businesses that provide essential services. Provided, however, that the state government shall not enforce any health, safety, or occupancy requirement that imposes a substantial burden on a religious service unless the state government demonstrates that applying the burden to the religious service in this particular instance is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

IV. A religious organization may assert a violation of this section as a claim against the state government in any judicial or administrative proceeding or as a defense in any judicial or administrative proceeding without regard to whether the proceeding is brought by or in the name of the state government, any private person, or any other party.

V. Any religious organization that successfully asserts a claim or defense under this section may recover appropriate relief including, but not limited to, injunctive relief, declaratory relief, compensatory damages, and costs and attorney fees.

546-C:4 Immunity Waived. Sovereign, governmental, and qualified immunities to suit and from liability are waived and abolished to the extent of liability created by this chapter.

546-C:5 Rules of Construction.

I. This chapter shall be construed in favor of substantive and broad protections for the free exercise of religion.

II. The protection of free exercise of religion afforded by this chapter are in addition to any further protections provided under federal law, state law, and the state and federal constitutions.

III. Nothing in this chapter shall be construed to preempt or invalidate any state law or local ordinance that is equally or more protective of free exercise of religion. Nothing in this chapter shall be construed to narrow the meaning or application of any state or local law protecting free exercise of religion.

IV. This chapter applies to, and in cases of conflict supersedes, each statute that impinges upon the free exercise of religion protected by this chapter, unless a conflicting state statute is expressly made exempt from the application of this chapter. This chapter also applies to, and in cases of conflict supersedes, any ordinance, rule, regulation, order, opinion, decision, practice, or other law that impinges upon the free exercise of religion protected by this chapter.

V. If any provision of this chapter or any application of such provision to any particular person or circumstance is held to be invalid under law, the remainder of this chapter and the application of its provisions to any other person or circumstance shall not be affected.

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

2021-0623h

AMENDED ANALYSIS

This bill provides that any prohibition on in-person gatherings during a declared state of emergency shall not apply to houses of worship and provides that the state shall not substantially burden a person's right to the free exercise of religion unless doing so is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.

Amendment to HB 544

(2021-0611h)

Proposed by the Majority of the Committee on Executive Departments and Administration – r
Amend RSA 10-C:1, I as inserted by section 1 of the bill by replacing it with the following:

I. "Contractor" means any and all persons, individuals, corporations, or businesses of any kind that in any manner have entered into a contract to perform a service for, or perform a subcontract pursuant to a contract to perform a service for, or with the state of New Hampshire.

Amend RSA 10-C:2, V(a)(1) as inserted by section 1 of the bill by replacing it with the following:

(1) The head of each agency shall ensure that the agency, agency employees while on duty status, and any contractors hired by the agency to provide training, workshops, forums, or similar programming to agency employees do not teach, advocate, act upon, or promote in any training to agency employees any of the divisive concepts listed in RSA 10-C:1, II; and

Amend RSA 10-C:3 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph and renumbering the original paragraph III to read as paragraph IV:

III Nothing in this chapter is meant to include as a "contract or subcontract" certain government financial assistance, including but not limited to the taking or receiving of loans, tax credits, tax incentives, tax abatements or gifts deriving from money sent from the federal government or agency designed or meant to assist during or after a declared emergency, including but not limited to health, weather, riot, civil disobedience or acts of foreign agents, or designed as economic stimulus during economic emergency.

Amendment to HB 557

(2021-0746h)

Proposed by the Minority of the Committee on Criminal Justice and Public Safety – r
Amend the bill by replacing section 1 with the following:

1 The State Prisons; Discipline. RSA 622:14 is repealed and reenacted to read as follows:

622:14 Discipline. The commissioner of corrections may offer suitable encouragement and indulgences to those persons adjudicated and in custody with the department of corrections who distinguish themselves through appropriate conduct and engagement in rehabilitative activities, and may use appropriate correctional best practices in responding to violent behavior, escape threats, rioting, and behavior that adversely affects safety, security, or facility operations. Disciplinary sanctions, as the commissioner of corrections may from time to time prescribe, will be reasonable, just, and published in internal procedures.

2021-0746h

AMENDED ANALYSIS

This bill revises the disciplinary authority of commissioner of the department of corrections in state correctional facilities and repeals the authority of a county correctional facility superintendent to discipline an inmate using close or solitary confinement.

