



State of
New Hampshire

HOUSE RECORD

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Friday, March 11, 2022

No. 10

Contains: Bills Laid on Table; Committee Reports; House Bills Amended By Senate; House Deadlines; Meetings and Notices; Revised Fiscal Notes; and State House Visitation Schedule.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

Thank you for your dedicated service to our state this week. It was great to finally be back in Representatives Hall after two long years.

The House will be back in the Hall of Representatives to meet on Tuesday, March 15th at 10:00 a.m., Wednesday, March 16th at 9:00 a.m., and Thursday, March 17th at 9:00 a.m. Additionally, we will meet again on Thursday, March 31st at 9:00 a.m.

On any session day, all legislators must park where they are assigned to park as communicated through the Speaker's office. Those with assigned street spaces should only park in the space assigned to them. Only those with assigned LOB garage spaces will be permitted to access the LOB garage. All others should park in the Storrs Street garage. We made some exceptions this week. Exceptions will not be made next week.

There will be a shuttle operating all day on session days to bring legislators to and from the Storrs Street garage to the State House. The shuttle will pick up and drop off passengers at the ground level of the garage.

We will continue to provide antigen self-test kits to you before each session, for the time being. In order to reduce postage costs, rather than mail each test kit for the next week's session days, they will be distributed to each member's mailbox in the ante room. We will notify members when they are in your mailbox, and mail test kits that are not picked up.

We were all saddened by the recent passing of the Honorable Renny Cushing. He was a passionate and dedicated public servant. It was an honor to serve alongside Rep. Cushing, and his presence will be greatly missed by all who had the opportunity to know and work with him. On behalf of the House of Representatives, I would like to extend my deepest sympathies to the Cushing family, their friends and loved ones during this difficult time.

Sherman A. Packard, Speaker of the House

NOTICE

There will be a meeting of chairs and vice chairs on Wednesday, March 30th at 10:00 a.m. in Rooms 301 – 303 of the Legislative Office Building.

Sherman A. Packard, Speaker of the House

NOTICE

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

CLOSES AT 3:00 p.m. ON:

Wednesday, March, 16, 2022

Wednesday, March 23, 2022

Wednesday, March 30, 2022

AVAILABLE ON:

Friday, March 18, 2022

Friday, March 25, 2022

Friday, April 01, 2022

Paul C. Smith, Clerk of the House

2022 HOUSE DEADLINES

Thursday, March 17, 2022	Last day to act on House Bills not in a second committee
Thursday, March 24, 2022	Last day to report all House Bills
Thursday, March 31, 2022	CROSSOVER – Last day to act on all House Bills
Thursday, April 14, 2022	Last day to report Senate Bills going to a second committee
Thursday, April 21, 2022	Last day to act on Senate Bills going to a second committee
Thursday, April 28, 2022	Last day to report all Senate Bills
Thursday, May 5, 2022	Last day to act on all Senate Bills
Thursday, May 12, 2022	Last day to form committees of conference
Thursday, May 19, 2022	Last day to sign committee of conference reports (4:00 p.m.)
Thursday, May 26, 2022	Last day to act on committee of conference reports

NOTICE

Please note that all streaming videos of committee meetings can be found at the NH House of Representatives YouTube channel. The link to the YouTube channel: www.youtube.com/c/NHHouseofRepresentativesCommitteeStreaming

GOVERNOR'S VETO MESSAGE REGARDING 319

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on February 23, 2022, I have vetoed House Bill 319, requiring students in the University and Community College System of New Hampshire to pass the United States Citizenship and Immigration Services civics naturalization test.

We all can agree that an education in civics is fundamental to our students. Last year I signed House Bill 320, which implements a similar civics competency exam for high school students. That requirement goes into effect in 2023 and will help continue the Granite State tradition of a citizenry actively engaged in self-government. As such, House Bill 319 would serve to address the lack of civics education only in out-of-state public post-secondary students.

House Bill 319 would also represent the first time the legislature has imposed a universal graduation requirement for students at our public colleges and universities. I am concerned that this would create a precedent for future legislatures to mandate extreme requirements.

There is no lesson more important than understanding our individual responsibility to uphold democracy. Nevertheless, I believe the legislature's passage of House Bill 320 already addresses the important concerns of an engaged citizenry and an understanding of the fundamentals of democracy without some of the challenges House Bill 319 may unintentionally create.

For the reasons stated above, I have vetoed House Bill 319.

Respectfully submitted,
Christopher T. Sununu
Governor

BILLS LAID ON TABLE

HB 20-FN-A-L, establishing the Richard "Dick" Hinch education freedom account program. (Pending question: Refer for Interim Study)

HB 136, requiring schools to update documents and software to include the option of identifying a student as non-binary. (Pending question: Inexpedient to Legislate)

HB 147-FN, relative to assault against an elderly person. (Pending question: Ought to Pass)

HB 153, establishing a committee to study universal Internet access for New Hampshire. (Pending question: Inexpedient to Legislate)

HB 167-FN, relative to net energy metering limits for customer generators and the purchase of output of limited electrical energy producers. (Pending question: Inexpedient to Legislate)

HB 172, establishing greenhouse as emission reduction goals for the state and establishing a climate action plan. (Pending question: Inexpedient to Legislate)

HB 204, proclaiming January 24 as "Granny D" day. (Pending question: Inexpedient to Legislate)

HB 237-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor. (No pending question)

HB 255, relative to limited liability for institutions of higher education and businesses. (Pending question: Majority Committee amendment)

HB 359, creating a private cause of action for discrimination based on hairstyles relative to a person's ethnicity. (Pending question: Inexpedient to Legislate)

HB 362, relative to domicile of students for voting purposes. (Pending question: Inexpedient to Legislate)

HB 376, establishing a committee to study applications of microgrids in electricity supply. (Pending question: Inexpedient to Legislate)

HB 382, establishing a commission to study the utility rate structure of demand charges. (Pending question: Inexpedient to Legislate)

HB 394, establishing a commission to study the short and long term impacts of pending national and regional carbon pricing mechanisms on New Hampshire's residents, agriculture, wildlife and natural resources-based tourism sector, and commercial enterprises. Inexpedient to Legislate)

HB 517-FN, relative to the state minimum hourly rate. (Pending question: Inexpedient to Legislate)

HB 531-FN-L, relative to determining the qualifications of voters and establishing provisional voter registration and provisional ballots. (Pending question: Refer for Interim Study)

HB 535, relative to the qualified voter affidavit. (Pending question: Refer for Interim Study)

HB 554, relative to temporary absence from domicile for voting purposes. (Pending question: Refer for Interim Study)

HB 607-FN, establishing local education savings accounts for students. (Pending question: Majority Committee amendment)

HB 608-FN-A-L, relative to the formula for determining funding for an adequate education. (Pending question: Inexpedient to Legislate)

HB 611-FN, abolishing fluoridation in water. (Pending question: Majority Committee amendment)

HB 620-FN-L, requiring law enforcement agencies to gather and analyze certain demographic information. (Pending question: Inexpedient to Legislate)

HB 622-FN, protecting nascent human life as a reasonable and valid state interest. (Pending question: Majority Committee amendment)

HB 1031, prohibiting law enforcement from encrypting public frequencies. (Pending question: Inexpedient to Legislate)

HB 1100-FN, relative to changing the penalties for driving without a license. (Pending question: Inexpedient to Legislate)

HB 1159, recognizing November 7 as Victims of Communism Memorial Day. (Pending question: Inexpedient to Legislate)

HB 1175, relative to recording interactions with public officials. (Pending question: Inexpedient to Legislate)

HB 1197, relative to the definition of "party" for election purposes. (Pending question: Inexpedient to Legislate)

HB 1208, relative to driver education. (Pending question: Inexpedient to Legislate)

HB 1419-FN, relative to establishing a New Hampshire civilian climate corps advisory commission. (Pending question: Inexpedient to Legislate)

HB 1436-FN, relative to appeals of family court decisions. (Pending question: Inexpedient to Legislate)

HB 1443, proclaiming the first Monday of March as COVID-19 Victims and Survivors Memorial Day. (Pending question: Inexpedient to Legislate)

HB 1465-FN, relative to the appointment of counsel for juveniles. (Pending question: Committee amendment)

HB 1468-FN, relative to the legalization of cannabis. (Pending question: Inexpedient to Legislate)

HB 1484-FN, requiring a forensic audit of the 2020 election results. (Pending question: Inexpedient to Legislate)

HB 1506-FN, establishing a revolving clean energy accelerator fund in the department of energy. (Pending question: Inexpedient to Legislate)

HB 1509-FN, relative to termination of the FRM victims' contribution recovery fund. (Pending question: Inexpedient to Legislate)

HB 1536-FN, relative to expanding Medicaid to include certain postpartum health care services. (Pending question: Refer for Interim Study)

HB 1555-FN, repealing the permit required for fires at campgrounds. (Pending question: Refer for Interim Study)

HB 1578-FN, relative to including certain children and pregnant people in Medicaid and the children's health insurance program. (Pending question: Inexpedient to Legislate)

HB 1601-FN, relative to funding of the NHsaves program. (Pending question: Inexpedient to Legislate)

HB 1621-FN, relative to reducing the rebates distributed by the energy efficiency fund. (Pending question: Inexpedient to Legislate)

HB 1651-FN, adding sexual reassignment to the definition of child abuse. (Pending question: Inexpedient to Legislate)

HB 1654-FN, relative to termination of pregnancy statistics. (Pending question: Refer for Interim Study)

HB 1656-FN-A-L, establishing a road usage registration fee and making an appropriation therefor. (Pending question: Inexpedient to Legislate)

SB 44, establishing the New Hampshire workforce pathway program. (Pending question: Inexpedient to Legislate)

SB 69, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. (Pending question: Majority Committee amendment)

SB 92-FN, relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks. (Pending question: Majority Committee amendment)

2022 HOUSE BILLS AMENDED BY THE SENATE

HB 50, apportioning state representative districts. (House Concurs 3/10/22)

HB 55, (New Title) apportioning delegates to state party conventions, and relative to the form for declarations of candidacy for delegates to state party conventions. (House Concurs 3/10/22)

HB 95-FN, relative to milk pasteurization. (House Concurs 2/16/22)

HB 233-FN, (New Title) establishing a committee to study the right of any infant born alive to medically appropriate and reasonable care and treatment. (House Non-Concurs 3/10/22)

HB 292, relative to the absentee ballot application process. (SJ 1/5/22)

HB 293, relative to the procedure for adoption of a minor child. (SJ 1/5/22)

HB 307, relative to the state preemption of the regulation of firearms and ammunition. (SJ 1/5/22)

HB 347-FN, relative to driving with a suspended license. (SJ 1/5/22)

HB 381-FN, relative to laboratory testing. (SJ 1/5/22)

HB 440, (New Title) prohibiting the suspension of civil liberties during a state of emergency. (House Concurs 3/10/22)

HB 503, (Second New Title) codifying the council on housing stability and relative to telehealth and medically assisted treatment for substance use disorder. (SJ 1/5/22)

HB 549, (New Title) relative to the system benefits charge and the energy efficiency and sustainable energy board. (House Concurs 2/16/22)

TUESDAY, MARCH 15 CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 1118, relative to the determination of parental rights and responsibilities following the death of a child's parent or guardian. **OUGHT TO PASS.**

Rep. Cody Belanger for Children and Family Law. The committee found that when a parent or guardian dies, it makes sense for the court to consider the wishes of the deceased as they provide in the estate planning documents. This would allow, if not encourage, parents and guardians to make provisions to reduce the disruption in their child's life in the event of their death. **Vote 14-0.**

HB 1278, relative to the modification or termination of term alimony. **INEXPEDIENT TO LEGISLATE.**

Rep. Jodi Nelson for Children and Family Law. The committee believes that if a party starts a relationship with someone, they start it accepting all aspects of that new relationship, including their combined financial situation. The person receiving alimony can make the decision if the new relationship is of more combined emotional and financial value than the existing arrangement. There is also a concern that under the proposal, someone could be receiving two or more alimony payments which the committee does not find appropriate. **Vote 15-0.**

HB 1279, relative to the duration of term alimony. **INEXPEDIENT TO LEGISLATE.**

Rep. Jodi Nelson for Children and Family Law. The majority of the committee believes this bill should have been a part of HB 1278 because it is part of that policy change proposal. The committee recommends HB 1279 Inexpedient to Legislate for the same reasons as HB 1278. **Vote 15-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 1039, relative to the definition of "beverage manufacturer retail outlet." **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill as introduced removes the production and manufacturing requirements from the definition of "beverage manufacturer retail outlet." Last session a new law was passed to allow beverage manufacturers to have a second location for tastings. This bill clarifies that they do not need to make any beer on this new premise. The amendments to this were two other issues that were brought up, the first being to repeal an unused law allowing for licensees to get a multi year license.

Nobody used it, and after the recent audit of the commission it was suggested to remove it from the statutes. The amendment also deleted the phrase “within a 90 day period” when an out of state “Direct Shipper” violates NH statutes that seems to implies that they can begin shipping again in 90 days. **Vote 18-0.**

HB 1043, establishing a committee to study regulations applicable to small businesses that sell food. **INEXPEDIENT TO LEGISLATE.**

Rep. John Potucek for Commerce and Consumer Affairs. The Commerce and Consumer Affairs Committee unanimously agreed that this committee was not necessary since the issues that the study would be addressing are in HB 1595, relative to establishing a statewide food truck license. The committee felt Interim Study is better than a joint House and Senate study committee especially in the second year of the biennium, therefore, this bill was recommended Inexpedient to Legislate. **Vote 18-0.**

HB 1048, relative to minimum nonforfeiture amounts under the standard nonforfeiture law for individual deferred annuities. **OUGHT TO PASS.**

Rep. Chris McAleer for Commerce and Consumer Affairs. This bill would reduce the interest rate that insurance companies selling individual deferred annuities in New Hampshire would be required to pay on reserves held for guaranteeing minimum annuity payments to individuals. This is standard procedure for state insurance departments to comply with and reflects the current interest rate environment. **Vote 18-0.**

HB 1095, relative to the sale of fresh condiments on pushcarts selling frankfurters and pre-cooked sausages. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Abel for Commerce and Consumer Affairs. The Department of Health and Human Services reported its existing rules allow the sale of condiments provided they are pre-packaged by a supplier or commissary and would reach out to push cart operators to clarify compliance. The committee felt further legislation is unnecessary. **Vote 18-0.**

HB 1146, relative to condominium instruments and condominium special assessments. **INEXPEDIENT TO LEGISLATE.**

Rep. Joyce Weston for Commerce and Consumer Affairs. If passed, this bill would have severely curtailed the board of a condominium from its ability to raise fees as needed by requiring a majority of the association to vote in favor of the assessment. There are times when a condominium board needs to move quickly to make special assessments due to unforeseen circumstances, such as a fire or roof collapse. Condominium boards also need the flexibility to keep up with inflation so they can accrue sufficient funds to properly maintain and repair common areas of the property. If this bill were to be passed, fewer and fewer residents would step forward in the future to serve on the board. Even the prime sponsor of the bill acknowledged that the concept was ill-conceived, and the committee unanimously agreed. **Vote 18-0.**

HB 1162, relative to requiring insurance coverage for vaccinations, devices, and medications authorized for emergency use by the United States Food and Drug Administration. **REFER FOR INTERIM STUDY.**

Rep. Jeffrey Greeson for Commerce and Consumer Affairs. This bill seeks to ensure that medical insurance companies cover any injuries or adverse events a person might experience as a result of a medicine, vaccine, or medical device that is not yet approved by the Food and Drug Administration but is authorized for emergency use (EUA). The Commerce and Consumer Affairs Committee believes the bill has merit but needs some clarification. Therefore, the committee recommends that this bill be referred for Interim Study in order to ensure the bill addresses the issue properly. **Vote 17-1.**

HB 1245-FN, relative to copayments for services rendered by a chiropractor. **REFER FOR INTERIM STUDY.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. Given the uniqueness of chiropractors' practice, the Commerce and Consumer Affairs committee decided that to resolve the issue of co-pays, the committee would need more time. **Vote 18-0.**

HB 1249, relative to weights and measures. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill is a request of the Department of Agriculture, Markets, and Food. The bill renames two license fee categories in weights and measures and adds a definition for “precision scales” and “legal-for-trade scale.” “Precision scales” means any legal-for-trade scales with accuracy class designations of Class II or Class III that have a division size less than or equal to two grams in metric and less than 0.005 pounds in avoirdupois. “Legal-for-trade scale” means a scale which meets the requirements of the National Institute of Standards and Technology Handbook 44 and is approved by the National Type Evaluation Program. **Vote 18-0.**

HB 1378, relative to inspection of public lodging houses. **REFER FOR INTERIM STUDY.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. Under current law, hotels and motels are required to allow law enforcement to see the their guest register. The intent of the bill was to require a warrant. The law was written a long time ago and makes numerous antiquated references. The bill needs a lot of work. **Vote 18-0.**

HB 1404, relative to consumer rights regarding towing of vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Joyce Weston for Commerce and Consumer Affairs. This bill would put specific limits on tow company charges, forcing that company to possibly lose money on towing a vehicle. The bill, as written, also showed no differentiation between the different types of vehicles, which can differ greatly in the cost of towing service. Capping rates like this will push the business of private property towing more and more to the companies that will do them at reduced rates, lowering the quality of towing services and the experience for the customer. The sponsor of the bill agreed that it was an ill-conceived, constituent-driven concept. **Vote 18-0.**

HB 1422-FN, requiring warning labels on consumer products containing perfluorinated chemicals. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris McAleer for Commerce and Consumer Affairs. This is a commendable goal but unwieldy as an overwhelming number of products contain these harmful chemicals. Our neighboring state Maine is attempting to implement a law along this line but it is too soon to evaluate the results. Short term efforts should be in educating the public about the dangers of these chemicals with the expressed intent that product manufacturers will voluntarily limit their use until proper controls can be implemented. **Vote 18-0.**

HB 1501-FN, relative to insurance coverage for pediatric autoimmune neuropsychiatric disorders. **REFER FOR INTERIM STUDY.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would eliminate the sunset clause for insurance coverage for a particularly expensive treatment of a rare disorder. The committee heard testimony that it's been difficult to obtain claims information due to the inability of providers to code the treatment and collect the statistics needed. The committee was told a new code is being developed and since the sunset isn't until 2024, the committee felt it could be addressed in a future legislative term. **Vote 18-0.**

HB 1556, relative to on-premise and off-premise sales at a beverage manufacturer's facility. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill allows consumers purchasing beverage samples to drink to also purchase beverages for consumption off premise at the same point of sale (POS) in the licensee's facility. The Liquor Commission contended that this problem was a misunderstanding and by request from the Commerce Committee put out an industry circular intended for distribution to the beverage manufacturers. The circular is intended to provide information and clarity on questions and inaccuracies regarding the question of POS systems. The committee decided to hold the bill to ensure there are no more misunderstandings. **Vote 18-0.**

HB 1558, relative to insurance holding companies. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was requested by the NH Insurance Department. This bill includes updates to the National Association of Insurance Commissioners (NAIC) model insurance act regarding receiverships and group capital calculation for credit for reinsurance. New Hampshire is a lead state for the group capital and this updates the statute to comply with the model legislation. **Vote 18-0.**

HB 1559, relative to laws administered by the insurance department. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was filed at the request of the NH Insurance Department. It adds clarifying language, adds rule making authority for Paid Family Medical Leave Insurance, allows reduced premiums during extenuating circumstances, allows for notice provisions of a third party when an insured cancels a commercial policy, and adds language to explain the process for liens on property in the Continuing Care Retirement Community statute. **Vote 18-0.**

HB 1580-FN, relative to pharmacy benefits managers. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would require that pharmacy benefits managers (PBMs) be licensed. The costs of drugs continue to be a concern for this committee. The committee has heard testimony for years that PBMs negotiate the costs of drugs between manufacturers and distributors and it is a fairly opaque relationship. Several insurance carriers now have incorporated PBMs into their corporations, making it more difficult to determine the "piece of the pie" they absorb. However, the committee did not feel that licensing was the answer. Insurance companies are highly regulated already and the committee did not think that regulating through this legislation would decrease the costs. **Vote 16-2.**

HB 1582-FN, repealing the granite state paid family leave plan. **REFER FOR INTERIM STUDY.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. The House Labor, Industrial and Rehabilitative Services committee has a very similar bill that repeals that same plan this bill does, so the committee decided to hold this bill to review what the outcome of the other bill is. **Vote 18-0.**

HB 1595-FN, relative to establishing a statewide food truck license. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. The intent of this bill was to have one state license for food trucks in New Hampshire rather than the current practice that a food truck vendor would get a license from the town in which they would like to operate. Given that the majority of the cities in New Hampshire

have a separate license for their city, a food truck operator would have to get multiple licenses. Needless to say, the cities do not want to give up their responsibility to ensure food safety, and the committee decided that the bill needed more work. **Vote 18-0.**

HB 1613-FN, establishing a limited farmers liquor manufacturer license. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. The bill as introduced would allow NH farmers to distill small batches at a lower license fee. The committee felt this opportunity should not be limited to just farmers so the amendment replaces the entire bill and allows anyone to get a liquor manufacturer license to produce up to 1,000 cases of liquor per year for a fee of \$300. If more than 1,000 cases are produced, the license remains at \$1,692. **Vote 18-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1027-FN, establishing the crime of undermining legislative process by false claim of emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for Criminal Justice and Public Safety. This bill would give the NH legislature the ability to pursue criminal charges against people who abuse a COVID-19 state of emergency. Regardless of how one feels about this, or the federalism questions involved, the US Supreme Court has already addressed this question. Therefore the issue is moot. The majority believes the bill should be defeated. **Vote 19-0.**

HB 1067-FN, relative to limitations on prosecution for first degree assault. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety committee, after having heard testimony from various witnesses, found that this bill Ought to Pass as amended. This makes it so that the statute of limitations for assaults on minors begins to toll upon their 18th birthday. The limits would be six years for felony and three years for misdemeanor assaults. The majority of the committee believes that this bill strikes a balance between a defendant's right to speedy justice and a victim's ability to reach adulthood and still have time to seek counseling and assistance in making the determination of whether or not to bring charges for assaults they suffered as a child. **Vote 17-1.**

HB 1215-FN, relative to the definition of "residual amount" in the controlled drug act. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, recommends that this bill be found inexpedient to legislate. This bill would conflict with the entire existing statutory scheme that bases the severity of offenses regarding controlled substances by weight. Even adjusting the weight down for fentanyl, which the original bill allowed an amount sufficient to kill many people as "residual," there still exists statutory conflicts with cocaine and other substances. A one size fits all approach to calling an amount of a substance "residual" is both dangerous and unworkable within our current criminal statutes. **Vote 21-0.**

HB 1246-FN, relative to interlock devices. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, recommends that this bill Ought to Pass. The majority agreed that this bill will allow New Hampshire law enforcement to charge an operator of a commercial motor vehicle licensed in this, or any other state, appropriately if they drive in New Hampshire after having been convicted in another jurisdiction of operating a vehicle without an interlock device, after having been required to use one, or they are operating in this state without a required device. The bill would also allow the commissioner of safety to order a hearing to determine if the operator should be required to install an interlock device on any vehicle registered to them in this state based on an out of state conviction. **Vote 18-2.**

HB 1335-FN, relative to the parole board and the procedure for medical parole of prisoners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Meuse for Criminal Justice and Public Safety. This bill would strengthen the criteria for determining if a resident in a New Hampshire prison qualifies for medical parole. While this situation impacts an extremely small number of people in the prison population, medical parole provides a compassionate alternative to housing a resident nearing the end of life or who is enduring a complex medical situation in a prison setting who is no longer dangerous. The bill restricts eligibility to residents who are permanently incapacitated or permanently debilitated, have a terminal illness, or have a serious and complex medical condition that requires extended services or care that cannot be provided by the prison system. Parole decisions remain in the hands of the parole board, which can also specify the placement of the parolee in a hospital, hospice, or family home. The bill also clarifies that, should the condition of the parolee improve, parole would be revoked. The bill also makes some minor revisions to the membership of the adult parole board and, as amended, has the support of the Department of Corrections and the Adult Parole Board. **Vote 21-0.**

HB 1349-FN, decriminalizing the possession and use of psilocybin mushrooms. **INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for Criminal Justice and Public Safety. This bill would decriminalize the use of psilocybin mushrooms, which are currently considered a schedule I drug punishable by fines and prison time depending on the quantity. Although psilocybin shows promise as a treatment for post-traumatic stress disorder and other psychiatric disorders, it is not currently approved for these purposes by the Food and Drug Administration. More research is needed for the majority to support decriminalization, which will make psilocybin mushrooms much easier to acquire and consume, particularly among children. **Vote 18-2.**

HB 1360-FN, relative to penalties for controlled drug violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. The Criminal Justice and Public Safety committee, after having heard testimony from various witnesses, recommends that this bill should be Ought to Pass as amended. The committee agreed that while we wish to remain tough on crime, we must also balance this with the fiscal and human cost of extended incarceration for personal use of controlled substances and therefore reduction of potential incarceration and fines are appropriate. **Vote 18-0.**

HB 1433-FN, relative to penalties for poisoning dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses recommends that this bill be found inexpedient to legislate. The majority found that while the cause was commendable, the bill as written opened the door to many possible unintended consequences. The inability of the sponsors to explain what would and would not constitute a place where a citizen could legally place poison intended for vermin was just one of the problems with this bill. Further, the majority found that intentionally poisoning a pet would be covered by the current animal cruelty statutes. **Vote 17-2.**

EDUCATION

HB 1015, relative to school district policies regarding objectionable material. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for Education. The laudable intent of this bill was to provide parents with opportunities to review areas of concern regarding potential objectionable material, speakers, or programs that would be part of scheduled school instruction. The issue with the bill involved the explicit timelines in the measure's language that might preclude certain teaching opportunities (the teachable moment) that might pop up on short notice, such as a visit from a congressperson, a similarly high profile individual, or a current even occurring in the Ukraine or elsewhere in the world. The prescriptive language and requirement for two weeks' notice could preclude certain enrichment opportunities from being considered. **Vote 18-1.**

HB 1141, relative to special education services for children in chartered public schools. **REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for Education. There was a special education study committee last fall that heard and received much testimony. This amended bill addresses some of the issues raised by parents. These include perceived intimidation in individualized education plan (IEP) meetings by the presence of district lawyers which is contrary to federal law concerning allowed participants. There were also complaints about having to sign non-disclosure agreements in order to enter into mediation which also is against federal law. We also heard testimony of incidents where documents have been missing or inaccurate in the student files so an amendment to the bill includes provisions for parental access to the records. Issues remain, however, in looking at existing administrative rules that exceed state and federal law and what statutory changes still are needed. The majority agreed that Interim Study was the best way to continue looking at these issues. **Vote 18-0.**

HB 1164, revising the agriculture in the classroom committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, changes the composition and scope of the Agriculture in the Classroom Committee. The bill replaces membership from the now defunct NH Plant Growers Association appointed by the Governor to one representative from the NH Fruit Growers Association, also appointed by the Governor. As currently in law and checked with the attorney general's office, this committee is a not-for-profit corporation with powers and duties identified in statute. **Vote 19-0.**

HB 1169, relative to public comment and inquiry during school board meetings. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This bill is related to public comment during school board meetings. It demanded that board members cite statutes or rules for board authority to take certain actions and required the board to respond to public comment questions either immediately or within 5 days. While an important issue, it was felt that the bill went too far in some mandates on school boards. **Vote 19-0.**

HB 1196, relative to school financial reports of public academies. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill requires that public academies file a financial report each year to the Department of Education. As an academy, Pinkerton Academy is a unique, independent learning school

and its mission is to strive to ensure the growth of all students in a challenging, respectful, and collaborative environment. It is an independent high school with contracts with area school districts and independent applicants which service 3,100 student in grades 9-12. During the previous year, the academy operated an extensive program of studies including more than 320 unique courses and over 60 cocurricular activities. Having reviewed the most recent tax reports, the academy is a not-for-profit organization, exempt from federal and state income tax under section 501(C)(3). The academy has adopted an accounting policy, and as communicated to the committee, Pinkerton Academy's tax-exempt status and exemptions are identified in tax reporting and this material is publicly available. The committee views this bill as unnecessary. **Vote 18-0.**

HB 1198, relative to rules of the department of education concerning culture and climate in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This bill was aimed at Department of Education administrative rules related to school culture and climate and preventing their enforcement. Unfortunately, there are some important rules on this subject such as shared ownership and responsibility of the school among students, their families, and the community, thus the Inexpedient to Legislate recommendation. **Vote 18-0.**

HB 1212-FN, relative to charges for chartered public school transportation. **INEXPEDIENT TO LEGISLATE.**

Rep. Patricia Cornell for Education. This bill would require school districts to provide transportation to charter school students on any day the charter has school and the district does not. Testimony was heard that districts do share calendars with charter schools as early as possible to allow alignment. The committee felt that a better solution was to encourage districts and charters to communicate and coordinate calendars and legislation was unnecessary. **Vote 18-0.**

HB 1236, relative to the legislative oversight committee for the education improvement and assessment program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for Education. This bill restores the Public Education Oversight Committee responsible for evaluating the accountability measures for public schools and reviewing student outcomes. The committee was repealed last session during a sweep of committees that failed to meet on a timely basis. Provisions in the bill, as amended, improve the ability for the committee to meet and provide valuable reports of public school performance to the General Court. **Vote 19-0.**

HB 1255, relative to teachers' loyalty. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill would add terms such as socialism and Marxism to a section of law titled Teacher Loyalty that became law in 1949 dealing with communism. To properly prepare for our future, our young students must know about our past and learn from that history, both the good and the bad. With the world experiencing the horrific events happening in the Ukraine, topics such as socialism (a political, social and economic philosophy that encompasses a range of economic and social systems characterized by social ownership) need to be taught without a teacher being accused of advocating a subversive doctrine or topic. Please support the unanimous recommendation of the committee. **Vote 19-0.**

HB 1263, relative to physical education in schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, further prescribes health, physical education, wellness, and personal finance literacy to be taught in schools. The school board shall ensure that health education, physical education to include the importance of exercise, and wellness are taught to pupils as part of the curriculum while also addressing prevention of sexual violence. The school board shall also ensure that personal finance literacy instruction designed to prepare students for success in making financial decisions is taught as part of the curriculum. Personal finance literacy skills may be embedded in an existing course or grade level program of studies. Currently, this study may be taught within high school economics. School districts will have until July 1, 2024 to plan for this area of study. As in HB 242 last year, the NH Banker's Association and business organizations were and continue to be in full support of teaching personal finance literacy. **Vote 19-0.**

HB 1295, requiring reports concerning school policies on classroom recordings and in-classroom observers. **REFER FOR INTERIM STUDY.**

Rep. Ralph Boehm for Education. This bill would require superintendents to submit a report to the Department of Education on school policies concerning in classroom videos. The committee believes this bill needs more study to look at existing policies and rules. **Vote 18-0.**

HB 1313, relative to rights to freedom from discrimination in higher education. **REFER FOR INTERIM STUDY.**

Rep. Rick Ladd for Education. The discrimination law passed last year in HB 2 applied to K-12, but did not specifically identify postsecondary education. The bill did state that nothing in that subsection of law shall be construed to limit the academic freedom of faculty members of the University System of New Hampshire and the Community College System of New Hampshire to conduct research, publish, lecture, or teach in the academic setting; however, concern has been brought to the attention of committee members that there may be need for language with the law to also address curriculum and instruction at the public postsecondary

levels. The committee prefers the option of working closely with higher education administration to obtain assurances that policy is in place ensuring that all students know and experience the community college and university systems as welcoming and inclusive places to live, work, and study. The Education Committee recommends Interim Study and is hopeful that by working together, we can build bridges and models of inclusivity without the need for further legislative action by the General Court. **Vote 18-1.**

HB 1329, relative to alternative programs for credit leading to high school graduation. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This legislation was originally included in HB 242 that was vetoed this past year. The bill as introduced would allow high schools to accept alternative programs for credit leading to graduation pursuant to rules adopted by the State Board of Education. There is no need for this legislation at this time as the state board has adopted rules and administrative procedures for implementing the Learn Everywhere Program. The successful Learn Everywhere Program is now fully operational and expanding student access to extended-learning opportunities that lead to high school graduation. **Vote 19-0.**

HB 1336, relative to rulemaking by the state board of education concerning violations of the professional code of ethics and the professional code of conduct. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. The intent of this bill was to address the code of conduct and to codify in statute the disciplinary sanction terms of reprimand, suspension, and revocation, adopted pursuant to rule in the Professional Code of Conduct for NH Educators. It has been determined that by addressing like terminology directly in statute, rather than making any modifications to the code of conduct through the rule making process, would be in error. The committee, therefore, opines that modification to the code can best be accomplished through the rule making process. Upon careful review of the code by involved principals, the committee recommended that a fourth category would be added to the code stating that the first option would result in “a confidential letter of concern which shall mean a non-disciplinary, non-public letter be issued to the employee.” In follow up to committee recommendation, the Chairman of House Education forwarded an unanimously agreed upon letter dated February 9, 2022, to the Department of Education Commissioner. **Vote 18-0.**

HB 1366, relative to cooperative school board reapportionment. **REFER FOR INTERIM STUDY.**

Rep. Michael Moffett for Education. This bill was submitted for the purpose of making it easier to submit petitioned articles locally with regard to proposed cooperative school district apportionment modifications. RSA 195:22 presently requires such a proposal to show signatures of at least 10% of a cooperative district’s qualified voters. This requirement is daunting, particularly in larger districts; however, during committee work it was understood that different dynamics occur in SB 2 communities that need further consideration before moving forward with this legislation. **Vote 19-0.**

HB 1371, relative to school district policies on facial masks of students in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This well-intentioned bill requires that each school district develop a policy against both mask mandates and discrimination based upon student or staff decisions on mask choice. There are issues, however, with the legislation’s requirement for the Department of Education to develop policies on mask choice bullying and harassment plus investigate complaints. Legislation is already in place regarding bullying that would cover incidents of mask bullying with processes for investigation and reporting. There is also other legislation that would prohibit mask mandates. For these reasons, this bill is not needed. **Vote 18-0.**

HB 1372, relative to requirements for teacher certification. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill adds a requirement that all educators applying for New Hampshire certification shall have completed a class on NH Department of Education administrative rules. Among considerations discussed in the committee, questions developed regarding who, where, or how the class would be available and taught, and how will the new requirement be funded? In addition to the aforementioned issues, the committee questioned the need for a test on all 104 pages of the Ed 306 rules established for the minimum standards of public school approval, or rules for other aspects of education such as: nonpublic schools, vocational rehabilitation programs, alternative education, and regional career technical education and much more. Education personnel seeking certification should know where to locate rules relative to education. An administrator should be knowledgeable of all rules pertinent to education, but requiring this of all teachers is excessive. **Vote 18-0.**

HB 1373, relative to the best interest of the student for a change of school or assignment. **REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for Education. This bill is the result of a complaint to the Department of Education from parents in a school district that tuitions their high school students to a school in Massachusetts, but they want to send their children to a NH school. Since the bill was introduced, they have worked out an agreement with the district to do that, but parents would have to pay the difference in tuition for the NH school – thousands of dollars. Interim Study was agreed to because the option now exists to go to the NH school, but we need to look at the requirement for NH residents to have to pay tuition to attend a public school in this state. **Vote 18-0.**

HB 1399, relative to school district withdrawal from a cooperative school district. **REFER FOR INTERIM STUDY.**

Rep. Rick Ladd for Education. This bill modifies the procedures for the disposition of equity and liabilities associated with buildings, land, and facilities for a school district withdrawing from a cooperative school district. This topic has received numerous studies, the most recent occurring in 2016-2017. Along with other bills received by the committee this year that address very unique elements contained within cooperative agreements such as governance, cooperative formation, and complicated dissolution of assets and withdrawal, the committee finds that additional time to conduct a more serious, vigorous, and comprehensive review of RSA 195 in its entirety is required. **Vote 19-0.**

HB 1402-LOCAL, relative to inclusion of chartered public schools in school district bond issuance votes. **INEXPEDIENT TO LEGISLATE.**

Rep. David Luneau for Education. This bill establishes a procedure for a chartered public school to elect to include its planned land, construction, or renovation costs in the local school district's vote to authorize bonded indebtedness. The committee found the bill left too many unanswered questions with respect to financial risk, disparate credit ratings, and contingent balance sheet obligations and leaves local taxpayers on the hook. **Vote 18-0.**

HB 1428-FN, relative to the provision of special education services by chartered public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for Education. This bill would require that a charter school contract for special ed services if the resident school does not provide the necessary services in 2 weeks. The charter school would then bill the resident school district for those costs. We found this to be unreasonable. In accordance with law, the school district in which the student resides is responsible for establishing and delivering the special need services for the student. In some cases, it may take more than 2 weeks to find the necessary specialists for the student's needs. Authorizing the charter school services the authority to contract services if the district misses the 2 week deadline would place additional costs on the resident district as well as the charter school. The resident district must provide the necessary services in a reasonable time by law. **Vote 18-0.**

HB 1499, relative to chartered public school eligibility for state school building aid. **REFER FOR INTERIM STUDY.**

Rep. Deborah Hobson for Education. This bill adds chartered public schools to the procedures for consideration, approval, plan requirements, and determination of grants for school building aid. The importance of building aid can't be understated. This is a program authorized by RSA 198:15-a through which the state provides financial assistance to local school districts for the construction or substantial renovation for educational facilities for grades K-12. Most charter schools currently lease space and the ability to own their buildings or secure financing is cost prohibitive. Lack of facilities funding hurts students in that they won't have access to kitchens, libraries, and science labs. Additionally, lack of funding forces chartered public schools to use operational funding to pay for the building, therefore taking away from program funding. Adding Charter schools to building aid statutes needs additional research before we change statutes and for this reason we seek an Interim Study. **Vote 19-0.**

HB 1513-FN, relative to the definition of a child with a disability for purposes of special education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. Federal law provides for a free appropriate public education to be available to all children with disabilities between the ages of 3 and 21, inclusive. The important word is "inclusive," meaning that services should be provided through the child's 21st year. The law does give some flexibility to states on this age provision but we had testimony that 30 states provide services through age 21. It is estimated that there would be only approximately 79 students over the next two years to get the added services. The committee feels that our state should conform to federal law and that we should provide services to these children for the entire school year in which they turn 21 years old. **Vote 19-0.**

HB 1530, relative to bachelor's degrees offered by the community college system of New Hampshire. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, establishes curricular transfer pathways between the Community College System of New Hampshire (CCSNH) and the University System New Hampshire (USNH). It is the intent of the General Court with the collaboration of both the CCSNH and the USNH to create and maintain transfer pathways that optimize the utility and affordability for students earning an associate of arts or science degree to enroll in a bachelor's program at UNH, Keene State College, or Plymouth State University with CCSNH course work and credits fully transferable to any university system institution offering the chosen four-year degree. As a result of this bill, the systems will have in place by July 1, 2024 a higher education transfer pathway system to enable a student possessing an associate's degree to continue his or her career goal of attaining a 4-year degree as an enrolled university level junior without loss of previously

earned coursework. Along with a number of articulation agreements currently in place, this legislation is fully supported by both NH higher education systems. It is a first step toward aligning credit courses between the two systems. **Vote 19-0.**

HB 1533, relative to health education curriculum in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. Following an informative discussion, the committee opted to merge components of this bill into HB 1263, a bill that also addresses RSA 189:10 and “studies” involving health, physical education, and exercise and wellness. Elements from this bill including interpersonal relations and prevention of sexual violence have been amended to HB 1263. **Vote 18-1.**

HB 1588-FN, relative to students attending public schools that mandate the wearing of face masks without an emergency order in place. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill would allow for a student who attends a public school that is enforcing a face mask mandate, outside of a state of emergency declaration, to attend a different school (public, non-public, alternative program) that does not have such a mandate. The school district with the face mask mandate would be required to pay the costs of transportation and tuition for such student desiring to transfer. This legislation could significantly increase local school district expenditures, should a student opt to attend a private school or different public school. In addition, statute does not require public schools to transport high school students, although exceptions can be made by the superintendent. **Vote 15-3.**

HB 1594, relative to assistance to certain students with disabilities in registering to vote. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sue Mullen for Education. One of the most significant transitions in an individual’s life is the transition from child to adult. Along with the responsibilities come the privileges, the right to vote being chief among them. This bill would require a 17-year old (or older) student’s Section 504 or Individualized Education Program team to determine whether or not voter registration is an appropriate goal, and if so, to include the steps necessary within the student’s plan. The original bill exempted schools who provide the opportunity to learn how to register to vote to all eligible students, but the committee elected to amend the bill to remove that provision to assure that qualifying students are aware of available accommodations and how to secure answers to their questions and concerns. **Vote 19-0.**