Amendment to HB 560

(2021-0187h)

Proposed by the Majority of the Committee on Municipal and County Government – r
Amend the bill by replacing section 1 with the following:

1 Rockingham County Officials; Election for 4-year Term. Amend RSA 653:1, V to read as follows:

V. One sheriff, one county attorney, one county treasurer, one register of deeds, and one register of probate by the voters in each county, *except for Rockingham county. Beginning with the election in November 2022, Rockingham county shall elect one sheriff, one county attorney, one county treasurer, one register of deeds, and one register of probate for 4-year terms;*

Amendment to HB 566

(2021-0425h)

Proposed by the Majority of the Committee on Judiciary – r

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

AN ACT relative to the discussion and disclosure of minutes from a nonpublic session under the right-to-know law.

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

1 New Subparagraph; Right-to-Know-Law; Nonpublic Sessions. Amend RSA 91-A:3, II by inserting after subparagraph (l) the following new subparagraph:

(m) Consideration of whether to disclose minutes of a nonpublic session due to a change in circumstances under paragraph III. However, any vote on whether to disclose minutes shall take place in public session.

2 Right-to-Know Law; Nonpublic Minutes. Amend RSA 91-A:3, III to read as follows:

III. Minutes of meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes of such sessions shall record all actions in such a manner that the vote of each member is ascertained and recorded. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism, more specifically, to matters relating to the preparation for and the carrying out of all emergency functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life. This shall include training to carry out such functions. In the event of such circumstances, information may be withheld until, in the opinion of a majority of members, the aforesaid circumstances no longer apply. *Minutes related to a discussion held in nonpublic session under subparagraph II(d) shall be made available to the public immediately after the transaction has closed or the public body has decided not to proceed with the transaction.*

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

2021-0425h

AMENDED ANALYSIS

This bill allows discussion of disclosure of the minutes of a nonpublic session to occur in nonpublic session, provided the vote on disclosure takes place in public session. The bill also requires that sealed minutes of a nonpublic session related to the acquisition, sale, or lease of real or personal property be released once the transaction closes or the public body decides not to proceed.

Amendment to HB 567

(2021-0276h)

Proposed by the Committee on Executive Departments and Administration – c

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

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

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

1 New Section; Nurse Practice Act; Licensed Nursing Assistant; Licensure by Alternate Experience. Amend RSA 326-B by inserting after section 21 the following new section:

326-B:21-a Licensed Nursing Assistant; Licensure by Alternate Experience.

I. A current or former military service member who has been assigned a military occupational specialty (MOS) code of 68W (Army) or 4N0X1 (Air Force), with or without additional skill identifiers, and who, as part of such member's service in the military, has utilized their MOS within the last 3 years, shall be deemed to have taken a board-approved nursing assistant course and may apply for a license as a nursing assistant in New Hampshire. An applicant under this paragraph shall:

(a) Provide proof that the applicant has been assigned a MOS code of 68W (Army) or 4N0X1 (Air Force) and that the applicant has used their MOS as part of their service in the last 3 years;

(b) Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary action, the board has found, after investigation, that sufficient restitution has been made; and

(c) Meet other criteria as established by the board.

II. An individual licensed as an emergency medical technician-basic, emergency medical technician-advanced, or paramedic in any United States jurisdiction who presently holds a certification from the National Registry of Emergency Medical Technicians (NREMT), 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. An applicant under this paragraph shall:

(a) Provide proof that the applicant is currently licensed as an emergency medical technician-basic, emergency medical technician-advanced, or paramedic in any United States jurisdiction;

(b) Provide a copy of the applicant's certification from the National Registry of Emergency Medical Technicians;

(c) Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary action, the board has found, after investigation, that sufficient restitution has been made; and

(d) Meet other criteria as established by the board.

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

2021-0276h

AMENDED ANALYSIS

This bill permits certain military personnel, emergency medical technicians, and paramedics to apply for licensure as a nursing assistant.

Amendment to HB 572

(2021-0576h)

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 Pharmacist Administration of Vaccines. RSA 318:16-b is repealed and reenacted to read as follows:

318:16-b Pharmacist Administration of Vaccines. A pharmacist, pharmacy intern, or licensed advanced pharmacy technician, under the supervision of an on-site immunizing pharmacist may administer haemophilus influenza, hepatitis A, hepatitis B, hepatitis A and B, human papillomavirus, influenza, meningococcal, pneumococcal, tetanus and diphtheria, varicella, zoster, MMR (measles, mumps, and rubella), and Tdap (tetanus, diphtheria and pertussis) vaccines, which have been approved by the Food and Drug Administration, to individuals 18 years of age or older as ordered by an immunizing pharmacist. A pharmacist, pharmacy intern, or licensed advanced pharmacy technician under the supervision of an on-site immunizing pharmacist may administer a COVID-19 vaccine, if available, provided that all applicable criteria in this section have been met. The pharmacist, pharmacy intern, or licensed advanced pharmacy technician shall:

I. Hold a current license to practice as a pharmacist, be registered as a pharmacy intern under RSA 318:15-b in New Hampshire, or be licensed as a licensed advanced pharmacy technician under RSA 318:15-c.

II. Possess at least \$1,000,000 of professional liability insurance coverage.

III. In order to administer vaccines, have completed training specific to administration of the respective vaccines that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board.

IV. Provide to the board evidence of compliance with paragraphs I-III.

V. Provide notice to the primary care provider, when designated by the patient, of the administration of any vaccine.

VI. Record the vaccination in the state vaccine registry with patient consent or when required by state and federal law and maintain a record of the vaccination as required by state and federal law.

VII. Submit reports of any adverse reactions following vaccination to the Center for Disease Control (CDC) Vaccine Adverse Event Reporting System (VAERS) within 3 days of being made aware of such adverse effects occurring.

2 Repeal. RSA 318:16-d, relative to additional authority for pharmacist administration of vaccines, is repealed.

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

2021-0576h

AMENDED ANALYSIS

This bill allows licensed advanced pharmacy technicians to administer vaccines, combines the pharmacist administration of vaccines authority into one section, provides for recording vaccinations in the state vaccine registry with consent, and requires the report of any adverse reactions..

**Amendment to HB 581
(2021-0823h)**

Proposed by the Committee on Education - c

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

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

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

2 Committee Established. There is established a committee to study special education dispute resolution options and the burden of proof in due process hearings conducted by the department of education.

3 Membership and Compensation.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

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

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

4 Duties. The committee shall:

I. Examine "child find" IDEA requirements.

II. Examine the IEP process under IDEA including team participants, roles, and responsibilities, time frames, and parental consent.

III. Familiarize itself with federal IDEA and department of education options for dispute resolution in special education cases.

IV. Examine department and other agency supports for parents including information for parents on procedural safeguards and available remedies.

V. Examine department of education monitoring of:

(a) District compliance with IDEA, state law and rules.

(b) IDEA parental complaints leading to state administrative hearings.

VI. Opportunities and best practices for dispute resolution processes at the "early stages."

VII. Consult with parents, other state agencies and experts, as needed.

VIII. Develop findings and recommendations based upon federal IDEA, parental and expert input, and best practices from districts as well as other states.

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

6 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.

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

2021-0823h

AMENDED ANALYSIS

This bill provides that the burden of proving the appropriateness of a child's special education placement or program is on the school district or other public agency. This bill also establishes a committee to study special education dispute resolution options and the burden of proof in due process hearings conducted by the department of education.

**Amendment to HB 582
(2021-0408h)**

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

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

AN ACT relative to prescriptions for the treatment of attention deficit disorder, attention deficit disorder with hyperactivity, or narcolepsy.

Amend the bill by replacing section 1 with the following:

1 Controlled Drug Act; Sale by Pharmacists; Attention Deficit Disorder, Attention Deficit Disorder with Hyperactivity, Narcolepsy; Prescriptions. Amend RSA 318-B:9, IV to read as follows:

IV. No prescription shall be filled for more than a 34-day supply upon any single filling for controlled drugs of schedules II or III; provided, however, that for controlled drugs, in schedules II or III, that are commercially packaged for dispensing directly to the patient, such as metered sprays and inhalers, liquids pack-

aged in bottles with calibrated droppers, and certain topical preparations packaged with metered dispensing pumps may be filled for greater than a 34-day supply, but not more than 60 days, utilizing the smallest available product size, in order to maintain the dosing integrity of the commercially packaged containers; and, provided that with regard to amphetamines and methylphenidate hydrochloride, a prescription may be filled for up to a ~~[60-day]~~ **90-day** supply if either such prescription specifies it is being used for the treatment of attention deficit disorder, attention deficit disorder with hyperactivity, or narcolepsy.

2021-0408h

AMENDED ANALYSIS

This bill allows for certain prescriptions for treatment of attention deficit disorder, attention deficit disorder with hyperactivity, or narcolepsy to be for 90 days.