HB 1605-FN, requiring SAUs to maintain a report on the 5-year projection of future enrollments. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill requires school administrative units to annually report to school districts the 5-year projection of future enrollments within the school administrative unit, including cost per student information. School districts and budget committees presently gather this data when developing annual budgets and projecting expenditures extending forward into the future. This is done when addressing negotiated contracts, bonding, capital purchases, maintenance plans, and much more. Although this bill is directed toward the purpose of holding each school district’s cost per student growth within the current inflation rate, there are certain unplanned expenses that occur that significantly spike small district per pupil costs. Unexpected special education costs associated with newly placed, handicapped students may be catastrophic for districts with fewer than 100 students. Those expenses must be paid in the given year; however, budgets are premised upon data from the previous year. Each district is unique with different contracts, demographics, staffing, community economics, and more which will be different from district to district. Each district has unique issues contributing to costs, and these elements come into play when forecasting populations. The committee cautions comparison of one district to another due to these very unique education costing elements. **Vote 18-1.**

HB 1626, relative to the unique pupil identification system. **OUGHT TO PASS.**

Rep. Glenn Cordelli for Education. The Department of Education maintains a system of unique pupil identification numbers to track students while maintaining their privacy. This bill updates the existing statute according to practice and other statutes to permit charter schools and the scholarship organization that manages the education freedom account program to have access to the identification numbers. This is needed so they can verify student attendance and avoid duplication with other schools. Failure to do this checking might lead to duplication of payments. **Vote 18-0.**

HB 1637-FN, requiring parents of public school students to submit a survey when electing an education freedom account. **INEXPEDIENT TO LEGISLATE.**

Rep. Melissa Litchfield for Education. This bill requires a parent submitting an application to the education freedom account program to complete and submit a parent survey issued by the Department of Education. Concerns were shared during testimony regarding the lack of anonymity and this bill further states that receiving funds would be conditional upon completion of this survey. The Children’s Scholarship Fund is already administering this survey and this survey is anonymous and the overall results are public. This bill should be found Inexpedient to Legislate. **Vote 19-0.**

HB 1646, relative to representation on a cooperative school district board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Melissa Litchfield for Education. As amended, this bill requires cooperative school district boards to have at least one elected member from each pre-existing district, and all members of the cooperative school board shall be elected within their own district. This is a change in the current law that requires cooperative school members be elected at large. **Vote 19-0.**

HB 1649, relative to unique pupil identification for pupils in the education freedom accounts program. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. With the unanimous recommendation for passage of HB 1626 on the same subject of unique pupil identification access, the committee recommends Inexpedient to Legislate for this bill as it is not needed. **Vote 19-0.**

HB 1663, relative to requirements for home education students. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This amended bill updates and clarifies several statutes related to home education. It updates the definition of home education to state that it is provided, coordinated, or directed by a parent to their own child. Also updated are the notification requirements for starting or terminating home education. It also removes home education proficiency requirements so as to be in line with public schools. **Vote 18-1.**

HB 1664-FN, requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers. **REFER FOR INTERIM STUDY.**

Rep. Sue Mullen for Education. This bill requires education service providers and non-public schools who accept public funds to comply with the criminal history background check requirements utilized by the Department of Education. The committee recognizes the importance of the legislature doing everything it can to assure student safety. We have heard a number of different bills pertaining to this topic. The Department of Safety and the Department of Education are currently working on various aspects of the criminal history background check, so the committee believes it is best to coordinate efforts with them in Interim Study before committing anything to law. **Vote 19-0.**

HB 1671-LOCAL, relative to the content of an adequate education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, replaces the entire bill as introduced and better identifies the specific learning areas for an adequate education as the following: English/language arts and reading; mathematics; science; social studies to include civics, government, economics, geography, history and Holocaust and genocide education; arts education, including music and visual arts; world languages; health and wellness education; physical education; engineering and technologies including technology applications; and personal finance literacy. The following skills shall be integrated into the aforementioned learning areas: computer use, digital literacy, logic, and rhetoric. Of the learning areas, social studies is better defined, wellness has been added to health in keeping with the minimum standards for public school approval, arts education is more clearly defined by the addition of music and visual arts, technology applications will require students to apply that knowledge and skills, and personal finance literacy instruction which has been encouraged and supported by state business groups will prepare students for success in making financial decision. Personal finance literacy skills may be embedded in an existing course or grade level program of studies. Moving forward with this legislation will better ensure that an adequate education extends beyond mere reading, writing, and arithmetic to include broad educational opportunities needed in present society to prepare students for their roles as participants and as potential competitors in the marketplace of ideas. **Vote 18-1.**

HB 1678, relative to the administration of the education freedom accounts program. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. The intent of this bill is to clarify certain provisions within the education freedom accounts (EFA) program to include the responsibilities of scholarship organizations. This bill proposes to modify certain sections and provisions regarding provider responsibility. Bill language also states that denial of an EFA student to attend a public school cannot be based upon student address. This scenario may be true of open enrollment schools; however, the provision is questioned when a public school has no available space due to increased enrollments, space availability, or due to other circumstances. The committee recommends Inexpedient to Legislate at this time as the program is in its first year and it is premature to make substantive changes without thorough study based upon data and facts not yet available. **Vote 19-0.**

HB 1679-FN, relative to the dissolution and repeal of cooperative school districts. **REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for Education. This bill would repeal the statutes providing for cooperative school districts and mandate dissolution by mid-2025. While there is legislation annually to alter cooperative district law and make it easier for districts to withdraw, it was agreed that a mandated dissolution might have unintended consequences, but the possibility for a district vote on dissolution could be studied. **Vote 18-1.**

ELECTION LAW

CACR 17, relating to ballot measures. Providing that upon petition by voters, a question may be placed on the ballot of a statewide election. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This ballot measure proposes to create a statewide referendum process in New Hampshire's elections. It would allow a question to be placed on the ballot of a statewide election upon a petition of voters. The threshold to place such a question on the ballot would be 5% of total registered voters. Based upon the 2020 voter checklist, that number of voters would be approximately 50,000. Questions were raised as to how to ensure the question was something that could be implemented. No specific example of a need which required this solution was presented. As to implementation, the bill proposes that the state "may establish a process to insure the intent of the question is carried out." How that would be controlled was unclear. The committee noted that every office in the state government is up every two years and this unique form of government strikes a balance between ensuring democratic outcomes as well as protecting the representative qualities of a republic. Furthermore, New Hampshire has the largest state house body in the country with small districts that are close to the people. The committee believed this bill was unnecessary and unanimously agreed this CACR should be found Inexpedient to Legislate. **Vote 20-0.**

HB 1064-FN, requiring the use of hand-marked, durable paper ballots in elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for Election Law. While the concerns over ballot tabulations are respected and understood, this bill is not the proper solution. Further, there is no evidence of hacking as the result of these machines being used, even in Windham. In fact, Windham voted in their town elections on March 8, 2022 to continue using the voting machines. It should, indeed, be the local community which makes this decision and not the state. Voting machines are more precise and not subject to the human frailties of fatigue or distraction. The Secretary of State's interpretation of the NH Constitution requires that votes to be counted by the end of an election day. Hand counting all of the ballots would mean election day officials, their staff and election day volunteers, would be required to work many more hours after having generally started their day as early as 4:00 AM or 5:00 AM. **Vote 20-0.**

HB 1163, relative to over voted ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Connie Lane for Election Law. This bill, as amended, addresses ballots with cross-outs, stray marks, corrections, or those with more than the permitted number of ovals completed for an office-so-called, over voted ballots. The bill requires machines to immediately return overvoted ballots to the voter so that the voter can deposit the ballot in a separate box of ballots that will be counted by hand. Previously, such ballots were accepted by the machine, but not counted for the overvoted office. As it stands now, in towns that do not use machine scanners, such overvoted ballots are hand-counted. The intent of this bill is to place all voters, those in hand-counted towns and those in machine scanned towns and cities, on equal footing. **Vote 19-1.**

HB 1166, requiring certain voters to declare a party affiliation prior to a state primary election and requiring candidates to be members of political parties for a certain amount of time prior to an election in which such candidates seek office. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This bill proposed that voters declare a party affiliation at least 120 days before a primary. It would also significantly increase the time someone must be registered with a political party to run as a candidate of that political party. Currently, an undeclared voter can register and select a party on the date of the primary. The proposed change would significantly impact participation in primary elections. Currently, a candidate can change their registration up to the day before the filing period for an office opens up. This bill would require any candidate to have declared their party status months before filing, which would impact local and state parties' ability to recruit candidates. While we understood the scenario that brought the legislation forward, the unanimous recommendation is to find this legislation as Inexpedient to Legislate. **Vote 20-0.**

HB 1242, relative to filing deadlines for candidates seeking election to charter commissions and relative to the dates of such elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Bergeron for Election Law. This bill as introduced would have changed the timeline for which municipal officials could order a special election to be held for the purpose of electing charter commission members, and would have changed the calendar relative to the filing period for charter commission candidates. This subject matter is also being addressed by SB423, relative to the election of charter commission members. The sponsor of this bill requested a recommendation of Inexpedient to Legislate so that the committee can discuss the subject matter when considering SB423 after crossover. **Vote 20-0.**

HB 1383, relative to electronic copies of absentee ballot lists. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This proposed bill would require that absentee ballot lists be provided to requesting parties within one business day. There were issues reported with getting the lists from the local

officials, as well as issues getting updated lists. The committee agreed that the process needs revision and acknowledges that we have worked on other proposed legislation that deals with this process. In this case, the prime sponsor agreed that the bill could use an amendment that was not produced. **Vote 20-0.**

HB 1457-FN, relative to chain of custody of ballot boxes after an election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Torosian for Election Law. This bill proposed to set new requirements relative to the chain of custody of ballot boxes after an election, eliminating the destruction of ballots, as is currently allowed after 22 months, and provided for transport of every container of ballots from every jurisdiction in the state to a central location in Concord for permanent storage. The committee viewed this bill as an attempt to deal with a legitimate issue, the appropriate storage of ballots after an election, but believed the bill went far beyond what would be reasonably necessary. While the Windham audit was a clear example of containers that were not sealed appropriately, other recounts have raised issues with a municipality's storage practices. The bill as proposed was problematic because of logistics, cost, and the possibility of misplaced ballots. **Vote 20-0.**

HB 1467-FN, requiring partial audits of additional offices on ballots involved in recounts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Fenton Groen for Election Law. This bill, as amended, provides that for each official recount in a statewide election, the Secretary of State shall conduct a recount of either one or two additional top-of-the-ballot offices on the ballots that are being recounted. The Secretary of State shall choose one of the following offices for recount: President, US Senator, US Representative, Governor, or Executive Councilor. The selection made shall be different for each subsequent recount during the same election cycle. We normally have 15 to 20 recounts in each statewide election cycle, with minimal extra cost or difficulty. The majority of the committee believes that this will provide regular and much needed partial recounts of the top-of-the-ballot races that rarely, if ever, have been involved in recounts. **Vote 20-0.**

HB 1470-FN, requiring that all ballot counting devices show the number of overvotes for each race on the ballot. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for Election Law. This bill proposes that all ballot counting devices show the number of overvotes for each race on the ballot. While this might be useful information, the vote-counting device will only produce a total count for overvotes, and will not delineate by race. The Election Law Committee felt that a better solution was to recommend HB 1163 which, if passed, will eject the overvote ballot and provide for separate hand-counting. This would render HB 1470 unnecessary. **Vote 20-0.**

HB 1473-FN, authorizing a forensic audit of the November 3, 2020 election results in Merrimack county for president, governor, and United States senate races. **REFER FOR INTERIM STUDY.**

Rep. Wayne MacDonald for Election Law. This bill provides for a feasible audit of selected races in one of the larger New Hampshire counties. There are many questions after the 2020 election and bipartisan support exists for election audits. This legislation needs to select, and better define, an area for the purposes of the towns and the races to be examined, however. The scope of this audit, as proposed, is unwieldy. The Committee on Election Law unanimously recommends this bill for Interim Study, so that these concerns can be addressed. **Vote 20-0.**

HB 1485-FN, relative to direct recall elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill would have created a process for direct recall elections for offices whose terms are at least 3 years. The bill as proposed had the process but did not define any parameters for a recall petition process to be initiated. The committee heard testimony about how there is a problem that elected officials are not responsive to the wishes of the voter and that this solution was needed. The committee understands frustration with elected officials but it seemed a difficult process that if successful, would effectively take someone out of their position for perhaps a year. While the committee is open to the concept this bill, it is not the solution at this time. **Vote 20-0.**

HB 1522-FN, requiring the use of ballots with embedded security and relative to chain of custody of absentee ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for Election Law. This bill proposes requires paper ballots with embedded security and new ballot chain of custody. Ballot security and integrity are very important. However, the level of technology to produce and validate the ballots required in this bill is not readily available and is still only being explored by the State of New Hampshire. Validating any encryption or security on the ballot itself would be problematic at this time. The ballot storage and distribution process is also burdensome. New Hampshire is not ready for this type of approach to ballot creation and storage. **Vote 20-0.**

HB 1527-FN, relative to the storage of total vote counts produced by electronic ballot counting devices. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Bergeron for Election Law. This bill, as amended, will require that municipalities that use the AccuVote electronic ballot counting device in a state election submit a paper copy of the long report tape to the Secretary of State with the official return of votes form. The Secretary of State already directs that

clerks submit this report tape along with the return of votes (see *Election Procedures Manual*, p. 94-95); this bill would codify that directive. In addition, the bill as amended would require that the clerks also retain a copy of the long report tape with their copy of the official state election return. This bill would thus ensure that the AccuVote report tapes would be available for public inspection at the state or local level. **Vote 20-0.**

HB 1542-FN, relative to documentation required to prove a voter's eligibility to vote. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Hayward for Election Law. This bill is one of multiple bills that directly or indirectly addresses voter identification. This bill does not function as effectively as others. It introduces provisional ballots which the Secretary of State opposes as unconstitutional. It also requires these ballots to be held and processed separately from other ballots. Late counting will delay election results unnecessarily. While it eliminates the voter affidavit, it introduces an extensive administrative requirement. The committee agreed that any benefit derived from this legislation was clearly not worth the cost. **Vote 20-0.**

HB 1543-FN, relative to the voter registration process. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This bill proposes to modify the voter registration forms and establish a provisional ballot system. The bill itself is a great example of how accessible our citizen legislature is. The legislation was drafted and put forward by citizens from Grafton County and they ought to be commended for their activism and involvement in our state government. However, the proposed legislation made reference to a number of outdated pieces of state statute and, as a result, could not do what the proponents wanted. Additionally, according to our Secretary of State, provisional ballots are unconstitutional, as all ballots are to be counted on election day. **Vote 20-0.**

ENVIRONMENT AND AGRICULTURE

HB 1186, relative to companion animals during a declared state of emergency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. As amended, this bill creates a requirement that during a declared state of emergency as defined in RSA 4:45, III(c) containing an evacuation order, any hotel or community shelter that shelters evacuated persons shall allow disaster animal response trailers, or other reasonable accommodations, on site to accommodate any companion animal belonging to such evacuated persons. The committee received testimony that some residents will not evacuate to emergency shelter during an evacuation order if accommodations are not available for their companion animals. Additionally, this bill provides coverage for trained animal care providers during the emergency for injuries occurring due to that service. **Vote 19-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1018, relative to the board of medical imaging and radiation therapy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for Executive Departments and Administration. This bill, with amendment, modifies the Board of Medical Imaging and Radiation Therapy. It makes the board advisory and adds alternate members to the board. The bill clarifies what responsibilities the board has and what responsibilities OPLC has. The bill also clarifies what responsibilities the director should be in consultation with the board with. The bill has the support of the Office of Professional Licensure and Certification. **Vote 18-1.**

HB 1061-FN, relative to the midwifery council. **REFER FOR INTERIM STUDY.**

Rep. Mark Alliegro for Executive Departments and Administration. This bill makes the Midwifery Council an advisory board to the Executive Director of the office of professional licensure and certification (OPLC). As introduced, the bill also established an Advisory Board with a numerical minority of practicing midwives. This perceived shortfall was corrected via an amendment. However, there was still concern by committee members and the public over the intent and outcome of changing the board's function to advisory, only, with all real decision-making power vested in the office of Director, OPLC. It was therefore decided by the committee that the bill would benefit from additional study. **Vote 19-0.**

HB 1079-FN, relative to part-time employment of a retirement system retiree. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Pearson for Executive Departments and Administration. This bill would increase the amount of hours that a retired person could work in a New Hampshire Retirement System eligible job. This increase was problematic for several reasons. First, it would have allowed teachers to completely double dip ie: working full time and collecting a pension. The second problem would be that the hours allowed would put the employee over the threshold to make them fall under the Affordable Care Act as a full time employee. The third issue is that this would not solve any seasonal employment issues as seasonal employees don't exceed the current limitations and the limit is per employee, not per employer. Currently employees' hours under a declared emergency are exempt so this increase was not necessary for any declared emergency. **Vote 19-0.**

HB 1182, relative to the board of court reporters. **OUGHT TO PASS.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill makes the regulatory board of court reporters an advisory board, at the request of the office of professional licensing & certification (OPLC), along with several others because of issues recruiting members to serve and having quorums at meetings. The advisory board will ensure professional control of the rules and scope of practice, while the OPLC will perform all administrative and clerical functions for the board. The court reporters raised no objection to this change. **Vote 19-0.**

HB 1192, relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Executive Departments and Administration. This bill is the companion bill to another bill recently passed by the Senate. This bill makes necessary changes to occupational licensing requirements for acupuncture as requested by their Board. All parties were in agreement with the language passed in the Senate, and the committee concurred. Subsequently, the Board of Acupuncture Licensing requested an additional change, on p. 2 line 28-30 of the committee amendment, so that if the national organization that sets their standards were to change their name, further legislation would not be necessary. The amendment includes all the language agreed to in the Senate and this additional change requested by the board. The committee recommends this bill ought to pass as amended. **Vote 19-0.**

HB 1256-FN, relative to positions within the department of military affairs and veterans services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sallie Fellows for Executive Departments and Administration. This bill changes the position of cemetery superintendent to cemetery director and defines the duties of the position. The title for the head of the division of community based military programs is changed from administrator to director. Since both positions spend a significant amount of time working with the public outside of regular business hours, they are transferred to the unclassified personnel category. The adjutant general will make the nominations for these positions to the governor for approval by the executive council. The amendment simply reorganizes the bill without changing the intent. **Vote 19-0.**

HB 1274, establishing a committee to study the solid waste practices of state agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Santonastaso for Executive Departments and Administration. The committee did not believe it is necessary to add this study committee to the already existing collection of study committees. A state policy already exists to direct departments on how to deal with solid waste and a committee was created in 2019 to study recycling streams and solid waste management. With the recent study committee created the majority did not believe it is necessary to add this study committee to the already large collection of study committees. **Vote 19-0.**

HB 1312, relative to water pollution and waste disposal rulemaking. **REFER FOR INTERIM STUDY.**

Rep. Glenn Bailey for Executive Departments and Administration. This bill requires that grease traps required for commercial (restaurant) septic systems not exceed those specified by the state plumbing code, rather than the 1,000 gallon minimum required by Department of Environmental Services (DES) rules. While the committee agreed that the DES rules were arbitrary and inflexible, we were concerned that following the plumbing code was not necessarily the correct approach. The building code review board testified that adapting the plumbing code to DES requirements needed their support, and everyone agreed that modern systems dump less grease into the septic system than old ones – not least because used grease has become a valuable resource. Referring the bill for Interim Study will allow the committee to bring these disparate elements together into a more sensible standard. **Vote 19-0.**

HB 1344, relative to the authority of real estate brokers. **OUGHT TO PASS.**

Rep. Mark Alliegro for Executive Departments and Administration. This bill requires that any contract for the sale of real estate in New Hampshire be executed by the owner of the property, or by a person with legal power of attorney to execute a contract on behalf of the owner. Presently, some listing contracts state that listing agents have the power to independently execute sales contracts. However, being in the fine print, such provisions can easily go unnoticed by the property owner when they sign the listing contract. They can find themselves surprised by a sale that they did not knowingly sanction. This bill simply assures that, if the owner chooses to bestow power of attorney on an agent, they do it knowingly and in accordance with the laws of this state governing the powers of attorney. **Vote 18-1.**

HB 1395, relative to administrative rulemaking authority. **REFER FOR INTERIM STUDY.**

Rep. Carol McGuire for Executive Departments and Administration. This bill would require all administrative rules be approved by the General Court before they go into effect. While this would reinforce the legislature's authority over rules, which have the force of law, it presents many practical problems and difficult implementation. However, the committee is considering other changes to the state's rulemaking procedures, and interim study of this bill was selected as the vehicle for consideration. **Vote 19-0.**

FINANCE

HB 1054, requiring an audit of the state police. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen Mooney for Finance. This bill would require a performance audit of the “proficiency, structure, financial dealings, and services” of the State Police. Performance audits are typically recommended by the Legislative Performance Audit and Oversight Committee established in RSA 17-N:1 and that committee has not requested such an audit. More importantly, on July 29, 2020, the Office of the Legislative Budget Assistant completed a financial audit of the State Police for the period ending March 31, 2019. The majority believes that a broad performance audit of the proficiency structure and services of the State Police is not necessary at this time, and the prime sponsor agrees by asking the committee for an Inexpedient to Legislate recommendation. The committee also believes that a new audit of “financial dealings” so soon after the last one would not be an efficient use of state resources. **Vote 19-0.**

HB 1300-FN-A, making an appropriation to fund the Ash Landfill in Newport. **REFER FOR INTERIM STUDY.**

Rep. Bob Lynn for Finance. This bill proposed to appropriate \$500,000 for the now closed Ash Landfill in Newport. The funds would be used to replenish funds held in trust by the non-profit corporation that is responsible for the management and oversight of the landfill in order to satisfy state Department of Environmental Services (DES) regulations. These regulations specify that closed landfills must have sufficient funds in reserve to provide for necessary environmental costs of maintenance for a perpetual (“rolling”) period of 30 years. At the time the landfill closed, the DES regulations required only that there be sufficient funds to cover expenses for a set 30-year period from the date of closure. In reliance on the former regulations, the non-profit used some of the funds it held for on-going maintenance expenses, thus depleting its reserves below what DES considers sufficient under the new regulations. The committee was of the view that appropriating state funds for this purpose would be unprecedented, and that there are other ways of dealing with the problem. Based on information provided by DES, it appears that DES and the non-profit are involved in negotiations that will resolve the matter in a way satisfactory to both parties. Therefore, the committee concluded that the most appropriate disposition of the bill was Refer for Interim Study. **Vote 19-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1035, relative to exemptions from school vaccine mandates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. In the past, when parents or legal guardians wished to claim a religious exemption so their child would not have to receive otherwise required immunizations for school attendance, they discovered various hurdles in the way of having their request accepted. This bill would change the process so that they would simply have to sign a form stating the child has not been immunized because of religious beliefs. Notarization would not be required. **Vote 20-1.**

HB 1045, requiring legislative oversight over the emergency powers of the department of health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. This bill changes the composition of the ethics oversight advisory committee, a group charged with initiating advice to be given to the Commissioner of DHHS on various departmental decisions involving ethical questions and receiving requests from the commissioner for such advice. The previous composition of the committee did not place an emphasis on those actually trained in the formal study of ethics and thus did not prove useful. Leaders in the fields of law, education, medicine and psychology and the commissioner were consulted as to their thoughts on what a good ethics oversight advisory committee would look like. **Vote 21-0.**

HB 1139, relative to ophthalmic prescription requirements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The bill simply requires a prescriber of spectacle lenses to include on the prescription the pupillary distance (PD) when requested by the patient and allows the dispenser to modify that measurement when necessary. **Vote 19-2.**

HB 1244-LOCAL, relative to parental consent to medical and dental treatments of children in schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. Many schools require written parental consent for medical or dental treatment. The bill, as amended, simply codifies this practice of obtaining explicit written parental consent for a student to participate in any medical or dental treatment program administered in a school setting. **Vote 20-1.**

HB 1271, limiting the authority of the department of health and human services to mandate vaccinations; and relative to quarantine costs. **REFER FOR INTERIM STUDY.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. Additional to noting citation errors in the bill, no one on the committee was of the opinion that, in an emergency, the legislature, even with waiving

of certain rules, could respond quickly enough to an authorization of emergency medical care or authorization of vaccination by the Governor or the Department of Health and Human Services (DHHS). If legislative response were deemed necessary either to overrule emergency actions, or make strong recommendations to withdraw such authorizations, JLCAR or the Joint Legislative DHHS Oversight Committee would be better vehicles to respond. **Vote 21-0.**

HB 1290-FN, establishing a task force on precision medicine and biomarker testing. **REFER FOR INTERIM STUDY.**

Rep. Jeffrey Salloway for Health, Human Services and Elderly Affairs. The committee expresses its appreciation to the sponsoring representative. The committee recommended interim study while remanding the topic to the Joint Legislative DHHS Oversight Committee for expeditious appointment of a subcommittee to be a Task Force on Precision Medicine. **Vote 20-0.**

HB 1345, relative to the release of a teenager's medical records to a parent or guardian. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Betty Gay for Health, Human Services and Elderly Affairs. Current law allows medical providers to deny parents with teenagers over the age of thirteen access to their medical records without a release from that minor child. There are already RSAs that specifically require a teen's release for the records of treatment where the medical practitioner fears for the safety of the child, so this sweeping requirement for release of all records is an unnecessary burden for the parents as well as the providers. Federal HIPAA laws that specify releases for teen medical records also have to be considered in any bill. This resulting amended bill provides parents unencumbered access to all of their teens' medical records except for those directed by federal or specific state statute to require a release by the teen child. **Vote 21-0.**

HB 1405, allowing out-of-state mental health care providers to provide telehealth treatment during a mental health emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Beth Folsom for Health, Human Services and Elderly Affairs. The sponsor of this bill identified a real concern regarding mental health services in our state. We were fortunate to be able to obtain additional providers during the pandemic using out-of-state providers by way of telehealth. The concern was how not to lose those resources now that the state of emergency was lifted. It was decided that it was not the purview of our committee, as it was a licensing issue. It was also noted that the issue was already in the process of being addressed by other legislation. **Vote 16-0.**

HB 1487, relative to the procedure for withdrawal from the vaccine registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leah Cushman for Health, Human Services and Elderly Affairs. This bill allows a person to remove his or her information from the state vaccination registry without a health care provider's signature. The committee was in agreement that the current rule requiring a signature is an unnecessary, extra step that increases the difficulty of withdrawing from the registry and also creates extra work for the medical provider. Since many patients routinely change medical providers or may have received a vaccination by a pharmacy-based provider, it may be difficult or impossible to obtain a signature from the actual provider who administered the vaccination. This creates an undue burden on the patient trying to have their private health information removed from the vaccine registry. The bill allows for an individual to submit the form to the Department of Health and Human Services (DHHS) with his or her own notarized signature in lieu of a provider's signature. The entirety of the committee believes this offers greater protection of citizen privacy in line with Article 2-b of the NH Constitution. **Vote 21-0.**

HB 1488, expanding the prohibition against discrimination based on an individual's election not to participate in the state vaccine registry. **OUGHT TO PASS.**

Rep. Gary Woods for Health, Human Services and Elderly Affairs. This bill extends the prohibition on discrimination against those electing to not enter the vaccine registry after they have elected to receive a vaccine. To emphasize, this bill addresses discrimination based on the election to use the registry and not the issue of being vaccinated. Currently, the prohibition is directed only to a health care provider. This bill adds schools, child care agencies, and government health agencies to the list of those prohibited. **Vote 21-0.**

HB 1606, making the state vaccine registry an opt-in program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Niki Kelsey for Health, Human Services and Elderly Affairs. This bill, as amended, does a few things. First, it makes the state immunization registry "opt-in." No patient or parent/guardian of a minor shall be entered in to the registry without explicit consent. Second, this bill captures only those who have had a vaccination, not those who decline a vaccination. Finally this bill allows for the patient to receive a copy of his or her vaccination records. The members of the committee worked hard on this bill to make sure that the patient's privacy rights were upheld as well as the right to not have their information captured if not wanted. We also incentivized participation in the registry by adding the option to request a copy of vaccination from the registry. This bill makes the immunization registry more in line with the constitution. It restores trust in

the state's public health institution because it only takes relevant data. It also clarifies the rulemaking statute for the Department of Health and Human Services. The opt-in option makes it transparent which restores trust in overall public health. **Vote 20-1.**

HB 1633-FN, relative to requiring COVID-19 vaccination for school attendance. **INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The committee heard testimony from the Department of Health and Human Services (DHHS) that there is no intention to add COVID-19 vaccination to the schedule for school vaccinations at this point. Recognizing that this bill would mandate DHHS to require the Covid-19 vaccine, the committee recommends the bill be found Inexpedient to Legislate. **Vote 21-0.**

JUDICIARY

HB 1448, relative to the pretermitted heir statute. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Gordon for Judiciary. A pretermitted heir is a child who is not mentioned in a will. Typically, that occurs when a person makes a will and then subsequently has a child. It can also happen when someone wishes to disinherit a child but makes no formal expression of that intent in their will. An unnamed child is entitled to a share of the deceased's estate. Recently, the New Hampshire Supreme Court rendered a harsh decision which appeared to be inconsistent with the traditional interpretation of New Hampshire's existing pretermitted heir statute. This bill is patterned after the model law and has been reviewed and approved by New Hampshire probate practitioners. It will make the law clear and consistent with New Hampshire practice. **Vote 21-0.**

HB 1544, prohibiting the placement of construction and demolition debris in landfills. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would prohibit the placement of construction and demolition debris in landfills with penalties starting at \$250 for the first violation and increasing to \$25,000 for violations after the second. There were no provisions for how construction and demolition debris was to be collected or disposed of. The intent is to encourage recycling of construction and demolition debris, but testimony was the two facilities for disposal of construction and demolition debris in NH are operating at capacity and efforts to establish new ones have failed. The committee found the bill unworkable and thought the question should be left to the Solid Waste Task Force. **Vote 21-0.**

HB 1579, relative to landowner liability on land authorized for outdoor recreational activities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Gordon for Judiciary. This bill as introduced would greatly expand the definition of premises for the purpose of extending immunity to more owners of property who allow their property to be used for recreational purposes. The testimony at the hearing supported the need to extend the immunity to railroad rights-of-way and corridors so that existing trail systems could be connected. However, the committee found that the language in the bill as originally presented was too broad and would substantially extend immunity protections where it is not warranted, including to all types of easements, including all utility easements. The amendment to this bill does away with the broad definition and limits the extension of immunity to railroad property and railroad rights-of-way to which the public access is permitted access. **Vote 20-1.**

HB 1592-FN, allowing parties in family court cases to create their own recordings of the proceedings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Gordon for Judiciary. This bill will allow parties to record proceedings in the Family Division of the Circuit Court. The committee agreed that there are circumstances where an individual recording would be valuable, either for reference by the party or when the court's recording is unavailable or insufficient. However, the committee believed that there needs to be some restrictions imposed. The committee amendment restricts the right to an audio recording. Any party who wishes to record must notify the court and the other parties present that they will be recording. The right is limited to the party's proceeding and the equipment should not interfere with the court process. **Vote 19-1.**

HB 1597-FN, permitting arraignments for felonies and preliminary examinations to be heard in circuit court. **OUGHT TO PASS.**

Rep. Edward Gordon for Judiciary. In 2015, the General Court enacted legislation called "Felonies First," which moved felony arraignments out of the Circuit Court and changed the circumstances under which probable cause hearings would be held. Instead of being entitled to a hearing where the state had the burden of showing that felony charges are justified, defendants were now required to show that the charging was defective. It was expected at the time that integrating felony arraignments into the Superior Court would improve court efficiency, shorten the time from arrest to case disposition, and reduce incarceration. Felonies First went into effect in 2016 on a staggered county basis. As a result of the change, virtually every county attorney's office has had to add additional attorneys and resources. The time to dispose of cases has not been

reduced. In fact, it has substantially increased. Statistics provided to the committee indicate that these increases occurred even before COVID-19 and are not a result of COVID-19. The effective elimination of probable cause hearings has made early resolution of cases less likely. The Circuit Court is more able to triage cases and determine whether defendants should be sent to veteran, mental health or substance abuse courts. The committee believes that it is time to recognize that Felonies First has not provided the expected results and a return to the prior system will benefit the people of the state. **Vote 21-0.**

HB 1603-FN, defining certain school information as governmental records under the right to know law. **IN-EXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. The Judiciary Committee unanimously believes we should be hesitant adding additional requirements into RSA 91-A. This bill provides for the inclusion of certain records of schools and school administrative units under the Right-to-Know Law. The Right to Know Law already provides for the information specified in this bill to be public and further defining what specifically applies to this statute might inadvertently limit the information already available under Right to Know. The Judiciary Committee believes RSA 91-A should be broad and encompassing so that the public will have access to as many government records as possible. This bill is opposed by Right to Know NH. **Vote 20-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1352-FN, relative to eligibility for workers' compensation for an adverse reaction to a mandatory COVID-19 vaccination. **INEXPEDIENT TO LEGISLATE.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. The goal of this bill was to allow employees who suffered an adverse medical reaction from taking a mandated vaccination for employment purposes the ability to file a workers compensation claim for medical treatment and lost wages. This is allowed under current law and the sponsor requested that the committee recommend this bill be found Inexpedient to Legislate. **Vote 19-0.**

HB 1529-FN, requiring prospective employees and volunteers of public libraries to obtain a background check prior to commencing employment or volunteer service. **INEXPEDIENT TO LEGISLATE.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. The bill required employees and volunteers of a public library to obtain a federal background check prior to working or volunteering. After hearing testimony the sponsor began working on an amendment reducing the federal background check to a state background check. Additional changes were contemplated but with little time remaining in the legislative calendar the sponsor requested the bill be found Inexpedient to Legislate. **Vote 21-0.**

LEGISLATIVE ADMINISTRATION

CACR 13, relating to legislator compensation. Providing that compensation for elected members of the general court shall be amended. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott Wallace for Legislative Administration. This CACR seeks to amend our NH Constitution for the purpose of reducing legislator pay. Increasing or decreasing the amount of compensation of NH legislators has been the main concern of several CACRs over the years and each time the measure has failed, and rightfully so. The committee has rarely heard legislator compensation as an issue that is important to the voters and it is somewhat a badge of honor that the legislature is thought of as essentially voluntary. An all-volunteer citizen legislature is a rarity in our times. Amending legislator compensation was unanimously believed to be an unnecessary and unwise undertaking at this juncture. **Vote 15-0.**

CACR 24, the attorney general. Providing that the attorney general be elected by a majority vote of the members of the general court in a joint session. **INEXPEDIENT TO LEGISLATE.**

Rep. Janet Wall for Legislative Administration. In the past 41 years, there have been 20 proposals to change how Attorneys General are appointed and all have failed. New Hampshire has a fair and reasonable process by which an individual is nominated by the Governor before testimony is heard by the Executive Council, all of whom are elected officials and answerable to the general public. There has long been a concern that should the Attorney General be elected by the body politic or the General Court or another method, the office might become too politicized. That may well be true in some of the states that do elect their Attorney General. With our current method, the Attorney General should be able to focus on the job. Among examples given, if elected otherwise, there could be the potential that if a high profile case came near the time of election, an Attorney General could possibly focus more in the decision being made, than the actual case. The current system works. It is not broken. There is no need to fix it. **Vote 15-0.**

CACR 25, legislative term limits. Providing that no person shall serve more than 15 terms in either the house of representatives or the senate. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Legislative Administration. This Constitutional Amendment Concurrent Resolution establishes a 15-term limit for the NH House of Representatives and NH Senate. Only one person, a spon-

sor, testified in favor of this CACR. The committee unanimously voted that this legislation would remove institutional knowledge of our long-standing representatives and would deprive the people of this state their choice of representation. **Vote 15-0.**

CACR 26, relating to the house of representatives. Providing that 100 of the representatives are elected using party list proportional representation. **INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Schultz for Legislative Administration. The unanimous committee opinion is to recommend Inexpedient to Legislate primarily because the legislation provides no process or framework for how 100 state representatives (or one-fourth of the House of Representatives) would be selected to establish a party-list proportional-representation election system. All we know from the legislation is that these 100 representatives are to be chosen by party leaders. The testimony suggests this would be a unique and creative idea for anywhere in America. The committee feels the scheme would be very confusing to both voters and the state representatives themselves. While it is true that this system is a norm for political parties choosing their candidates in other countries, where it may be implemented in a variety of closed- or open-list approaches, this system is simply too complicated to flesh out without a framework and without a compelling reason to change. **Vote 15-0.**

CACR 27, elected and appointed officials. Providing that all state court judges shall be subject to recall and removal by petition and vote of registered voters pursuant to provisions established by the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Legislative Administration. This Constitutional Amendment Concurrent Resolution requests that all state court judges be subject to recall and removal by petition and vote of registered voters. The committee heard testimony primarily involving judges in family court cases. Sponsors indicated that there was no practical way to remove a judge in New Hampshire other than through the long and arduous impeachment process. Although other states have recall of judges, most are in states where judges are elected, as opposed to being appointed, as New Hampshire does. New Hampshire has a Judicial Conduct Committee made up of various members including public members, non-attorney members, members of Senate and House which is completely separate from the New Hampshire court system and the other branches of government. This committee may impose disciplinary actions such as reprimand or censor and may also refer to the attorney general for criminal investigation. The members of the committee unanimously voted that recall of judges by petition and vote of registered voters would be too political and could politicize judicial decisions. **Vote 15-0.**

CACR 29, relating to the general court. Providing that the number of representatives be no more than 150 and the number of senators be no more than 35. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott Wallace for Legislative Administration. This CACR seeks to cut the number of state representatives by fifty percent to 200, and increase the pay to \$6,000 per term. In addition, the legislation would raise the number of senators to not more than 35, and raise the pay to \$7,500 per term. The committee felt this would have a negative impact on NH citizens in terms of their overall representation and would obviously cost the taxpayers more. We have rarely heard: "Let's pay our senators and representatives more and have fewer of them so they are less accessible but cost us more." To the contrary, the people seem well-served by the large number of representatives and senators and a citizen legislature keeps decisions close to the people, as well. New Hampshire has topped all the lists that matter; safest state, freest state, one of the best states to retire in, and so forth. The committee feels the General Court might be a large part of our NH Advantage and should remain as it currently stands. **Vote 15-0.**

CACR 31, relating to changing the minimum age requirement for state senator from 30 to 25. Providing that persons at least 25 years of age shall be eligible to be elected to the state senate. **INEXPEDIENT TO LEGISLATE.**

Rep. Allison Nutting-Wong for Legislative Administration. The committee finds this bill well-intentioned, but the majority of the committee felt additional extensive work needs to be completed before it would be ready for voters. **Vote 14-1.**

CACR 33, relating to recall elections. Providing that the general court may authorize recall elections. **INEXPEDIENT TO LEGISLATE.**

Rep. Manny Espitia for Legislative Administration. Since 1990, there have been at least 13 separate legislative measures related to recall elections. That includes one bill currently in House Election Law, HB 1485. The Election Law bill under consideration seemingly follows the concerns of the prime sponsor much more than this CACR because it concerns itself exclusively with elected officials serving 3-year terms of office. The single reason for the past bills failing was that those serving 2-year terms are almost always in a period of continuous recall, in that the next election is right around the corner. The prime sponsor argued this is not the case with 3-year, or longer, terms of office. The committee was particularly concerned with the costs of recall elections and the lengthy, confusing, explanatory language that would be added to the ballot question for the voters. **Vote 15-0.**

HB 1083, relative to calendars and journals of the house and senate. **INEXPEDIENT TO LEGISLATE.**

Rep. Vanessa Sheehan for Legislative Administration. The actions requested in this legislation are already in the process of being completed. Therefore, the legislation is no longer needed. **Vote 15-0.**

HB 1104, relative to the travel allowance for members of the legislature. **INEXPEDIENT TO LEGISLATE.** Rep. Bob Greene for Legislative Administration. This legislation sought to grant mileage payments to legislators at non-State House venues. HB 1650, which passed and was signed by the Governor earlier this year, did essentially the same thing. Therefore, this legislation was unanimously declared to be unnecessary by the committee which included the prime sponsor. **Vote 17-0.**

HB 1154, relative to legislative commission inactivity. **INEXPEDIENT TO LEGISLATE.** Rep. Vanessa Sheehan for Legislative Administration. The committee heard from the prime sponsor that this legislation should be addressed in a subsequent bill as this bill requires too much additional work. **Vote 16-0.**

HB 1269, relative to certain legislative study committees. **OUGHT TO PASS WITH AMENDMENT.** Rep. Vanessa Sheehan for Legislative Administration. This bill is the third bill filed to implement the work completed by a bipartisan study committee. A large number of committees and commissions have outlasted their usefulness. As amended, this bill repeals certain inactive commissions and revises the membership and duties of other commissions. Most importantly, this bill requires certain commissions to be repealed automatically unless reauthorized no later than five years after they are created. **Vote 13-0.**

HB 1368, relative to recusal by members of the general court for conflicts of interest. **REFER FOR INTERIM STUDY.**