Amendment to HB 593-FN

(2021-0582h)

Proposed by the Committee on Commerce and Consumer Affairs – r

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

2 Prospective Repeal. RSA 359-S, relative to food delivery platforms, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect December 31, 2023.

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

2021-0582h

AMENDED ANALYSIS

This bill requires 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. The provisions of the bill are repealed December 31, 2023.

Amendment to HB 600-FN

(2021-0899h)

Proposed by the Committee on Finance – c

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 120 days after its passage.

Amendment to HB 601-FN

(2021-0648h)

Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs – r

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

AN ACT relative to the provision of a closed loop referral system for the department of health and human services.

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

1 Purpose. The general court finds that this act is necessary to ensure legislative input and direction to implement informed consent as a protection of individual rights to privacy before the department of health and human services implements and develops a closed loop referral system where personal information will be stored in a single master index file available to third parties.

2 Department of Health and Human Services; Closed Loop Referral System. Notwithstanding any other provision of the law to the contrary, the sole source grant agreement to Unite USA, Inc. of Nashua in the amount of \$700,000 for the provision of a closed loop referral system, as referenced by the department of health and human services and contained in the governor and council information item dated October 19, 2020, to enhance care coordination by connecting clients to services via phone, in person, or via the Internet, shall not be implemented before July 1, 2022.

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

2021-0648h

AMENDED ANALYSIS

This bill requires that the sole source grant agreement to provide a closed loop referral system to the department of health and human services shall not be effective before July 1, 2022.

Amendment to HB 605-FN

(2021-0646h)

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs – r

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

1 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX(b) by inserting after subparagraph (3) the following new subparagraph:

(4) Opioid use disorder, with the following restrictions:

(A) When certified only by a board certified addiction medicine or addiction psychiatry provider who is actively treating the patient for opioid use disorder; and

(B) With associated symptoms of cravings and/or withdrawal.

2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, I to read as follows:

I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients [and], **designated caregivers, other** alternative treatment centers, **and visiting qualifying patients.**

3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XIII(b) to read as follows:

(b) Cultivation or purchase by a visiting qualifying patient **from a qualifying patient or designated caregiver; or**

4 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVI to read as follows:

XVI. "Visiting qualifying patient" means a ~~[patient with a qualifying medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days and is not eligible to purchase therapeutic cannabis in New Hampshire or receive cannabis from a qualifying New Hampshire patient]~~ **person who is not a resident of New Hampshire, or who has been a resident of New Hampshire for fewer than 90 days, who has been issued a valid registry identification card, or its equivalent, under the laws of another state, district, territory, commonwealth, or insular possession of the United States, or under the laws of Canada, that allows, in the jurisdiction of issuance, that person to possess cannabis for therapeutic purposes.**

5 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend RSA 126-X:2, V to read as follows:

V. A valid registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States, **or under the laws of Canada** that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess cannabis for therapeutic purposes, shall have the same force and effect **and be subject to the same restrictions** as a valid registry identification card issued by the department in this state, provided that[:

(a) ~~The visiting qualifying patient shall also produce a statement from his or her provider stating that the visiting qualifying patient has a qualifying medical condition as defined in RSA 126-X:1; and~~

(b) ~~a visiting qualifying patient shall not cultivate [or purchase] cannabis in New Hampshire or obtain~~ **or purchase** cannabis from ~~[alternative treatment centers or from]~~ a [qualifying] New Hampshire **qualifying** patient **or designated caregiver.**

6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph V the following new paragraph:

VI. The department shall adopt rules, pursuant to RSA 541-A, regarding an alternative treatment center's verification of a visiting qualifying patient's registry identification card, or its equivalent.

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

2021-0646h

AMENDED ANALYSIS

This bill

I. Adds opioid use disorder as a qualifying medical condition for the purpose of the therapeutic use of cannabis.

II. Amends the definitions of "alternative treatment center" and "therapeutic use" and "visiting qualifying patient" in the therapeutic cannabis statute.

III. Permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

IV. Requires the department of health and human services to adopt rules regarding an alternative treatment center's verification of a visiting qualifying patient's identification.

Amendment to HB 605-FN

(2021-0645h)

Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs – r

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

1 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, I to read as follows:

I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients [and], **designated caregivers, other** alternative treatment centers, **and visiting qualifying patients.**

2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XIII(b) to read as follows:

(b) Cultivation or purchase by a visiting qualifying patient ***from a qualifying patient or designated caregiver***; or

3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVI to read as follows:

XVI. "Visiting qualifying patient" means a ~~[patient with a qualifying medical condition who is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30 days and is not eligible to purchase therapeutic cannabis in New Hampshire or receive cannabis from a qualifying New Hampshire patient]~~ ***person who is not a resident of New Hampshire, or who has been a resident of New Hampshire for fewer than 90 days, who has been issued a valid registry identification card, or its equivalent, under the laws of another state, district, territory, commonwealth, or insular possession of the United States, or under the laws of Canada, that allows, in the jurisdiction of issuance, that person to possess cannabis for therapeutic purposes.***

4 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend RSA 126-X:2, V to read as follows:

V. A valid registry identification card, or its equivalent, that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States, ***or under the laws of Canada*** that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess cannabis for therapeutic purposes, shall have the same force and effect ***and be subject to the same restrictions*** as a valid registry identification card issued by the department in this state, provided that:-

(a) ~~The visiting qualifying patient shall also produce a statement from his or her provider stating that the visiting qualifying patient has a qualifying medical condition as defined in RSA 126-X:1; and-~~

(b) ~~a visiting qualifying patient shall not cultivate [or purchase] cannabis in New Hampshire or obtain~~ ***or purchase*** cannabis from ~~[alternative treatment centers or from]~~ a ~~[qualifying]~~ New Hampshire ***qualifying patient or designated caregiver.***

5 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph V the following new paragraph:

VI. The department shall adopt rules, pursuant to RSA 541-A, regarding an alternative treatment center's verification of a visiting qualifying patient's registry identification card, or its equivalent.

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

2021-0645h

AMENDED ANALYSIS

This bill:

I. Amends the definitions of "alternative treatment center" and "therapeutic use" and "visiting qualifying patient" in the therapeutic cannabis statute.

II. Permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

III. Requires the department of health and human services to adopt rules regarding an alternative treatment center's verification of a visiting qualifying patient's identification.

Amendment to HB 630

(2021-0753h)

Proposed by the Committee on Judiciary – c

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

AN ACT authorizing certain procedures for rulemaking.

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

2021-0753h

AMENDED ANALYSIS

This bill permits photocopied and scanned versions of signatures to be used in rulemaking proceedings.

Amendment to HB 631

(2021-0439h)

Proposed by the Committee on Executive Departments and Administration – c

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

1 Chapter Title; Interpreters for the Deaf, Deafblind, and Hard of Hearing. Amend the chapter title of RSA 326-I to read as follows:

CHAPTER 326-I

INTERPRETERS FOR THE DEAF, ***DEAFBLIND,*** AND HARD OF HEARING

2 Reference Change; Board of Licensure; Deafblind Added. Amend the following RSA provisions by replacing the terms “for the deaf and hard of hearing” with “for the deaf, deafblind, and hard of hearing”: 14:12-a:200-C:19, IV; 326-I:1, IV(a) and (b); the section heading of 326-I:3; 326-I:3, I; 326-I:3, IV(c); 326-I:4, II; 326-I:4, V and VI; 326-I:5, IV; 326-I:8, I; 326-I:11, I; the introductory paragraph of 326-I:12; 326-I:14, II(b); 326-I:14, III(c); 326-I:16.

3 Findings. Amend RSA 326-I:1, II and III to read as follows:

II. The general court finds that a significant number of New Hampshire’s deaf, **deafblind**, and hard of hearing, its broad array of public agencies and institutions, and its medical and legal professions share a unique challenge: the necessity to hire [professional] **qualified** interpreters licensed to provide ready and reliable communications to and for those who use a visual **and/or tactile** mode of communication.

III. The general court further finds the mandates of federal and state statutes which require funding of interpreter’s services, by the same public agencies and institutions, medical and legal professions, and others of those interpreters requested by the deaf, **deafblind**, and hard of hearing, is a mandate in itself to the legislature to ensure the availability of a skilled cadre of [professional] **qualified**, licensed interpreters.

4 Definitions. RSA 326-I:2 is repealed and reenacted to read as follows:

326-I:2 Definitions. In this chapter:

I. “Board” means the board of licensure of interpreters for the deaf, deafblind, and hard of hearing.

II. “Deaf” person means a person whose primary communication is visual.

III. “Deafblind” person means a person who has a combination of hearing loss and vision loss. A person who uses a combination of visual and/or tactile communication.