Rep. Janet Wall for Legislative Administration. This bill would require a legislator to recuse herself or himself from participating in a certain legislative matter if the legislator or a member of the legislator's household has a conflict of interest in specific activity. Over the years, legislators have been unclear as to when it is appropriate and necessary to recuse oneself from participating in legislative discussions and voting on certain bills. Because disclosure and transparency are essential in the work of lawmakers, in order to be accountable, it is imperative that every lawmaker knows when a recusal is necessary. The Ethics Guidelines need clarification, which even this bill's amendment was not able to provide sufficiently. Therefore, the committee voted unanimously for Interim Study to work on achieving a definition for recusals for conflicts of interest and when that must occur. **Vote 13-0.**

HCR 9, expressing the appreciation of the general court to Nicole Knox Murphy for her song "My 603." **REFER FOR INTERIM STUDY.**

Rep. Gregory Hill for Legislative Administration. The committee agrees with the recognition of the author and to the song "My 603," but feels the correct pathway for that recognition is through the Speaker of the House rather than a House Concurrent Resolution. That process is in place, and yet, to make sure the process is completed satisfactorily, we unanimously agreed to study the HCR and produce a report in November. **Vote 17-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1055, relative to the property tax exemption for individuals with disabilities and individuals who are deaf or severely hearing impaired. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for Municipal and County Government. This bill would amend RSA 72:37-b III by reducing the five consecutive years residency requirement to one year and increasing the net income requirement for a single person and married couple. Although this legislation is enabling, at this time, a further financial review is needed to fully understand the impact for the taxpayers. **Vote 18-1.**

HB 1056, relative to veterans' tax credits. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for Municipal and County Government. This bill would amend RSA 72:28 I and II by increasing the standard veteran tax credit from \$50 to \$200 and the optional veteran tax credit from \$51 to up to \$900. The committee finds this legislation is fashioned in a complicated manner. We support veteran tax credits; however, the veteran standard and optional tax credits should be combined as well as maintaining the language of "served not less than 90 days" for more clarity. **Vote 18-1.**

HB 1057, relative to the tax exemption for the elderly. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for Municipal and County Government. This bill would amend RSA 72:39-a, I by increasing the income eligibility and lowering the age eligibility with a phased in approach, which is commendable, however, it is complicated and drawn out. The committee believes a further financial review to determine the full impact for the taxpayers is needed. **Vote 19-0.**

HB 1069, relative to the election of village district commissioners within Belknap county. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Tripp for Municipal and County Government. The intent of this bill is to permit, upon petition, increasing from three to five or decreasing from five to three the number of commissioners in any village district. This change is applicable throughout the state. Additionally, rather than waiting for the next annual meeting, this change will take effect immediately in Belknap county. **Vote 19-0.**

HB 1078, relative to budget procedures of the Gunstock Area Commission. **INEXPEDIENT TO LEGISLATE.** Rep. John MacDonald for Municipal and County Government. This bill would have changed the budgetary control from the Gunstock Area Commissioners to the Belknap County Delegation. The Gunstock Board of Directors is composed of independent business professionals who are appointed by the delegation to manage and control the operation of the Gunstock Area. The Gunstock Area is a major employer in Belknap County and continues to provide a strong revenue stream to the county. It is viewed as a valuable and enjoyable facility to Belknap County residents, NH residents and visitors to our state by both skiers and non-skiers. A major concern shared during the hearing was that in the event of an equipment failure or another major issue, during a peak vacation week, the Gunstock Area Commissioners, with their background and experience, are able to fix the problem immediately, preventing the loss of valuable revenue. If this bill was enacted, Gunstock would have to wait until a delegation meeting could be called. This period of waiting for a meeting, would cause a loss of revenue to both Gunstock and Belknap County. The committee received substantial and compelling testimony from the public that this bill is not needed. **Vote 19-0.**

HB 1098, limiting the number of parking spaces required per occupied dwelling. **INEXPEDIENT TO LEGISLATE.**

Rep. Ivy Vann for Municipal and County Government. While the committee understood the issues created by requiring too much off street parking, we concluded that a state with jurisdictions as different as Hart's Location and Manchester should not be governed by a single parking mandate. **Vote 17-1.**

HB 1136, requiring planning boards to list the type of studies required to render a decision. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Ayer for Municipal and County Government. This bill requires planning boards to list the type of studies required to render a decision. The planning boards already publish their needs for a decision. **Vote 19-0.**

HB 1155, relative to persons elected to a local board serving on another board. **REFER FOR INTERIM STUDY.**

Rep. Richard Tripp for Municipal and County Government. This bill provides that a person elected to a local board shall be a nonvoting ex officio member of other local boards the person is appointed to, serving on, or is a liaison to. During the executive session it was determined that the proposed solution made assumptions which were not universal as election or appointment to local boards varies by municipality. Rather than reject a bill with merit it was determined to further investigate it. **Vote 17-1.**

HB 1161-FN-LOCAL, relative to ethics obligations of elected local and county officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Municipal and County Government. This bill proposes the establishment of ethics obligations for elected officials as defined in RSA 21:48. While this is a laudable effort, the bill has several shortcomings, the primary of which is removal/recall from office by voters. Because New Hampshire has no history of recalling elected officials this would require development of the process entirely, which the bill does not do. It also takes the position that violation of the local ethics policy would be a misdemeanor. This implies court proceedings as misdemeanors in New Hampshire are criminal acts. The bill needs to be rewritten and resubmitted. **Vote 19-0.**

HB 1179, relative to zoning protest petitions. **INEXPEDIENT TO LEGISLATE.**

Rep. Tom Dolan for Municipal and County Government. This bill is relative to zoning protest petitions. It allows for an exception to the majority vote for zoning amendments. The committee felt that amending RSA 675:5 was inappropriate and unnecessary. Reducing dimensional requirements or an increase in overall density of development was contrary to local control of zoning requirements as determined by the local planning board. **Vote 17-1.**

HB 1238, relative to zoning powers and the supply of workforce housing. **INEXPEDIENT TO LEGISLATE.**

Rep. Charles Melvin for Municipal and County Government. This bill deals with the zoning powers and the supply of workforce housing. It allows for workforce housing with accompanying planning. It disallows local control of zoning powers normally reserved for local communities. **Vote 16-0.**

HB 1259, relative to the election and resignation of members of school boards and elected budget committees. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Municipal and County Government. This bill takes the approach of using the results of the previous election to select the replacement for a school board or budget committee member who has resigned. In either case, the next highest vote getter in the election would be appointed to the respective board. While this approach was considered to be novel it was also determined that it would not reflect the current will of the voters. **Vote 16-0.**

HB 1267, relative to municipal authority for road and sidewalk closure. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for Municipal and County Government. The committee felt that the experience of municipalities recently allowing various businesses to expand onto the sidewalk in front of their business was almost universally positive. This bill would restrict similar expansions in the future. **Vote 16-0.**

HB 1272, limiting the authority of town health officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Lascelles for Municipal and County Government. The majority of the committee found that this legislation rightly limits the power of health officers during periods of emergency specifically prohibiting powers that violate rights guaranteed by the Constitution. **Vote 17-1.**

HB 1293, relative to the design of sewage or waste disposal systems for a person's own domicile. **OUGHT TO PASS.**

Rep. Richard Tripp for Municipal and County Government. This bill repeals the exemption allowing any person who desires to submit plans and specifications for a sewage or waste disposal system for the person's own domicile to do so without a permit. The Department of Environmental Services (DES) requires any person performing sewage or waste disposal system design to have obtained a permit demonstrating a working knowledge of the design and operation of such systems. An exception to this is a person who desires to design the system for their own domicile with the reasoning being the system would be on their property and not affect others. This logic was proven faulty as an improperly designed system could result in ground water contamination affecting others. Secondly, the sale of the property would transfer a faulty system to the buyer without their knowledge. It was determined repeal of the exemption was the solution to these long term problems. **Vote 16-0.**

HB 1350, relative to the procedure for valuation of property for property tax purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. John MacDonald for Municipal and County Government. This bill would have modified the procedure for valuation of property for property tax purposes. The bill stated "In addition to the 5-year valuation procedure under RSA 75:8-a and the option for annual appraisal under RSA 75:8-b, voters may petition the local governing body to conduct a full revaluation of property within the municipality". The committee, after receiving testimony and discussion, concluded that the current time period of five years for a required revaluation was reasonable. Individual property owners have avenues in which to challenge the evaluation of their property. **Vote 16-0.**

HB 1365, allowing towns and cities to tax residential and non-residential property at different rates. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for Municipal and County Government. The committee found that this enabling legislation would allow municipalities to tax residential and commercial properties at different rates. The committee felt that if this bill were enacted, it would pit one class of property owner against another. **Vote 16-0.**

HB 1374, relative to the membership of local land use boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Municipal and County Government. This bill changes the requirement that all members of a planning board shall be residents of the municipality. The bill is one that is submitted perennially hoping to resolve a local issue with a state law. Rather than simply require all board members be residents of the municipality, it changes the requirement to all voting members must be residents of the municipality. If that is the goal then the municipality should change it at the local level. **Vote 16-0.**

HB 1375, relative to the definition of veteran. **OUGHT TO PASS.**

Rep. Richard Lascelles for Municipal and County Government. The committee found that this legislation expands the definition of "honorable discharge" to include those that are given a discharge "under honorable conditions." It also lessens the amount of active duty time necessary to qualify for an honorable discharge. **Vote 19-0.**

HB 1406, authorizing municipalities to collect compost. **OUGHT TO PASS.**

Rep. Richard Tripp for Municipal and County Government. This bill allows municipalities to collect compost at transfer stations, or have a contract with a solid waste disposal facility, to collect compostable material. This is an enabling bill. Rather than sending all compostable material on to landfills, it permits municipalities to collect the material. This reduces the amount of material in landfills and provides a possible revenue source. **Vote 19-0.**

HB 1617, relative to housing projects of the community development finance authority and establishing a committee to prevent state subsidies for housing development that is not income-sensitive. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Municipal and County Government. The prime sponsor requested the committee find this bill inexpedient to legislate because, as drafted, it does not represent his intent. **Vote 19-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1066, establishing a commission to investigate and analyze the environmental and human and animal health impacts relating to cyanobacteria blooms in New Hampshire water bodies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Creighton for Resources, Recreation and Development. This bill as introduced sought to establish a commission to investigate and analyze the environmental and human and animal health impacts relating to

cyanobacteria blooms in New Hampshire water bodies. The bill as amended forgoes the commission establishment and instead directs the Department of Environmental Services (DES) to develop a plan, in coordination with appropriate stakeholders, to combat and mitigate the growth and expansion of cyanobacteria in New Hampshire. This amendment to the original bill quickens the process by directing department action against this emerging challenge to the Granite State environment. DES supports the bill as amended. **Vote 21-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 1012, relative to notice for the cutting of trees by utilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Jose Cambrils for Science, Technology and Energy. This bill attempts to change the requirements for tree maintenance near utility poles, by requiring the licensee to notify landowners of any cutting activity either in person or by registered mail with the addition of monetary penalties for those in violation of giving such notices. During testimony on the bill, it was discovered that there are already robust provisions in place for notification of tree cutting to electricity customers. The incident that prompted the filing of this bill turned out to be a very rare circumstance that did not merit additional changes to existing law or utility company policies. **Vote 21-0.**

HB 1248, relative to replacement power for net metering customer-generators. **REFER FOR INTERIM STUDY.**

Rep. Nick White for Science, Technology and Energy. This bill recognizes the possibility that intermittent energy production, such as via solar panels and wind turbines, may have a responsibility to supply firm power from other sources when weather conditions otherwise prevent providing promised supply. The bill, however, provided no mechanism to require this firm power obligation, nor a framework for delivering such power. The bill therefore needs further study. **Vote 22-0.**

HB 1285, relative to the multi-use energy data platform. **OUGHT TO PASS.**

Rep. John Lewicke for Science, Technology and Energy. This is a simple bill to protect privacy. The bill text stands on its own: "Require, as a condition of accessing the online energy data platform, that a third party complete a qualification and registration process to ensure that any customer data downloaded from the platform remains in a safe, secure environment according to data privacy standards established by the [Public Utilities Commission (PUC)]." HB 2 from 2021 (Ch. 91, Laws of 2021) changed this responsibility to the Department of Energy but the bill restores it to the PUC. **Vote 21-0.**

HB 1331, relative to power line maintenance and construction. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tom Ploszaj for Science, Technology and Energy. New Hampshire does not license contractors for power line extensions. This bill fixes the language to allow utilities to continue their existing practice of using utility approved certified contractors for power line extensions. **Vote 22-0.**

HB 1491-FN-LOCAL, relative to natural gas transmission pipeline safety. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Troy Merner for Science, Technology and Energy. This bill requires local land use boards and planning boards to notify the operator of a natural gas transmission pipeline prior to approving a project that is within 1,000 feet of the pipeline corridor. The bill further requires local land use boards to make National Pipeline Mapping System geospatial data available to developers within 60 days of the effective date of the legislation. **Vote 22-0.**

HB 1546-FN, limiting air emissions of perfluorochemicals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeanine Notter for Science, Technology and Energy. As amended, this bill defines per- and polyfluoroalkyl substances (PFAS) and automatically adds new contaminants to the list of regulated toxic air pollutants as they become known. This bill also directs the Department of Environmental Services to continually review studies to determine if further legislation should be considered. **Vote 22-0.**

WAYS AND MEANS

HB 1565-FN, relative to the opioid abatement trust fund. **REFER FOR INTERIM STUDY.**

Rep. Patrick Abrami for Ways and Means. Several years ago, an Opioid Abatement Trust Fund was established to deal with the anticipation that the many lawsuits that were being filed against drug companies and other parties would be settled. These settlement funds would go into this trust fund. At that time, the New Hampshire Opioid Abatement Advisory Commission was established as the body to be responsible for allocating 85% of the settlement funds. The other 15% of the settlement funds would go to the ten counties and 13 specific cities and towns who had filed opioid lawsuits before September 1, 2019. This bill does one major thing. It changes the 85% to 60% and the 15% to 40%. Many on the committee felt that the counties should receive more, and the 13 original cities and towns should not benefit in this way to what can become up to ten settlements. In addition, there were some on the committee who wanted to let this program get off the ground as originally outlined in statute before the legislature starts to tamper with statute that was a very delicate compromise. **Vote 21-0.**

TUESDAY, MARCH 15

REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 1280, prohibiting a parent's refusal to vaccinate a child pursuant to an order of the state or federal government to be used as a basis for terminating parental rights. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the **Majority** of Children and Family Law. The majority of the committee believes that there are viable reasons which may impact the time frame of and the parent's decision to vaccinate their child. The committee heard one example where the vaccination status of children was used to remove children from a parent and place those children in foster care. The committee finds even one example to be too many and urges passage of this legislation. **Vote 8-7.**

Rep. Patrick Long for the **Minority** of Children and Family Law. The minority agrees that termination of parental rights (TPR) should not be based solely on the parents agreeing whether or not to vaccinate their child using current exemption in statutes. The concern for the minority is which parent should the decision rely on when parents don't agree? This bill places in statute the following: "...as the ultimate decision regarding the health care of children resides with the parents." In cases of divorced parents where decision-making is shared, which parent gets to make that decision? The minority believes that this would create unnecessary conflict between the parents and adds undue stress to the children when parents disagree.

HB 1286, relative to the modification of parental rights and responsibilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Josh Yokela for the **Majority** of Children and Family Law. The majority of the committee believes this change is not necessary since the Supreme Court has already interpreted the current language to reflect the change proposed so there should be no confusion going forward about this language. **Vote 8-7.** Rep. Debra Altschiller for the **Minority** of Children and Family Law. This bill makes minor and necessary changes to the language of RSA 461-A:11, placing "any of" with "only" in the following: "The court may issue an order modifying a permanent order concerning parental rights and responsibilities under any of the following circumstances." It then goes on to outline a nine part list of those circumstances. This change is necessary because lower courts have found ways to rule outside the scope of that comprehensive list. When written, the intention of the list was to provide all of the possible issues that could be considered for a change to a parenting plan. Two lower court decisions modified parenting plans outside of the scope of the list provided in RSA 461-A:11 and were overturned by the NH Supreme Court (see *In re Muchmore*, 159 NH 470 (2009) and *In re Larue*, 156 NH 378 (2007)). In *Larue*, the court observed that the legislature intended contract principles to apply in determining whether the parties have agreed to a modification pursuant to the statute, indicating the first steps to limiting the court's power to alter a parenting plan. The ability, will, or resources needed to appeal a lower court decision to the Supreme Court is not necessarily available to all citizens and the Court has made clear, on at least two occasions, that a legislative fix to the language of RSA 461-A:11 is needed. To better serve the best interests of children and their parents, the minority believes this bill should pass.

HB 1305, relative to temporary alimony. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the **Majority** of Children and Family Law. The majority of the committee finds that temporary alimony should be calculated the same as normal alimony and shall be counted towards the time limit unless irreparable, economic hardship would result. **Vote 8-7.**

Rep. Cassandra Levesque for the **Minority** of Children and Family Law. This bill does not account for parties who are living with their new partners and does not account for all the assets both parties have. Alimony is determined after both parties have calculated their shared assets and it is divided up. This bill will complicate how alimony is calculated moving forward.

HB 1382, relative to the presumption of shared parenting in the determination of parental rights and responsibilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the **Majority** of Children and Family Law. The majority of the committee believes that if the court has not found that a relationship with both parents is not in the child's best interest then it should presume that shared decision-making and shared residential responsibility of the child is in the best interest of the child. **Vote 8-7.**

Rep. Debra Altschiller for the **Minority** of Children and Family Law. This bill's presumption of shared parenting with a forced legal presumption of 182.5 days per year parenting schedule in the determination of parental rights and responsibilities is not a presumption that legally serves the best interest of children, rather it puts the wants and desires of parents in conflict as a priority in controlling their children. Forcing this 182.5 days per year has the potential to create significant risk of violence in NH homes. Current parental

rights and responsibilities law provides for a range of considerations to determine what is in the children's best interest. The law presumes that children do best when both parents have frequent and continuing contact with both parents. It provides for consideration to make parenting schedules that best protect the child's safety and allows for consideration of the impact domestic abuse has had on the child. Current law also ensures parenting schedules consider the safety of an abused parent. This is a good policy and should remain in place. The committee received testimony from NHLA DOVE (Domestic Violence Advocacy Project) that on average, it takes a domestic abuse victim seven times before they are able to leave an abusive relationship for good. One contributing factor is fear of losing custody of the children. HB 1382 lends credibility to an abuser's control tactics by supporting the idea that "if you leave, you aren't getting the kids." If the jumping off point is automatically 50/50 custody of the children, what incentive is there for a victim to leave? From a victim's perspective, isn't it better to stay in the abusive relationship to be there to protect the children, rather than leave the children unprotected in the abuser's care 50% of the time? This bill forces an impossible choice on victims. It contemplates the rights of one parent over the safety of the other. HB 1382 considers parental rights before determining what is best or safest for the child(ren). This bill places the burden on a victim, tipping the balance in favor of an abusive parent. It lacks proper consideration of the safety of the child, the abused parent or both. The minority of the committee believes the current statute that uses the best interest of the child as a presumption is effective and HB 1382 jeopardizes that.

HB 1396-FN, relative to the payment of child support. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Debra DeSimone for the **Majority** of Children and Family Law. The majority of the committee finds that indicating the date when child support payments are due might seem to make the process easier and provide clarity, however it will only cause additional work for the already overworked courts. Frequent requests from payees or payors to change the order just to get new due dates ultimately causes further acrimony between the parties and unnecessarily clogs the courts. In conclusion this bill, if passed, will only create more problems than it is perceived to solve. **Vote 8-7.**

Rep. Patrick Long for the **Minority** of Children and Family Law. The committee heard testimony on the ability of payors of child support to hold their support payments for the reason that the order requires one date to began paying with no schedule of payment. Payors would hold back payment until the court decided the schedule after the initial order. The minority believes that there should never exist an opportunity to postpone or hold back payment for the child. This bill would simple eliminate that loophole.

HB 1416, relative to consent for mental health treatment in parenting cases with shared decision-making responsibility. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the **Majority** of Children and Family Law. The majority of the committee believes that even when parents have joint decision-making responsibility, either parent should be able to consent to counseling services or mental health treatment. However, because the parent consenting may not have the financial responsibility, the committee believes that the other parent should be notified prior to the beginning of the treatment so that they don't find out their child is in treatment by receiving a bill for the treatment. **Vote 14-1.**

Rep. Cody Belanger for the **Minority** of Children and Family Law. It is the opinion of the minority of the committee that this bill has too many plot holes and could cause further mental health harm to the child in question by pitting parents against each other.

HB 1431-FN-LOCAL, establishing the parental bill of rights. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the **Majority** of Children and Family Law. The majority of the committee agrees that the government has to limit interference in a parent's ability to parent as much as possible. This bill as amended creates a framework for the parents to stay informed when a child interacts with the government. The committee heard much testimony about how local school administrations have tried to limit the ability of parents to stay informed about their children and we have seen may bills this year on the topic of transparency being required. This is another one of those bills that is trying to foster that communication. **Vote 8-7.**

Rep. Patrick Long for the **Minority** of Children and Family Law. The minority is concerned with language of this bill conflicting and/or needing interpretation with current statutes that already gives these rights to parents. This bill addresses the right of a parent (singular)--which parent do these rights apply to? The intended consequences in creating conflict within these families are high, including the children's peace of mind when parents disagree. This bill also contains a clause that would allow a parent to subject a teacher to disciplinary action if they suspect them of encouraging or coercing their child to not talk to them. Although the minority agrees that a child's trusted adult ought not encourage or coerce a child not to talk with parents, children often times will disclose subject matter that they're uncomfortable speaking with their parents about to a trusted adult, such as a teacher, coach or mentor. This bill would limit a trusted adult in wanting to speak with the child for fear of potential disciplinary action. This bill, in the minority's opinion, would be

detrimental to the health and welfare of children who struggle with questions and expectations on a daily bases. This bill attempts to waive these rights as it pertains to abuse and neglect in regards to RSA 169-C. The minority believes this bill presents a loophole for parents that are abusing or neglecting children to circumvent DCYF's investigation until their case is founded, placing children at greater risk.

HB 1518-FN-LOCAL, relative to the requirements for appointed guardians. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Cody Belanger for Children and Family Law. The majority of the committee heard that when guardianship is granted by the court, there is no home visit or safety check to ensure the minor child is going to a safe home. This bill seeks to correct that, and ensure that a minor is going to a safe home. **Vote 8-7.**

HB 1612-FN, relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the **Majority** of Children and Family Law. The majority of the committee believes that any person knowingly or in bad faith making a false claim to the Department of Health and Human Services (DHHS) should be held accountable. Encouraging DHHS to inform people making complaints that false reports may be subject to civil penalties may dissuade some people from making those false reports. This bill also sets up a requirement that the identity of the people who make a report shall be confidentially retained unless the complaint is found to have been made maliciously or in bad faith. **Vote 8-7.**

Rep. Debra Altschiller for the **Minority** of Children and Family Law. Under the NH Child Protection statute (RSA 169-C), every person over the age of 18 in NH is a mandated reporter if they suspect a child is being abused or neglected. This reporting law is inclusive as to ensure children are safe and protected and immediate interventions can take place if they are in danger. As the law states, reports made under this existing, and working statute, are presumed to be done in good faith. Many people experiencing domestic violence at home have made these anonymous reports about their own family members. This bill would take the anonymity away from those people seeking help, potentially endangering them further. Worse still, it will stop people from making reports altogether for fear of potentially lethal retribution from the abuser. The reports made to the Department of Children, Youth and Families (DCYF) currently can be made anonymously, however if after further investigation a case goes to court, all information is revealed in discovery. This bill would give users permission and leverage in suing people who are making reports to protect abused children. If passed, this bill has dangerous implications for the protections of abused children in NH.

HB 1614-FN, requiring the recording and storing of digital video in all state-funded juvenile detention facilities. **OUGHT TO PASS.**

Rep. Cody Belanger for Children and Family Law. The majority supports the retention of recordings where minors are detained for the full length of the statute of limitations so that the evidence may be used in any case that arises. **Vote 12-3.**

COMMERCE AND CONSUMER AFFAIRS

HB 1019, establishing a committee to study the replacement of certain professional licenses with mandatory minimum liability insurance requirements. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Max Abramson for the **Majority** of Commerce and Consumer Affairs. The majority found that, while concerned with the effects on various statutes, state occupational licensing has grown from 8% of workers to 30% of workers requiring permission to ply their trade. During public hearings, it was stated that occupational licensing was one of the great, lesser known contributors to poverty, unemployment, and hopelessness for millions of America's working poor. Private insurance companies often require private testing, training, certification, and licensing that offers much better bang for the buck and adapts much better to changes in technology, workplace safety, and consumer demand. The majority of the committee therefore felt that this issue deserved in-depth committee study on the House side. **Vote 10-8.** Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. This bill would establish a study committee to study the replacement of certain professional licenses with mandatory minimum liability insurance requirements. There are many professional licenses, but there is no guidance from the bill which should be studied and this six-member committee would have to review all the state-issued licenses, determine which licenses are unnecessary and make recommendations for each profession to be completed by November 1, 2022. In addition, those supporting this bill do not understand what insurance provides. It implies that an insurance company, through underwriting, would require the training and monitoring and enforcement of professions to be covered by the insurance premium. Insurance liability is for a sudden and unexpected occurrence. This bill does not need to be studied further.

HB 1028-FN, relative to the form of individual health insurance policies. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Max Abramson for the **Majority** of Commerce and Consumer Affairs. The Insurance Department reported that this bill would allow short term medical insurance policies to be renewed, an option not currently available to America's 30 million uninsured, including over 7 million who lost their coverage when the Affordable Care Act ("ObamaCare") took effect. RSA 415:5 actually bans those on a short term policy from renewing their coverage, resulting in some granite staters finding themselves with no coverage. The majority did not agree that everyone who applied for Medicaid gets it nor that Medicaid covers everything that private insurance does. The majority respects the right of patients and their doctors to make their own medical decisions based on their current medical and economic circumstances and decided to study these issues in greater depth to consider future legislation. **Vote 15-3.**

Rep. Joyce Weston for the **Minority** of Commerce and Consumer Affairs. The short-term plans proposed by this legislation are known as "skinny" or "skimpy" plans for a reason. In spite of higher premiums, they are allowed to deny coverage for pre-existing conditions, including cancer, diabetes, and mental illness, and they are allowed to charge higher premiums based on gender and age. A study by the Kaiser Family Foundation found that 71% did not cover prescription drugs and none covered maternity care. The fine print of these plans will lure the unsuspecting consumer into buying a junk plan that will leave them truly under-insured.

HB 1380, relative to installation of solar photovoltaic energy systems by owners subject to deed restrictions in a homeowners association. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. Despite the sponsor's contention that this bill is enabling and not mandatory, it would require any homeowners association to permit a solar panel to be placed on a homeowner's home if they desire them. Even though homeowners associations are usually standalone units, they usually also have requirements for uniformity of the look of the units. The majority felt that since homeowners associations have the ability to waive these requirements by vote of the homeowners, this legislation is an inappropriate intrusion on residents' property rights even if it is for a worthy cause. **Vote 14-4.**

Rep. Constance Van Houten for the **Minority** of Commerce and Consumer Affairs. This bill is an enabling bill. It would only apply to homeowners associations, which are associations in which owners actually own and control their buildings and land, and not to condominiums, in which the buildings and land are common property. The bill is not a mandate. No owner would be required to do anything; however, owners could be allowed the freedom to tap into the sun's photovoltaic energy if enabled by their localities. No deed or homeowners association documents would need to be nullified or rewritten; only restrictions on installation of solar would be impacted, and they would simply be rendered unenforceable. Currently some homeowners associations do have a voting mechanism for changing rules and documents, but the bar is very high, and associations often have a difficult time just getting a simple majority of owners to their meetings. However, many homeowners associations are now operating on the basis of deeds and documents that are many decades old, and solar installations have become more streamlined, less obtrusive, less expensive, and more cost efficient. The cost savings, efficiency, and environmental cleanliness of photovoltaic energy, energy provided by the sun, have become more and more evident and attainable, as well as more desirable, especially in the world of astronomical energy prices of today. Owners in homeowners associations should be able to avail themselves of such benefits on property or land that they own and control. Passage of this bill would bring this one step closer.

HB 1413, relative to privacy of online customer information. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joyce Weston for the **Majority** of Commerce and Consumer Affairs. While acknowledging the good intent of this bill, the majority of the committee found it addressed the problem of maintaining personal privacy from the wrong angle. The provisions of the bill targeted internet service providers (ISPs), fundamentally misunderstanding the role of ISPs in the internet ecosystem. ISPs, in fact, have no access to one's personal data. In addition, the bill conflicts with federal law which already holds ISPs to account for privacy commitments. A nearly identical bill passed in Maine in 2019 is now the subject of ongoing legislation from the broadband providers. The majority of the committee agreed that the issue of privacy needs to be addressed at the federal level and directed to other areas of the internet ecosystem. **Vote 17-1.** Rep. Max Abramson for the **Minority** of Commerce and Consumer Affairs. While the minority recognized the impossibility of the committee to mend structural problems with a bill before us, Internet service providers (ISPs) should not be selling personal information without the consent of or notice to their customers. The voters recently approved by a roughly ten to one margin a constitutional amendment strengthening the New Hampshire Bill of Rights, to wit: "An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent." The minority believes that ISPs do have a good deal of personal and network information on their customers, and they should not be selling this to private nor governmental parties, foreign corporations, foreign governments, or any of the world's potential bad actors.

HB 1503-FN, exempting the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Keith Ammon for the **Majority** of Commerce and Consumer Affairs. The first part of the bill, as amended (sections 1-4), exempts the developer, seller, or facilitator of the exchange of an open blockchain token from certain state securities laws. This part is modeled on legislation that became law in Wyoming in 2018. The bill exempts digital tokens with a “consumptive” purpose, meaning the token is used to access a service or other online content: Like putting a coin in a vending machine, an example would be users paying electronic tokens on a video platform to watch content. This exemption will allow for innovation using blockchain technology without issuers having to fear running afoul of state securities laws. The issuer would need to file a notice of intent with the Secretary of State, and the issuer could not represent to buyers that the tokens are financial investments. Representatives of the state Securities Division helped make improvements to the language. The second part of the bill (section 5 onward) adopts the most current draft of Section 12 of the Uniform Commercial Code (UCC). Section 12 of the UCC accommodates emerging technologies in the field of “controllable electronic records” (CERs). Examples of CERs are: 1) so-called virtual currencies like Bitcoin, Ethereum, and stable coins such as USD Coin; 2) non-fungible tokens (NFTs) which can represent virtual or physical objects like specific works of art; and 3) electronic promissory notes, similar to electronic signatures. Adopting these changes to the UCC will facilitate modern commercial transactions involving these technologies and avoid lack of clarity under current UCC law already in state statutes. UCC Section 12 has been in development for two years by the Universal Law Commission. The language is intentionally technology-neutral and can accommodate not only existing CER technologies but also CER technologies of the future. New Hampshire is in a unique position to become the first state to adopt Section 12 of the UCC, signaling to the rest of the country that we are forward-looking and open for business in a growing, trillion-dollar industry. **Vote 14-4.**

Rep. Joyce Weston for the **Minority** of Commerce and Consumer Affairs. The amendment to this bill is an improvement to the original bill, but it does not negate the larger picture. The State of New Hampshire, though this legislation, will set up the structure necessary to make cryptocurrency a workable second currency in our state. This is a speculative industry built on market manipulation that has been banned entirely in China, with India and Pakistan soon to do the same. The majority of the committee wants New Hampshire to be the “first in the nation” to approve the new Uniform Commercial Code (UCC) Article 12, which has not even yet been finalized. Banks and financial firms want to pass the UCC article only to profit from the industry, while adding a layer of protection for themselves. While recognizing that all the states, being pressured by lobbyists, will probably adopt the UCC articles at some time in the future, the minority does not believe that this industry should be encouraged in New Hampshire, in the nation, or anywhere in the world economy.

HB 1583-FN, relative to locations and days of operation of state liquor stores. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. As introduced, this bill changes the regulation on places of operation of state liquor stores and allows state liquor stores to be open on Easter. The committee amendment replaces the original bill and removes references to any one holiday. The current law allows the Liquor Commission to open on holidays with the agreement from the state employees already, so removing actual days from the statutes seems more appropriate. **Vote 17-1.**

Rep. Max Abramson for the **Minority** of Commerce and Consumer Affairs. As introduced, the bill proposed to allow a liquor store to be opened within 200 feet of a “church, chapel, or parish house,” but said nothing about temples, mosques, nor synagogues. As amended, the bill would allow New Hampshire State Liquor & Wine Outlets to open “at any time” on Thanksgiving, Easter Sunday, or even Christmas, hallowed days for families from across the country return home to enjoy a quiet day of thanks, prayer, and reflection. The committee was then informed that liquor store managers aren’t able to find people willing to work on Easter Sunday, Thanksgiving, or Christmas, anyway, and that it would probably cost more to open a store than to meet the almost non-existent demand for Easter Sunday sales when churches, chapels, and parish houses are full. The Ten Commandments tell us to “[h]onor the Sabbath and keep it holy.” An improbable and negligible amount of state revenue did not seem reason enough to open up liquor stores on the holiest of days, nor to disturb the quiet enjoyment of families who might not see each other the more hectic 362 days a year.

CRIMINAL JUSTICE AND PUBLIC SAFETY

CACR 20, relating to personal liberty. Providing that adults shall have the right to possess cannabis for personal consumption. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dave Testerman for the **Majority** of Criminal Justice and Public Safety. This bill was going to place a right to possess an agricultural product for personal use in the NH Constitution. This is a trivial use of the constitution and does not rise to the level of implementation. It is suitable as a regular bill of which there are numerous attempts this year. **Vote 15-5.**

Rep. Casey Conley for the **Minority** of Criminal Justice and Public Safety. This bill would amend the state constitution to make clear that New Hampshire adults have the right to possess cannabis for personal consumption. Legalizing cannabis for adult use is supported by a large majority of New Hampshire residents.

But year after year, lawmakers have not followed the will of their constituents. Although this chamber has passed one alternative for cannabis legalization this year, and is currently considering another, the minority supports putting the question before voters in case those other bills fail. Amending the constitution is a last resort, but it remains the only alternative in a state that does not allow referendum questions.

CACR 34, relating to the use, sale, or cultivation of cannabis. Providing that the state shall make no law prohibiting the use, sale, or cultivation of cannabis for persons over 18 years of age. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dave Testerman for the **Majority** of Criminal Justice and Public Safety. This bill was going to place a right to own and cultivate an agricultural product in the NH Constitution. This is a trivial use of the constitution and does not rise to the level of implementation. It is suitable as a regular bill of which there are numerous attempts this year. **Vote 13-7.**

Rep. Chris True for the **Minority** of Criminal Justice and Public Safety. In committee we have heard anecdotal testimony concerning the majority of the voters in NH do favor the legalization of cannabis. This CACR simply will give the people the chance to clearly state their position on the legalization of cannabis.

CACR 35, relating to cannabis. Providing that all adults have the right to possess, use, and cultivate cannabis, subject to regulation by the legislature. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dave Testerman for the **Majority** of Criminal Justice and Public Safety. This bill was going to place a right to possess an agricultural product for personal use in the NH Constitution. This is a trivial use of the constitution and does not rise to the level of implementation. It is also subject for legislative action and is suitable as a regular bill of which there are numerous attempts this year. **Vote 14-6.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. This constitutional amendment concurrent resolution would allow the people of New Hampshire to vote on if adults should be allowed to possess and/or cultivate cannabis for personal use. If approved by the legislature and the voters, a legal adult would have a constitutional right to use, possess and cultivate cannabis for non-commercial purposes. Commercial cannabis activity could be regulated or taxed by the legislature. This CACR would put the question to the voters on if cannabis prohibition should continue in New Hampshire. Despite its repeated failure to pass through the legislative process, polls consistently show public support for the legalization of cannabis is sufficient for voters to pass a constitutional amendment. The legislature should not stand in the way of the will of the people and allow them to directly vote on the issue by passing this CACR.

HB 1004-FN, relative to penalties for failure to provide information after an animal injury. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. A majority of the Criminal Justice and Public Safety committee strongly opposed this bill. There were unintended consequences: the dog may or may not have been with the owner, therefore, the owner would be charged but not aware of the incident; the scene may not be conducive to the owner remaining there; a woman or a minor may not feel comfortable providing personal information to a stranger. The majority of the committee was against the misdemeanor charge and did not agree with the possibility of jail time. More importantly, the majority of the committee opposed the bill and agreed with the Dog Owners of the Granite State (D.O.G.S) that this is a bad bill, with vague language and unintended consequences. **Vote 15-6.**

HB 1017-FN, establishing criminal penalties for harming or threatening to harm an essential worker. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. This bill would make a special class of people and the majority of the committee felt that current laws protect essential workers from harm from another person. This bill would also make it a class A Felony if you stole \$1.00 from essential workers while they are working. **Vote 16-3.** Rep. Ray Newman for the **Minority** of Criminal Justice and Public Safety. A motion of inexpedient to legislate was passed in the executive session. The minority feels that a potential Ought to Pass motion could contain a floor amendment that would revise and improve the definition of "Essential Worker" and would also reduce the penalties contained in the bill.

HB 1072, establishing a criminal penalty for denying an elected school district official access to any school district facilities, documents, or events. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, recommend this bill Ought to Pass as Amended. This bill would make it a Class B misdemeanor for any superintendent of school, school principal, or faculty member to deny access to any elected school board member, municipal budget committee member, or any other elected school district official, to school facilities or events or to access documents requested by said member. Contrary to what critics of the bill have proposed, this law would not supercede any existing law related to the releasability of documents or identity of students. This would also not allow unfettered ac-

cess to the schools. The proposed statute only contemplates absolute denial and allows for the scheduling of visits and redaction of documents as required by other statutes. Regardless of party or position on a particular issue, elected officials responsible for budgeting and oversight of schools are the eyes and ears of the taxpayers in their communities and as such must be allowed see facilities and documents in order to perform their duties and make informed decisions in the best interest of the schools and the taxpayers. The absolute denial of such access is tantamount to interfering in the elected official carrying out their duties. **Vote 11-10.**

Rep. Ray Newman for the **Minority** of Criminal Justice and Public Safety. The original bill could hinder the ability of the school superintendent, principals, and school faculty members to run schools in an efficient and effective manner.

HB 1085, relative to ignition lock requirements. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Manny Espitia for the **Majority** of Criminal Justice and Public Safety. This bill addresses the alcohol ignition interlock program and closes an existing loophole. Currently, participants are required to install the device on the vehicle they drive “on a regular basis.” The unintended consequence of this is a person could drive another vehicle, a rental car or a spouse’s vehicle, without an installed device. Removing “on a regular basis” clarifies that the participant must have a device installed on any vehicle that is driven. **Vote 11-6.** Rep. Linda Harriott-Gathright for the **Minority** of Criminal Justice and Public Safety. This bill requires an ignition interlock device on any vehicle registered to that person. The committee agrees that the individual must not drive a vehicle without such a device while they are under that order. The committee does not sanction driving under the influence of any substances and advocates for public safety. We requested an amendment as an opportunity to house clean the bill. While the amended bill would be amicable, the underlying bill is not. The bill has the unintended consequences of 1) Punishing any other driver in the household by requiring them to use the same device because of a spouse or a child. 2) The penalty for violating this order would be a felony, some felt that a misdemeanor was more appropriate. 3) The bill discriminates against low income, financially challenged individuals particularly during this season of COVID-19.

HB 1096-FN, prohibiting open carrying or display of a deadly weapon within 100 feet of a polling place. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. This bill creates a new misdemeanor offense for openly carrying or displaying a firearm at a polling place or within 100 feet of a polling place. The sponsors have not identified what, if any problems, this bill will solve. The committee is unaware of any problems with people carrying firearms while voting – which has been legal in New Hampshire for hundreds of years. New Hampshire citizens have a demonstrated track record of responsibility when carrying arms. A majority of the committee felt that this bill was a solution in search of a non-existent problem. **Vote 13-7.** Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. This bill is a proactive attempt to strengthen New Hampshire’s voter intimidation statute to make our elections safer for all of our citizens. The bill would prohibit open carrying or displaying of a deadly weapon within 100 feet of a polling place on the days where federal, state, and/or municipal elections are taking place. The fundamental right to vote without fear of intimidation is vital to our democracy. Under current law, state and local authorities can’t prevent people from bringing guns into polling places, even those located in school buildings. With this bill, open-carrying a deadly weapon in clear view of others in or within 100 feet of a polling place would be prohibited. However, the bill provides exceptions for voters and election officials legally carrying concealed weapons. This ensures the Second Amendment right to self defense is also protected. Six states and the District of Columbia already explicitly prohibit guns at polling places. The minority believes that polling places should be welcoming and inviting places where Americans can exercise their sacred right to vote without fear of intimidation.

HB 1105, relative to earned time credits. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, found that this bill should be Referred for Interim Study. Witnesses from the Parole Board and the Department of Corrections testified that inmates are able to take certain tablet based courses as credit for 60 day reductions in sentences. There was evidence presented that some of these courses could be completed in minutes by an inmate and that they could take several of these tablet based courses per day, with each allowing for additional 60 day sentence reductions. The majority felt that the vagueness of what exactly these courses are, the work involved in taking them, and their value to the rehabilitation of the inmates, makes their unlimited use questionable at best. The majority agrees that using new technology and providing more opportunities for inmates to better themselves is extremely important. At the same time, it must be used judiciously in order to ensure that the justice served by their sentence is not so diminished as to overly minimize the punishment aspect of the incarceration or be used to “game” the system, thereby denying justice to victims and the public at

large. This bill strikes a balance allowing these courses to be used as part of an overall program exchanging inmate achievement for sentence reduction but only allowing it to be used once towards the overall maximum reduction of 21 months. **Vote 13-7.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. The minority believes that this bill should be found inexpedient to legislate. Earned time credits recognize the fact that there is no cookie cutter approach to rehabilitation. The minority acknowledges that required notifications of reduced sentence time can be troubling for victims. But the way to improve the program is to refine the notification process as well as the criteria for programs that can be included—not to micromanage the Department of Corrections (DOC) or to make rehabilitation and sentence reduction harder to achieve. While the debate has been instructive for committee members, we believe it has also been instructive for the DOC. The DOC should have the opportunity to refine program content and eligibility without legislative interference.

HB 1108, relative to the prescribed manner of posting land. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. New Hampshire has a long tradition of allowing pedestrian access to private property while enabling landowners to restrict access, or post, their land using signs that contain their names and contact information. This system has evolved over hundreds of years. Landowners know what is expected of them to exercise this right and those seeking access to private land know what property they can access. Simply, today's system works. This bill sought to create another form of posting in New Hampshire, allowing landowners to apply purple paint to trees, stones, and posts along their property lines. Although a handful of states already allow this, it is not common in the northeast. In fact, the committee heard testimony from the New Hampshire Fish and Game Department that their peers in Maine, a state that allows purple paint posting, say purple paint posting is utter chaos and often there are more people hunting on purple painted property than un-posted property because few people know what purple paint means. The committee also heard testimony from the NH Division of Forest and Lands that the current posting requirements with the landowner name and contact information on the sign is a good practice for a number of reasons, i.e., retrieving game animals, notifying landowners of fire suppression activity. Lastly, the committee heard from the New Hampshire Timberland Owners Association, a landowner organization whose members own/manage over one million acres of land, opposing the bill. The timberland owners said the current system of posting works and that this is a solution looking for a problem. **Vote 12-7.** Rep. Casey Conley for the **Minority** of Criminal Justice and Public Safety. New Hampshire has a longstanding tradition of open access to private land for hunting and other purposes, unless that property owner posts their land. The process for posting is described in statute, and requires the landowner to purchase signs, walk their property installing these signs, and repeat this process year after year if they do not want strangers entering their property. This bill would have created an alternative whereby the property owner could have used purple paint to mark property lines, instead of defacing trees with nails and plastic signs. Use of purple paint for this purpose is common and well understood in other parts of the country. The minority considers this a property rights issue and believes property owners should have a choice when it comes to posting their own property.

HB 1117, relative to the circumstances constituting criminal threatening. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The committee heard testimony from the sponsor of the bill as well as several other representatives and members of the public. The majority, after considering the testimony, came to the conclusion that the bill is unnecessary as the specified groups in the bill, that the sponsor asked for special recognition for, are already protected in the current law. The current law states, "any person..." The sponsor wishes to add certain groups of persons by name as though they were not covered by the term "any person." The majority found this redundant and unnecessary as we believe that all New Hampshire citizens are equal under the law and statutes should be written in the most inclusive language possible. It is difficult to imagine any term more inclusive than "any person," therefore the committee recommends that the bill be found inexpedient to legislate. **Vote 11-10.**

HB 1127, relative to posthumous exonerations and annulments. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. John Bordenet for the **Majority** of Criminal Justice and Public Safety. This bill would provide a grant of posthumous exoneration or annulment for Willard Uphaus and Eunice "Goody" Cole. The committee is not opposed to the intent of this bill; it is concerned about the technical legalities involved. During testimony, details that had not been discussed previously made the way forward unclear. For example, when Eunice Cole was tried and executed it was done under the law of the Commonwealth of Massachusetts. NH has no authority to annul the conviction of someone convicted in another state. The committee wants to explore the right venue for correcting these matters. **Vote 16-5.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. If this bill looks familiar, it is identical to one passed unanimously in the 2020 session by this committee that went on consent, but died because of COVID-19. It acknowledges that mistakes are occasionally made in our criminal justice process

that sometimes don't become apparent until the accused has passed away. While the bill doesn't allow us to go back in time to correct miscarriages of justice, what the bill does do is make it possible for us to acknowledge that an injustice occurred. It also corrects the record for two specific individuals: Willard Uphaus and Goody Cole. Cole was convicted, flogged and imprisoned for witchcraft and "familiarity with the devil." Uphaus was imprisoned for standing up to a different sort of witch hunt in the 1950's by refusing to comply with a subpoena from the New Hampshire Attorney General, who had subpoenaed him to turn over lists of guests and staff of Uphaus's World Fellowship Organization so they could be combed through for connections with subversive organizations, including the Communist Party. After several appeals, Uphaus was sentenced to a year in jail for refusing to comply as a matter of conscience. Both of these convictions are stains on New Hampshire's reputation for justice and fairness. This bill would acknowledge that injustices occurred in both of these cases and confirm that we are able to set the record straight and admit our past mistakes.

HB 1178, prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Burt for Criminal Justice and Public Safety. Under the provisions of this bill, state and local government officials will be under order to not enforce federal gun laws. Over the years, on many topics, both democrat and republican attorneys general have opined that New Hampshire law enforcement should not be enforcing federal laws. This is a simple concept, state and local police are hired, trained, and compensated with state and local tax dollars. It makes no sense to divert those scant resources to enforce federal laws that, if they are to be enforced, should properly be enforced by federal law enforcement officers. This bill is wholly consistent with U.S. Supreme Court rulings. In 1997 the Supreme Court ruled in *Printz v. United States* that Congress cannot make states enforce the federal Brady gun control law which attempted to require local Sheriffs or police to carry out gun background checks. And the *Printz* case was not an outlier, in the late 1800s, some northern states, such as Pennsylvania, passed personal liberty laws which made it illegal for citizens of the commonwealth to help enforce the Fugitive Slave Act. Likewise, in the eighteenth century, Virginia and Kentucky threatened to nullify the Alien & Sedition Acts of 1798, which essentially jailed people for criticizing government officials. American states have a long history of pushing back against federal mandates and federal oversight. This bill is consistent with that history. **Vote 12-7.**

HB 1266, relative to restrictions on enforcement of federal immigration laws. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be found Ought to Pass. This bill makes a simple change to the law to prohibit the state or any political subdivision thereof from making a policy that would prohibit law enforcement from working with federal immigration enforcement related to someone who is already in custody for a violation of state law. This bill does not allow state or local law enforcement to enforce federal immigration law or to even inquire about someone's immigration status either in public or once in custody. It simply allows them, should they so choose, to respond to a detainer request issued by federal immigration authorities if one is discovered during the booking process. **Vote 11-10.**

Rep. Linda Harriott-Gathright for the **Minority** of Criminal Justice and Public Safety. The amendment as well as the underlying bill is a far reach for an issue that's not there. At the moment, the Fair and Impartial Police Policy adopted by various departments state that they will cooperate with Immigration and Customs Enforcement (ICE) if there has been a valid warrant. Therefore, the amendment creates another issue around valid warrants vs. requests. The bill is confusing, vague and oppressive to many. This bill requires municipalities to violate the fourth and fourteenth amendments and will subject those entities to liability for those violations. Remember that a person's presence in the United States in violation of immigration laws, standing alone, is not a crime; immigration violations are mostly civil, not criminal, in nature. ICE detainers are issued by ICE agents themselves without any authorization or oversight by a judge or other neutral decision-maker. ICE detainers are not warrants but a mere request. It is not a crime for an undocumented person to remain in the United States. This bill contributes to the rise in hate and injustice perpetuated by national anti-immigrant organizations. This bill undermines community trust in law enforcement and will make NH less safe. Persons may be less likely to report a crime or even testify as a witness to crime, even for domestic violence. It may make the job of law enforcement harder, people afraid to talk, and afraid of being deported after assisting law enforcement. This bill makes it illegal for a state or local agency to exercise its discretion, threatening local control again. The bill expects cities and towns to expend resources to enforce federal immigration laws, without reimbursement from the state or federal government. The state should not be about controlling the decisions of cities or towns. We love our motto: Live Free or Die and that's what most immigrants are attempting to do.

HB 1296-FN, relative to money, coin, or currency which may be forfeited in connection with a drug offense. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. In 2016 this legislature made a major step toward changing the process of civil asset forfeiture. That step required a criminal conviction in most cases prior to the forfeiture case proceeding. This bill as amended brings more efficiency and justice to the process. Instead of two separate but related cases, this bill ties the seized asset to the criminal case. It provides that in the event the prosecution fails to convict, the asset is released. In the event of a conviction on a felony charge, the forfeiture of the asset is treated as a part of sentencing. This bill also limits the process of adopting seized assets to the federal government for civil asset forfeiture. It will require that seizures made under state law remain within our criminal asset forfeiture laws. **Vote 11-10** Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. While the time has come for a closer examination of New Hampshire's civil asset forfeiture laws, the minority feels that this bill goes too far and has the potential to lead to unintended consequences. Chief among them is the requirement for an attorney acting as a public defender for a defendant in a criminal case to also represent the accused during a post-seizure forfeiture hearing. While these hearings can be held separately or in conjunction with a probable cause determination hearing, post-arraignment hearing, or other pre-trial hearing, they will need to be handled by already overburdened courts and public defenders. This is problematic because the bill includes no provision to provide additional resources from the state to ease the burden. Also worth noting is the committee received an 11 page amendment superseding another 11 page (non-germane) amendment to the original 1/3 page original bill. The amendment includes significant procedural changes. The minority feels that more time is needed to properly vet the amendment, obtain stakeholder feedback, and quantify potential costs, which is why we cannot support the bill at this time.

HB 1306-FN, relative to personal possession of marijuana. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill be held for Interim Study. The majority agreed that as there are already several bills that have been sent to the full House relating to the same subject matter, that adding this bill would be superfluous. **Vote 18-3.** Rep. Linda Harriott-Gathright for the **Minority** of Criminal Justice and Public Safety. The minority of the Criminal Justice and Public Safety Committee were in agreement it is not necessary to Interim Study this bill. It's a bad bill that should have been inexpedient to legislate. The National Academy of Sciences says that the opioid crisis is worsening where marijuana has been legalized. This bill allows a person 18 years of age to purchase and use marijuana. We should not overlook the U.S. Surgeon General's warning on the risk associated with marijuana on the brain of adolescents up to age 25. We all know the truth: science tells us today that marijuana is addictive and leads to mental illnesses such as anxiety, depression, psychosis, paranoia and sadly suicidal ideation. These are the facts. The committee has already passed a marijuana bill, we definitely don't need or require another.

HB 1348-FN, relative to the legalization of a certain amount of cannabis. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be held for Interim Study. The majority agreed that as there are already several bills that have been sent to the full House relating to the same subject matter, that adding this bill would be superfluous. **Vote 17-4.** Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. This simple and thoughtful bill provides an alternative for cannabis legalization that does not create a monopoly for the New Hampshire Liquor Commission. Unlike some related bills also under consideration, it also makes a narrow provision to allow adults to home-grow small amounts of cannabis for personal consumption. With the cost of medical cannabis not covered by the Veterans Administration, a home-grow option would allow many veterans, who use cannabis for therapeutic reasons, to grow it at their primary residence at far less cost. Under the bill, public consumption as well as possession by minors also remain prohibited.

HB 1361-FN, establishing a penalty for any person who transports a controlled drug into New Hampshire with the intent to distribute. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee after hearing testimony from the sponsor and law enforcement found that this bill should be found Ought to Pass. The years long opioid crisis in New Hampshire continues with an average of 407 deaths per year. That is a little over 3% of all deaths in New Hampshire every year being caused by opioids. Fentanyl and Carfentanyl are the most lethal of opioids and according to the Drug Enforcement Agency (DEA), almost all of these substances are being imported from outside of the U.S. Once in the U.S., New Hampshire law enforcement traces the vast majority of all opioids found in our State to have come from points outside of New Hampshire. While New Hampshire already has penalties for drug possession and dis-

tribution, there are no criminal statutes addressing the importation of drugs into New Hampshire with the intent to distribute them within our borders. The majority of the committee found that this bill would provide a powerful disincentive to those wishing to make a profit from the importation and sale of this poison in our state. In passing this, we would join many other states from Maine to California who have similar laws. The claim that interstate drug traffic is a federal matter, ignores the rarity with which U.S. Attorneys exercise jurisdiction in these matters. There are claims that this law is contradictory to the bipartisan attempt to lower incarceration rates in New Hampshire. To the contrary, strategically targeting importers and thus reducing the available supply, would reduce the number of NH citizens charged with possession and possibly save lives in the process. Passing this into law would give law enforcement and District Attorneys one more tool in their uphill battle to protect Granite Staters from this costly scourge. **Vote 12-8.** Rep. Amanda Bouldin for the **Minority** of Criminal Justice and Public Safety. This bill increases penalties for transporting across state lines any amount of any controlled drug listed under Chapter 318-B. The original bill applies to cannabis products in addition to all other substances named in Chapter 318-B, despite cannabis being legal or nearly-legal in every state bordering this legislature's jurisdiction. The amendment excludes cannabis entirely and is an improvement supported by the minority, however, the amendment does not go far enough. The minority opposes increasing penalties and creating new mandatory minimum sentences after years of bipartisan efforts in this body to reduce and eliminate mandatory minimums in New Hampshire and reduce our prison population to a manageable, affordable level. This bill takes discretion away from our courts and disallows our judges from taking circumstance into account when determining sentencing. There is significant doubt that these increased penalties will reduce the importation of illegal substances into our state, and while testimony on this bill included repeated claims that non-residents would be stopped from bringing illegal substances into New Hampshire with the intent to distribute, there is actually no carve-out in the bill for New Hampshire residents. There is also significant doubt that this bill would impact "drug kingpins" whatsoever, as those tasked with transporting substances across state lines are typically unwitting small-time users, not "drug kingpins." When the unwitting user is arrested and given a mandatory minimum sentence regardless of circumstance, another will be available to replace them and make the next drive across the border. In conclusion, this bill will not accomplish its intended purpose of reducing the importation of illegal substances into the state. However, it will increase our prison population and, accordingly, our taxes.

HB 1400, prohibiting law enforcement from using the scent of marijuana as probable cause for a search. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be found inexpedient to legislate. The bill seeks to fix a problem that does not exist. Courts have already ruled that the smell of marijuana alone cannot be used as a basis for probable cause to search. This is referred to as "Case Law" and has the same effect as a law passed by the legislature and it has been so for a number of years. All New Hampshire law enforcement agencies receive training on new changes to the law and court rulings every year and are well aware of this ruling. **Vote 12-8.**

HB 1414, requiring the state police to submit an annual report on traffic violations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The committee heard testimony from the sponsor, members of law enforcement and several lobbyists. The majority agreed with law enforcement that the bill as drafted requires law enforcement to produce information that is not within its control. Specifically, the bill requires the State Police to provide information on the payment status of citations as well as other geographic and biographic information on vehicle operators. The information regarding the payment of citations resides with the Courts. Furthermore, the bill targets the State Police. It does not require any information on accidents or citations issued by any other law enforcement agency in the state. If, as the sponsor suggests, information regarding the public interacting with law enforcement while operating motor vehicles would be valuable to help making decisions regarding traffic and road planning, the majority could not understand why only the State Police would be required to submit such information as the vast majority of intersections and road signage for traffic control is done within local municipalities. With regard to the biographical information requested concerning the operators, the bill puts the law enforcement officer in the awkward position of either guessing a person's race or asking the operator about their race. The majority finds that officers guessing about peoples' races will not provide accurate data and asking people their race during a law enforcement action roadside could lead to unfounded claims of racism against an officer as well as possibly escalating a simple traffic stop into something more. The majority found that if race is ever going to be a data point collected related to law enforcement interaction with the public, it should only be done through a system where citizens self identify their race during the motor vehicle licensing process. As written, the majority found this bill inexpedient to legislate. **Vote 12-8.** Rep. Casey Conley for the **Minority** of Criminal Justice and Public Safety. This bill would require the NH State Police to collect data on traffic violations issued by that agency, including data on the race of persons issued citations. The State Police

has indicated that the data required under this report represents an improvement over current reporting. However, the agency raised questions about the efficacy of race data without an objective source of collecting that information. That point has been echoed by members of the majority with this and other bills over the last two terms. The minority believes this hurdle can easily be addressed by placing that data on a driver's license to surmount this hurdle once and for all.

HB 1476-FN, relative to persons arrested while out on bail. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for the **Majority** of Criminal Justice and Public Safety. This bill is a bipartisan bill that maintains the core tenets of the 2018 bail reform law while addressing critical gaps that have emerged since that measure took effect. Specifically, it aims to address cases where the same person is arrested repeatedly while on bail. As amended, the bill would require someone who is arrested for a Class A misdemeanor or felony, while already out on bail for a separate offense, to be held in jail until they could go before a judge to set bail. Similarly, it would require a judge to set bail in cases where someone is charged with two Class B misdemeanors while free on bail. That judicial hearing would be required to occur within 36 hours, except when the arrest happens on weekends or holidays. A primary purpose of bail reform was to ensure nobody is jailed pending trial solely because they cannot afford bail. That provision remains in effect. But, as amended, the bill creates a mechanism to address the small fraction of cases where people reoffend multiple times while waiting for their initial criminal case to be adjudicated. People subject to this new standard are often in need of mental health or addiction services, and coming before a judge could begin that process much sooner than under the current system. **Vote 13-7.**

Rep. Ray Newman for the **Minority** of Criminal Justice and Public Safety. This bill has a good intent which is to prevent people, that are released on bail, and are charged with a class B misdemeanor or with a third or subsequent offense, be held in preventive detention without bail pending a hearing before a judge. Also, the court shall not order personal recognizance bail in such cases. The bill accomplishes this by omitting the permissive word "may" and inserts the mandatory word "shall." The result of this change is to mandate that the decision on bail and release must be made by a judge. It also reduces the detention period from 72 to 36 hours. This sounds like a good solution and it is, during regular court hours when a judge is usually available and the charged person's due process rights can usually be preserved. However, on weekends, judges are not available. So, the change means that during those hours a charged person potentially can be detained for much longer than 36 hours. Charged people may also be detained for charges that may all be minor with no possibility of jail time. A charged person is innocent until proven guilty. However, they are deprived of their access to due process, during non-court hours, because they will no longer have access to bail commissioners. A large percentage of people that find themselves in this predicament have mental illnesses, homelessness, or substance abuse problems and jail time is not the proper solution. And, now everyone meeting these conditions, who is charged during non-court hours, will be subjected to the same diminished due process.

HB 1512-FN, relative to the parole of certain prisoners. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be found inexpedient to legislate. The majority found that the changes to the parole system proposed in the bill would have a detrimental effect on both the Courts and the Parole Board, possibly causing an extended backlog and delays in parole hearings which would achieve the very opposite effect of the bill's goal. Further, the bill does not contemplate the negative impact on victims and their families, who would for all intents and purposes, be required to re-live the original trial of the convicted, even though they were sentenced to life without parole. **Vote 12-8.**

Rep. Linda Harriott-Gathright for the **Minority** of Criminal Justice and Public Safety. The minority of the committee, believe that this is a good bill. It adds a paragraph in RSA 651-A:6 inserting after paragraph IV: V.(a) "The commissioner shall grant a parole hearing to any person who has been incarcerated in a state correctional facility for at least 25 years. The commissioner shall schedule such hearings as soon as practicable after the prisoner reaches his or her 25th year of incarceration." It is not retroactive to capital murder or those convicted of murder. For far too long we have ignored the facts listed in the bill in section one paragraphs one through ten. We must begin to repeal laws that imprison with the old mentality of "lock them up and throw away the key," and that men and women are incapable of rehabilitation. Statistics show persons convicted of violent offenses are among those with the lowest recidivism rates. It also shows that nearly 40% of people serving the longest prison terms were incarcerated prior to age 25 and that people age out of violence. It also shows that a significant proportion of people who have committed violent crimes have been victims of crime or serious trauma themselves. As a state we must start to address the total person. Yes punishment, however, we must invest in prevention and rehabilitation rather than incarceration. Today in NH it costs \$54,386 a year to house an inmate, that does not include medical.

HB 1539, relative to the removal of certain information from the New Hampshire state police website. **IN-EXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill would remove certain information from the NH State Police website. While the bill was well intentioned, it was created without an understanding of the situation. The State Police on a weekly basis post a blotter of people accused of crimes. The posting is done as a PDF. The next week a new posting is made for that week's activity. The bill wanted to remove a name from a previous posting. The first posting was replaced with a new posting; if in the meanwhile, a third party had grabbed the original posting and moved it to their website. The State Police have no control of that site and they could not edit it or remove a record from it. **Vote 10-7.**

HB 1600, relative to the use of body cameras by law enforcement during an interview or interrogation. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The committee heard testimony from the sponsor, various members of state and local law enforcement, and members of academia as well as several interest groups. The majority did not find the idea without merit. However, there is no funding provided for in the bill as written and the witnesses from law enforcement testified that there would be expenses required for both equipment purchase and record retention and thus the bill amounts to an unfunded mandate as prohibited by part 1, article 28-a of the New Hampshire Constitution, ratified in 1984, which states: 'The state shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the state ...' Further, without a standardized method across the state of recording and storing the data from such recordings adds both to the legal complexities and cost associated with this bill. As stated, there is merit to the concept as it would both provide greater protection of the rights of our citizens and assist with the proper enforcement and prosecution of criminal activity. The only push back the committee heard from law enforcement was related to cost and logistics. Accordingly, the majority found that interim study of this bill is appropriate so that the issues discussed can be addressed. **Vote 17-3.**

Rep. Ray Newman for the **Minority** of Criminal Justice and Public Safety. This bill prohibits the use of a Body Worn Camera (BWC) to record the following: "An interview or interrogation of any person whether audio, video, or both, performed by a law enforcement officer inside a law enforcement agency building if no other means of recording is available in the building." The minority believes that all interviews and interrogations should be recorded. When a BWC is the last resort for a recording; interviews and interrogations recorded with a BWC are preferable to interviews and interrogations that are not recorded.

HB 1668, requiring a background check prior to any commercial firearm sale. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. This bill will make the gifts or loaning of firearms between friends, family members, and neighbors into crimes. The sponsor has offered the same bill several times in the past and it has always been rejected as a huge government overreach into private activities that are none of the government's business. To be sure, those who violate the provisions of this bill, either knowingly or unknowingly will be arrested and charged with a misdemeanor. Those who came to the committee to support this bill did not explain how it would have stopped any of the tragedies that the country has witnessed in recent years such as Newtown, CT, the criminal murdered his own mother and stole her gun, Aurora, CO, the murderer passed a background check, Tucson, AZ, another murderer who passed a background check, and practically every other modern American tragedy. Until someone commits a crime they are not a criminal and the background checks, which are being promoted by the sponsor of this bill, will not stop them. The murderer in South Carolina was enabled by a failure of the FBI – background checks cannot be made to work because there are hundreds of millions of firearms in America and criminals will do what criminals do. Under provisions of federal law, private parties, not gun dealers, can only sell guns to one another if both parties to the transaction are residents of the same state. The sponsor's assertion that out-of-state criminals are obtaining guns in New Hampshire is incorrect. For these reasons, the majority of the committee recommends that this be voted inexpedient to legislate. **Vote 11-9.** Rep. Casey Conley for the **Minority** of Criminal Justice and Public Safety. This bill would require all commercial firearms sales to be handled by a licensed firearms dealer, who would be required to perform a background check on the buyer before finalizing the sale. The bill addresses private sales between adults, during which background checks are typically not conducted. Up to 22 percent of gun sales occur this way, potentially letting people prohibited from acquiring a firearm to get one. These prohibited persons can, and do, include felons, people guilty of domestic violence, and the mentally ill. This kind of legislation aims to keep guns away from people who should not have them while protecting the Second Amendment rights of everyone. Requiring background checks for firearm purchases is supported by huge majorities of NH residents, and the minority believes we should follow their will and pass this legislation.

EDUCATION

HB 1047, relative to the chartered public school joint legislative oversight committee. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ralph Boehm for the **Majority** of Education. This bill is not needed. Another bill, HB 1236, reinstates the Legislative Oversight Committee for the Education Improvement and Assessment Program. This committee gives oversight for education in all public schools which includes charter schools. **Vote 10-9.**

Rep. Linda Tanner for the **Minority** of Education. The current Charter School Legislative Oversight Committee (RSA 194-B:21) has not met since 2016 and their last report was in 2011. At the same time, there has been a significant increase in the number and variety of charter schools. This bill streamlines and broadens the membership of the oversight committee to facilitate and revitalize the committee. The bill also requires a yearly report that will help provide legislative oversight, guide the development of the charter school programs, and share the innovations from charter schools with other public schools.

HB 1051, relative to state board of education rules for credit for alternative, extended learning, and work-based programs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick Ladd for the **Majority** of Education. The State Board of Education pursuant to RSA 541-A currently have authority relative to the approval of alternative programs for granting credit leading to graduation. This bill is unneeded as the department and state board already have a process for the application, vetting, and approval of vendors offering alternative, extended learning and work based offerings leading to high school graduation credit. This bill would allow local school boards authority to reject credit earned through approved alternative education learning experiences that meet or exceed state approved academic standards. Graduation credit should be awarded based upon a student's meeting academic competencies regardless of where the graduation credit was earned. Education responsibility in NH is a shared responsibility and in the best interest of the student. **Vote 10-9.**

Rep. Linda Tanner for the **Minority** of Education. Parents are now faced with a myriad of educational choices through the Learn Everywhere Program. Public schools are faced with the task of examining the requests for credits for graduation. It would help both schools and parents to have a central location, the Department of Education, to have their professional staff review and publish the profiles of vendors offering alternative, extended learning, and work-based programs which may be accepted by the local school board for credit leading to graduation in any school district in this state.

HB 1090, relative to teaching on discrimination in the public schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick Ladd for the **Majority** of Education. If passed, this bill would repeal provisions of the law relating to the right to freedom from discrimination in public workplaces and education, RSA 354-A:29 through RSA 354-A:34 (Freedom from Discrimination in Public Workplaces and Education). This statutory language was established and signed into law one year ago in HB 2, reinforcing the responsibility that the whole history of the United States needs to be taught; however, to directly or indirectly imply or teach or convey personal opinion that an individual is inherently racist because of one's skin color or teach unproved theory stating that one is an oppressor or the oppressed due to an inherent characteristic should not occur in any workplace or classroom. This is a primary reason for the majority's recommendation of Inexpedient to Legislate. **Vote 10-9.**

Rep. Sue Mullen for the **Minority** of Education. This bill repeals the prohibition on teaching about discrimination and replaces it with language that ensures that the instruction of both historical facts and current experiences of protected classes is permitted in NH classrooms, and that teachers may teach without fear of civil liability. The only true way to understand prejudice and discrimination is through open, honest discussion. The committee heard impassioned testimony from current NH teachers about the stifling effect of potentially career ending penalties in violating a law that they do not understand. The vague parameters of the law have created confusion in the classroom. The minority supports the repeal, as well as the repeal of the prohibition of free exchange between public employers, government programs, and employees.

HB 1113, prohibiting the department of education and the state board of education from directing or limiting school instructional options, such as remote learning. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for the **Majority** of Education. Remote instruction and student learning loss are huge issues. Our math proficiency scores have dropped from 48% to 38% of students proficient. Studies have reported learning loss of over one-half a school year. This bill would prohibit the Department of Education from limiting school options such as closing or going to remote learning. It is an attempt to overturn the new rules just passed by the state Board of Education and the Joint Legislative Committee on Administrative Rules. These rules do not prohibit closures and specifically allow for closures due to weather or a parental request for remote instruction. They provide for parental options rather than school mandates. We should do all we can to keep our schools open and providing in-person instruction. **Vote 10-9.**

Rep. Marjorie Porter for the **Minority** of Education. Throughout the pandemic, the state, saying one size does not fit all, left it up to individual school districts to determine the best way to keep their students, staff, and the community they serve safe and healthy. When emergency orders were in place, schools went to remote learning as a way to keep kids safe and learning, and staff and families as well; as things progressed, remote, hybrid, and in person options were used. Districts were nimble, pivoting quickly from one to the other as conditions required. However, even though the pandemic is not over, a recent rule change at the Department of Education takes away the remote option as a way to meet the 180-day school year requirement. Under the current rule, days of remote instruction must be made up at the end of the year, except if used for a snow day. The bill, as amended, allows schools to use remote instruction as an emergency option for up to five days per school year, and to petition the Department of Education for a waiver if more than five days are needed. The minority believes that systems and tools are in place and staff have gained the skills to make remote learning a viable option in times of emergency, and that schools should be able to stay nimble if they need to be.

HB 1114, relative to education service providers under the education freedom account program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill is well intended, but not necessary. It requires the scholarship organization that manages the education freedom account (EFA) program to maintain a list of educational service providers on their website. But they already have a list posted on their site. In addition, new administrative rules recently passed require the scholarship organization to include education service provider name, eligible services, fee amounts received for services, and number of EFA students served. They also have to post a list of any disqualified providers. The rules also require a list to be posted on the Department of Education website. If anything additional is needed, the EFA Parent and Education Service Provider Advisory Commission can make that recommendation. **Vote 10-9.**

Rep. Patricia Cornell for the **Minority** of Education. The minority felt that putting into statute the requirement that the scholarship organization compile a directory of public profiles for each education service provider that is publicly available through various sources would provide a useful, easy, and convenient tool for parents. Parents would be able to use the listed profiles to make the most appropriate choice for their child. The majority felt it unnecessary as this was going to be put into place by rules, but the minority felt that it should be put into law to ensure it would continue to be done.

HB 1115, relative to record of educational attainment under the educational freedom account program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deborah Hobson for the **Majority** of Education. This bill requires education freedom account (EFA) students to take the annual statewide assessment. The majority of the committee heard testimony that students participating in EFAs, often homeschool students, compile information throughout the school year into a portfolio. This method has been approved and for some is a better method to measure progress. These portfolios need to be assessed by a credentialed teacher. Under current legislation, EFAs are provided three options for assessment that are in line with the requirements in statute. This bill would take away two options, forcing parents into a single assessment option that is inconsistent with our currently approved options. This creates an unnecessary burden on families that are trying to stay compliant with assessments. Providing multiple ways for assessment allows families to choose the best test fit for them. There is really no reason to test students participating in the EFA program differently than public school students. **Vote 10-9.**

Rep. Patricia Cornell for the **Minority** of Education. The minority unanimously felt that this bill, requiring students who participate in the education freedom account (EFA) program to take the same annual statewide assessment as public and charter school students do, would provide accountability and transparency to taxpayers. This bill addresses concerns that we heard during public hearings. The statewide annual test is set up to measure the skills and knowledge deemed necessary to an adequate education. Only by using the same assessment can it be determined that EFA providers are meeting the same accountability requirements.

HB 1120, relative to education service providers under the education freedom accounts program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill is based upon a mistaken understanding of education freedom account program and the range of education options open to families. It would require education service providers to have been in operation for at least one year and have a proven record of academic success. What about providers that are not schools – like therapists and other allowable expenses like computers, curriculum, or fees for assessments? The intent goes back to the false concept that this program provides vouchers to schools so we must again correct program opponents – this is not a voucher program. The bill also requires criminal background checks which are already done by non-public schools. This provision, however, would also apply to a mom home schooling neighborhood children. We are going to force somebody to run a background check on that mom? We think not. **Vote 10-9.**

Rep. Sue Mullen for the **Minority** of Education. This bill addresses the quality of instruction and safety of students participating in the education freedom accounts program. By requiring education service providers

to present evidence of financial stability and academic success, along with completing the vetting process established by the Department of Education (DOE) for approval and oversight of non-public schools, we take important steps towards guaranteeing that taxpayer dollars are being well spent. By requiring all education service providers to go through the DOE specified background check and adhere to applicable health and safety regulations, we begin to construct a safety net designed to be just as comprehensive as the one we have established, and continue to improve, for students enrolled in our public schools. The minority regrets the fact that there was no opportunity to address these concerns prior to the implementation of the program, as it is a struggle to get the horse back in front of the cart.

HB 1131, relative to facial covering policies for schools. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Glenn Cordelli for the **Majority** of Education. The Governor and the Departments of Health and Human Services and Education are no longer recommending universal face mask use and have stated that decisions on face mask use should be based on individual choice. This includes in schools. For too long, schools have ignored the educational impact of mandated wearing of masks on children. At the public hearing on this bill, we heard testimony on the educational impact and we have seen that impact here in NH. This amended bill will require all public schools to adopt a policy that states it will not implement a policy to require students or the public to wear masks on any school property. This will also apply to the public entering a school or attending a school board meeting. There is an exemption for facial coverings necessary for athletics or instructional purposes such as science experiments. There are also remedies provided for aggrieved persons. Masks can no longer be a school mandate; they will be an individual choice. **Vote 10-8.**

Rep. Linda Tanner for the **Minority** of Education. This bill bans school boards, school districts, and chief administrative officers of public schools from adopting, enforcing, or implementing a required mask policy. It provides a private right of action for anyone aggrieved through civil action in superior court. In addition, this radical and vindictive bill singles out teachers who would be following school district mask policies to make a choice between being fired for failing to follow policy or be reported to the Department of Education for violation of the Code of Conduct which could result in the loss of their teaching credentials and livelihoods. This bill attacks the very people who were trying to perform their jobs, keep children safe, follow public health guidelines, school board policies, and teach our children under extreme circumstances.

HB 1132, relative to applications for a charter conversion school. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Alicia Lekas for the **Majority** of Education. This bill, as amended, removes certain vote requirements for conversion of a public school to a chartered public school and adds the requirement for a two-thirds vote of the school district at a regular annual meeting. The original bill requires a majority vote. The amendment changes it to a two-thirds vote. **Vote 11-8.**

Rep. Arthur Ellison for the **Minority** of Education. The minority believes that this bill provides for the opportunity to dismantle public schools by taking away the responsibility for local schools from locally-elected school boards. This bill allows a local school district to convert their public school(s) to public charter schools without any input from the teaching/administrative staff of the existing public school. Such action would immediately terminate any existing contracts between teachers, administrators, and other school employees and the local school district. New agreements would have to be negotiated between these employees and the charter school trustees. Since only 50% of the teachers in the new charter conversion school need to be certified by the Department of Education, the quality of the educational experience for students in those schools is an open question.

HB 1137, relative to the duty of school boards to provide education. REFER FOR INTERIM STUDY.

Rep. Ralph Boehm for Education. This bill provides more than the title provides. More research is needed for what is needed for school board duties concerning superintendents, parents, teachers, etc. In the past few years issues have been brought up on parental input, student teaching, etc. This Interim Study will allow us to research existing laws, rules, and policies and maybe suggest different laws and regulations. **Vote 12-6.**

HB 1152, relative to verification of eligible students under the education freedom account program. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Rick Ladd for the **Majority** of Education. This bill requires that eligible students in the education freedom account (EFA) program continue to verify eligibility for free and reduced price meals. To be eligible for an EFA, a student must be a resident of the state whose annual family income at the time of application to the program is less than 300 percent of the federal poverty guidelines. To be eligible for the portion of differentiated aid established for free or reduced price meal program support, the student, as with students in the public school program, must annually complete a free or reduced price meal program application. This application must be processed annually and in all subsequent years to determine eligibility for this portion of differentiated aid. The process is administered by the scholarship organization with reporting submitted to the Department of Education. Eligibility for participation as an EFA student is determined one time upon initial admittance to the program. There is no need for this legislation. **Vote 10-9.**

Rep. David Luneau for the **Minority** of Education. As of November 2021, the Department of Education reported just 879 of the total 1,635 education freedom account students meet income eligibility requirements in order to receive additional state funds. This bill requires annual verification before these additional taxpayer dollars are deposited to a student's account. Public school students must annually meet income eligibility requirements in order for their school district to receive this additional state aid as determined by RSA 198:40-a. The minority believes this bill is necessary to ensure compliance with current law.

HB 1190, relative to rulemaking by the state board of education for compliance with federal provisions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Hobson for the **Majority** of Education. Improper funding of state mandates in New Hampshire violates our New Hampshire Constitution under Part First, Bill of Rights, Article 28-a. These programs become local taxpayer responsibilities with only a rising property tax bill to let them know the program exists. This measure does not oppose the federal government, but does tell the state board they cannot create rules where there is a lack of federal funding. Similar bills have been heard in the Education Committee, and this committee has also voted down federal legislation that could not be fully funded. **Vote 10-9.**

Rep. Marjorie Porter for the **Minority** of Education. This bill prevents the State Board of Education from adopting administrative rules that require a school district to comply with a federally mandated curriculum or program of study not fully funded by federal or state funds. Simply not writing rules for compliance will not stop districts from having to follow those mandates. However, not following federal mandates could cost the state millions in federal aid districts and the Department of Education rely on to provide programs and services to students. Of particular concern are mandates surrounding the Individuals with Disabilities Education Act (IDEA) and special education services. This is a feel-good bill that accomplishes nothing, but could cause great harm to students who require special education services to thrive.

HB 1233, prohibiting higher education institutions receiving state funds from requiring face masks and COVID-19 vaccinations for attendance. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for the **Majority** of Education. This bill prohibits higher education institutions from requiring a COVID-19 vaccination or face masks for enrollment or attendance. The majority recommends Interim Study as it has been determined that there are a number of higher education studies that rightfully so require masks for the purpose of safety to one's person or others within professions such as engineering, medical, chemistry, and more. This bill requires further study. **Vote 11-7.** Rep. David Luneau for the **Minority** of Education. The bill prohibits state community colleges and universities from requiring students to be vaccinated against COVID-19. Without vaccination policies, deadly viruses like measles, mumps, and rubella, that have been managed well for decades, could spread like wildfire. The bill doesn't deserve further study. Or maybe more frequent boosters should be recommended as protection against the increased risk of viral spread. Tell that to families who have lost loved ones to COVID-19. To recommend further study simply ignores how vaccines have reduced disease and increased life expectancy. Vaccination policy should be left to the institution trustees and one only needs to look at modern history to see this bill should be rendered Inexpedient to Legislate.

HB 1241, prohibiting a school district from mandating a COVID-19 vaccination for school attendance. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. A member of the FDA Advisory Committee concerning COVID-19 vaccines for children ages 5 to 11 has stated, "we're never going to learn about how safe the vaccine is until we start giving it. That's just the way it goes." Children have a 99.997% survivability from COVID-19, but we are going to mandate vaccinations? We have had legislation this year to require COVID-19 vaccinations in order to attend school; do we really want to deny an education to children if they choose not to get vaccinated? This is more about control than it is about science. This bill prohibits any school district from mandating vaccinations as a condition to attend school. Why would we allow these mandates? Why would we play into the control agenda? We should follow the science, not the political science, and prohibit these mandates. **Vote 10-8.**

Rep. Stephen Woodcock for the **Minority** of Education. This bill is superfluous as the Department of Health and Human Services controls the vaccinations required to attend public schools. As passed, it has zero legal weight and will be overruled when and if the Department of Health and Human Services deems COVID-19 vaccinations are required for public school attendance.

HB 1261, prohibiting the use of Native American mascots in public schools, colleges, and universities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Moffett for the **Majority** of Education. The majority takes issue with the notion that the use of indigenous Native American Indian symbols by schools or sports teams is inherently disrespectful or derogatory. To the contrary, such symbolism was intended to honor various qualities and attributes of Native Americans. Indeed, many polls show significant support among Native Americans for continued associations with sports teams and educational institutions. Activists emotionalize and define the issue on their terms

and even seek to ban such generic nicknames as “warriors” which are not even specific to Native Americans. Further, this should be a matter of local control. Schools or communities should have their own discussions on the issue of retaining or rejecting such symbols, as opposed to having the heavy hand of the state deployed to impose policies favored by activists who see no need for compromise. **Vote 10-9.**

Rep. David Luneau for the **Minority** of Education. This bill prohibits a public educational institution from using a Native American mascot, except under certain circumstances. The minority believes that use of Native American mascots should be prohibited in public high school and public intercollegiate sports. The use of offensive imagery and indigenous slurs was never a good idea and today we are well beyond the time to prohibit this reprehensible practice. The committee heard from members of New Hampshire’s Indigenous People community as to the offensive nature of these mascots, monikers, and team names. This practice does not honor Native Americans, but instead invokes racism and is a blatant and shameful form of discrimination.