IV. “Hard-of-hearing” person means a person who has a hearing loss, who may or may not primarily use visual communication, and who may or may not use assistive devices.

V. “Intermediary interpreting” means interpreting services rendered by a deaf person between another deaf or deafblind person and another licensed interpreter or between 2 or more deaf or deaf blind persons.

VI. “Interpreter” means a person who conveys meaning between people who use signed language and spoken language.

VII. “Interpreting” means the act of conveying meaning between people who use signed and/or spoken languages.

VIII. “Interpreting organization” means an organization whose function is to provide qualified interpreter services for a fee and who access interpreters licensed under this chapter.

IX. “Oral deaf” person means a person whose primary communication is speech reading and spoken English.

X. “Qualified interpreter” means an interpreter meeting the requirements of this chapter.

5 Board Membership. Amend RSA 326-I:3, II and III to read as follows:

II. The board shall consist of 9 members as follows:

(a) Four licensed interpreters, at least 2 of whom ~~[are]~~ **hold** national ~~[level-licensure]~~ **certification**, from ~~[a list of]~~ names submitted by the New Hampshire Registry of Interpreters for the Deaf in conjunction with the New Hampshire Association of the Deaf.

(b) Five consumers, including 3 deaf **or deafblind** persons from ~~[a list of]~~ names submitted by the New Hampshire Association of the Deaf, one consumer of oral interpreting services, and a non-deaf member of the public not licensed under this chapter.

III. No member of the board shall serve concurrently in an elected, appointed, or employed position in any other state-level organization representing interpreters for the deaf, **deafblind, or hard of hearing** if it would present a direct conflict of interest.

6 Duties of the Board. Amend RSA 326-I:4, IX to read as follows:

IX. Cooperating with the New Hampshire Registry of Interpreters for the Deaf, the New Hampshire Association of the Deaf, ~~[Self Help for the Hard of Hearing of New Hampshire, the New Hampshire League for the Hard of Hearing,]~~ **the Association of Late Deafened Adults (ALDA), Northeast Deaf and Hard of Hearing Services, Inc.**, the department of education, division of vocational rehabilitation, and interpreting ~~[agencies]~~ **organizations** to provide access to the services of interpreters to persons communicating with deaf, **deafblind**, and hard of hearing persons.

7 Rulemaking; Applications. RSA 326-I:5, I is repealed and reenacted to read as follows:

I. The form and content of license applications authorized in RSA 326-I:7, II. For licensed interpreters such rules shall include application criteria including proof of an approved valid credential.

8 New Paragraph; Rulemaking; Administrative Fines. Amend RSA 326-I:5 by inserting after paragraph VII the following new paragraph:

VIII. Procedural and substantive requirements for assessing, compromising, and collecting administrative fines as authorized by RSA 326-I:14, III.

9 Licensure. Amend RSA 326-I:7 to read as follows:

326-I:7 Licensure Required; Exemptions.

I. No person shall receive remuneration as an interpreter for the deaf, **deafblind**, or hard of hearing or represent oneself as an interpreter for the deaf, **deafblind**, or hard of hearing in this state after January 1, 2003, unless such person is licensed in accordance with the provisions of this chapter.

II. The board shall license each applicant who satisfies the requirements of the board [~~at either a national level license or a state level license~~], **including a valid credential recognized by the board**. Upon payment of a license fee [~~for each license level~~], the board shall issue to such person a certificate of licensure which shall be evidence of the right to practice [~~at the appropriate level~~] as an interpreter for the deaf, **deafblind**, and hard of hearing.

III. [~~An interpreter for the deaf and hard of hearing certified by the Registry of Interpreters for the Deaf, the National Association of the Deaf, or the New Hampshire Interpreter classification process prior to the effective date of this chapter shall accepted for licensure by the board, at the appropriate license level, without examination, provided that all such certified persons comply with all other requirements of the board under this chapter.~~]

IV.] The following persons shall be exempt from the license requirements of this chapter:

(a) Nonresident interpreters [~~certified by the National Registry of Interpreters of the Deaf (RID) or the American Consortium of Certified Interpreters (ACCI), levels IV and V, who have completed RID-approved legal training or who hold a legal specialty certificate (RID-SC:L)~~] **legally certified or legally trained by a board recognized body** when working in [~~court~~] **legal** settings, provided that such interpreter shall be subject to disciplinary proceedings of the board.

(b) Interpreters for the deaf, **deafblind** and hard of hearing working in religious settings.

(c) Interpreters working in emergency situations where the parties determine that the delay to obtain a licensed interpreter is likely to cause injury or loss.

(d) Students exempted under RSA 326-I:8.

(e) Interpreters employed by a school district for a K-12 program.

(f) Court reporters licensed under RSA 310-A:161-RSA 310-A:181 while employed as court reporters as defined in RSA 310-A:162, II.

(g) **Interpreters holding a valid credential from a board recognized body who are representatives from a critical shortage area (any area that is currently underrepresented in the licensed pool) provided that such interpreter shall be subject to disciplinary proceedings of the board.**

(h) **An individual interpreting between a pair of signed languages for which there is no existing certification, provided that such interpreter shall be subject to disciplinary proceedings of the board.**

[V.] IV. The recipient of services shall have the right to apply to the department of education for, and to receive, a waiver in writing from using a licensed interpreter [~~and shall accept all responsibility for such action~~].

10 License Requirements. Amend the introductory paragraph of RSA 326-I:9, I to read as follows:

I. To be eligible for licensure by the board as an interpreter for the deaf, **deafblind**, and hard of hearing [~~at either the national level license or the state level license~~], an applicant shall:

11 License Renewal. Amend RSA 326-I:13 to read as follows:

326-I:13 License Renewal[; ~~Continuing Education~~]. A license issued by the board shall expire on the September 1 following 3 years from the date of issuance. Every person licensed under this chapter who wishes to renew a license shall, on or before the expiration date, pay a fee for renewal of license to the board. The board shall notify each person licensed under this chapter of the date of expiration of such person's license and the renewal fee required. The notice shall be mailed to such person's last known address as provided to the board at least 60 days in advance of the expiration of such license. Renewals are contingent upon [~~evidence of completing the number of continuing education units established by the board. The continuing education units may be earned by attending professional training or completing approved independent studies and regional in-service programs, as determined by the board~~] **demonstration of the licensee satisfying the requirements of this chapter.**

12 Disciplinary Actions; Unlicensed Persons. Amend RSA 326-I:14, I(b) to read as follows:

(b) Upon written complaint of any person which charges that a person licensed by the board, or an unlicensed person under RSA 326-I:7, [IV(a)] **III(a), III(g), or III(h) or RSA 326-I:7, IV**, has committed misconduct under paragraph II and which specifies the grounds for the misconduct.

13 Disciplinary Actions; Administrative Fines. Amend RSA 326-I:14, III(a) to read as follows:

III.(a) The board may take disciplinary action in any one or more of the following ways:

(1) By public or private reprimand.

(2) By suspension, limitation, or restriction of license.

(3) By revocation of license.

(4) **By assessing an administrative fine.**

(5) By requiring the person to participate in a program of continuing education supervision, or treatment in the area the person is deficient.

[~~(5)~~] **(6)** By removing an exemption for an unlicensed person under RSA 326-I:7, ~~IV(a)~~].

14 Hearings; Exception. Amend RSA 326-I:15 to read as follows:

326-I:15 Hearings; **Exception.**

I. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing or formally presented to the board. A hearing shall be held on all formal complaints received by the board within one year of the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Official notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II. When an action by a licensed interpreter does not violate the Code of Professional Conduct but has an adverse consequence to a recipient of services and/or is not standard practice, an involved participant or a concerned third party may file a complaint with the board which asks for the board to provide conflict resolution or mediation services between the parties. To accept, investigate, and act on such a filing, a majority of present board members must agree there is an opportunity for resolution that will result in an improvement of interpreting services. In these instances, there will be no possible suspension or revocation of the interpreter's license, nor shall the board be required to hold a hearing.

15 Directory. Amend RSA 326-I:17 to read as follows:

326-I:17 Record; Directory. The board shall maintain a record of its proceedings under this chapter and a directory of all persons licensed under this chapter. The directory shall list the name and last known [~~business address~~] **contact information** for each licensee, and may include such other information as the board deems necessary.

16 Penalties; Waiver. Amend RSA 326-I:18, I to read as follows:

I. Any person who shall practice or attempt to practice as an interpreter for the deaf, **deafblind** and hard of hearing in this state without a license **and without a waiver under RSA 326-I:7, IV** shall be guilty of a class A misdemeanor if a natural person or guilty of a felony if any other person.