HB 1283, relative to liability as taxable income of education freedom account payments. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the **Majority** of Education. The education freedom account program statutes include the provision that monies in the account are not taxable. The bill would repeal that provision. But why? Every state with a similar program has the same language in their legislation. Based upon discussions with experts, nobody in a state with such a program has ever had those funds taxed, and the Arizona program dates back 10 years. There is a saying that if it is not broke, don’t fix it. Thus, for us, the saying should read it’s not broke, so find it Inexpedient to Legislate. **Vote 10-9.**

Rep. David Luneau for the **Minority** of Education. Current law in RSA 194-F:2 contains a statement that education freedom account funds are not subject to tax. The minority believes this is a misleading, unnecessary, and potentially incorrect statement. These taxpayer funds are used to pay for private school tuition and home school costs at the direction of the parent or guardian and are not considered a tax exempt transaction by the Internal Revenue Service. At the federal level, several attempts to make voucher payments exempt from federal taxes have failed. This bill does not change policy and simply removes what may be incorrect information.

HB 1298-FN, relative to eligibility for the education tax credit. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. The Education Tax Credit Scholarship Program dates back to 2012. The average scholarship is approximately \$2,600 compared to the state average cost per student of over \$18,000. Yet parents are finding great education solutions. A recent parent survey found 94% satisfied and no parent dissatisfied with their new education option. As with the new Education Freedom Account Program, there is a family income cap of 300% of the federal poverty guidelines. That limits participation to about only one-third of NH families. Too often, government programs provide for low income families but ignore the middle class. It is time that we increase the income cap to 500% of poverty level and provide opportunities for lower middle income family children. The awarding of scholarships is based upon the number and amount of donations received. Unless there is a significant increase in donations, no scholarships would be provided to families with incomes above the current cap. And the law requires 40% of scholarships to go to families with incomes under 185% of poverty. That will not change. Why pass this bill and raise the cap then? It will send a message to NH families that we value education opportunities for all. It will send a message to businesses that they have expanded opportunities to help families with their donations. It is time to send a message. It is time to raise the cap. **Vote 10-9.**

Rep. Stephen Woodcock for the **Minority** of Education. The tax credit scholarship fund was created to support students from low-income families. This bill expands the annual income parameter from 300% of the federal poverty guidelines (approximately \$79,000 annual income for a family of four) to 500% of the federal poverty guidelines (approximately \$132,000 annual income for a family of four). Currently, the program has a waiting list larger than the number of students that they have served. Why would the legislature want to expand the annual income requirements by almost \$50,000 when the organization can’t service the student request that they currently review? Additionally, there is nothing contained within the legislation to require low-income families to be granted funding before those families with expanded incomes of the additional \$50,000. Approximately 45% of the students currently served meet the federal guidelines for free and reduced lunch which also means that 55% are above the lowest threshold.

HB 1332, excepting public universities and colleges from requirements under medical freedom in immunizations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the **Majority** of Education. We all can agree that our community did not know the strength or extent of the virus in the recent COVID-19 pandemic. The medical community has been our strength and support throughout the last two years. The majority of the committee believes that medical decisions on new treatments carry risks that should only be made upon consultation between patient and doctor. Additionally, immunizations that have not had the test of time and efficacy should be family decisions and not those of schools, businesses, or the New Hampshire state legislature. These rights are outlined in the New Hampshire Constitution under Part First, Article 4 “Rights of conscience unalienable.” **Vote 10-8.**

Rep. Linda Tanner for the **Minority** of Education. Vaccines have long been required for schools because of the close person to person contact in rooms and buildings where community transmission of diseases is likely. Vaccines have been one of the greatest medical tools of the 20th and 21st century for controlling and practically eliminating the threat of a long list of diseases like polio, smallpox, mumps, and tetanus. These vaccine requirements are set by the Department of Health and Human Services, not the schools themselves. This bill eliminates the exemption in the “Medical Freedom in Immunizations” law for any vaccination requirements for the University System of New Hampshire and Community College System of New Hampshire. Many career paths in health fields such as nursing have state-required vaccinations for students who will be doing clinical work to protect them and their patients. Let the proper agencies of state public health and the Department of Health and Human Services set the requirements for vaccinations, not the legislature, schools, or public universities. By placing these radical restrictions on the lifesaving vaccines, this bill endangers our students and staff as well as the safety of our public university and college campuses.

HB 1355, requiring the scholarship organization to refer suspected cases of misuse of funds or fraud in the education freedom account program to the attorney general. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill would revise language in the education freedom account statutes related to the misuse of funds. It would remove language that any misuse would have to be intentional and substantial to be reported to the Attorney General’s Office. It would require any small, accidental use of funds by a parent to be reported. Rules for the program passed by the State Board of Education and the Joint Legislative Committee on Administrative Rules already address the required reporting and defines the meaning of intentional and substantial misuse. Therefore, this bill is not needed and might impact families trying to provide education options for their children. **Vote 10-9.**

Rep. David Luneau for the **Minority** of Education. Current law does not require the contractor that manages the education freedom account program to refer suspected cases of fraud or misuse to the attorney general for investigation. Voucher programs in other states have documented cases of fraud and misuse of taxpayer funds, such as for purchasing vacations and even a jet ski. The minority believes this oversight should be corrected in law and not left to the discretion of a contractor that keeps ten percent of taxpayer funds that are spent.

HB 1367, relative to civics instruction in schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. Civics education is an important issue and last year we passed legislation to require passage of the civics naturalization examination developed by the 2020 United States Citizen and Immigration Services as a requirement for high school graduation. This amended bill requires schools to provide accommodations for children with disabilities. Current law specifies that local districts submit either their local civics assessment results or the U.S. Citizen and Immigration test results to the Department of Education. Since local assessments vary from district to district and having either submitted, it would not be possible to get any valid data on civics knowledge in the schools, this bill specifies that the U.S. Citizen and Immigration test results only be sent to the Department of Education. **Vote 10-9.**

Rep. Linda Tanner for the **Minority** of Education. This bill requires the public schools in New Hampshire to report test results from the United States Citizenship and Immigration Services test to the NH Department of Education. This online test, with all the answers also available online, is required for high school graduation. A school district’s graduation credits and requirements are determined and certified by the local school board. Not only does this bill seem to be unnecessary, but we were given no logical reason for the use of the collection of this data. We do agree with the part of the bill requiring schools to provide accommodations to modify this test for a child with disabilities, which again, is already being done by the local school. This bill is totally unnecessary, is an unfunded mandate, and adds one more level of bureaucratic red tape and reporting.

HB 1376, relative to participation in the education freedom accounts program by students with disabilities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Deborah Hobson for the **Majority** of Education. This bill seeks to alert parents to the changes in a student’s individualized educational plan (IEP) should the family decide to participate in an education freedom account (EFA). Children in “approved” nonpublic schools requiring special education services are covered by the Individuals with Disabilities Education Act (IDEA) in 20 USC section 1412 using an individual service plan. Special education services that may have been offered and delivered by public schools or sending districts or local education agencies are held at the school for the child for a specified period of time in the event the child returns to their sending district, they can resume the IEP. There are already provisions in New Hampshire rules to alert families to changes to their children’s IEP. Additionally, there is notice within the Education Freedom Account Application to these changes. This measure is duplicative and will cause unnecessary confusion. **Vote 10-8.**

Rep. Patricia Cornell for the **Minority** of Education. Vouchers/EFAs limit your student’s right to a free and appropriate public education. Current law does not ensure that parents of students with disabilities that

are parentally placed in a non-public elementary or secondary school using an education freedom account (EFA) are adequately informed of their rights. The minority felt that the bill with amendment corrected this and ensured that parents of students with disabilities were given an explanation of their rights under the Individuals with Disabilities Education Act (IDEA), without having to search through what can be a confusing application form. The bill was written with input from the Department of Education. It is disappointing that we could not work together to improve the information that parents of students with disabilities receive, which was the intent of the bill.

HB 1381, relative to student school board members. **OUGHT TO PASS.**

Rep. Alicia Lekas for Education. This bill states that at least one student member shall be on the school board from each public high school in the district. Although this is considered by many as a local decision, the majority of the committee believe that student participation from all the high schools will strengthen board awareness and understandings of secondary education throughout the district. Student board members are non-voting members and not involved with employee and other confidential matters. **Vote 14-5.**

HB 1434-FN, relative to the availability of school curriculum materials. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for the **Majority** of Education. This bill, as amended, provides for the availability of curriculum materials to a parent, legal guardian, or resident of the public school district. To the extent practicable, and upon request from a parent, legal guardian, or resident of the public school district to review curriculum course material used to support student learning in a grade level, course, or program at a school operated and governed in its district, the district shall make available the requested curriculum course material within ten business days. Access to curriculum material used in schools will assist parents, guardians, and interested district residents in better understanding the curriculum and assisting their children in the learning process. **Vote 10-9.**

Rep. Sue Mullen for the **Minority** of Education. The minority believes that this bill is unnecessary, due to the fact that procedures already exist for parents and legal guardians to access curriculum and provide alternatives for objectionable material. This bill adds "resident of the public school district" to the parties entitled to review course materials, opening up every class, course, or program for a time limited account of previously school board-approved curriculum. The minority believes that this would result in cumbersome and unnecessary administrative work for classroom teachers and recommends Inexpedient to Legislate.

HB 1564-FN-LOCAL, requiring school districts to provide breakfast for students. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deborah Hobson for the **Majority** of Education. This bill requires schools to provide breakfast to students through the National School Breakfast Program or through a program of its own. In the education hearings we learned that 466 schools are taking advantage of the school lunch program, and only 30 were not already providing breakfast. Since the costs of starting up the program, personnel to oversee and run the program, are not funded, this would violate the New Hampshire Constitution Article 28-a as an unfunded mandate. With only 30 schools in New Hampshire not participating in the program, it would seem to be a matter of choice over cost. **Vote 14-4.**

Rep. Arthur Ellison for the **Minority** of Education. The minority believes that all New Hampshire public school children should have access to a healthy breakfast to start the school day. Currently 30 school districts do not provide breakfast to their students. Each of these districts implementing a breakfast program would be eligible for reimbursement for the cost of the breakfast meals through the Department of Agriculture's Free and Reduced Price meal program. All research on school breakfast programs shows that participating students improve their school attendance and academic achievement. The bipartisan sponsors of this bill believe that feeding our children should be an essential component of all public schools in our state.

HB 1576-FN, repealing the law relative to certain discrimination in public workplaces and education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rick Ladd for the **Majority** of Education. The provisions of this law provide for certain restrictions on certain educational programs by public schools and provides for disciplinary sanctions to be taken by the Board of Education against educators who violate the statute. This bill would repeal the Right to Freedom from Discrimination in Public Workplaces and Education. The majority supports provisions put in place in 2021 preventing discrimination in the workplace and in public education. **Vote 10-9.**

Rep. Sue Mullen for the **Minority** of Education. This bill, as introduced, repeals current law relative to discrimination in public workplaces, the prohibition on public employers, and the prohibition on government programs and speech. At present, the law prevents the discussion of historical facts, diverse perspectives, and current experiences of protected classes in the workplace without fear of civil penalty. This applies to states, counties, cities, towns, precincts, water districts, school districts, school administrative units or quasi-public entities. Employee rights may be protected, should they refuse training regarding protected classes, but employers are not. The minority believes that the law is vague, allows for too much personal interpretation, stifles the free exchange of ideas, and should be repealed.

HB 1607-FN, prohibiting unlawful discrimination in public and nonpublic schools. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill would extend discrimination enforcement to the State Board of Education over both public and private schools. We heard testimony that private schools should accept all applicants regardless of their ability to pay tuition and that old claim that public schools accept all students and so private schools should also. We heard detailed testimony from the director of the Human Rights Commission that they have authority in education cases and that this bill would create confusion for people as to where to file a complaint. She further explained the process for investigation and processing of complaints that they already have in place. This legislation would also effectively remove the constitutionally protected exemptions for religious organizations that are in place in the human rights statutes. **Vote 10-9.**

Rep. Linda Tanner for the **Minority** of Education. This bill extends New Hampshire's nondiscrimination law and equal protection to non-public schools, tuition programs, and educational services that receive state funding. Presently, all schools receiving federal funding must follow the federal laws which prohibit discrimination based on a person's national origin, race, color, religion, disability, sex, and familial status. In 2019, SB 263 that provided all public school students and their families the extended protections afforded by New Hampshire's discrimination statute was signed into law. RSA 193:38 added protections for age, gender identity, sexual orientation, and marital status and provided for redress by civil action in the superior court or with the NH Commission for Human Rights. This bill expands the scope of RSA 193:38 to include all schools that receive state funds and requires the State Board of Education ensure that the protected classes listed be shielded from discrimination. This bill would make it clear that civil rights protections would be applied uniformly for equal access to education for all students across the state as state funding is extended to non-public schools, tuition programs, and educational services.

HB 1632-FN, relative to civil rights education in public elementary and secondary schools. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alicia Lekas for the **Majority** of Education. This bill adds instructional requirements for civil rights and acts of discriminatory injustice to the course of instruction in schools concerning national and state history and government. Communities have communicated events of history are not being covered adequately. With Black History Month approaching, schools should take some time to discuss where this country has come from and to further discuss where and how improvements can be made. The purpose of this Interim Study is not to assign new instruction to teachers, but to take a look at current curricula to see if there is a way to make sure the civil rights movement is being taught well, to include the ills of our past leading to present day. The purpose of the bill is not to add more on the shoulders of our teachers. **Vote 10-9.** Rep. Linda Tanner for the **Minority** of Education. The minority believes that curriculum decisions are a local school district responsibility and should not be prescribed in statute.

HB 1638, relative to grievances under the right to freedom from discrimination in public workplaces and education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alicia Lekas for the **Majority** of Education. This bill modifies the procedure for grievances for certain violations of discrimination in the workplace or education and repeals and reenacts RSA 193:40, III. This bill has the person aggrieved by an act made unlawful by this subdivision first file a written complaint to the district superintendent, and has steps to take from there which could ultimately lead to a civil action against the school or school district. This process could add considerable time for the grievance to be addressed. As it stands now, the Human Rights Commission would immediately address the complaint. In addition, if the superintendent is the one initiating the discrimination, as we have seen is happening in a number of school districts, the parent will not want to go to the superintendent for fear of retribution against their child. Also, before most parents are willing to go to court, an expensive act, they already go to their local administrators first unless the administrators are the perpetrators of the discrimination. The majority feels that the process in RSA 193:40, III would work the best and should be left in place. **Vote 10-9.** Rep. Linda Tanner for the **Minority** of Education. This bill gives a person a local procedure for filing a grievance for discrimination complaint in a school district with the superintendent. It allows the superintendent to conduct an impartial investigation and issue a decision. The procedure extends appeals of this ruling to the Department of Education. The person still retains the ability to appeal through the NH Attorney General, the Human Rights Commission, or the US Department of Education Office for Civil Rights.

HB 1639, relative to the youth risk behavior survey in schools. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for the **Majority** of Education. Non-academic surveys in schools require an opt-in by parents except for the Youth Risk Behavior Survey. This bill, as amended, puts that survey as opt-in also. The survey says it is anonymous, but the first seven questions one can easily determine the identity of the student. The survey has a number of objectionable questions and parents should be able to determine whether or not their children should take the survey. Since all other surveys require opt-in, this survey should also. The amendment fixes a grammatical error. **Vote 10-9.**

Rep. Sue Mullen for the **Minority** of Education. This bill seeks to make the Youth Risk Behavior Survey (YRBS) an “opt-in” program instead of “opt-out.” Currently, any parent who does not want their child participating in the survey can opt them out by notifying the school. Changing the procedure to require written authorization adds a time consuming layer to a process that already affords parents a choice. The data collected is invaluable to schools and community based organizations that provide support to students and families. The committee heard compelling testimony from law enforcement, service providers and school district personnel who rely on the YRBS when developing programs addressing student needs. Insufficient participation could result in a loss of funding and subsequent programming. Giving students a voice to share their real time experiences has never been more important.

HB 1669-FN, requiring the department of education to administer the education freedom account program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Moffett for the **Majority** of Education. Given that the education freedom account program is still a fledgling operation, we see a need to let the program complete an annual cycle so as to better review its implementation before creating further statutes in this area. **Vote 10-9.**

Rep. Stephen Woodcock for the **Minority** of Education. \$720,000 is the price off the top for an out-of-state (New York) company to process the application and manage individual reimbursements for the 1,600 children participating in New Hampshire’s education freedom account (EFA) (educational voucher) program. This money does not cover the cost of the vouchers, but rather just the paperwork. This no-bid contract provides a 10% fee annually to administer just the application and reimbursement process. As more students enroll, the program’s cost has the potential to spiral over a million dollars per year to administer. The minority feels that the NH Department of Education is well equipped and has the necessary expertise to administer the organization of EFA’s at a significantly reduced cost to New Hampshire taxpayers. Additionally, it is felt that the opportunity to provide valid and immediate educational data is an additional and important benefit not available with a private, out-of-state contractor. On February 16, 2022, the House passed the establishment of an EFA Administrator at the Department of Education. This Ought to Pass motion does nothing to impede the current voucher program, but rather it strengthens its existence and funding.

HB 1670-LOCAL, relative to funds of the education freedom account program after termination of a student’s participation and responsibilities of the scholarship organization. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deborah Hobson for the **Majority** of Education. This bill requires when a student enrolls in a public school, who had been using an education freedom account (EFA), that the scholarship program stop the student’s participation and funding be terminated. The bill also requires audit by the scholarship organization and investigation of misuse of funds. The process for withdrawal from EFAs is well documented in administrative rules. The legislature has approved a measure for additional staff at the Department of Education to provide support for this program. Additionally, an oversight committee has been established to monitor this program. This legislation adds duplication and confusion to rules already in place. **Vote 10-9.**

Rep. David Luneau for the **Minority** of Education. This bill suspends the use of taxpayer money paid from a student’s education freedom account when the student enrolls full time in a public school or becomes ineligible due to fraud or misuse of funds. In such cases, the account will be closed and any remaining taxpayer dollars will be returned to the state’s education trust fund.

HB 1672, relative to misuse of education freedom account funds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alicia Lekas for the **Majority** of Education. This bill requires the transfer of funds from terminated education freedom accounts to the education trust fund, requires investigation of and ineligibility for misuse of funds, and requires the Department of Education adopt the rules on policies and procedures for administration of the program. This bill has a plethora of problems. In addition, most of this has already been dealt with in rules and approved by the Joint Legislative Committee on Administrative Rules. We generally do not put into law an unnecessary bill, and this has now become unnecessary through rules. **Vote 10-9.** Rep. David Luneau for the **Minority** of Education. The education freedom account program does not require the program administrator to refer suspected cases of fraud or misuse of taxpayer money to the Attorney General for investigation. This bill corrects what the minority believes is a serious flaw. The bill also suspends the use of taxpayer money paid from a student’s education freedom account when the student enrolls full time in a public school or becomes ineligible due to fraud or misuse of funds. In such cases, the account will be closed and any remaining taxpayer dollars will be returned to the state’s education trust fund.

HB 1683-FN-LOCAL, repealing the education freedom account program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the **Majority** of Education. Support kids or the false assumption that the system must be protected despite the cost to our children’s future? This bill will repeal the new education freedom account program and force over 1,800 students back to an education option that might not have been working

for them. The committee majority stands with children and the need to make sure that NH provides children with education options that will allow them to meet their potential. If NH is to have a successful future, then our children must have opportunities so they can be successful. We can and need to support our public schools because they remain a fine educational option for many of our children. But we also need to reject the false narrative that providing other options to children is destructive to public schools. The education freedom account program is attacked because more children entered the program than originally estimated, because it is successful. To repeal the program would send the message to families that NH supports a one-size-fits-all education system and children must struggle within a system that causes them to experience negative psychological and educational outcomes. We reject that message. We recommend Inexpedient to Legislate for this repeal and stand for NH children and their futures. **Vote 10-9.**

Rep. David Luneau for the **Minority** of Education. The bill repeals the education freedom account program. The program is more expansive than any other voucher program in the country. It was placed into the state budget bill with little debate and with strong public opposition. The program uses state funds to pay for private school tuition and home school costs and wouldn't exist without taxpayer dollars. The private contractor that manages the program has current and former state representatives on its board and keeps ten percent of the funds. The minority believes it is financially irresponsible, lacks accountability, and leaves students and taxpayers susceptible to fraud and abuse. Other bills to address these flaws were rejected. The minority believes the only responsible move is to repeal the program.

ELECTION LAW

CACR 15, relating to elections. Providing that the age to vote in the primary election be reduced to 17 for those who will be 18 by the general election. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for the **Majority** of Election Law. This CACR is focused on protecting the integrity of the election process. Concerns over the process have existed for years. Legislation is proposed on a regular basis to clarify the issue of who is legally entitled to vote in NH. This CACR is intended to enshrine in our constitution the principle and requirement that voters shall be a citizen of the state as evidenced by their domicile. Recent legislation has equated domicile and residency and this amendment does so also. Even with that legislation, there is confusion over what this means. By amending the constitution, we are enabling legally qualified residents of New Hampshire to have greater confidence in our elections and know that they are not being disenfranchised by legal residents of another state. CACR15 will promote voter integrity and voter participation in our state. **Vote 11-9.**

Rep. Connie Lane for the **Minority** of Election Law. This CACR revises Article 11 of the first part of the NH Constitution to include the concepts of domicile and residency so that it will be more difficult to revise their definitions in the future. The terms "domicile" and "residency" are already defined in RSA 21:6 and 21:6-a, resulting from legislation enacted in 2019. Accordingly, the proposed constitutional amendment is unnecessary. More importantly, the proposed language results in more confusion than clarity because it introduces two undefined terms - "principal residency" and "citizen of the state of New Hampshire." Nowhere in the statutes or the NH Constitution is the term "principal residency" defined. Is it different from being a "resident"? Similarly, there is no definition of "citizen of New Hampshire." What does it take to be a citizen of New Hampshire? As a result of this CACR, to vote in NH you must be a citizen of the US, a citizen of NH, domiciled in NH, have your primary residence in NH, and vote only where you are domiciled. Two of these qualifications are undefined - primary residency and citizen of NH - creating even more confusion about voter qualifications. Amending the constitution should be done using carefully chosen language that does not include undefined terms.

CACR 19, relating to paper ballots. Providing that all elections shall be conducted through paper ballots. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Katherine Prudhomme-O'Brien for the **Majority** of Election Law. This CACR provides that all elections shall be conducted through the use of paper ballots. As our long-time, former Secretary of State Bill Gardner famously said, «You can't hack a pencil.» Although there are no current known attempts to change the fact that all NH elections are done on a paper ballot, the election security benefits of the use of paper ballots are now abundantly clear. Paper ballots provide a simple way for voters to know that their vote is not only recorded, but they also provide a trusted means of an accurate recount if needed. In a time of much concern nationwide that this might change and, in a time, when New Hampshire must grapple with the impending retirement of the model of electronic ballot counting machines used by most municipalities, CACR 19 is a way to reassure voters that we are deeply committed to the enduring use of paper ballots and will ensure trust in our elections today and for posterity. **Vote 11-9.** Rep. Russell Muirhead for the **Minority** of Election Law. This bill proposes an amendment to the New Hampshire Constitution that would require all elections in the state to use paper ballots. New Hampshire law already stipulates that "all elections will

be conducted using paper ballots” (RSA 656:1-a). No person or group seeks to change existing law, which by all accounts functions perfectly well. Therefore, the minority sees no pressing reason to copy existing law in the State Constitution. To change the constitution frequently in response to transient causes and fleeting passions diminishes the standing and veneration that all constitutions need and that the New Hampshire Constitution, established in 1783, so richly deserves.

HB 1009, requiring the date a person registers to vote to be included with other voter information. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for the **Majority** of Election Law. This bill proposes that the date a person registers to vote be included with other voter information in the checklist. Transparency is important when it comes to ensuring the integrity of our elections and our voter checklist. The registration date is data that has already been collected for the majority of voters and will continue to be collected for every new registrant and is important information for voters, candidates, and political organizations in order to effectively get out the vote. Voter history data already available gives voters, candidates, and political organizations the opportunity to approximate someone’s date of registration as it is; giving the actual date an individual registers will help ensure trust in our election procedures and take an already transparent process and expand upon it. **Vote 11-9.** Rep. Paul Bergeron for the **Minority** of Election Law. This bill would require that the statewide voter registration database include a field for “date of voter registration.” The voter registration database already contains that field. This legislation is not needed. In 2006, election officials from the state’s 234 cities and towns migrated approximately 825,000 voter records into ElectionNet, the new statewide voter registration database. Very few of the legacy electronic databases contained the “date of voter registration” since the voter registration date appeared on the paper record and the registration date was not needed in the electronic database to generate the checklists. This bill dictates that the database “shall include” the date of voter registration and does not “grandfather” the pre-2006 ElectionNet voter records that do not include the voter registration date. Local election officials will be required to scour their databases, identify the pre-2006 voter records in ElectionNet that do not have a date of voter registration, pull the paper voter registration forms, then update the voter registration database. Article 28-a of the NH Constitution prohibits the state from mandating “any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures...” This bill does not include a fiscal note, so it is unclear how much of a financial burden this will put on our towns and cities. The date of voter registration is confidential and exempt from the right-to-know law. The date of voter registration does not appear on the checklist now, and HB 1009 does not direct that the date appear on the checklist in the future. This bill would require that the supervisors of the checklist key-in the date of new voter registers. This has been the practice for the past 16 years; the bill is unnecessary. HB 1009 would require that election officials bear the cost of keying-in data for pre-2006 records, without providing a means to reimburse the communities for their costs in doing so, which is an unfunded mandate.

HB 1082, prohibiting certain state officers from forming political action committees. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Katherine Prudhomme-O’Brien for the **Majority** of Election Law. This bill prohibits the Secretary of State, state treasurer, or any individual running for those offices from forming a political action committee (PAC). This will preserve the integrity and non-partisan nature of those offices. In the vast majority of states, these officials are elected in general elections. New Hampshire is only one of three states where the legislature elects those officials. Allowing the creation of PACs for these offices creates a unique conflict of interest. Without this bill, the individuals running for these offices could be receiving monies from, and on behalf of, any person interested in promoting legislation or from and on behalf of the very people who elect them and then create the legislation they follow. The other states where these officers are elected by their legislature have either outlawed the practice of forming political action committees for these offices (Maine) or the creation of PACs to campaign for these offices is considered by their legislature to be so antithetical to good governance that their (Tennessee) Secretary of State reported in 2019 that it would not be done. Recently such a committee was formed for one of the non-partisan position elections. The majority of the committee believes that recent history supports the need for this legislation, and recommends OTP. **Vote 11-9.**

Rep. Paul Bergeron for the **Minority** of Election Law. This bill would prevent candidates who seek to run for secretary of state or state treasurer from forming political action committees (PACs). Since the Supreme Court’s ruling in *Buckley v. Valeo* (424 U.S. 1, 1976), the right to participate in democracy through political contributions has been protected by the First Amendment. Virtually every means of communicating ideas in today’s mass society requires the expenditure of money. The distribution of handbills or leaflets entails printing, paper, and circulation costs. The electorate’s dependence on these communications for information has made these modes of contact indispensable instruments of effective political speech. During the public hearing on this bill, the sponsor cited the non-partisan nature of these two offices as justification for these fund-raising restrictions. However, town and city elections throughout the state are also non-partisan elections, and fund-raising for non-partisan municipal races is critical for candidates who wish to conduct effective

campaigns. This bill would have a severe impact on the ability of candidates for secretary of state and state treasurer to gather the financial resources needed to effectively communicate with those who will cast votes in those elections and would impose restrictions on the candidates' rights of political expression – restrictions that the First Amendment cannot tolerate.

HB 1153, relative to absentee ballot requests. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for the **Majority** of Election Law. This legislation clarifies that absentee ballots may not be mailed to absentee voters before an absentee ballot application has been received and approved. Testimony before the committee revealed that in the processing of registration applications, clerks were also mailing absentee ballots. Accordingly individuals are requesting and receiving both an application to register and a ballot for the upcoming election. The clerk then mails both the application and the absentee ballot to the unregistered applicant. Members appreciate that clerks will now have to process the request two times, once for the mailing of the registration information and once for the ballot. However, the majority of the committee believes that requirement is worthwhile to ensure that registrations are processed before a registrant is provided an absentee ballot. Additionally this eliminates the possibility of a vote not being counted because any incomplete or erroneous registrations will be processed before a ballot is sent. This will enhance voter integrity by preventing official absentee ballots from going to unregistered voters that may not have the right to vote in New Hampshire. **Vote 11-9.** Rep. Paul Bergeron for the **Minority** of Election Law. This bill proposes to amend RSA 657:12 relative to absentee voting. The statute currently states that “Upon receipt of a properly executed application for an official absentee ballot...a town or city clerk shall forthwith ascertain if the applicant is on the checklist [and]...If the applicant is on the checklist, the clerk shall send the materials...” HB 1153 proposes adding the following sentence: “Under no circumstances shall a town or city clerk mail an absentee ballot unless and until such person has submitted an absentee ballot application and the town or city clerk has approved such application.” This bill is redundant, superfluous, and unnecessary. Nothing is being added to the statute that isn’t already there. Among the principles of good legal writing, unnecessary or extra words should be removed, redundancies should be avoided, and different words should not be used to say the same thing. HB 1153 is poorly crafted, adds nothing to existing law, and is totally unnecessary.

HB 1203-FN, relative to domicile residency, voter registration, and investigation of voter verification letters, and relative to the terms “resident,” “inhabitant,” “residence,” and “residency.” **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Fenton Groen for the **Majority** of Election Law. As introduced, this bill amends the RSA by removing the language of SB 3, passed in 2017, that the NH Supreme Court subsequently ruled unconstitutional. It also restores language that existed in the RSA prior to SB 3. But HB 1203, as written, also added additional language that would have weakened the domicile/residency requirements for voting in NH. As amended, this bill removes the language from SB 3 that the court found objectionable and retains some language from SB 3 that was not addressed by the court as problematic. It also restores language that was in the RSA prior to SB 3, as needed, relating to forms. While removing HB 1203, as amended, keeps the clear definition of temporary presence and absence found in 654:2, I and II, (a), (b), and (c), it retains language that requires the supervisor of the checklist to follow up on persons who have utilized the voter affidavit to register and vote, by using available public records, and then to refer the registrant’s information so the Secretary of State if further investigation is warranted. Provisions are retained that distinguish between voters who register prior to 30 days before an election and those who register 30 days or less before an election. Voters who register more than 30 days before an election will be required to provide documentation to confirm their right to vote in NH before they register. An exception to use an affidavit is allowed to use only if the registrant attests under the penalty of fraud that they do not possess, and are not able to possess, any qualifying documents that prove their right to vote. An example of this circumstance, referred to by the court, is a person who is homeless and does not and cannot possess any of the qualifying documents. Voters who register to vote within 30 days of an election or on election day will be allowed to use a qualified voter affidavit if they do not have the necessary documentation with them when they register. In summary, this amendment removes SB 3 language that the court addressed as objectionable while retaining common sense language that is simply intended to clarify our voting statutes. The majority of the committee believes that the intent of this language is to assure that every voter is legally qualified to vote. **Vote 11-9.**

Rep. Paul Bergeron for the **Minority** of Election Law. This bill, as amended, revises statutes that were amended by SB3 during the 2017 session. Those provisions were subsequently struck down by the NH Supreme Court which found that it “imposes unreasonable burdens on the right to vote.” The minority agrees that there is a need to clean up the statutes affected by SB3, but this bill does not accomplish that. The bill retains a two-tiered voter registration system which the court found was unnecessary, and it introduces new confusions that will invite new litigation. The minority is concerned that the bill will make ballot access more difficult for citizens who move frequently or who have moved recently.

HB 1247, relative to folded ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Bergeron for the **Majority** of Election Law. This bill would require that cities and towns, which use one or more electronic ballot counting devices for the counting of ballots, count by hand any ballot that has been folded after the voter has marked the ballot. The volume of ballots that would then have to be hand-counted would delay the reporting of final results at polling sites by hours and place a tremendous burden on election officials who have already put in long hours at the polls. In November 2020, for example, 32% of the total votes cast in NH were absentee ballots -- that is, folded ballots (of the 814,499 ballots cast, 260,217 were absentee ballots). It was also pointed out during committee discussion that the moderator at each election site already has the authority to direct that absentee ballots be tallied by hand rather than counted using electronic ballot counting devices. The committee felt that a decision to count folded, or absentee, ballots by hand should be left up to the discretion of local election officials. **Vote 13-7.**

Rep. Peter Torosian for the **Minority** of Election Law. The minority of the committee agree with the majority that all folded ballots should be held for a hand count. The Windham audit found that some folded ballots were not read properly by ballot counting machines due to a shadow created by the fold, rendering the scanner unable to accurately score the results. There is reason to believe this can happen in other circumstances. The minority believes that this bill would add an additional measure of security by requiring all folded ballots to be hand-counted after the close of the polls. This would help to ensure that "every vote" counts and return confidence to voters that the NH Legislature takes seriously the responsibility to "safe guard" every vote.

HB 1264, establishing ranked-choice voting for state party primary elections and municipal elections. **WITH-OUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill as (amended by 2022-0909h) would allow political parties and municipalities to use ranked-choice voting (RCV) in primaries or local elections, respectively, under certain conditions. Ranked-choice voting allows people to vote for multiple candidates, in order of preference. Instead of just choosing one candidate, voters identify their first choice, second choice, or third choice (or more as needed) for each position. A candidate with the majority (more than 50%) of first-choice votes wins outright. If no candidate gets a majority of first-choice votes, then it triggers a new counting process: the candidate who did the worst is eliminated, and that candidate's voters' ballots are redistributed to their second-choice pick. In other words, if a voter's first-ranked candidate loses and the candidate is eliminated, then citizens' votes still count; they just move to second-choice candidates. That process continues until there is a candidate who has the majority of votes. Ranked-choice voting is used for state primary elections in Alaska and Maine and for local elections in more than 20 major US cities. This bill as amended would provide that political parties may opt-in to RCV after official approval through party procedures. Municipalities may opt-in to RCV after voters have approved that action through a ballot referendum (or charter amendment, if necessary). The political parties and municipalities may rescind that decision, if they choose do so, at a later time using the same process. This is enabling legislation. Our political parties should have the right to choose the general election candidates they wish in the manner they wish to use. RCV would save municipalities the cost of conducting primary or run-off elections. And if voters in our municipalities wish to use RCV to elect their local officials, they should be allowed to do so. Approving HB1264, as amended, will give our voters an opportunity to fully express their preferences.

Rep. Paul Bergeron

Statement in support of Inexpedient to Legislate: This bill establishes procedures for ranked-choice voting (RCV) for which state parties and municipalities may opt in. The methodology changes voting from selecting a winner that receives the most votes to a winner that receives 50% or more of the votes, if you combine voter's preferences when they rank all candidates. It can result in, and has resulted in, the candidate who receives the most "number one" votes, losing the election. Implementing this legislation is problematic for several reasons. The vote counting machines used in New Hampshire would have to be reprogrammed or replaced with new machines in order to handle the potential for several additional counting "rounds" to determine "active preferences" and to get to "batch elimination." Questions exist for the current method of counting and the counting done now can be verified in our hand count recount process. Verifying the results in ranked-choice voting by hand count would be a cumbersome and time consuming process. Whether waiting for results on Election Day or at a recount, the results will take longer. Some testimony indicated a delay of up to a week. The Secretary of State's interpretation of our constitution provides results are determined on Election Day, and moderators stay until the count is concluded. Under an RCV system, the tabulation for state primary races would need to be conducted at a centralized location which would require that after the polls are closed, local electronic and paper vote counting equipment and records be transported to that central location, or that results be transmitted electronically. What would happen to our moderators in charge of our polling places? The transport of material and equipment would create additional concern with regard to security and storage of election materials, and create additional expense to communities and the state. Since this is an opt-in proposal, this will create confusion for voters with some elections being ranked-choice

and others being traditional voting. The opt in approach could result in two different types of ballots and therefore two different types of machines for the same election, one with voting as we know it and the other to be completed using the ranking method. A scattered implementation of the methodology could lead to more distrust in our elections and the inconsistency could lead to more disenfranchised voters. It is also believed that this scheme creates a high risk of losing the First in the Nation presidential primary election. Using RCV appears to be a way for more voters to be able to say they voted for the winner, when that winner could have been their second, third, or even fourth choice. This feel-good legislation will result in the voter being disconnected from the issues because candidates will be campaigning to reach the most voters possible and eliminate debates on underlying, core policy issues. It eliminates genuine binary choices among the two top-tier candidates. It also can create ballot exhaustion where a voter either does not choose every candidate or he chooses several and still is frustrated because he feels his vote does not count. Given all these issues, and the fact that elections will be more costly and take longer with recounts becoming more difficult and time consuming, it is requested you support a motion of Inexpedient to Legislate.

Rep. Peter Torosian

HB 1326, relative to permissible campaign contributions by business organizations and labor unions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Alexander for the **Majority** of Election Law. This bill as presented is a significant change to current campaign finance statutes as it relates to business organizations. This legislation attempts to equate labor unions with business organizations. The bill would force business entities to establish segregated funds in order to contribute to candidates or organizations of their choice, an unnecessary burden on the right of businesses to exercise their free speech. The bill also adds a provision that unions can establish a separate independent political committee that operates with funds solicited from its own members, an arrangement the majority found to be contrary to supporting free speech. The majority of the Election Law Committee was not convinced there is a problem with business entities participating in the electoral process. **Vote 11-9.** Rep. Connie Lane for the **Minority** of Election Law. This bill allows a level playing field for political contributions from business organizations and labor unions. Currently, business organizations can contribute directly to political contributions without regard to the source of the donations within the company, but unions cannot. The bill implements the solution recommended by U.S. District Court Judge McAuliffe when he found the broad restriction on all corporate political contributions to be overly restrictive and unconstitutional in *Kennedy v. Gardner* [No. CV 98-608-M, DNH Sept. 30, 1999]. Judge McAuliffe suggested that the legislature narrow the prohibition to apply only to contributions from a corporate treasury fund and to permit contributions from a segregated account funded through voluntary contributions. Rather than follow that advice, the legislature deleted the language restricting political contributions from business organizations but left restrictions in place for labor unions. This bill would allow corporate donations if they were not from the general treasury funds of the company, but from a segregated fund solely for political donations. It would allow labor unions to do the same, making the same rules apply to both business organizations and labor unions.

HB 1394, relative to the reporting of certain campaign contributions and relative to political contributions made by limited liability companies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Sweeney for the **Majority** of Election Law. This bill proposes new requirements for reporting that are both a suppression of free speech and impossible to do with the current database mainlined by the state for limited liability companies (LLCs). This legislation would force LLCs to publicly list their members before making a contribution. Any contribution would then need to be allocated, and disclosed, as being from those members. There is no requirement under law for the disclosure of an LLC's members so it would be impossible to implement without a change in business formation practices and record keeping by the state. The practical effect of this legislation is a prohibition on corporations from engaging in first amendment-protected political speech, as decided by the US District Court for NH in *Kennedy v. Gardner*, [No. CV 98-608-M, D.N.H. Sept. 30, 1999] Limiting speech and participation in our electoral processes will limit contributions and involvement from business entities to campaigns and registered organizations, resulting in less voter education. **Vote 11-9.** Rep. Connie Lane for the **Minority** of Election Law. This bill clarifies that individual "members" of a LLC are subject to the same political campaign contribution limits as are other individual and corporations under our state law. A problem with our current law has been exposed over the last several NH election cycles. Presently each LLC is treated as an individual donor for the purpose of direct campaign contributions, regardless of who controls it. Single candidates have been receiving multiple contributions from separately organized LLCs, often created at the same address and are controlled by the same person, corporation, or group of people. In these cases, contributions from the multiple LLCs, have enabled individual LLC members to direct the many LLC contributions to single candidates in total amounts that exceed the contribution limits allowed to the individuals. These circumstances have become known as the "LLC Loophole." This bill would close that loophole, making the existing individual contribution limit meaningful. Without it, individuals can form numerous LLCs to get around the cap on individual donations. This bill will increase the transparency and accountability of campaign donations.

HB 1442-FN, relative to access to election and voter information. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Ross Berry for the **Majority** of Election Law. This bill requires municipalities to prepare election instructions and ballots in up to three languages other than English provided that more than 3% of the population frequently speaks another language other than English. While that data does not readily exist (not in terms of fluency, but most frequently spoken language), the US Census does track the voting age population that “Do Not Speak English Well” when applying an existing Federal requirement for multilingual ballot instructions and ballots under Section 203 of the Voting Rights Act. Section 203 applies a similar standard of 5% for all states, including New Hampshire. When applying this methodology to the sponsor’s bill and looking at the census data for those who “Do Not Speak English Well,” not a single municipality in the State of New Hampshire would qualify for the existing 5% threshold and the sponsor was unaware of any that would qualify for the 3% threshold. The committee had concerns about whether the bill identification of “frequently speaks” would mean population or voting eligible population, and what the costs of printing different ballots and instructions as well as finding qualified translators for the hypothetical languages, might be. **Vote 11-9.** Rep. Connie Lane for the **Minority** of Election Law. The minority recognizes that the bill needs more research and revisions and feels that a study committee could resolve these issues. As the population of New Hampshire becomes more diverse, we need to begin preparing our ballots and election instructions in the languages widely spoken in the community, as well as in English. The reading level of the election instructions and same day registration forms is above that required for the citizenship test. Having these available in the voter’s first language will improve access to voting and prepare New Hampshire for compliance with the federal Help America Vote Act, which will require that ballots and election materials be prepared in those languages that are spoken by 5% of the total voting age population in a district.