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

Amendment to SB 43

(2021-0780h)

Proposed by the Committee on Election Law - c

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

1 Purpose. Notwithstanding any provisions of law to the contrary, this act authorizes and directs an audit of the ballot counting machines and their memory cards and the hand tabulations of ballots regarding the general election on November 3, 2020 in Windham, New Hampshire of Rockingham County district 7 house of representatives for the purpose of determining the accuracy of the ballot counting devices, the process of hand tallying, and the process of vote tabulation and certification of races.

2 Forensic Election Audit Team. A forensic election audit team shall be formed to complete the audit described in section 3 and it shall be comprised of:

I. One person designated by town of Windham.

II. One person designated jointly by the offices of secretary of state and attorney general.

III. One person selected jointly by the designee of the town and the designee of the secretary of state and attorney general.

3 Audit Process.

I. The audit process shall be determined by the forensic election audit team formed pursuant to section 2, such that there is a determination as to whether the machine counting devices and memory cards functioned properly on November 3, 2020, whether the number of ballots tallied by hand in Windham and those tallied by hand by the secretary of state during the recount on November 12, 2020 were the same as the number of ballots cast.

II. At a minimum the audit process referenced in section 1 shall include the following:

(a) All ballots shall be run through all the ballot counting machines used by the town of Windham on November 3, 2020.

(b) Determine the total ballots cast, the total ballots counted, and total ballots received from the secretary of state.

(c) A hand tallying of all ballots cast in Windham in the Rockingham County district 7 state representative race, the race for governor, and the race for United States senator.

III. The audit shall occur at a location other than in the town of Windham and other than the customary places the secretary of state conducts recounts. The audit shall be live-streamed and recorded. The facility

chosen for the audit shall be sufficient to ensure live-streaming of the audit, access for members of the public, security for the audit process, and overnight storage of the machines and materials. Public access to the audit shall be granted in equal numbers to observe, as is deemed appropriate by the fire marshal for the space under federal, state, and local laws and regulations, including health and safety regulations, to the following 3 groups: Windham designees; designees of the secretary of state and attorney general, and members of the public. The select board of the town of Windham shall select the Windham designees, the secretary of state shall determine a method for selecting the members of the public.

IV. Windham shall be responsible for transport of the machine counting devices used in the general election on November 3, 2020 to the audit location and for the return of the devices to Windham upon completion of the audit. The secretary of state and attorney general shall be responsible for the transport of the ballots to the audit location and for the return of the ballots to their storage site. The secretary of state and attorney general shall also be responsible for arranging the security at the location where the audit occurs.

V. The secretary of state, attorney general, and the town of Windham shall provide the election audit team whatever information or documentation the auditors require to perform the audit.

4 Forensic Election Audit Team; Report Required. Within 45 days of the conclusion of the audit, the forensic election audit team shall produce a report which shall include, but not be limited to, a finding as to whether the ballot counting machines and memory cards accurately counted the ballots subject to the audit, whether hand tabulation procedures followed by the town of Windham at the general election and hand tabulation procedures followed by the secretary of state at the recount may have contributed to variances reported at the recount done for the Rockingham County district 7 house of representatives race in Windham, and recommendations as to what improvements to the machine processing and tabulation processes might be considered in the future. The report shall be provided to the secretary of state, the town of Windham, and the ballot law commission. The report shall be made available to the public forthwith.

5 Report Required; Secretary of State and Attorney General. Within 45 days of receipt of the forensic election audit team's report required pursuant to section 4, the attorney general and secretary of state shall issue a report to the speaker of the house of representatives, president of the senate, and the select board of the town of Windham as to results of the audit and any resulting recommendations.

6 Report Required; Ballot Law Commission. Within 45 days after receipt of the forensic election audit team's report the ballot law commission shall, in accordance with RSA 656:41, issue a report as to the performance of the ballot counting devices.

7 Authority to Unseal Ballot Boxes. The secretary of state and attorney general shall have authority to unseal the ballot boxes in order to conduct the audit. The ballots shall be boxed and sealed after the audit in accordance with the procedures of RSA 659:95.

8 Affirmation of Ballot Law Commission Ruling. The results of the audit shall not alter the official results of the Rockingham County district 7 house of representatives race as determined by the ruling of the ballot law commission on November 25, 2020, upholding the recount of that race.

9 Deadline. The forensic election audit shall be completed within 45 days of the effective date of this act.

10 Effective Date. This act shall be effective upon passage.