HB 1567-FN, relative to the removal of election officials from office. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for the **Majority** of Election Law. This bill is an attempt to provide a remedy for when election official misconduct occurs. It proposes the removal of election officials as a remedy when a registered voter successfully brings suit against the official in the Superior Court. The committee agreed that dealing with misconduct of public officers in elections is a serious matter. While the attorney general is responsible for investigation of such conduct, the remedies currently provided in statute relate to criminal findings. After review, the committee believes the solution proposed, bringing suit in Superior Court, raises issues as to the length of time to resolve and the legal process and standard to establish any misconduct. The amendment proposes an alternative remedy. When the Attorney General’s Office (AG) determines that an election official has negligently failed to perform their election duties, the AG can then assess fines against the municipality. By taking the matter out of court, and making the municipality responsible for penalties in a negligent failure to act, the committee believes a more immediate remedy can be reached. It is believed that by allowing a fine for each act, a municipality should be eager to ensure the correction of issues. The amendment proposes fines for each act from \$250 to \$1,000. The committee believes this type of remedy is needed in light of the results of the Windham audit. While there were no criminal intent findings, there was likely a knowing failure to perform. This bill, as amended, gives the AG more tools to ensure the integrity of our elections. **Vote 12-8.** Rep. Paul Bergeron for the **Minority** of Election Law. This bill, as amended, would establish a procedure to fine municipalities whose election officials negligently fail to perform their duties. Responsibility for assessing a civil penalty is assigned to the Attorney General’s Office (AG). The bill does not provide procedures as to where or how complaints should be filed or who has the right to file such complaints. Election officials may work at the polls once or twice each year, yet they are expected to have a firm grasp on the requirements of law in a 400-page Election Law manual and a 400-page Election Procedure Manual. Similarly, the AG recruits election day inspectors to visit polling sites and evaluate how well election officials are complying with election requirements, yet some of these inspectors have less experience or training than the election officials they are interacting with. Procedures for implementation of the complaint-and-fine process are not well-defined and if an election official “negligently fails to perform his duties in such a way as to hinder the objects thereof,” a civil penalty assessed against the municipality will not have direct consequences on a public officer who engaged in misconduct.

ENVIRONMENT AND AGRICULTURE

HB 1454-FN, relative to permits for the siting of new landfills. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Megan Murray for the **Majority** of Environment and Agriculture. This bill as amended will protect perennial lakes, rivers, and coastal waters when new landfills are being proposed for siting. The bill replaces the arbitrary 200 foot set-back guideline and replaces it with a 5 year distance of travel calculation based on hydrogeological measurements. The minimum distance from a new landfill to a perennial river, lake, or coastal water will be the greater of 200 ft. or the calculated five-year distance-of-travel. This bill will not prohibit the expansion of currently operating landfills. **Vote 10-9.**

Rep. Barbara Comtois for the **Minority** of Environment and Agriculture. The minority did not have objection to the amended language but felt since the House passed a similar bill, which creates a study committee to look at the whole chapter pertaining to landfill siting criteria including the setback from bodies of surface water, that we should hold off passing any changes to the chapter until the study committee had an opportunity to perform the duties it is charged with by the legislature.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1065-FN, relative to the regulation of art therapists. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Santonastaso for the **Majority** of Executive Departments and Administration. This bill adds licensure for art therapists under the board of mental health practice. The motivation behind this bill is to allow the insurance reimbursement for art therapists. Medical insurance requires a provider be licensed in order to process claims. Although this may be true licensing exists for the purpose of protecting the public not for the purpose of making billing insurance expedient. It is a unfaithful and a dangerous practice for society to set up a institution (licensing in this case) and then later change the underlining narrative for that institution's existence. This practice also weakens the case for the original narrative (protecting the public). We asked the sponsors of the bill to find another avenue to fix this billing problem. Additionally since no sponsors were available for testimony and no art therapists testified it suggests that this issue of unable to file insurance claims is small or non existent. **Vote 10-8.**

Rep. William Marsh for the **Minority** of Executive Departments and Administration. The minority cannot agree with the majority because NH currently has a desperate shortage of mental health practitioners. Currently 14 states and the District of Columbia allow art therapists to be granted licenses to practice in this capacity, and in those jurisdictions they are successfully lessening the shortage of mental health practitioners. This bill adds art therapists to the list of professionals who can be licensed as psychotherapists by the Board of Mental Health Practice, and adds an art therapist to that board. The minority believes some patients will be helped by this therapy, and certain ones may respond better to this modality than other modalities currently offered. The contribution of art therapists will certainly reduce the current burden on our overloaded mental health practitioners. The minority believes that licensure of art therapists who engage in psychotherapy is as important to protect the public from predatory actions as is the licensure of pastoral psychotherapists, clinical social workers, school social workers, clinical mental health counselors, and marriage and family therapists under current law. The amendment proposed by the minority changes the word "board" on page 2 line 22 of the bill to "office of professional licensure and certification" (OPLC), so that they can set the fees as requested by OPLC.

HB 1135, requiring a performance audit of the department of education, education freedom account program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for the **Majority** of Executive Departments and Administration. This bill as amended requires the audit division of the Legislative Budget Assistant (LBA) to complete a performance audit of the Department of Education's (DOE) education freedom account program. The amendment moves the effective date out a year to July 2023. The final rules for the program were just approved by the Joint Legislative Committee on Administrative Rules and the final rules do differ from the interim rules. There are also a large number of bills currently under consideration by this legislature that, if passed, would modify the program. The committee received testimony from the Director of the Audit Division of the LBA saying that when auditing the performance of a new program it is best to wait until the program is operational for some amount of time. He indicated that a year would be a minimum but even that might be too short to be meaningful. We also heard testimony that it is best if the audit includes at least a full fiscal year. If the state is to spend the resources of the Audit Division to do the audit and of the DOE to provide information for that audit it should be done in a time frame which will provide useful information. If done too soon it won't be an audit of the actual program as it operates and would operate into the future. **Vote 10-9.**

Rep. Sallie Fellows for the **Minority** of Executive Departments and Administration. The minority supports the bill but opposes the amendment to delay the effective date. The amendment means we won't see the audit until the spring of 2024 or later. Recommended administrative changes can't be made until the 2024-2025 school year, the fourth year of operation. Recommended legislation or rules changes can't be made until the fifth school year, 2025-2026. The analysis of the first two years of enrollment won't be available to help with preparation of the next biennial budget. This program gives income-qualified parents \$4,000 - \$8,000 credit per child, which they can spend or keep on account for use in future years. The contractor will hold all the account balances. The state will give the contractor more than \$8,000,000 this year. Next year the amount will likely be \$16,000,000 or more, and will continue to grow. We have a responsibility to verify that state money is being securely held and appropriately managed, and the program is in compliance with all applicable laws. Due to the cost and uniqueness of the program, we need a Legislative Budget Assistant audit as soon as possible.

HB 1171-FN, exempting certain niche beauty services from licensure requirements. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for the **Majority** of Executive Departments and Administration. This bill would exempt certain niche beauty services from licensure requirements by making it legal to offer “blow-dry styling” (which includes “shampooing, conditioning, drying, arranging, curling, straightening, or styling hair”), eyelash extension application, makeup application, and eyebrow threading without having to have a New Hampshire cosmetology license. Currently NH is one of only 10 states without such licensing exemptions to allow for some of these exemptions. Every bordering state offers at least some of these exemptions. These services will not include any practice that involves chemical agents, such as hair coloring or permanents and will also not include any haircuts or specialty tools that require advanced training. The bill also would exempt makeup application and similar cosmetic beauty services from licensure when offered for demonstration (at a department store makeup counter, for example) or for theatrical, photographic, television and media appearances. This will allow NH to promote entrepreneurship by encouraging trained and skilled beauty professionals to supply work for in demand services without the need to entangle themselves in bureaucratic licensing laws. **Vote 11-8.**

Rep. Jaci Grote for the **Minority** of Executive Departments and Administration. This bill allows for services such as shampooing, blow drying, make up application and eye lash extensions, that are currently done by licensed individuals, to be performed by anyone. This bill does not require so much as a course in sanitation, infection prevention or passage of an exam. This is out of step with all other states; there are no states that allow individuals to perform cosmetic or beauty services without minimum training or supervision by licensed individuals. Some states require a public posting that those performing these services are not licensed; this bill does not require this stipulation. In the specific case of eyelash extension, a chemical is placed in the eye area and the minority is strongly not in favor of this allowance. There are no states that allow this service without licensing and training for the purpose of aesthetics or cosmetic purposes.

HB 1173, proclaiming August 9 as Indigenous People’s Day. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tony Lekas for the **Majority** of Executive Departments and Administration. This bill is similar to many others asking to have an important event or issue, many of which are already recognized nationally, or as in this case, internationally, placed into statute. If the goal is to keep the event or issue in the public mind it is much more effective for groups of citizens to organize celebrations commemorating the event or issue. Another concern regarding this bill was that we received testimony from some indigenous people who disagreed with the date selected even though that date is the one currently recognized by the United Nations. **Vote 14-5.**

Rep. Michael Yakubovich for the **Minority** of Executive Departments and Administration. The human race originated in Africa 200 thousand years ago and gradually migrated all over the world. About 14,000 years ago first humans arrived on the American continent. These original travelers explored on foot and over many generations made it all the way down the continent. We know them as the indigenous people of this land. Other peoples & tribes migrated everywhere around the globe. By resolution 49/214, on December 23, 1994, with the help of the Sub-Commission on the Promotion and Protection of Human Rights, The United Nations General Assembly designated August 9th as the Indigenous People’s Day. It’s time we extend the courtesy to the original humans of New Hampshire and celebrate their historic journey by recognizing their day with the rest of the world!

HB 1330, relative to the board of registration of medical technicians. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Yakubovich for the **Majority** of Executive Departments and Administration. This bill, as amended, repeals the necessity for medical technicians to register with the state. Government licensing is the most burdensome form of occupational regulation. Hardly any other states license medical technicians. It’s completely unnecessary; technicians already work under supervision of institutions and practitioners: hospitals, doctors, labs. Our hospitals and health care facilities have been struggling to hire workers. Let us remove a barrier in the way of Granite Staters entering the medical technician field, in the medical service of the public. **Vote 10-9.**

Rep. William Marsh for the **Minority** of Executive Departments and Administration. The minority opposes the majority amendment, which would repeal the board of registration of medical technicians. This board was established in 2016 in response to the Hepatitis C outbreak at Exeter Hospital. Briefly, a technician was diverting injectable opioids for personal use, contaminating drug vials with hepatitis C. NH was the first state to require registration of such technicians, and there have been no similar outbreaks in the state subsequently. According to the Association of Surgical technologists, 12 states currently require certification of surgical technologists, and 3 more besides NH require registration. The board has been recently dysfunctional due to inability to obtain quorum and do its duties. HB 1330 would make it an advisory board so that OPLC can perform administrative functions. The first minority amendment ensures that the advisory board is consulted whenever important professional decisions need to be made. The second minority amendment adds alternate members. The minority believes that NH should continue to register medical technologists and the board should continue to exist, but become an advisory board. Therefore we recommend HB 1330 ought to pass with the proposed minority amendment.

HB 1357, relative to land acknowledgment. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for Executive Departments and Administration. This bill would amend RSA 1 concerning the boundaries of the State of New Hampshire to add an acknowledgment that this land is the traditional ancestral homeland of the peoples who were here. It is an indisputable fact that there were peoples in the land which we now know as New Hampshire long before it became New Hampshire. However, there are two concerns with this bill. While we're sure that the sponsors of this bill intend it to just be a respectful acknowledgment of the peoples who were here before us, and to keep the people of New Hampshire aware of that history, there is concern about how that acknowledgment may be construed in the future. While we understand that the sponsors and most of the supporters do not intend this acknowledgment to support possible land claims, we must always be aware of possible unintended consequences of legislation. The statute created by current legislation will likely persist for many years and we can't know how it will be seen or used in the future. Even today one person who testified before the committee brought up "Restorative Justice." While that view will not come to anything now, we're not so sure about the future. A Tribal Genealogist sent testimony raising various complicated issues concerning which peoples should be acknowledged. One quote from that testimony, "This is an area of political relations between groups in New England and Canada that would be best for the State of New Hampshire to not meddle in, honestly." The genealogist suggested an amendment but it is not clear that such an amendment would satisfy others. If people want to acknowledge and honor the peoples who were here before us It would more effective to organize public celebrations of that history. That will likely be more effective than making a change to a statute that few are likely to see. **Vote 10-8.**

HB 1510, establishing a committee to study the hiring processes used by state agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Santonastaso for Executive Departments and Administration. The labor shortage the state agencies of New Hampshire are dealing with is not a unique problem but rather compatible with the labor shortage the entire country is facing universally across all industries. The private sector's advantage in having a faster hiring process than government is not a new phenomenon. It is an inherent property of government that it will be slower and less efficient than a private counterpart. The fact that we are considering a study committee to figure this out only proves this fact. The majority does not believe it is necessary to add this study committee to the already large collection of study committees. **Vote 11-8.**

HB 1560, relative to nonresident licensure by the board of barbering, cosmetology, and esthetics. **OUGHT TO PASS.**

Rep. Jennifer Rhodes for Executive Departments and Administration. This bill repeals vague licensing requirements to more easily allow beauty professionals to have their credentials recognized in New Hampshire. Under current law, NH makes case by case determinations about the validity of a beauty professional's license. Those evaluations take up valuable time that can be costly for professionals because it prevents them from working immediately or requires skilled professionals, many of whom have years of experience, to go back to cosmetology school and take on more debt. New Hampshire should make it easy for skilled workers to find employment and should be cutting red tape to encourage entrepreneurs. This bill does just that. In short, this occupational licensing reform bill will help to make New Hampshire a more competitive environment for beauty entrepreneurs. **Vote 12-7.**

FINANCE

HB 103-FN, establishing a dental benefit under the state Medicaid program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jess Edwards for the **Majority** of Finance. Currently adults over 21 only receive medically required care such as for injuries sustained by trauma or as a recipient of charity care. This bill establishes a tailored adult dental benefit that requires a co-pay for patients making above 100% of the federal poverty level, provides basic dental services, and limits denture care to the Developmentally Disabled community and the elderly in nursing homes or Choices for Independence. Further it places a cap of \$1,500 per year in benefits and sources the funds for the first few years by using settlement funds received by the state from its settlement with the Centene Corporation. **Vote 14-5.**

Rep. Bob Lynn for the **Minority** of Finance. The minority of the committee does not believe that creating yet another economic entitlement – this one for dental benefits under Medicaid – is a wise use of state resources, or one that is in the best interest of New Hampshire taxpayers. Therefore, the minority believes that this bill should be voted Inexpedient to Legislate

HB 1677-FN, relative to the administration and settlement of claims of abuse at the youth development center and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Karen Umberger for Finance. The Attorney General (AG) has been conducting an investigation into abuse at New Hampshire's Youth Development Center (YDC) in prior decades and has identified a population of New Hampshire citizens with potential claims against the state. The state wishes to acknowledge those claims and

suffering which has been endured by the victims of abuse by establishing a trauma informed, victim centered alternative to litigation for the efficient and fair resolution of those claims. Claims may be filed with the AG beginning January 1, 2023 and close December 31, 2024. A non-lapsing fund of \$100 million is established and known as the YDC Settlement Fund. All claims for sexual abuse and physical abuse will be paid from this fund. Claims for sexual abuse or sexual abuse and physical abuse will be capped at \$1.5 million; claims for physical abuse alone will be capped at \$150,000. The AG, in conjunction with known plaintiffs' attorneys and Victim Witness advocates shall develop a claims process and guidelines for valuing claims for settlement purposes. The goal of the guidelines is to ensure the fair and uniform valuation for each type of claim. Once the claims are filed, the AG's designee will review the claim and determine if a monetary award is appropriate. The claimant at this point has the option to accept the AG designee decision, reject the decision of the AG designee and request that the administrator decide the case, or forego the process and litigate the case in court. If a claimant chooses to have the administrator make the decision, a claimant waives his right to have his or her claim adjudicated in court. The administrator will be a lawyer who has been appointed by the NH Supreme Court from a list of prospective candidates submitted by the AG and the plaintiffs' attorneys. We firmly believe this alternative to all abuse cases going through the court system will acknowledge those claims of suffering which were endured by children while incarcerated in the Youth Development Center. **Vote 19-1.**

FISH AND GAME AND MARINE RESOURCES

HB 1091, relative to search warrants for individuals engaged in fish and game activities. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for the **Majority** of Fish and Game and Marine Resources. The majority agrees that the law regarding search warrants doesn't need to be changed. However it was clear in testimony, and even the Chief of Enforcement for Fish and Game agreed, the Conservation Officer powers could use some cleanup. The majority would like to work on it through interim study to see if there are any proposals for future bills to help the language. **Vote 11-9.** Rep. Larry Laflamme for the **Minority** of Fish and Game and Marine Resources. This bill seeks to rewrite RSA 206:26 and RSA 211:75, which allows NH Fish and Game Officers to conduct searches when there is reasonable and articulable suspicion that a violation of NH Fish and Game laws has occurred. In the past five decades these laws have been challenged only three times, and these challenges were reviewed and denied by the New Hampshire Supreme Court. These results indicate that these laws, as currently written, do not violate any constitutional rights. This bill, in one form or another, has come before this committee on several occasions and has been deemed inexpedient to legislate each time, and this time should be no different.

HB 1297, relative to taking lobster while engaged in recreational scuba diving. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. James Spillane for the **Majority** of Fish and Game and Marine Resources. Lobsters are a natural resource for the citizens of New Hampshire. No person or group has a preeminent claim on natural resources. Research shows that non-commercial lobster fishing numbers are so small as to be ignored statistically. Scuba divers and free-divers currently have the opportunity to harvest scallops and crabs. The bill as amended asks the executive director of Fish and Game to set limits for the number and the season when divers can take lobsters. NH currently offers a 5-lobster pot non-commercial license, but maintaining and servicing the pots requires a boat, access, and proximity to the seacoast effectively disqualifying harvest to all NH citizens. Statistics from the entire east coast where diving for lobsters is currently allowed show safety concerns to be unwarranted, and the Atlantic Marine Fisheries Commission 500-page report indicates an overabundance of lobsters and an underutilization of the resource in the Gulf of Maine. **Vote 11-8.** Rep. Cathryn Harvey for the **Minority** of Fish and Game and Marine Resources. This bill would allow Fish and Game (F&G) to issue a scuba diver recreational license. The amendment allows the Executive Director to set seasons, limits and fees but the minority opposes the OTPA. There is a danger of scuba divers disturbing the underwater environment while taking a lobster. There is also a decline in juvenile lobster population that this bill would only worsen, especially for our lobster fishermen. This bill could result in a safety and law enforcement issue since law enforcement boats would be reluctant to operate around a diver down flag. Finally this bill adds an additional burden for F&G which has a limited staff for patrols.

HB 1356, relative to the taking of gray squirrels. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Timothy Lang for the **Majority** of Fish and Game and Marine Resources. This bill originally recommended shortening the existing season on grey squirrels. Upon listening to testimony, the committee discovered that other than beavers, which are managed by Fish and Game (F&G) fur bearing game regulations, all other rodents (small game) like porcupine, groundhogs and red squirrels have open season year round. Further testimony revealed that this particular small game species are considered 'pest animals' and cause a significant amount of damage to private property and agricultural property. Currently when a squirrel

is shot out of season, a complaint is filed. Addressing these complaints requires a significant amount of effort by F&G, and local law enforcement to verify the ‘substantial damage’ requirement to justify the shooting. Additionally, there was no testimony that this small game species was in any way endangered, and we all remember the squirrel apocalypse on our roads a few years ago. Even that mass casualty event did not cause a significant impact on the squirrel population now. Based on all this, the majority agreed that a year-round season was appropriate, and will reduce the workload of our already overburdened F&G Conservation Officers. **Vote 12-7.** Rep. Ellen Read for the **Minority** of Fish and Game and Marine Resources. This bill was originally introduced to clear up what appeared to be a typographical error in the squirrel hunting season. The season was originally set to the beginning of October. When the Department took over the setting of seasons and moved two other similar species’ seasons to the last weekend in September (similar to all of NH’s neighboring states’ seasons) some issues appeared to arise. It seemed that squirrels were moved to September 1, with no record as to why or any procedure that would have resulted in that change. The committee heard testimony regarding studies that show mother squirrels are still lactating and still raising their young at the beginning of September. The minority feels it was reasonable to move the squirrel season to start on September 15, which is very similar to our neighboring states, and still two weeks earlier than the original hunting season of October 1. The minority is opposed to the committee amendment which eliminates the season limit on squirrels entirely, allowing hunting year-round including during the raising of young, something that NH has never done. Nuisance squirrels are already allowed to be dispatched outside of any hunting season restrictions, which are separate.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1022, permitting pharmacists to dispense the drug ivermectin by means of a standing order. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leah Cushman for the **Majority** of Health, Human Services and Elderly Affairs. This bill as amended permits Ivermectin to be dispensed via a standing order at a pharmacy. A standing order is a specific prescriptive protocol written by a physician or advanced practice registered nurse (APRN), issued to a participating pharmacy, which enables the pharmacist to dispense a medication when it is requested by a patron. Ivermectin is a drug that has been used in humans globally for the treatment of parasites since 1988 and over 6 billion doses have been administered. It has a robustly safe drug profile, demonstrated over the three decades it has been utilized. Ivermectin is available over-the-counter in many other countries. In New Hampshire, hormonal contraceptives and Narcan are available at pharmacies via a standing order, both which carry greater risk than Ivermectin. This bill was modeled after the hormonal contraceptives standing order legislation that became law in 2018. It requires the standing order to “specify a screening protocol for each patient, specify a requirement to document screening performed and the prescription in the patient’s medical record, and include a plan for evaluation and treatment of adverse events.” It also requires that an information sheet be given to the patient which includes “potential adverse effects, drug interactions, Food and Drug Administration (FDA) approved indications for Ivermectin use, the importance of follow-up care, and health care referral information.” Ivermectin has been shown to be helpful in reducing the severity and duration of infection of COVID-19, as well as other viruses. People will resort to purchasing it from questionable sources when they are trying to help themselves or their family members fight illness. Currently, people are buying Ivermectin over-the-counter in other countries like Mexico and bringing it to the US, purchasing it online from countries such as India, or resorting to getting Ivermectin formulated for livestock from farm stores. This bill enables easier access to an exceptionally safe medication, supplied by FDA-regulated and inspected drug manufacturing facilities, formulated for humans. There is great potential public benefit and minimal potential risk of making this medication available via the mechanisms in this bill as amended. **Vote 11-9.**

Rep. Gary Merchant for the **Minority** of Health, Human Services and Elderly Affairs. A standing order requires a well-evaluated protocol established through consensus of physicians, nurse practitioners, and pharmacists. The lack of a well-defined protocol built on broad consensus of a wide range of clinicians may expose a pharmacist and a prescriber to undue legal liability, to the potential loss of liability insurance coverage, and to potential patient harm.

HB 1044, relative to policies required for health facilities and special health care service licenses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jerry Knirk for the **Majority** of Health, Human Services and Elderly Affairs. Currently, licensed health care facilities such as hospitals, ambulatory surgery centers, birthing centers, or urgent care centers, among others, are required to provide services to all persons regardless of the source of payment, a requirement added by the legislature in 2016 to ensure access to services for low-income individuals and those covered by Medicaid. This bill would exempt from this requirement health care facilities which exclusively provide services on a basis of direct payment from the patient without any reimbursement or third-party payment. Such a change would allow a small number of for-profit institutions offering urgent care, birthing services,

or ambulatory surgery to skim off the patients who can pay the full cash price, changing the payor mix for the hospitals which provide these vital services. Maintaining the payor mix is important. Our critical access hospitals run on razor-thin margins and lose money on services such as their full-service, 24 hour per day emergency rooms and obstetrical services, which serve many people on Medicaid, on Medicare, or with no insurance. Those services, which are critical to have available in the rural areas, are subsidized by higher-paying services and higher-paying insurances. Skimming off the higher paying patients would have a significant, negative economic effect on our critical access hospitals. There will be a substantial risk of hospital closure or the need to drop critical services, such as maternity, leaving large numbers of individuals, especially in rural areas, with no access for timely medical care for emergencies or childbirth. The losses sustained by those facilities will be shifted to those who have insurance, driving up the costs for everyone else and not changing total health care costs. The hospitals recognize the threat of this bill to the existence of our hospitals and the need for all of the hospitals to share the burdens equally. The New Hampshire Hospital Association testified against this bill stating that it will not benefit patients or improve competition. The majority believes that this bill will decrease access to health care and will not drive down the overall cost of health care. **Vote 14-7.** Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. This bill would expand free-market healthcare options by allowing health care facilities to operate solely on a direct-payment basis or on a membership-based model. Current law effectively precludes this possibility because it compels licensed health care facilities to provide services to any patient, regardless of the source of payment.

HB 1077, repealing the prohibition on conversion therapy for minors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for the **Majority** of Health, Human Services and Elderly Affairs. It has been a source of frustration for the majority that, although the bill was significantly amended, many continue to respond to the amended bill as if it were still the original bill. As amended, the bill agrees that conversion therapy is a coercive treatment with the explicit intention of turning people against their own feelings. That's why the amendment insists that no licensed professional shall work against an individual client's will. To put it bluntly: counseling where someone drops a person off at the office of a professional with the instructions to "fix him/her" against that individual's will or desire remains forbidden. Additionally, the bill addresses the genuine fear that some professionals have, that in helping a client work through his or her unwanted feelings about certain sexual attractions, the professionals would be in danger of professional discipline. This is an attempt to fix a problem that, according to testimony both in and outside of the hearing, truly does exist. Should this bill become law it will send a clear message to each client that the professional is there to work with and not against the wishes of the client regarding sexual attractions. It also sends a clear message that the professional is not working to support the wishes of others, whether they be parents or guardians or members of a movement, if these are in opposition to the client's wishes in counseling.

Vote 13-7.

Rep. Joe Schapiro for the **Minority** of Health, Human Services and Elderly Affairs. This bill as amended dramatically weakens protections for LGBTQ youth. Conversion therapy is a mean-spirited and coercive treatment with the explicit intention of turning people against their own feelings. Often involving abusive shaming techniques, there is no evidence that it does what it sets out to do: changing one's sexual orientation or gender identity. In fact, there is a correlation with diminished self-esteem, depression and suicidality. While supporters of this bill insist that the statute as is, prevents well-meaning mental health clinicians from assisting adolescents in exploring their sexual feelings and their concerns about gender identity, the minority feels that this is an attempt to fix a problem that does not actually exist. In the process, the supporters of this bill have ignored the power differential that exists between parents or adult therapists and vulnerable adolescents and they have falsely equated "speech-only" therapy with "client directed" therapy. While this bill purports to assist teens who are crying out for help, it does just the opposite. It opens the door for those who would impose their values on youth who are in the process of understanding their feelings and on the way toward forging an adult identity. Should this bill become law it will send a harsh message to our youth that their innate feelings are unworthy of our care and protection.

HB 1080, relative to the rights of conscience for medical professionals. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for the **Majority** of Health, Human Services and Elderly Affairs. This bill reproduces language either already in law or else under consideration in many other states. One only has to think about what happened in the past when a totalitarian state required medical personnel, against their conscience, to perform harmful experiments and procedures on others. For many medical personnel, abortion is of that order. At the hearing we were told that should we adopt this bill, the quality of medical care in New Hampshire would suffer as people would choose not to practice medicine here. The fact is, for many years Massachusetts had a law like this bill only with tougher penalties, yet continued to draw people to practice medicine and was consistently rated as having a very high quality of care. We were told that such protections already exist in New Hampshire. If that be the case, then no one should be concerned that this bill might pass into law,

since no additional prohibitions would be added. It was further suggested that other matters of conscience additional to abortion and other practitioners besides medical personnel should be added to this bill to widen the scope. These additions could be the theme of future legislation. **Vote 11-10.**

Rep. Lucy Weber for the **Minority** of Health, Human Services and Elderly Affairs. First, this bill codifies the right of a health care provider to conscientiously object to participation in an abortion, sterilization or prescription of artificial contraception. Second, it absolves the health care provider of all liability, administrative, civil or criminal, to any person or entity as a result of any exercise of conscience under the bill. This is an astonishingly broad limitation on liability. Third, it prohibits any person, health care provider, health care institution, public or private institution, or any licensing board from discriminating against the health care provider from discriminating against the health care provider based on that conscientious objection. The term “public or private institution” is undefined in statute, and there is nothing to limit the terms to institutions which provide health care. “Health care provider” is so broadly defined to include not only licensed medical professionals, but also potentially, receptionists who book appointments and cleaners who clean operating suites. Fourth, a civil action is created for the health care provider, with a minimum recovery of \$10,000 plus costs and attorneys’ fees. It appears that someone could seek employment in a reproductive health care center, be hired, and immediately assert a right of conscience that would prohibit them from doing the work for which they were hired. This bill would prohibit the facility from discharging them for not doing the work for which they were hired. The provisions of the bill are so broad as to far exceed the implications of its title. Finally, the minority finds it offensive that those who oppose abortion, sterilization or artificial contraception already have legal protections available to them, such as the AMA Code of Ethics, which covers physicians and nurse practitioners, and will have their consciences further protected under this bill, while licensed medical practitioners who believe, as a matter of conscience, that they should treat a woman after the 24th week of pregnancy, especially under the most difficult of circumstances, such as rape, incest or fetal deformities incompatible with life, are currently forbidden under New Hampshire law, from practicing medicine in accordance with their consciences.

HB 1180, relative to state recognition of biological sex. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Acton for the **Majority** of Health, Human Services and Elderly Affairs. This bill enables public entities to differentiate between biological males and females looking to take part in athletic competition. No action is mandated or specified in this bill. The goal is simply to allow the athlete’s biological sex to be considered in the creation of policies related to the ability to take part in sports. The committee felt it is a matter of basic fairness to allow an evaluation of biological sex when determining eligibility. Allowing a biological male who simply identifies as a female to compete in women’s sports can be viewed as a violation of the rights of the female competitors. This bill allows for the biological sex of the athlete to be considered if so desired by the local decision-making public entity. **Vote 11-10.**

Rep. Gerri Cannon for the **Minority** of Health, Human Services and Elderly Affairs. This bill as introduced will deny the rights of people to identify their perceived gender, the gender they live every day, as determined by state entities. The NH School Board already provides a transgender student policy labeled JBAB for our schools for them to adapt to their unique environments. The NHIAA has documented a transgender policy for interscholastic sports. The NCAA has defined requirements for transgender sports players in colleges and in universities. Policies from these organizations address the needs and concerns of all members of our communities. This bill puts transgender people on notice: you are not equal to the rest of the population, and you need to comply with social norms defined by the rest of your community. We are ignoring the fact that this bill will be in conflict with current state and federal discrimination laws and opening our communities to potentially expensive legal proceedings as transgender people and their families stand up for their rights to be free.

HB 1347, relative to licensing requirements for health care facilities that operate on a membership-based business model. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leah Cushman for the **Majority** of Health, Human Services and Elderly Affairs. This bill as amended exempts nursing homes and rehabilitation centers that accept direct payment or operate on a membership-based business model from the moratorium on new facilities and from the requirement for them to accept all forms of payment. In New Hampshire, there is limited ability to open a medical facility of any kind without accepting all forms of payment, which includes commercial insurance and Medicare and Medicaid. This presents a financial burden for new and existing facilities, as the administrative costs associated with processing insurance can be upwards of 35% of total facility expenditures. It also restricts the ability of facilities to set their own policies, as they are all required to accept Medicare and Medicaid, and therefore are required to comply with the Center for Medicaid and Medicare Services (CMS) requirements. There is growing demand for alternative options in healthcare, but barriers of entry stifle the ability of entrepreneurs to enter and improve the market. The success of the direct primary care model’s impact on patient satisfaction at an affordable price is proof positive of the benefits of healthy competition in the healthcare industry. This bill fosters competition and innovation in the nursing and rehabilitation facility market. **Vote 12-9.**

Rep. Jerry Knirk for the **Minority** of Health, Human Services and Elderly Affairs. Currently, nursing homes, skilled nursing facilities, and rehabilitation facilities are required to provide services to all persons regardless of the source of payment, a requirement added by the legislature in 2016 to ensure access to services for low-income individuals and those covered by Medicaid. This bill, as amended would exempt from this requirement those facilities which operate on a membership-based business model or exclusively provide services on a basis of direct payment from the patient, without any reimbursement or third-party payment. Such a change would allow a small number of for-profit institutions offering long-term care or rehabilitation services to skim off the patients who can pay the full cash price, changing the payor mix of the remaining facilities. Maintaining the payor mix is important. Sixty percent of residents in nursing homes are covered by Medicaid. As we all know from our county delegation work, the Medicaid reimbursement is not sufficient to cover the nursing home costs, requiring the subsidy of the private-pay patients and our county property taxes. Skimming off the higher paying patients will have a significant negative economic effect on our county nursing homes, leading to revenue loss and the need to increase property taxes on our county residents. This bill will increase the property tax burden on our constituents in order to subsidize for-profit chains which establish exclusive private nursing homes. Many residents are admitted to a nursing home starting with private pay, but when they spend down their assets, they go on to Medicaid. At that point, they would likely be discharged from the private pay only or membership-based model to the county nursing home, allowing the private pay only or membership-based model to have skimmed off their resources and leaving them to the county to care for when their resources are exhausted. In addition to the effect on our county nursing homes, private nursing homes with a standard payor mix will also suffer loss of revenue. Additionally, there is currently a moratorium on new licenses for nursing homes and rehabilitation hospitals in New Hampshire. This bill, as amended, exempts from that moratorium nursing homes, skilled nursing facilities, and rehabilitation facilities which operate on a membership-based business model or exclusively provide services on a basis of direct payment from the patient, while maintaining the moratorium on facilities which accept the usual payor mix. This will provide an unfair advantage to the exclusive, private facilities by allowing only the exclusive private facilities to open in the future. In summary, this bill will raise the property taxes on your constituents.

HB 1369, relative to COVID-19 health and safety policies at New Hampshire performing arts venues. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jerry Knirk for the **Majority** of Health, Human Services and Elderly Affairs. This bill as amended allows NH performing arts venues, as a business decision, to implement protocols of masking, testing and/or vaccination requirements for patrons in order to improve the safety of patrons and employees during an outbreak of a communicable disease. They are businesses and should be allowed to implement protocols for employee and patron safety if desired or if needed to comply with the requirements of the artist, who can book other venues if their safety requests are not met. The original bill referred to COVID-19. The amendment removes references to COVID-19, broadening the applicability to other communicable diseases which we may encounter in the future. It also adds protection for patrons, guaranteeing them refunds if policies change after ticket purchase, unless they have acknowledged that all orders are subject to venue policies at the time of the show, which may be different than the policies at the time of purchase. Performing arts venues operate on thin margins. During outbreaks of respiratory diseases, utilization of mitigation strategies such as improved ventilation, masking, testing and/or vaccination requirements will safely allow them to lessen social distancing, therefore increasing capacity in order to survive financially. Communicable disease protocols can be a marketing opportunity for the venue. A venue may choose to advertise that they implement such protocols to set them apart as a venue which cares for the safety of patrons and employees. Many patrons would feel more comfortable attending a performance when they know that their safety is being considered. Conversely, if a venue is too restrictive, people will not attend. It is a business decision.

Vote 11-9.

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. This bill as amended outlines in statute an authority that private business already possess. It states that performing arts venues have the authority to establish “communicable disease health and safety policies, including mask requirements, vaccine requirements, testing requirements, or a combination thereof.” During the bill hearing, testimony was given that these venues are already implementing these policies. The amendment removes “COVID-19,” broadening the scope to all communicable diseases. It also adds a clause to require venues to refund ticket purchases if their communicable disease policies change between the time of purchase and the time of the event, but the New Hampshire Attorney General’s office already has enforced refunds for patrons under such circumstances. The amendment also includes a clause which states that refunds are not required if there is a clause in the policy at the time of purchase indicating that the policy is subject to change without refunds, which again is already permitted without this bill. The bill is completely unnecessary and the minority of the committee recommends it be voted Inexpedient to Legislate.

HB 1379, relative to the department of health and human services’ rulemaking authority regarding immunization requirements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. Current statute authorizes the addition of new immunization requirements for children by administrative rule. This bill recognizes that decisions of such gravity ought to be made by the entire legislature and should be afforded a thorough and transparent public debate. The committee considered two different amendments, the first of which would have simply extended the vaccine requirements that presently exist in administrative rule (for varicella, Hepatitis B, and Haemophilus influenza type b) through their expiration in 2026, thereby giving the legislature ample time to consider adding these to statute with full oversight and decision-making by the entire legislature. That amendment failed by a single vote and the committee instead voted to adopt amendment 2022-0844h, which adds varicella vaccine requirements to statute, extends requirements for two other vaccines that are currently in rules until 2026, and provides for a temporary, non-renewable 20-month immunization mandate which must be approved by a three-fifths vote of the Joint Legislative DHHS Oversight Committee. **Vote 12-9.**

HB 1409, relative to the age at which a minor may receive mental health treatment without parental consent. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Lucy Weber for the **Majority** of Health, Human Services and Elderly Affairs. As amended, this bill does three things: it explicitly grants a minor aged 16 years or older the right to consent to mental health treatment; it explicitly allows a licensed mental health professional to treat a minor aged 16 years or older with the consent of the minor; and it makes it clear that parental consent must be obtained before any medication is prescribed. When a parent is unable or unwilling to actively provide for the mental health needs of their minor child, this bill allows the minor to seek the treatment they need and want without parental permission. This provides one more avenue for a minor without adequate parental support to get the professional support they need to work through difficult situations, and is aimed at sparing the minor the despair that some report feeling. The majority believes that therapy would be directed towards the repair of the family unit if that is appropriate, or towards helping the minor cope with whatever their situation is if restoration of the family unit is not appropriate. **Vote 11-10.** Rep. Mark Pearson for the **Minority** of Health, Human Services and Elderly Affairs. The question underlying this and similar bills is simple: who has charge of our children, parents/guardians or the state? The age at which minors may receive counseling without consent in this bill has been brought down to 16. The prime sponsor indicated the eventual goal is 12! At issue is not whether a child could talk with a trusted coach, teacher, pastor or friend when working through a problem. Of course they could! The issue is “mental health treatment.” If someone is in need of that level of counseling, that person’s family system has major issues warranting either family systems therapy or state intervention, not mere individual and secretive counseling. Additionally, secrets have a way of being disclosed. This writer, in his professional capacity, recalls, in other states in which he lived, numbers of times over the years when an insurance statement was sent to the parents of a child who had attempted to keep therapy sessions private. Such a revelation of what the child had been doing only made things worse, not better. This is but one way in which the parents became aware of what was going on. Almost half of the committee was convinced that the bill, though well-intended, was bad at best and dangerous at worst. And given the stated desire of eventually lowering the age to 12, we are even more concerned.

HB 1439, relative to hospital visitation policies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for the **Majority** of Health, Human Services and Elderly Affairs. The committee believes that this bill will bring greater transparency to hospital visitation policies, much needed after the past two years which saw too many patients isolated by visitation policies. While end of life visits are already in the Patients’ Bill of Rights, the committee heard of several cases where “last visits” were denied or else patients were transferred to hospice for visitation reasons alone. Recognizing that federally funded health care facilities are in a delicate situation, this bill as amended provides the flexibility to the facilities so long as written policies for visitation are posted publicly. The committee believes that this bill walks the line between balancing the needs of all the different stakeholders, and provides greater clarity for Granite Staters when they or their loved ones are hospitalized. The committee believes that no infant should be kept from their parents, and no one should die alone. **Vote 11-10.** Rep. Lucy Weber for the **Minority** of Health, Human Services and Elderly Affairs. No one wants anyone to be unsupported by a family member or friend during a medical emergency. However, we must balance the right of one patient to have the support of a loved one with the right of the next patient to be free from infection or disruption in their care. Both the majority and the minority amendments include these elements. The minority believes that putting the requirements into the Patients’ Bill of Rights is the appropriate way to approach the issue. The majority amendment puts the requirements into the facility licensing statute as well, and imposes additional requirements of documentation in the patient’s medical record. The minority is concerned that at a time when both personnel and resources are strained to the breaking point, to put a facility at potential risk of loss of license over a failure of documentation creates too heavy a burden on the facility.

HB 1455, relative to state enforcement of federal vaccination mandates. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for the **Majority** of Health, Human Services and Elderly Affairs. Our country, at its best, is a delicate balance between an overriding national authority and the rights of the states, enshrined, in part, in the tenth amendment. One of the reasons New Hampshire has done well, both in terms of our economy and in terms of the relative lesser impact of COVID-19, is, that whenever we can, we do things “The New Hampshire Way.” This bill enshrines this. But we’re not the only state who responds to the federal government this way. One need look only at “Sanctuary States,” places where leadership and law, prohibit assisting in the enforcement of laws about illegal immigrants. While the issues are different, the states’ assertions are quite similar. The question has been posed as to whether New Hampshire will lose federal reimbursement for Medicare and Medicaid should this bill be signed into law. So far, no state that has similarly refused to assist the federal government in determining who has been vaccinated, has lost such reimbursement. We hope that as New Hampshire joins the number of states saying no, the federal government will work with the states to adjust things back to a more equitable balance of power and authority. **Vote 11-10.**

Rep. Jerry Knirk for the **Minority** of Health, Human Services and Elderly Affairs. This bill prohibits the State of New Hampshire from assisting in the enforcement of any federal order, rule, or law which requires a person to submit proof of vaccination against COVID-19 as a condition of employment. This creates a conflict for the Department of Health and Human Services (DHHS). The Department of Health and Human Services, a state agency, is responsible for confirming that health care facilities are in compliance with federal mandates as part of the accreditation process of health care facilities. This includes compliance with the Center for Medicaid and Medicare Services’ (CMS) mandate requiring COVID-19 vaccination of health care workers. Prohibiting DHHS from doing its duty of accrediting health care facilities will lead to loss of accredited facilities. This loss of accreditation will lead to loss of reimbursement from CMS for Medicare and Medicaid patients (which provides the majority of funding of our nursing homes), and ultimately, termination from the Medicare and Medicaid programs. It will also lead to loss of payment from private insurers. The loss of reimbursements would require the state of New Hampshire to backfill hundreds of millions of dollars in funding to keep our hospitals and nursing homes open. The US Supreme Court has upheld the CMS mandate for vaccination of health care workers, staying the lower court injunction and the text of the decision makes it clear that they support the CMS vaccine mandate. Furthermore, there have been no appeals to the Supreme Court decision, so it stands.

HB 1481, repealing the statute relative to medical freedom in immunizations. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Erica Layon for the **Majority** of Health, Human Services and Elderly Affairs. The committee believes that forced compliance is not the New Hampshire way, and therefore opposes this bill which would repeal the Medical Freedom in Immunizations law. This law does not apply to childhood vaccines, and it prevents the overreach seen in states to our south which discriminated based upon vaccination status. New Hampshire has a long history of smart personal decisions without the use of state force as evidenced by our high seatbelt use in adults among others, and we therefore oppose this bill. **Vote 12-9.**

Rep. Joe Schapiro for the **Minority** of Health, Human Services and Elderly Affairs. This bill would repeal the “Medical Freedom in Immunizations” Act. This act, passed and signed into law in 2021, decreed that the State of NH and its political subdivisions shall not compel residents to receive a Covid-19 vaccine in order to secure, receive, or access any public facility, any public benefit, or any public service. While there are some exceptions in the act, this statute removes an important tool to deal with a deadly surge of Covid-19 should it occur. Public colleges and universities where dorm living is known to amplify community spread are precluded from requiring vaccinations. In addition, this act sets a precedent for future pandemics which, unfortunately, are likely to occur. It is time that NH balances the equation between personal choice and public health. Repealing the “Medical Freedom in Immunizations” Act would represent an important first step.

HB 1495-FN, relative to vaccine mandates for government contractors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Acton for the **Majority** of Health, Human Services and Elderly Affairs. This bill seeks to prohibit the state from requiring businesses to require vaccines or documentation related to vaccination or immunity status. The majority feels that the state should not have the power to force businesses to require employees or customers to prove vaccine status in order to enter their facilities or conduct business. We recently witnessed this type of requirement implemented in various cities around the country with disastrous results, including attempts to bar the unvaccinated from entering essential facilities such as food markets. The majority feels strongly that this type of requirement should never be instituted in New Hampshire. The committee amended the bill to include language that exempts medical facilities or providers, subject to a valid and enforceable federal Medicaid or Medicare mandate that imposes vaccination requirements. **Vote 11-10.**

Rep. Lucy Weber for the **Minority** of Health, Human Services and Elderly Affairs. One of the concerns about the underlying bill was that the Department of Health and Human Services (DHHS) is, by contract,

the licensing authority which enforces the federal requirements from the Center for Medicare and Medicaid Services (CMS) which includes certain vaccine requirements. The amendment has created an exception which fixes the problem with respect to these specific health institutions. The minority remains concerned because the bill applies to the state and all of its political subdivisions including our counties and municipalities, and there may be other businesses, outside of the expertise of the Health, Human Services and Elderly Affairs Committee, for which this bill would create similar conflicts.

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CACR 18, relating to reproductive medical decisions. Providing that the state shall not infringe or unduly inconvenience the right of reproductive medical decisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeanine Notter for the **Majority** of Judiciary. This CACR seeks to codify in our NH Constitution a right to abortion. This appears to be one of many bills this session introduced as a result of the Fetal Life Protection Act. New Hampshire's 24-week abortion ban became effective January 1, 2022. At the public hearing, someone testifying was asked how many late term abortions were performed in NH before the ban took place. We were assured that they were very rare. There is no data to support or disprove this because NH does not require statistics. In fact, we are one of only three states (CA and MD are the other two) that does not report data to the Centers for Disease Control and Prevention (CDC). Looking at another state with similar legislation, New York had a 24-week ban in place from 1970 to 2019. Did it impact abortion access? The numbers don't bear that assumption out. In fact, in New York City in 2015, about one in three pregnancies ended in elective abortion. And if we were to argue that access is particularly an issue for the poor and low income, fully 75% of elective abortions historically have been performed on either poor or low income women. We don't need to place some vaguely-worded guarantee to the "right to make personal medical reproductive decisions" provision in our constitution. Women have unimpeded access to abortion in the state up until the sixth month, a far more liberal standard even than most European countries, where 47 of the 50 countries in 2021 allow abortion under limited circumstances or at or before 14 weeks' gestation. Only one country of the 50 has a 24-week standard – the Netherlands. Contrast this with our state's previous climate of abortion on demand up to birth. Another line we heard at the hearing was, "It's 2022. We know more." The majority agrees. We know so much more about the life in the womb than we did in 1973. We know that at four weeks, a baby's pain receptors begin to develop, followed by nerve fibers that carry messages to the brain. At six weeks, the baby will respond to touch. At eight weeks, the cerebral cortex starts to develop and will eventually grow to have the same number of nerves as an adult. At ten weeks, if the baby is touched at ten weeks, his/her hands and eyes will open and close. At 12 weeks, not only can the baby smile, he/she now swallows and responds to simple stimulation of the skin. At 20 weeks, all physiological connections are in place to feel pain. At the executive session, it was said that in 1973, they thought the unborn was a "thing." That may be so, but going further back, in the early 2nd century, AD, Didache (The Teaching of the 12) states in Chapter 2, "...you shall not murder a child by abortion nor kill that which is born...". Clearly, the life of the unborn was viewed as something to protect and defend. For those of us who believe that life begins at conception, and that the unborn life is truly a human, a ban on late-term abortion is a huge compromise on our part. To enshrine abortion violence in the constitution is an abhorrence. **Vote 11-8.** Rep. Rebecca McBeath for the **Minority** of Judiciary. The minority believes that this proposed amendment to New Hampshire Constitution augments the recently approved Right to Privacy Amendment added by the voters in 2018. The 2018 Amendment provides, "An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent." This CACR would refine citizens' privacy rights and prohibit the state from infringing upon or inconveniencing a citizen's right to make reproductive medical decisions.

HB 1014, allowing public meetings to be conducted virtually. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark McLean for the **Majority** of Judiciary. This bill gives public bodies the option to meet by electronic or other means of communication in lieu of meeting in person. The majority of the Judiciary Committee expressed concern that the bill allowed for 100% remote access without the need for any physical location. The complete absence of a requirement for any physical location could lead to a lack of access for those that do not possess the technology required to attend. While the minority amendment does seek to address this shortcoming, the bill also directs that the meeting be adjourned if the public is unable to access the meeting. The committee felt that this section of the bill was problematic as the public is poorly defined, and that it forces a full adjournment for any technical issues. Options, like recessing temporarily to address any technical issues, are not available in this bill. **Vote 11-10.** Rep. Alexis Simpson for the **Minority** of Judiciary. The minority of the committee recommends Ought to Pass with Amendment in response to a need from state and local public bodies to be able to meet remotely or to provide a remote option for their members. This bill would provide direction for public notice and access to remote meetings and meetings with an option for remote attendance

under the Right-to-Know Law, RSA 91-A. There is no requirement here, only guidance for a body that wants to offer a remote option. The bill also addresses potential right-to-know issues with online chat functions. The amendment would require a physical location for all public meetings, but would allow the quorum to be met by members remotely and in person. We have heard from leaders in communities around the state that have been unable to make a quorum in person. They would like to be able to count those participating remotely as part of a quorum. Remote options have been overwhelmingly supported by the public to enhance accessibility. The amendment also makes it clear that when there is a remote option for a body that takes public comment, the public must be able to provide comment remotely.

HB 1073, repealing the right-to-know exemption for attorney-client work product. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill as amended clarifies the right-to-know exemption for the attorney client privilege or the attorney work product doctrine in RSA 91-A by adding the phrase “consistent with the public’s right-to-know.” The majority recognizes these privileges are very important for public bodies’ ability to function effectively, but also sees an inherent conflict between those privileges and the constitutional promise of transparency embodied in the public’s right-to-know. We believe the addition of this phrase will provide guidance to the courts by establishing both the privilege and the conflict in the law.

Vote 14-5. Rep. Rebecca McBeath for the **Minority** of Judiciary. The minority of the committee believes that repealing or diminishing of attorney-client privilege and attorney communication ethical standards for any group of clients is inconsistent with national best practice principles and against the public good. Attorney-client confidentiality is the basis of the trust that is the hallmark of the client-lawyer relationship and encourages the client to seek legal assistance and to communicate fully and frankly with an attorney. Whether as a private citizen or member of a public body, it is the individual that seeks a relationship and advice from legal counsel. The disclosure of client information is extreme and irrevocable and can bring unintended harm. The minority supports the retention of the current statutory language regarding access to governmental records, adopted in 2021, and further, believes that the addition of the ambiguous language contained in this amended bill will result in encouraging law suits, costly to municipal governments, to determine its proper application.

HB 1101, relative to a forfeiture of personal property. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for the **Majority** of Judiciary. This bill supports our state’s criminal asset forfeiture policy. It requires seizure made under state law, not connected to any joint task force, to be processed under New Hampshire criminal forfeiture law. Ensuring that we retain these cases in state will provide our citizens with better due process which might be diminished in the federal civil process. **Vote 17-4.** Rep. Douglas Trottier for the **Minority** of Judiciary. This bill would limit the conditions under which seized property may be transferred to a federal agency. A mission of law enforcement is to stop illegal drugs from entering our communities, hold those that distribute them accountable, and target violent offenders. If this bill passes, it will affect every law enforcement agency in NH and will restrict their ability to combat drugs in our state. If drug dealers are not held accountable, what is to deter them from distributing drugs to our children and citizens, knowing they will not lose any property used in the commission of a drug crime? The minority of the committee recommends that law enforcement be allowed to do their jobs and to allow property to be forfeited that is being used in drug-related crimes.

HB 1107, establishing a committee to study the rental or lease of housing to a person who has pets. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. The majority of the Judiciary Committee believes that this issue has already been studied sufficiently and therefore this bill is not needed. This bill would establish a committee to study the rental or lease of housing to a person who has pets. The study would include questions such as whether legislation should be proposed to prohibit discrimination or to add protection for pet owners and pets under property leasing and landlord-tenant laws. The majority believes that landlords should not be forced to allow pets in their housing units if they do not wish, and also believes another mandate on landlords during a housing crisis is ill advised. **Vote 11-10.**

HB 1133, prohibiting the termination of a lease during the sale of real property. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. The majority of the Judiciary Committee believes this bill is not needed. This bill prohibits the termination of a residential lease during the sale of the property being leased. It is already the law and well known that a lease during its term supersedes the sale of a property. When the owner enters into a lease for a specific term, the owner is contractually waiving his or her right to terminate the lease prior to the expiration of the lease term. The tenant is already protected by their lease. This bill is unnecessary and could cause confusion or unintended consequences. **Vote 11-10.**

HB 1200, relative to notice of rent increases in residential rental property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Sylvia for the **Majority** of Judiciary. This bill would require 45 days' notice of rent increase to the tenant from their landlord. Should the tenant choose to seek alternative housing, and the notice to vacate remains at 30 days, a market signal of more tenants shopping for apartments would allow landlords to raise rents. This interference in the terms of a lease will harm tenants by creating an artificial perception of demand. Such an indication will signal to landlords more demand and allow increases in rents. Further, if a tenant locates a new apartment immediately, they would likely be paying for two apartments as they would need to secure the new apartment and finish their contract on the first apartment. The majority of the committee believes this result would be harmful to tenants in an already tight market. **Vote 11-10.**

Rep. Marjorie Smith for the **Minority** of Judiciary. New Hampshire's housing shortage, particularly for those with limited income, is well documented. This bill has a very narrow focus. When a landlord decides to increase rent at the expiration of a lease, the landlord would be required to give the current tenant 45 days' notice. This would give the tenant 15 days additional time to try to find housing the tenant might be able to afford, or to find some extra income – perhaps an extra shift, or other additional work. It does not cost the landlord anything and potentially saves the landlord the additional costs involved in finding another tenant. Everyone benefits.

HB 1291, prohibiting discrimination against tenants holding certain vouchers for purposes of renting dwellings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Alexander for the **Majority** of Judiciary. The majority of the Judiciary Committee believes this bill would exacerbate the housing crisis in our state. This bill would require landlords to accept Section 8 Housing Choice Vouchers. The problem here is the Section 8 Housing Choice Voucher itself. Once a Section 8 applicant is approved or an existing tenant obtains their voucher, then a landlord would be forced into accepting and complying with 77 pages of federal regulation and 12 pages of the Housing Assistance Program (HAP) contract with the landlord having no say in the regulations or the contract. Essentially, the landlord would be forced into entering into a government contract without any say in the content of that contract. In addition, the government can change the regulations at any time and future iterations of the contract again with the landlord having no say. More simply said, for approved applicants or existing tenants, the bill would force landlords to sign into a federal program with no say in the matter, which was strategically designed to be voluntary. These regulations and the HAP contract place many burdens and additional costs onto the landlord, all of which will be another pressure to raise rents and worsen our affordable housing issue. A provision of the bill allows a landlord to be excluded if their rent is higher than the rent allowed by the program. This will incentivize increasing rents. The program can raise their rent limit, which they may do easily, leading to a rent price war. Some insurance companies don't write insurance if Section 8 is more than a certain percentage of the tenants. This could cause increasing insurance rates and loss of coverage. The majority of the Judiciary Committee believes we need to fix the Section 8 program and incentivize landlords to participate in the program but not force it upon NH landlords. **Vote 11-10.**

Rep. Cam Kenney for the **Minority** of Judiciary. The Housing Voucher Program is the largest housing assistance program in New Hampshire for low-income tenants. This bill would make a blanket refusal to accept voucher holders unlawful, but still allows landlords to apply the normal screening policies they would apply to every other applicant. Additionally, landlords can reject a voucher holder if the rent is higher than what the housing authority would approve. Also, landlords can reject a voucher holder if the apartment does not meet the minimum quality standards established by the Department of Housing and Urban Development (HUD). Landlords should not be allowed to discriminate against low-income families just because they want to avoid an untrue stigma. The demand for vouchers is so high, applicants are on a waiting list usually for five to eight years. Yet, after waiting years for the voucher, many tenants lose them because they may only have 90 days to secure housing, and they cannot find a landlord who will accept them in this short time frame. It is time for New Hampshire to join the rest of New England by making this discrimination unlawful.

HB 1389-FN, establishing a superior court land use review docket. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie Smith for the **Majority** of Judiciary. The sponsor's goal was to create a Superior Court land use docket. A proposed amendment would have increased the number of judges on the Superior Court and would have provided for additional funding. The judicial branch offered no opinion, giving no indication that if the number of judges were increased the court would choose to allocate additional resources for this purpose. The Judiciary Committee would like to hear from the court and other interested parties as to the costs and benefits related to this proposed change, and therefore voted overwhelmingly for Interim Study. **Vote 20-1.**

Rep. Mark McLean for the **Minority** of Judiciary. This bill, as amended, creates a land use review docket in the Superior Court and adds one judge to the Superior Court's headcount to oversee the docket. This presiding justice of the land use review docket would be qualified by reason of their knowledge and experience of land use and real property law. Because land use cases are currently dispersed throughout the court, the application of expertise can be uneven, with one judge having more expertise and another having less. This has

created a perception that the courts may tend to favor municipalities and towns when rendering judgment. The intention of this bill is to move these types of cases to an area of the court with a high level of expertise so that judgments will be fairer and more even.

HB 1425-FN, relative to the taking of real property by eminent domain. **OUGHT TO PASS.**

Rep. Mark McLean for Judiciary. This bill seeks to allow for fairer compensation when real property is taken by eminent domain during an emergency. In broad terms, the bill replaces the owner's current right to recover damages from the taking with the right to recover replacement costs, compensation for loss of use, and attorney and administrative fees from filing the recovery claim. In addition, the bill also gives the owner the right of first refusal to purchase the property back in the event that the property should be put up for sale. Because of its extreme nature, the taking of property should only occur in exceptional circumstances. In such circumstances, the majority of the committee felt that this bill went a long way towards making the owner more whole, and therefore recommend Ought to Pass. **Vote 11-10.**

HB 1477-FN, prohibiting abortions after detection of fetal heartbeat. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Diane Langley for the **Majority** of Judiciary. This bill fundamentally removes a woman's right to make a decision about her body. There are women who are unaware that they are pregnant during the first trimester; as a result they would not know they needed to set-up an appointment with a medical provider to explore options around the continuation or termination of their pregnancy. Women could find themselves having exceeded the parameters of this legislation before they were ever able to schedule an appointment with a provider. This bill exceeds individual boundaries, removing the right to make a decision about a woman's body from the one person who is able to make that decision, the woman herself. **Vote 11-10.** Rep. Mark McLean for the **Minority** of Judiciary. This bill prohibits abortion after the detection of a fetal heartbeat as defined as "cardiac activity or the steady repetitive rhythmic contraction of the fetal heart." In the fifty years since the *Roe* decision, our ever-increasing understanding of the nature of the fetus has led to a corresponding increase in how it is valued. The minority of the committee felt that at the stage of life defined in the bill, development has advanced to the point where its status as an individual human entity has been established. The minority therefore felt that the bill had merit and recommended Ought to Pass.

HB 1490-FN, relative to equal access to places of public accommodation regardless of vaccination status. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill ensures equal access to places of public accommodation regardless of vaccination status. It also provides no one should be denied access to public accommodation because the person refuses to use a medical device. The majority believes that one's vaccination status is and should be protected private information. Similarly, no one should be required to use any medical device simply to buy groceries, take a bus, or attend a public event. The committee rejected establishing similar protection across the board and focused on this narrower area. We believe discrimination on these bases significantly reduces the natural rights of our people, but in areas like employment or education there could be valid reasons for requiring vaccination for the protection of others. The majority recognizes these areas are matters of individual choice and believe they follow a rationale similar to what we used to protect sexual orientation or gender identity.

Vote 11-10. Rep. Mark Paige for the **Minority** of Judiciary. This bill would create an additional class ("vaccination status") deserving protection under RSA 354-A:16. Currently, RSA 354-A:16 prohibits discrimination against certain protected classes in places of public accommodation. These classes include race, age, sex, creed, and religion, among others that, unfortunately, have faced a long history of discrimination. The minority believes that the reasons giving rise to the current list of classes protected are substantially distinguishable from the reasons proffered to extend that list to include "vaccination status." Moreover, it is important to note that the legislature enacted RSA Chapter 354-A (the state's anti-discrimination statutes) under the state's police power to ensure the public's welfare, health, and safety. Including "vaccination status" as a protected class for purposes of access to public accommodations (including health care providers) would threaten public health, rather than protect it. For example, the New Hampshire Hospital Association testified at hearing that a vaccine requirement is an essential tool to protect their employees and patients against COVID-19. Other employers and businesses across the state should be able to protect their employees and patrons from potentially lethal diseases, such as COVID-19. Finally, the bill also prohibits a place of public accommodation from discriminating against a person for refusal to use a "medical device." The term "medical device" is too vague, and its meaning will have to be sorted out through costly litigation.

HB 1519-FN, defining "religious belief" and protecting it from discrimination. **INEXPEDIENT TO LEGISLATE.**

Rep. Alexis Simpson for Judiciary. This bill would add the term "religious belief" to certain statutes regarding discrimination. In many of the places where it suggests adding "religious belief," the term religion is already present. The term religion encompasses more than just religious belief. Adding "religious belief" to the stat-

utes where religion is already stated is redundant and unnecessary. In statutes regarding discrimination, singling out “religious belief” where religion is not stated explicitly is insufficient and exclusive since belief is not part of all religions. “Religious belief” fails to include “religious practice” which is a key component of the definition of religion. In addition, freedom from discrimination on the basis of religion is protected by the United States and New Hampshire Constitutions. **Vote 17-4.**

HB 1625, repealing the prohibition on entering or remaining on a public way or sidewalk adjacent to a reproductive health care facility. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Paige for the **Majority** of Judiciary. This bill would repeal New Hampshire’s “buffer zone” law (RSA 132:37-40) which prohibits a person from remaining on a public sidewalk within a radius of up to 25 feet of a reproductive health care facility’s entrance or exit. Outside that zone, people are free to exercise their First Amendment rights. This bill suffers from several flaws. To begin with, it relies on a misguided premise that the U.S. Supreme Court’s decision *McCullen v. Coakley* (striking down portions of a Massachusetts buffer zone law) renders New Hampshire’s buffer zone unconstitutional. As a preliminary matter, the constitutionality of our law is a question for the courts, not the legislature. Regardless, New Hampshire’s current law is distinguishable from Massachusetts’ in important respects. For instance, the Massachusetts law in *McCullen* mandated a fixed buffer zone of 35 feet and imposed both criminal and civil penalties. In contrast, New Hampshire law enables a buffer zone *up to* 25 feet (depending on the circumstances) and imposes only civil penalties. That the New Hampshire law contains a high degree of flexibility is not an accident; the drafters of our current buffer law carefully crafted it after the Court decided *McCullen*, thus with particular knowledge of the constitutional limits of buffer zone laws. Additionally, it is unclear what problem this bill would fix. In fact, individuals who testified in favor of the bill indicated that presently they successfully express their views outside reproductive facilities, suggesting the existing statutory arrangement works. Finally, buffer zone laws are nothing new in New Hampshire and are successfully used in other contexts, such as around polling place entrances. **Vote 12-9.** Rep. Mark McLean for the **Minority** of Judiciary. This bill repeals RSA 132:37-40, which allows for the creation of a “buffer zone” around reproductive health care facilities. This law was enacted several years ago amid safety concerns around abortion clinics and has long been seen as problematic by free speech advocates. In 2014, the US Supreme Court struck down the Massachusetts buffer zone law upon which this law is based, and the call for a repeal of its New Hampshire counterpart has followed ever since. The minority of the committee expressed the belief that existing criminal threatening laws are adequate to address security concerns at reproductive health care facilities, and noted that no facility has ever implemented the law’s provisions in spite of the urgent need expressed by its supporters. The minority therefore felt that the constitutional concerns, coupled with the lack of implementation, warranted a recommendation of Ought to Pass.

HB 1673-FN, relative to women’s health privacy and repealing the fetal health protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie Smith for the **Majority** of Judiciary. As part of the continuing refinement of the Fetal Life Protection Act, this bill incorporates changes in three areas. First, both the majority amendment and the minority amendment contain identical language clarifying the legislature’s intention that ultrasound tests be required only in such cases necessary to confirm the gestational age of the fetus of at least 24 weeks. Second, exceptions to the 24-week standard are defined to include cases in which fetal anomalies are incompatible with life, or a medical emergency makes it necessary to preserve the life or health of the pregnant woman. The third change eliminates the criminal and civil penalties for violation of the Fetal Protection Act. Medical care in the reproductive health or gynecology field, including abortion, is provided by medical professionals who are licensed by the NH Board of Medicine and the NH Board of Nursing. These boards oversee the education, background, and training of every doctor, nurse, nurse practitioner, and physician assistant in New Hampshire. In addition to state requirements for professional licensing and continuing medical education, both licensed providers and facilities are subject to professional credentialing and quality assurance reviews from insurance companies. Therefore, the state already has in place a comprehensive system for requiring compliance with state law and regulations. **Vote 11-10.** Rep. Kurt Wuelper for the **Minority** of Judiciary. The minority believes the majority amendment makes the Fetal Life Protection Act (FLPA) a sham. By removing all the penalties there will be no way to hold any violator accountable. By adding the misleading “incompatible with life” exception, which the minority doubts even exist with today’s medical technology and the majority provided no example, another uncontested excuse for abortion is added. [They really posit aborting the baby will keep the mother from experiencing the tragedy of having to deliver a baby who was dead or was going to die soon after.] The minority knows the mother’s real choice is for her baby to die from a medical condition or by her intention. We believe the latter is the greater tragedy. Similarly, adding “health” to the exceptions definition simply opens the door to a readily abused excuse. The minority believes clarification of the ultrasound requirement in the FLPA will satisfy all reasonable objectors to that act and is the far better course.

HB 1674, relative to reproductive rights. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill would establish that NH “shall not restrict or interfere with an individual’s exercise of their private decision to terminate a pregnancy” except as already provided in law. One injured by a violation of this provision would be able to sue the state for injunctive relief including court costs and attorney’s fees. The sponsors fear that, should the U.S. Supreme Court overturn *Roe v. Wade*, women in NH would be denied access to abortions. The majority saw many potential unintended consequences and numerous apparent conflicts between this language and our current laws regarding sexuality. As this bill would add no protections for abortion now, and any future legislature intent on enacting such restrictions could still do so, the majority believes this bill is both problematic and premature. **Vote 11-8.** Rep. Alexis Simpson for the **Minority** of Judiciary. Multiple generations of women and girls have had access to safe, legal abortion since *Roe v. Wade* was decided 49 years ago. This bill would ensure that Granite Staters would have access to safe, legal abortion within the bounds of the current law, which is critically important given the high likelihood that *Roe v. Wade* will be overturned by the Supreme Court in the next three months. This bill does not change any current law, but it would place the rights that women and girls currently have in NH in the statutes next to the restrictions.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 1053, relative to the hourly rate paid to an employee for hours worked but not previously scheduled. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Warden for the **Majority** of Labor, Industrial and Rehabilitative Services. This legislation would require an employer to pay “time and a half” for hours worked by any employee who is called in to work hours not previously scheduled. With thousands of different employers in this state, all with their own policies and procedures for scheduling work shifts for employees and independent contractors, the idea behind this bill is wholly unworkable. The committee heard from a number of trade associations representing many industries and employers, all of whom opposed this one size fits all proposal. **Vote 18-3.** Rep. Joshua Adjutant for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the Labor, Industrial and Rehabilitative Services Committee believes that an employee’s free time is valuable to them. They may have planned to use it to volunteer at their community center, run errands, spend time with their families, or rest. An employer calling in an employee at a whim can disrupt their personal life, and as such, the minority believes that an employee who is called in for hours not previously scheduled should be paid time and a half for those hours worked, the same standard we require for work past 40 hours a week.

HB 1076, relative to illegal productivity quotas. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joshua Adjutant for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill seeks to deal with the issues that have arisen over the last decade with productivity quotas that are so stringent and unreasonable that employees are technically denied bathroom breaks to ensure their work gets done on time, because taking the time to walk to the bathroom could get them in trouble. The majority of the committee understands that bathroom breaks are already a protected right that employees enjoy, but the time it takes to get to and use the bathroom, or take a meal break, or rest period, is not. With this bill, we both require the notification of a company’s productivity quotas to prospective employees, guaranteeing transparency, while also ensuring that no productivity quota can deny the right of an employee to use the bathroom without fear of losing their job. **Vote 11-9.**

Rep. Leonard Turcotte for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill would impose an extensive number of new burdensome and unnecessary regulations onto NH businesses for a perceived problem that has been nearly non-existent. When an isolated case has occurred, the NH Department of Labor has quickly and efficiently resolved the issue. Much like other bills this committee has heard, the provisions in this bill are a better fit for inclusion into collective bargaining agreements. The Labor, Industrial and Rehabilitative Services Committee consistently avoids getting in between the relationship of private employers and their employees, and this issue should be no different.

HB 1088, relative to employee protections from COVID-19 in the workplace. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gregg Hough for the **Majority** of Labor, Industrial and Rehabilitative Services. While this bill seeks to make it lawful for employees to receive COVID-19 vaccinations as well as to be able to wear personal protective equipment in the workplace under the premise of non-discriminatory practices, the majority of the committee found through testimony and current law that there is nothing preventing citizens currently from doing either. Also, there was no evidence of employers taking punitive actions against employees who chose to do either, or both. **Vote 11-9.**

Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the committee believes that an employee should have the right to protect him/herself from infection while at work. While uncommon, some employers have discouraged or even not allowed employees to wear protective equipment or to become vaccinated. Employees' rights to protect their own health and the health of others should be protected.

HB 1089, relative to the unenforceability of noncompete agreements upon termination of an employee for noncompliance with a vaccination mandate. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for the **Majority** of Labor, Industrial and Rehabilitative Services. As amended, this bill would protect employees from being caught in a non-compete agreement with an employer who, essentially, forced them out through a change in employment terms. The original language was specific to vaccines and sought to nullify prior non-compete agreements upon this imposition of a new vaccine mandate. This intent was explained as merely a clarification of existing case law rather than a new regulation. As amended, the bill now focuses on the phrase "material change to the terms of employment" that would require a re-execution of any previously-negotiated non-compete agreements. This would apply to items like compensation as well as medical testing and intervention. Passage of this bill should not disrupt existing and legally-enforceable non-compete agreements. It will, however, allow the NH Department of Labor to intervene in cases where non-competes are being improperly enforced. **Vote 13-8.**

Rep. Andrew Maneval for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill, as amended, makes unenforceable a noncompete agreement that an employer has entered into with its employee, if the employer makes any material change to the terms of employment. The term "material" is not defined here, although the bill provides that it at least includes "new requirements" for medical testing, vaccination, or other medical intervention made a condition of employment by the employer. What else a "material change" could include is not addressed. Further, this bill actively discourages employers in certain circumstances from applying their discretion as to new medical requirements that might otherwise be advantageous or in the interests of public health. It also creates new responsibilities within the NH Department of Labor for dealing with disputes between employers and employees over enforceability of the noncompete agreements they negotiated, with the possibility of warnings and/or fines issued by the DOL in addition to potential liability of the employer in civil lawsuits. This bill is burdensome on employers, ambiguous in meaning, and engages the DOL in matters that would best be resolved by other means.

HB 1094, relative to employee work schedules and rest periods. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would place additional, and unnecessary, burdens upon NH's businesses by requiring the advanced planning and notification of an employee's work schedule. Many individuals from the business community testified that businesses primarily performing work outdoors could not possibly predict schedules due to the inability to forecast weather. Others testified to the sheer impracticality due to types of work performed and time required for planning. The bill further discriminates based on a business' size and number of locations, implements restrictions on rest periods, and reads more like a union collective bargaining agreement than a statute. **Vote 18-3.** Rep. Joshua Adjutant for the **Minority** of Labor, Industrial and Rehabilitative Services. Though the minority understands that there are certain professions where scheduling seven days ahead of time may be harder than others, we still hold that there are many benefits to employees knowing their schedules ahead of time, such as life planning, ability to secure child care, ability to rest, and the mental security that comes with knowing when you're working. The bill also requires a minimum standard for a rest period, which the minority of the committee supports, because tired employees become tired drivers, and tired drivers pose a risk to everyone on the road. The National Highway Traffic Safety Administration found hundreds of traffic fatalities associated with exhausted drivers in 2019. It is for the above reasons that we support this bill.

HB 1165, repealing the Granite State paid family leave plan. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would repeal the Granite State Paid Family Leave Plan (FMLI) that was included in the omnibus HB 2 this past year (Ch. 91:139, Laws of 2021). That plan has significant deficiencies, many unanswered questions, and is no longer needed. The plan would require taxpayers to pay for FMLI for 11,000 state employees (at a cost yet unknown), at no cost to the employee. The bill would give the potential private employers who sign up a 50% tax break for premiums paid, yet the impact on tax revenues is unknown. The number of private businesses interested in purchasing this insurance is unknown. Over the years, this FMLI will morph into a public sector benefit/entitlement paid for by taxpayers. Finally, insurance carriers have recently filed plans to the Insurance Department to offer this type of insurance in NH, whether the state moves forward with the state's FMLI plan or not. This proves the private market already can and will provide FMLI type insurance

through the free market without bureaucracy's involvement. Since the FMLI plan will not be implemented any earlier than the end of 2022, we have the opportunity to remove it from the books before it is forever ensconced into law. **Vote 11-10.**

Rep. Joshua Adjutant for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the labor committee opposes this bill, the repeal of the regressive Granite State Paid Family Leave Plan (FMLI). The minority of the labor committee, in a vacuum, does not support the FMLI plan that was passed in HB 2 in 2021 (Ch. 91:139, Laws of 2021). We feel it is financially exclusionary to lower income Granite Staters who are forced to pay the premiums but are expected to forgo 40% of their income if they want to use their "plan." An administrative assistant at a state agency who makes \$50,000 can likely afford to take that hit, but an employee at a state liquor store who makes \$12 an hour is essentially expected to live on \$7 an hour to use the plan that they've paid into. The very people who are supposed to be helped by this plan are hurt the most by an upward redistribution of wealth from the working class to the permanent managerial class. With 7 out of 10 Americans living paycheck to paycheck, this is a bad plan that makes everyone pay premiums that only a select few get to use, and we feel that is wrong. However, these are not the reasons why advocates are asking for a repeal. The minority disagrees with the premise that the biggest issue with the FMLI plan is that it costs money. We understand that public programs do cost money, but if they have the kind of popular support that a robust Paid Family Leave Program would have, it's worth it. That's why the position of the minority of the labor committee is to fix the Granite State Family Leave Plan, not to throw it away and leave everyone with nothing. We oppose this bill, and recommend the bill be referred for Interim Study, so the Granite State Paid Family Leave Plan can be improved, and have it's regressive, technocratic obstacles removed, so that true FMLI can be a reality for all Granite Staters.

HB 1210, relative to exemptions from vaccine mandates. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill is the result of merging three bills that came before the Labor, Industrial and Rehabilitative Services Committee dealing with vaccine mandates. The language of this bill would require that any public employer, any private employer that receives any type of public funding or any post-secondary educational institutions that mandate a vaccine or inoculation shall give the employee or student the opportunity to request an exemption. In addition to religious or medical exemptions, a "right of conscience" exemption would also be an option. Once an exemption was requested, it would be granted, along with the opportunity for the employer to see if a reasonable accommodation might be reached with the employee. **Vote 11-10.** Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority believes that this bill as amended is a bill that creates both economic and medical risk for the people of New Hampshire. The amendment adds a new exemption for vaccine mandates to the current medical and religious exemption. The new exemption would be for right of conscience. Medical professionals testified that any broadening of exemptions creates a reduction in vaccination rates and the risk of infectious disease increases. The new exemption and the likely increase in infectious disease applies to all vaccines, not just COVID-19. The medical professionals also testified that allowing hospital and nursing home employees to opt out of vaccines will put Medicaid and Medicare funding at risk to these institutions. This bill also makes it so that all exemptions must be approved without challenge by the employer. For these reasons, the minority believes this bill should be found inexpedient to legislate.

HB 1251, prohibiting payment of subminimum wages. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would have the effect of raising the minimum wage component for employees who regularly receive tips to the federal minimum wage rate. The committee has heard variations of this minimum wage bill several times over the past years and each time it has been appropriately killed. As before, no employee who would be affected by this bill testified in favor. Previous testimony by industry representatives affirmed that tipped employees make on average between \$15 and \$25 an hour, more at higher-end businesses. And under no circumstance can any employee in our state be paid less than the federal minimum wage. Many examples exist where businesses and bureaucrats or politicians, believing they knew best, changed minimum wage laws or business practices with negative effects. The economic principle of supply and demand has allowed New Hampshire's minimum wage laws to work perfectly as-is. **Vote 11-10.** Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the committee feels that the subminimum wage for tipped workers is an outdated relic dating back to the early post-slavery era. Tipped wage workers have most of their compensation determined at the whim of the customer. Their wages often are negatively impacted by back of the house issues that are beyond their control. Many employers have realized that, in order to attract employees for tipped employment, they need to pay a base pay greater than the full minimum wage with employees earning tips on top of that base pay. Other states have eliminated the subminimum wage without serious consequences. New Hampshire should do the same.

HB 1337, relative to the duration of unemployment benefits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill, as amended, would index the length of time one could collect unemployment compensation to the latest benchmarked unemployment rate. Currently, the longest an individual may collect unemployment compensation is 26 weeks. Under this bill, 26 weeks would still be permitted when the unemployment rate is greater than 8.0%. The 26 weeks would reduce to 16 weeks, in $\frac{1}{2}$ point increments, whenever the unemployment rate is 3% or less. The primary result of this bill will be to encourage everyone to return to the workforce as quickly as possible, while also reducing business' unemployment insurance taxes. While NH has an unemployment compensation system that works fairly well, there are always ways to improve. States implementing this indexing concept have seen their insurance rates fall, some dramatically. **Vote 11-10.** Rep. Andrew Maneval for the **Minority** of Labor, Industrial and Rehabilitative Services. The system currently in place effectively discourages excessive reliance on unemployment compensation benefits, while also seeking to protect those persons and families from the devastation that can result from losing a job. Each person's circumstances are unique. Some individuals, for good and comprehensible reasons, require a longer period of benefits to regain their footing and to protect their families. The challenges such people face are not reducible to statistical or analytical theorems. Their specific exposures are related little, if at all, to state average unemployment rates. Indexing the length of available benefit time to such rates is illogical and can have a cruel effect. We recommend voting against this bill, that seeks to fix something that isn't broken.

HB 1472, prohibiting anti-union activities by employers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gregg Hough for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill seeks to regulate the relationship between employer and employee by limiting the actions employers may take with regard to unions and employees. The committee found, through testimony and current laws, that there is considerable oversight of anti- and pro-union activities both by the federal National Labor Relations Act and the Railway Labor Act. This bill was redundant and unnecessary. **Vote 11-10.**

Rep. Dan Toomey for the **Minority** of Labor, Industrial and Rehabilitative Services. Employees should have a right to come together to decide to bargain as a group without employer interference. That decision must be free from coercion or intimidation. Mandatory employer produced anti-union workplace meetings are by their nature meant to be coercive and in many cases part of a campaign of harassment and punishment to those employees favoring unionization.

HB 1508-FN, prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lino Avellani for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill seeks to address an issue that, at this time, does not exist. The committee heard no public testimony that this bill was needed and it created more questions than it seemed to solve. For those reasons and more, the majority supports Inexpedient to Legislate. **Vote 12-8.** Rep. Andrew Maneval for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill would preclude an employer from firing or disciplining an employee who does not report to work because that employee is then responding to an emergency as a member of a volunteer fire or ambulance department. The employer is not obligated to pay the employee for the time away from work. Other protections against misuse of this statute are included. Many of NH's small towns rely on volunteer fire and ambulance departments as first responders to fires and medical emergencies. Those small towns are facing enormous and increasing difficulties in finding volunteers for this service and in ensuring that such volunteers can balance work responsibilities with emergency duties. NH communities depend on such volunteer service, even at the occasional cost of some disruption to an employer's schedule. This bill would facilitate performance of these critical services.

HB 1514-FN, relative to an employee's unused earned time. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Lino Avellani for the **Majority** of Labor, Industrial and Rehabilitative Services. This iteration of this bill, while well intentioned, seeks to redefine certain employer benefits as compensation and constitute wages due. Yet, it also redefines sick time benefits, as not wages due. While the sponsor looks to address this issue by legislation, it is best left up to the employer/employee relationship to define benefits and wages. Also, redefining compensation and wages to include certain benefits could cause other conflicts within existing employment compensation laws, including but not limited to, the timely payment of wages when earned. For these reasons, the majority felt it should be found Inexpedient to Legislate. **Vote 11-10.** Rep. Michael Cahill for the **Minority** of Labor, Industrial and Rehabilitative Services. With the amendment, the bill applies only when employment terminates under two circumstances: a permanent layoff or the sale of the company. The employee's earned but unused time (excluding sick) would be paid or transferred if they continue working for the new owner. While these steps are common practice, incidents have occurred where the employer did not do as one might reasonably expect. This legislation would protect employees from loss of hours that were on their pay stub prior to the unanticipated layoff or sale of the company.

LEGISLATIVE ADMINISTRATION

CACR 23, the New Hampshire constitution. Providing that all references to persons in the New Hampshire constitution be gender-neutral. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Bob Greene for the **Majority** of Legislative Administration. This bill asked that all references to gender in the NH Constitution be made gender-neutral. As one can imagine, the number of corrections was extensive and throughout the document. The practicality and the benefit to society of making all these changes was questioned by the majority of the committee. Testimony was received that, in the eyes of the law, the document is already gender-neutral. Additionally, in order to provide the complete picture to the voters, who need to approve this constitutional change, each and every change would need to be shown on the ballot question. Our constitution is roughly 12 pages long, and printing the entire document to show each change would be a significant misuse of paper and expense. When balanced against any possible benefit, this led the majority of the committee to vote Inexpedient to Legislate. **Vote 9-6.**

Rep. Manny Espitia for the **Minority** of Legislative Administration. The NH Constitution is an important document that frames our state government. It is one we are proud to uphold and support. This CACR would allow the voters to change the language of the constitution to reflect our population. We are proud to have elected two women governors and we'd like the constitution to reflect that.

HB 1007, relative to qualifications for office. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Simon for Legislative Administration. This bill seeks to provide the General Court of NH with the ability to simply declare one of its members guilty of insurrection or rebellion, removing that member thereby creating a vacancy, and then asking the community to fill the vacancy. The majority of the committee finds a number of reasons the bill needs to be found Inexpedient to Legislate. The General Court, in the opinion of the majority, should tread lightly when removing a duly-elected member and overturning an election. Secondly, since insurrection and rebellion are already prohibited according to Amendment 14 section 3 of the US Constitution and 18 US Code section 2383, and under that law, any citizen who has been found guilty of insurrection or rebellion against the constitution is ineligible from holding any political office at the federal, state, or local level. Our House attorney provided analysis which pointed out that the federal government itself has concerns over the definitions and suggested, for that reason, application would be difficult. For the NH General Court to appropriate those powers itself, that are presently given to the federal government, where definitions are strained, means we would be compounding an already complex issue. In summary, the language used in this bill to determine whether "insurrection or rebellion" has occurred is ambiguous; the meaning is malleable and we are particularly concerned the issue could easily be weaponized against political opponents. **Vote 9-6.**

HB 1033-FN-LOCAL, prohibiting recipients of state or local grants or appropriations from using such funds for lobbying. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Legislative Administration. The current Lobbyist statute, RSA 15:5, does not prohibit the purchasing of lobbying services to influence legislation. The statute does only two things. Number one, it prohibits the use of state funds for purchasing lobbying services and number two, it outlines the process if lobbying services are purchased with non-state funds and how those funds must not be co-mingled with state funds. Testimony and subsequent communication from municipal officials clearly indicated to the majority that the basic awareness of the existing law, RSA 15:5, has been nonexistent, or not fully understood, or just not followed by municipal, county, or school officials. The lack of awareness may stem from the fact that the prohibitions are not on the lobbyists, but on the entity who purchases the lobbying services. This bill, as amended, extends and clarifies, in the appropriate statutes, that counties, municipalities, and school districts may not use state or local property tax dollars for lobbying. The committee unanimously passed the amendment to additionally place the language of the law into municipal statutes, county statutes, and school statutes rather than just in the lobbyist statute. **Vote 9-4.**

HB 1041-FN, extending the public employees labor relations act to employees of the general court and relative to the duties of the joint committee on legislative facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott Wallace for Legislative Administration. This bill seeks to extend the Public Employee Labor Relations Act to employees of the General Court. The nonpartisan staff, who this bill is purported to serve, have never been asked nor surveyed if they had any desire to unionize. This bill has been heard at least four times in recent years, originating in both the House and Senate, and has never sought input from the staff it would affect. Each time the bill has missed the mark in one way or another, which is a clear indicator that this bill has no need in becoming law. There is much confusion caused by the bill's language. For example: the Office of Legislative Services could be represented by one union, while the Speaker's Office could be represented by another, and the Clerk's Office still another. Contrary to what we heard in testimony, research shows most General Court employees retire from the General Court rather than resign. The nonpartisan employees of the House and Senate typically serve a full career here, the vast majority are not terminated. The majority of the committee felt this legislation could very easily turn the nonpartisan staff into unwitting accomplices in political battles and that would not serve what is a very good working relationship. **Vote 9-6.**

HB 1084, relative to disclosure of the sources of legislative bill proposals. **INEXPEDIENT TO LEGISLATE.** Rep. Bob Greene for Legislative Administration. The legislation seeks to put into statute a definition of “model legislation” for purposes of identification of legislation that a member of the General Court submits that may be “equivalent or substantially similar” to legislation filed in more than one other state. Currently, it is the sponsor’s prerogative to determine whether disclosure of the original source is beneficial or detrimental to the legislation’s passage. To some, model legislation disclosure may help identify legislation that has withstood legal challenges elsewhere and should be, therefore, a preferred source. To others, it is believed the stated source of the model legislation could be used as a weapon to suggest a reason to categorically dismiss the legislation. In other words, the legislation would not be evaluated on the merits of the words contained, but simply because of the original sources itself and their statement of purpose. The majority of the committee continues to feel that regardless of the source, legislation needs to be evaluated and supported or dismissed on that basis alone. Content of character. Either a bill has merit or it doesn’t. That’s the only criteria that should matter. We would continue to leave it up to the bill sponsor to decide on disclosure. **Vote 9-6.**

HB 1102, relative to certain committees and commissions of the department of state. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Greene for Legislative Administration. This is a simple housekeeping bill. The Department of State’s most recent Financial Audit Report states that “the Boxing and Wrestling Commission and the Joint Board of Licensure and Certification are not functioning ‘within the department of state as a separate organizational entity’ as cited in the statute.” The amended bill removes both the commission and the board from RSA 5:13, as well as removing the language of the attachment in the Boxing and Wrestling Commission statute, RSA 285:2. No attachment was shown in statute for the Licensure Board to repeal. The amendment was additionally needed to remove repeals of three unrelated committees and commissions that the prime sponsor indicated were included on the original bill in error. **Vote 9-6.**

HB 1129, relative to the fiscal committee of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Claire Rouillard for Legislative Administration. This bill changes who appoints four of the ten members of the General Court Joint Fiscal Committee. The bill removes the selection of two members by the chairperson of House Finance and two members by the chairperson of Senate Finance, and gives that selection to the minority leader in the House and the minority leader in the Senate. This would change the way the committee has been selected and worked for at least ten years. Testimony presented to the committee was that this move is political rather than the selection of best person for the job. The committee currently has three members of the minority committee appointed by House and Senate majority party. Last year, when the majority was reversed, there was one member of the minority party on the fiscal committee. This committee has always worked well together. As the saying goes, if it is not broke, don’t fix it. **Vote 9-6.**

HB 1170, limiting the authority of New Hampshire delegates to policymaking conventions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott Wallace for Legislative Administration. As amended, this bill places needed controls on delegates to inter/intrastate conventions, establishes the process by which the delegates are selected, provides for discipline and removal for unfaithful delegates, and sets forth their compensation. The previous version of this bill, HB 148 in 2015, was essentially the same bill and passed 233-76 in the House and passed the other body on a voice vote. Overturning the Governor’s veto was unsuccessful, but the majority of the committee feels it is important to know why the governor vetoed the bill. “Whether or not one agrees that an Article V convention is the right course of action for proposing amendments to the United States Constitution, and regardless of one’s stance on potential amendments proposed across the political spectrum, it is apparent that a convention to consider amending the constitution is not going to be called by the states any time soon.” At the time, there were only seven states, including NH, that had the needed legislation in place. Here it is, seven short years later and the number has grown to 27 states, which means only seven more states are needed to call for a convention. It makes sense at this time to prepare for the eventuality of a convention so the legislature doesn’t have to work hastily in the future. This non-partisan language has been vetted thoroughly and has prior approval by both bodies of the General Court. The amendment clarifies the language of the original bill and defines the method of electing representatives. **Vote 9-8.**

HB 1309, establishing a committee to study revising house rules to assure that all sections of the budget trailer bill receive an adequate public hearing. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Simon for Legislative Administration. This bill seeks to create a study committee to ensure that all sections of the budget trailer bill receive an adequate public hearing by revising house rules. Although the majority of the committee agrees that all legislation should be given an adequate public hearing, this bill is too flawed to address the issue. First of all, the majority does not believe that the House of Representatives is typically responsible for putting items in the budget trailer that have not received an adequate public hearing. Secondly, the bill inappropriately calls for members of the Senate to participate in a discussion that would affect House rules. **Vote 10-7.**

HB 1370, establishing a committee to study childcare options for New Hampshire state legislators. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew Simon for the **Majority** of Legislative Administration. In the direct words of this bill, it seeks to create a committee to study solely childcare options for New Hampshire state legislators. The majority of the committee believes there is no doubt that balancing the duties of an elected office in the State of New Hampshire with all the responsibilities of life can be a difficult task. The majority also believes that the problem some legislators face is much greater than just the matter of childcare, yet the bill only seeks to study that one issue. Regardless, voluntary public service is a personal choice and therefore a personal responsibility. We all face difficult decisions about how to prioritize our lives, and whether or not we are best positioned, at any particular point in time, to provide public service in this capacity. The majority of the committee believes that if holding office creates a substantial hardship regarding childcare, it is not the responsibility of the state to provide a solution. It is both the greater good for our children and for our society to elevate our children over running for political office. Furthermore, we do not believe that this completely eliminates the ability of parents to be involved in the political process. There are other avenues of service that may be more accessible during this stage of life. **Vote 9-8.**

Rep. Allison Nutting-Wong for the **Minority** of Legislative Administration. The minority of the committee recognizes that the average age of our membership is decreasing and more young people who are parents are interested in the legislative process. The minority believes it is important to study childcare options, as well as scheduling and notices that fall in the scope of childcare, to be a more inclusive and diverse representation of our communities.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1046, relative to the election of the Sullivan county commissioners. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard Tripp for the **Majority** of Municipal and County Government. The intent of this bill is to limit the election of Sullivan County Commissioners to only those voters in each commissioner's district. During the hearing, it was determined that the method for transitioning from at-large to district election of commissioner positions was not clear, difficult to understand, and would benefit from a rewrite and resubmittal in a future year. **Vote 10-9.**

Rep. Rosemarie Rung for the **Minority** of Municipal and County Government. The three Sullivan County Commissioners each represent one of three county districts. However, voters, regardless of the district in which they reside, vote for all commissioner positions as if they were at-large positions. This bill would have corrected elections so only voters of a district can vote for the commissioner representing their district. The minority believes that constituents should be the only ones voting for their representative, not other people.

HB 1070, relative to the default budget in official ballot jurisdictions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the **Majority** of Municipal and County Government. This bill modifies the statutory formula for calculation of the default budget amount in an official ballot town or district. The change requires any appropriation reduction by the governing body to the proposed operating budget be similarly reduced in the default budget. **Vote 10-9.**

Rep. Julie Gilman for the **Minority** of Municipal and County Government. This bill is yet another jiggering of the definition of default budgets in official ballot town meetings we have seen in the past few years and conflicts with other parts of the RSA. In the existing RSA there is a definition of contracts, such that contracts previously approved "in the amount so approved" are included in the default budget. Example: a town appropriated \$20k each year for a five year bond. During FY 22 expenses decreased such that the last year of the bond contract was paid off. So currently the proposed FY 23 default budget does not include the bond appropriation but the \$20k as a previously approved contract is included in the FY 23 default budget. However the new language in this bill conflicts because it requires that because the lack of bond appropriations is a decrease in the proposed FY 23 operating budget, it must be excluded from the FY 23 default budget. The FY 23 default budget doesn't include the 20k bond payment, or does it? This confusion is one of the many problems that the minority found in this bill.

HB 1081, relative to the dissolution of a village district. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the **Majority** of Municipal and County Government. Per RSA 52:1 village districts are established by voters domiciled in the district by a simple majority. This bill changes the number of votes required to dissolve a village district from a 2/3 majority to a simple majority. **Vote 10-9.** Rep. Jim Maggiore for the **Minority** of Municipal and County Government. Currently, NH RSA 52 permits the creation of a village district by a simple majority of voters. Once created, the village district has the right to raise and appropriate funds for purposes such as their own supply of water for domestic and fire purposes; street lights;

shade and ornamental trees; construction and maintenance of sidewalks; construction, operation, and maintenance of sewage and waste treatment plants; creation and maintenance of parks or commons; construction or purchase and maintenance of a municipal lighting plant; control of pollen, insects, and pests; appointing and employment of watchmen and police officers; the layout, acceptance, construction, and maintenance of roads; and, the maintenance of ambulance services. It seems only right that dissolution of a village district and the subsequent absorption of the costs to maintain all infrastructure therein by the municipality should be by a 2/3 vote.

HB 1087, relative to zoning for single family housing lots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joseph Guthrie for the **Majority** of Municipal and County Government. This bill limits the authority of local land use planning boards relating to ordinances governing lot sizes. This bill specifies that no ordinance shall require more than a 10,000 square foot lot size for single family housing lots. Although the bill is an attempt at helping the housing shortage, it was a mandate that the majority of the committee felt would be unacceptable. **Vote 11-8.** Rep. Laurel Stavis for the **Minority** of Municipal and County Government. This bill would prohibit municipalities from limiting lot size for single-family homes in areas served by public water and sewer. The bill would encourage development of single family homes and provide much needed housing in the state's already existing population centers while allowing regions that rely on private water and sewer systems to remain rural. In the midst of a housing crisis, adopting policies that facilitate development in communities that have already invested in the infrastructure to support that development makes good sense. It may also have the benefit of adding revenue to towns and cities that have expended or may expend funds for such infrastructure, helping to defray costs and reduce taxes.

HB 1112-FN, relative to competitive bidding in counties. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard Tripp for the **Majority** of Municipal and County Government. The committee determined that creating special legislation for counties with respect to the bidding process was unnecessary. The committee determined that the language in this bill, changing the competitive bidding process, should be handled by the county commissioners. The committee determined that the bidding process is an issue of local control, therefore it should fall on the county commissioners to determine the bidding process requirements. **Vote 10-9.** Rep. Julie Gilman for the **Minority** of Municipal and County Government. This is a housekeeping bill regarding the fiduciary duties of counties by amending RSA 28:8. It delineates the process for acquiring equipment and services through competitive bidding processes to be the same in all counties. Currently RSA 28:8 covers this with little detail which leaves room for manipulation. However, there are carve outs for the counties of Rockingham (1998) and Hillsborough (2014) adding more detail to the process. House members from Carroll County submitted a bill in 2021 consisting of the exact same language as the current Hillsborough law. The bill was retained and in the executive session several committee members questioned why another county needed a special section to carry out their duties especially considering there would be two counties with the same language. That question is answered by this bill making the process the same for all counties. During testimony at the hearing for this bill and during the executive session it was mentioned that small municipalities don't have the resources to handle the proposed process. This bill is not about municipalities. It's about counties and their fiduciary duties to taxpayers which should be consistent across the state.

HB 1119, relative to the regulation of single-use bags. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles Melvin for the **Majority** of Municipal and County Government. This bill fails to recognize several important facts. Plastic bags are 100% recyclable, highly reused, and the vast majority are made and recycled in the United States, which supports tens of thousands of U.S. manufacturing jobs. Charging fees for plastic bag use will not address overall litter and waste issues. The Environmental Protection Agency (EPA) says that plastic bags make up less than 0.3% of the nation's municipal solid waste. Statewide litter surveys have found that plastic bags typically make up less than 1% of litter. Study after study has found that plastic bags are the most sustainable and least resource intensive option at the checkout counter. The manufacturing of paper bags, reusable bags, and cloth bags have a higher carbon footprint than plastic bags. Charging fees for plastic bags will only make doing business in New Hampshire more expensive and burdensome for our citizens, businesses, and visitors, while doing nothing to address overall litter and waste. Plastic bag fees will promote shopping on line and hurt our local businesses. These online companies who ship products from out of state will be allowed to use any type or size of plastic bag they choose. Those bags and/or containers may or may not be made of recyclable materials. Yet they will still become part of New Hampshire's solid waste. The bill as written will have serious consequences. It will have added costs to our New Hampshire retailers, create more plastic being produced, which is ultimately used by the consumer. The current standard in California is 2.25 mils and is considered to be one of the strictest standards in the world. The majority believes educational efforts concerning the use, reuse, and recycling of plastic bags should first be attempted prior to imposing an indirect tax on our residents and visitors. **Vote 10-9.**

Rep. Rosemarie Rung for the **Minority** of Municipal and County Government. NH municipalities bear the responsibility and cost for waste disposal and recycling in their communities, but are limited in their control of waste generation. This bill would have allowed them to regulate the distribution of single use plastic bags and paper bags at the point of sale, if municipalities decided that it was in their best interest to do so. Despite statements to the contrary, this bill is not a ban on plastic bags, but rather enabling legislation that allows communities to make their own decision for reasons that may include: limiting the damage single used plastic bags cause to their machinery, encouraging the use of reusable shopping bags, reducing fossil fuel consumption, or a myriad of other reasons. The statute already enables municipalities to regulate noise, tattoo parlors, local elective office contributions, and retail display of martial arts weapons. The minority believes adding single use plastic bags and paper bags to this statute is reasonable and respectful of local control.

HB 1172-FN, requiring composting and waste recycling to be made available to residents of public housing. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ivy Vann for the **Majority** of Municipal and County Government. Given that there is an ongoing study committee focusing on solid waste issues, which include compost, the committee felt that considering composting from that point of view was the better alternative to inexpedient to legislate. **Vote 11-8.** Rep. Tony Piemonte for the **Minority** of Municipal and County Government. This bill was designed to make public access to composting mandatory. The New Hampshire Municipal Association opposed the bill. The minority felt that this legislation needed a broader approach.

HB 1177, relative to permissible residential units in a residential zone. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ivy Vann for the **Majority** of Municipal and County Government. The committee seldom recommends ought to pass on a state-wide mandate but given the seriousness of the housing shortage and given that allowing local control of this issue for more than 40 years has not produced any easing of local regulations constraining the housing supply we recommend ought to pass. Much research lately has focused on the extent that local zoning makes the building and rebuilding of historically appropriate density very difficult or even impossible; this bill relegalizes historic building types such as duplexes, triple-deckers, and four-unit buildings in places already served by municipal water and sewer. It is an important step toward the creation of smaller, more affordable housing units in a state desperate for housing. This bill leaves the questions of building height, mass, lot placement, lot coverage, parking, and all other similar standards in the hands of the local jurisdiction. **Vote 10-8.**

Rep. Richard Tripp for the **Minority** of Municipal and County Government. This bill requires that local legislative bodies permit single-family lots in residential districts to be used for up to four residential units. It is yet another attempt to transfer land use authority from the municipalities to the state. While a variety of dwelling unit types are permitted, it is expected the most common would be older large single family homes converted to rentals. This would achieve the goal of increased work force housing, it would be at the cost of reduced neighborhood home values and homogeneity.

HB 1184, authorizing the establishment of revolving funds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John MacDonald for the **Majority** of Municipal and County Government. This bill permits a government entity to create revolving funds for its administration of the county. The funds must be limited to the following purposes: recycling, ambulance service, fire services, public safety, such as construction projects, transactions to create affordable housing, cable access, energy conservation and clean energy, and group net metering. Money in these funds is allowed to accumulate from year to year. The bill as presented creates confusion and conflicting guidance for local governments. The limits listed are not complete such that local officials can properly manage the funds. **Vote 17-2.** Rep. Rosemarie Rung for the **Minority** of Municipal and County Government. Currently, NH municipalities and village districts may establish revolving funds to help manage self-funding programs. This bill would have extended that option to county governments, however, it contained drafting errors and redundant language which could not be corrected by amendment within the committee deadline. The minority supports the intent of the bill and hopes that a floor amendment is proposed to remedy the errors and restore the validity of the bill.

HB 1194, relative to the procedure for overriding a local tax cap. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Diane Pauer for the **Majority** of Municipal and County Government. This bill amends the method of overriding a local tax cap to require a 3/5 super majority vote, by ballot, to approve any appropriation that would exceed the tax cap. Current statute enables the voters of a town or district to adopt a local tax cap by a 3/5 super majority vote and further allows the legislative body to override the tax cap by a simple majority vote. Presently, a tax cap serves only to limit total appropriations presented to the voters at an annual meeting as proposed by the governing body or budget committee. Requiring a 3/5 super majority, instead of a simple majority, vote of the legislative body to override puts much needed teeth into the tax cap by ensuring that

any additional appropriations are truly supported by the taxpayers. Moreover, this bill provides for flexibility in spending while at the same time maintaining fiscal responsibility at the local level. In 2021, an analogous bill, SB 52 relative to cities and municipal charter provisions for tax caps, was signed by the Governor and was effective August 20th, 2021, included similar provisions to this bill. **Vote 10-9.**

Rep. Julie Gilman for the **Minority** of Municipal and County Government. This bill proposes a change to the voting process of a tax cap override in a municipality, of which there are currently four, or school district, of which there are currently three, that has adopted RSA 32:5-c. The proposed legislation requires a 3/5 super majority vote for an override rather than the simple majority typically used for budget approval. When asked why force a super majority the answer was that this is not new legislation, just clarifying legislation. The bill has an additional change to include only the first year payment on a multi-year bond in the cap calculation. Bonds are voted separately from operating budgets in the first year and then, if approved, appropriated in the subsequent operating budgets. With this bill, only one year of bond commitments made and already approved are included in the cap calculation. A further concern not included is that bond ratings, which may be affected by a lack of guaranteed bond payments, were not considered in this bill. It also has no provision for the possibility of rising inflation. This bill is not clarifying as it leads to more questions than answers.

HB 1219, relative to parking requirements for religious institution-affiliated housing development projects. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Paul Ayer for the **Majority** of Municipal and County Government. This bill addresses parking requirements for religious institution affiliated housing development projects. While this may appear to help parking for churches, etc. it may create local problems with urban development and contradict local zoning rules as planned by respective planning boards. The New Hampshire Municipal Association (NHMA) discourages statewide zoning mandates such as this bill. With the inclusion of vague definitions, the committee felt that this legislation needs more work before it is ready to be considered. **Vote 10-9.**

Rep. Eric Gallagher for the **Minority** of Municipal and County Government. The minority of the committee opposes the report of inexpedient to legislate on this bill. This bill is an attempt to make it easier for churches with declining membership to turn unused portions of their parking lots into housing. The basic idea behind it is that zoning boards shouldn't be denying housing project applications proposed on property owned by religious institutions solely on the basis of parking. In the hearing for this bill, multiple questions were raised about the language and implementation of the policy put forward in the bill. While the minority of the committee acknowledges that many of these questions are legitimate, we do not believe they justify finding the bill inexpedient to legislate. Rather, our preferred outcome would be to refer the bill to interim study, so that we can have time to fully address these questions and feedback about language and implementation.

HB 1223, relative to meeting attendance requirements for elected members of budget committee and school board. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for the **Majority** of Municipal and County Government. This bill requires in person attendance by an elected member of a budget committee or a school board except under extenuating circumstances, and provides for a vacancy if an elected member fails to attend two or more meetings, or 25 percent of such meetings, annually. The majority felt this legislation should be referred for Interim Study. **Vote 10-8.**

Rep. Rosemarie Rung for the **Minority** of Municipal and County Government. This bill attempts to amend various areas of statute concerning budget committee and school board attendance. The minority of the committee recommend it inexpedient to legislate due to the conflicts it creates within current RSAs regarding remote participation and removal from office. Committee members were also concerned that the bill, if passed, would remove elected officials after two absences, regardless if they resulted from illness, death in the family, or other excused reasons.

HB 1268, limiting the authority for city council bylaws and ordinances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for the **Majority** of Municipal and County Government. The majority of the committee felt that this legislation would rightly limit the overreach of municipalities to restrict the normal conduct of business during periods deemed emergencies. **Vote 10-9.**

Rep. Laurel Stavis for the **Minority** of Municipal and County Government. While the amended version of this bill is an improvement on the original, it still constitutes a dangerous overreach by the legislature into the local control of municipalities. city councils are granted broad authority under Section XV of RSA 47:17 to regulate the activities taking place within their jurisdictions that are, as the law states, "salutary and needful." It concludes by assuring that cities shall be permitted to make any bylaws and regulations which "may seem needful for the well-being of the city." This bill seeks to delete this latter reference, substituting language that only allows city councils to regulate "nuisances that interfere with the use or enjoyment of property." As such, it undermines the intent of RSA 47:17, which is to ensure that local elected officials are empowered to protect the people they serve, and not just their "property," and it subverts existing law by preventing city councils from carrying out the duties they are sworn to perform.

HB 1289, relative to applications for abatements and authority to abate prior years' taxes for certain homeowners. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Rosemarie Rung for the **Majority** of Municipal and County Government. This bill would provide homeowners exposed to the nuisances of OHRVs on class IV and V roads "good cause" to seek a tax abatement. The committee is aware that work is being done on other OHRV related bills by the Judiciary and Resources, Recreational, and Development committees and their work may inform the best course of action for this bill. Therefore, a majority voted for Interim Study to examine this issue in more depth. **Vote 13-3.** Rep. Joseph Guthrie for the **Minority** of Municipal and County Government. This bill is not necessary. The selectmen and assessors can already determine what "good cause" is when considering an application for an abatement. The underlying causes for this bill are the result of OHRVs using public roads. A study of an abatement issue will not result in any improvement in the process. The underlying issue needs more than a study when it is very clear that the serious problem of OHRVs on public roads is the real problem.

HB 1307, modifying the authority and duties of the housing appeals board. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the **Majority** of Municipal and County Government. This bill reduces the housing appeals board authority by first eliminating verbiage permitting unlimited review powers. Subsequently, it further limits the housing appeals board review powers by enumerating those boards and commissions whose decisions it is permitted to review. **Vote 13-3.** Rep. Ivy Vann for the **Minority** of Municipal and County Government. This bill attempts to make changes to the authority and scope of the Housing Appeals Board (HAB), a new entity established to provide an alternative to the Superior Court for developers who seek an additional review of decisions handed down by municipal land use boards. While the sponsor testified that the bill would limit the HAB's authority and purview, its language suggests otherwise since the entities subject to HAB review are deleted from the first part of the bill, then simply re-inserted in a subsequent paragraph but in general terms. The legislation creating the board is very specific as to which local land use decisions are subject to its review, but striking them from the exhaustive list only to replace them with the more generalized language as this bill proposes, may in fact have the opposite effect of broadening the HAB's powers.

HB 1342, relative to municipal charter provisions for tax caps. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patricia Klee for the **Majority** of Municipal and County Government. In 2021, when SB 52 passed, one of the unintended consequences was that it omitted to provide an override feature for any municipality that did not have one in place. This bill seeks to correct that omission by allowing any municipality, that does not have an override, the ability to implement an override to their spending/tax cap, with a supermajority vote by the governing body as mandated in RSA 49-C:33, I(d). At this point in time, the only municipality that does not currently have an override ability is the city of Nashua. While many have said, based on RSA 49-C:33, I(d)'s mandate, that every municipality has this ability, it is inaccurate as shown in the Hillsborough-Southern Judicial District Court Case Number 2018-0171. In 2019, the NH Supreme Court upheld the lower court's ruling that Nashua's spending cap was unenforceable because they have no override provision as required in RSA 49-C:12, III and 49-C:33, I(d). In addition, the court went on to say that just because an elected official referred to an override provision, it was a subjective belief that the city's spending cap contained an override provision and is irrelevant to the statutory interpretation. This bill will provide Nashua with the ability to have an override with a supermajority vote by the governing body. It does not seek to reverse 2021's SB 52. The majority of the committee felt that it was unfair to single out any municipality. **Vote 12-7.** Rep. Richard Tripp for the **Minority** of Municipal and County Government. This bill is an attempt to codify municipal tax caps in state law rather than municipal charters. It removes the ability of the municipality's voters to accept or reject charter changes. When asked why this approach was being taken rather than to simply amend the charter the answer was it would take two years to do so. It appears that the municipality intends to make use of the tax cap override provision in the near future with or without voter approval.

HB 1387, enabling municipalities to adopt a property tax homestead exemption. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard Lascelles for the **Majority** of Municipal and County Government. This is a well-meaning bill that attempts to partially solve the hurdle that young people have when they attempt to purchase housing. The homestead provisions to the bill would assist in this regard but the application of the bill would be cumbersome and convoluted. In addition, the impact of removing such large portions of the taxable property from the roles would have a deleterious impact on all other taxpayers. **Vote 17-2.**

Rep. Ivy Vann for the **Minority** of Municipal and County Government. The minority believes that the current property tax structure is inequitable and regressive. A homestead exemption based on Area Median Income, which is available on the NH Housing Financial Authority (NHHFA) website, is one way to increase the possibility of homeownership for younger, working families by providing local property tax relief. Local property taxes are a barrier to homeownership because even when a mortgage is affordable, the addition of

high property taxes makes home ownership unattainable. This was enabling legislation, which means that any jurisdiction which adopted it would have the opportunity to assess all the available property tax exemptions and decide which ones should be eliminated in favor of a homestead exemption. Homestead exemptions are used successfully in many other states, and shift property tax burdens from those earning less than the median income to those earning more, and from properties occupied by persons living and working in a community to properties which are not primary residences.

HB 1393, relative to the adoption of school district budget caps. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Diane Pauer for the **Majority** of Municipal and County Government. This bill is enabling legislation that allows the legislative body of a school district to adopt a budget cap by a 3/5 supermajority vote. The budget cap limits the total dollar amount recommended by the school board or official budget committee for the fiscal year to not exceed a specific dollar amount adjusted annually, based on the average daily membership of students and an annual inflation factor. The inflation factor can be a fixed percentage, including zero, or an index published by the U.S. Bureau of Labor Statistics. Additionally, a 3/5 supermajority override provision permits the legislative body to approve total spending to exceed the budget cap when necessary. This bill offers an effective mechanism for school district voters to control spending in light of the trend across the state of rapidly increasing school district budgets despite declining student enrollments. In summary, this bill provides granite state taxpayers with a much needed tool to rein in unsustainable spending at the local level and control escalating property taxes. **Vote 10-9.** Rep. Jim Maggiore for the **Minority** of Municipal and County Government. While this bill is enabling, the minority believes that the bill lacks specificity in order to set a reasonable budget. More importantly, if passed, a school would experience crippling budgetary constraints. Annual increases to the school budget would be pegged to either a fixed percentage, including zero, or an inflation index published by the Bureau of Labor Statistics (BLS). The bill lacks an upper range to the percentage and any specificity as to which index from the BLS should be used. While these issues of definition could be resolved, the minority feels strongly that the fiscal impacts imposed by this bill are the salient defects. There is no accommodation in the cap for costs of and unanticipated enrollment of a student with special needs. The cost for just one special needs student ranges into the hundreds of thousands of dollars. Catastrophic insurance is not available until the second year of enrollment. Budgets would also include only the first-year payment on any approved long-term expenditures from bonds, multi-year projects, or contracts. If a school approves a 30-year bond, a five year contract, and a three year equipment lease in one year, only the first year payments for each would be used in the calculus of all budgets moving forward.

HB 1667, relative to the standard and optional veterans' tax credits and the all veterans' tax credit. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Diane Pauer for the **Majority** of Municipal and County Government. This bill rectifies discrepancies pertaining to the veterans' tax credits under RSA 72. Presently, the standard and optional veterans' tax credits and the optional veterans' tax credit exclude eligibility of some service members who are in fact veterans by definition under NH statute. RSA 21:50 clearly defines a veteran as a US armed forces member who has served four years and continues to serve or has completed their service and has been discharged or released from duty with an honorable discharge or uncharacterized discharge based on a service connected injury, illness, or disability. Firstly, this bill aligns RSA 72 with the definition of a veteran in RSA 21:50 and further clarifies that currently serving veterans are eligible for veterans' tax credits. In addition, RSA 72 only counts service performed in Title 10 status towards the 90 day eligibility requirement. This inadvertently creates inequitable groups of veterans which is incongruent with the notion of an all veterans' tax credit. Most national guardsmen perform the vast majority of their active duty in Title 32 status or state active duty status, and coast guardsmen perform the vast majority of their active duty in Title 14 status. Secondly, this bill amends RSA 72 so that active duty service, by any member of the armed forces, in any status, appropriately counts toward the 90 day service requirement in qualification for the all veterans' tax credit. To summarize, this bill clarifies that all veterans of the US armed forces pursuant to RSA 21:50 who served not less than 90 days in any active duty status as well as service members who continue to serve are correctly classified as veterans and accordingly qualify for the veterans' property tax credits. **Vote 10-8.** Rep. Patricia Klee for the **Minority** of Municipal and County Government. It is the minority's belief that with the ever increasing local real estate taxes, that this bill would increase the burden of taxes to those who do not qualify for these tax credits and exemptions. The broadened definition of a veteran will add more qualified residents and thus shifting the tax burden to other groups. Title 38 USC 101 is used by the Department of Veterans Affairs to determine qualifications of benefits and very clearly defines a veteran as a person who served in actively in the military, naval, or air service and who was discharged or released therefrom under condition other than dishonorable and not those who are actively serving or attending active training. While the veterans tax credits and exemptions are enabling legislation, those municipalities who have already implemented these credits and exemptions will be mandated to uphold the broadened definition of a veteran to include active service and active training. It is true that the municipalities will not feel the burden of this expanded definition, it is also true that

those taxpayers who do not qualify will see an increase in their real estate taxes. If a municipality chose not to pass on this burden, they would have to roll back the amount that they currently give as an exemption or credit or eliminate it all together. In 2020, based on the Department of Revenue Administration (DRA), NH had granted a total of \$31,775,637 in tax relief to 54,654 veterans and the spouses and children of veterans. Municipalities such as Derry, Dover, Hampton, Londonderry, Manchester, and Nashua had granted veterans tax relief in the amounts of \$533,667; \$892,760; \$774,100; \$640,750; \$1,372,526; \$1,541,710 respectively. While the intent is well meaning, this bill will only add taxes to those residents who do not qualify for these credits and exemptions.

PUBLIC WORKS AND HIGHWAYS

HB 1432, prohibiting the use of state funds for new passenger rail projects. **WITHOUT RECOMMENDATION Statement in support of Ought to Pass:** If adopted, this bill would prohibit the use of state funds for the planning, construction, operation or management of any passenger rail projects in NH. No passenger rail service in the world operates without extensive public subsidies and passage of this bill would ensure that NH does not go down that path. There are some who argue that the bill might jeopardize the use of private-public partnerships on passenger rail. Nothing in this bill prohibits any political sub-division of the state, such as Nashua or Manchester, from entering into such partnerships. There is an ongoing project development phase for the Capital Corridor rail service project that was funded entirely with federal funds. The results of this work will be available sometime in 2023 and is suppose to include estimates on construction costs, operating costs, ridership and recommendations on how to pay for it all. This legislation, when signed into law, will provide clear notice to those making recommendations on how to fund passenger rail in NH that such recommendations not include monies from the state.

Rep. John Graham

Statement in support of Inexpedient to Legislate: Committee members who support Inexpedient to Legislate believe this bill is premature. In 2019, the New Hampshire Department of Transportation (DOT) was authorized to conduct a project development phase for the proposed Capitol Corridor Rail Line between Manchester and Boston, MA under the state's 10-Year Transportation Plan when Senate Bill 241 became law. The project development, scheduled to be completed in 2023, is being entirely paid for with federal transportation funds. No state dollars are being utilized for this project development. When completed next year, the project development should give the legislature a clearer picture of the total capital and operating costs for establishing a passenger rail line. Then the real debate of how such costs will be paid for can actually begin. While the use of state funds is possible, there are plenty of other financing options. Such options include requiring the communities and businesses, to be served by the proposed rail line, to help pay for the service. Others might be federal transportation funds like those from the bipartisan infrastructure law recently enacted by the U.S. Congress. Additionally, there is the possibility of financing passenger rail through a public-private partnership or series of partnerships, also known as "PPPs" of "P3s." Such partnerships were authorized in 2016 under Senate Bill 549, a bipartisan measure, enacted to help pay for specified transportation projects including bus and rail lines. Furthermore, we believe that if this bill becomes law, it could not only affect the proposed Capitol Corridor Rail Line, but also prohibit state aid in the future to the present Downeaster and Vermonter Passenger Lines. Rail lines which provide service to New Hampshire, but are entirely paid for by the states of Maine and Vermont. Finally, while this bill could become law, and prohibit the current legislature from allocating state money for passenger rail, a future legislature could easily repeal the law. In other words, no legislature can ever "bind" a future legislature on this or other policy manners.

Rep. John Cloutier

HB 2022, relative to the 10-year transportation plan. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John Graham for the **Majority** of Public Works and Highways. This bill is the biennial update to the state's Ten Year Transportation Plan (TYP) as required by RSA 228:99 and RSA 240. The draft plan of all projects can be found on the Department of Transportation (DOT) website and covers fiscal years 2023-2032. The plan spends \$4.65 billion over the next ten years. The plan is fiscally constrained to anticipated revenues and does include the federal funding from the recently passed bipartisan infrastructure bill. Furthermore, the funding is from several different federal appropriations, state highway funds, as well as, turnpike funds. In broad categories spending is as follows: Individual road projects \$973.8million; roadsides (culverts, guard rails, etc.) \$273.5 million; paving, \$876.1 million; bridges, \$997.4 million; mandated federal programs, \$359.4 million; rail, \$10.5 million; transit, \$416.34 million; airports, \$382 million; debt service, \$221.6 million; active transportation, \$171.5 million. Active transportation is a new category for this TYP. It encompasses projects such as pedestrian walkways or bicycle trails and was broken out due to citizen interest in support of this type of transportation network. An example of a project under this heading is the replacement of a pedestrian bridge over the Souhegan River in Merrimack at a cost of \$1.2 million. The overall planning sequence starts

at the municipal level, is coordinated at the regional level by the regional planning commissions who forward their recommendations for changes, deletions or additions to the DOT. The department began working with the Governor's Advisory Council on Intermodal Transportation (GACIT) last July to begin the refinement of the draft plan, with the initial draft being released last September. Over the next 2 months the GACIT held 22 public hearings, each chaired by one of the Executive Councilors. As the hearings were going on it became obvious that additional federal money would be coming to the state as a result of the bipartisan infrastructure bill. The overall strategy that the GACIT and the department used to refine the initial plan and incorporate the increase in federal funding was: fund regional priority projects; focus on the preservation and maintenance of the existing network of roads and bridges; continue to prioritize core system projects such as the fixing Red List bridges. The passage of the federal bill in the late stages of the GACIT process with additional funding for only five years led the GACIT and the department to recommend accelerating existing TYP projects, fully funding projects that had been scaled back due to lack of funds, and convert projects that were to be bonded to cash payments. In the federal legislation there was a carve out of funds that can only be utilized for bridges, some \$45 million a year. The GACIT proposed setting aside 15% of this money for use on municipal bridges, but due to time constraints were unable to recommend which municipal bridges would be funded. The committee working with DOT was able to develop a plan that covers bridges in 43 cities or towns. The list is included in the committee amendment. One segment of the transportation system that was not part of the largesse received from the federal funding is the turnpike system. Over the past several years, due to the decrease in traffic volume and the elimination of toll plazas, turnpike revenue has declined considerably. This decline is forcing the delay of several major turnpike projects by two to four years. Projects such as the rehabilitation of the General Sullivan Bridge will not be completed until 2026, while the expansion of the Everett Turnpike from Nashua through Merrimack and Bedford will not be finished until 2028. This is why the majority committee amendment calls for the ownership transfer of Continental Blvd to the town of Merrimack. This road is currently maintained by the turnpike system, but is tangential to the system as a whole. The majority of the committee feels that to continue to expend limited turnpike funds in maintaining a roadway that does not contribute to the system as a whole is unwarranted. The majority also believes that based on historical cost data from DOT that the figure used by the minority for annual maintenance appears to be inflated. If it is not, then the same annual costs would be on the turnpike system. At the request of the Hudson delegation the committee amendment reinstates a feasibility study of construction on the southern portion of the Hudson circumferential highway. The amendment also cleans up several RSA's dealing with the turnpike system. Many of the items being repealed were from the 1970's, well before the beginning of the TYP process and had simply not been updated. The changes clarify that the TYP process is the mechanism for proposing and funding turnpike projects. Finally, the amendment requires a traffic and safety study of portions of Route 153 to see what, if any, improvements to the roadway may be needed in the future. This TYP is fiscally constrained and utilizes all available funding without over promising. The overwhelming bipartisan majority of the committee supports this amendment and bill. **Vote 21-2.** Rep. Bill Boyd for the **Minority** of Public Works and Highways. We unequivocally support the Department of Transportation's 10-year plan except the amendment which moves Continental Boulevard, an arterial roadway connecting the F.E. Everett Turnpike with Routes 101A and three, all State roads, and all costs associated with the maintenance of this roadway to the Town of Merrimack. This downshifting of costs to the local taxpayers is estimated to exceed \$200,000 annually. Continental Boulevard is not used for local town navigation. It facilitates travel between Nashua, Amherst, Hollis, Milford and points west. The minority believes that local taxpayers should not assume costs for state roads that only serve the state's interests. The traffic volumes on the state section of Continental Boulevard exceed those of any Merrimack public road - including the urban compact (Class IV) section of Daniel Webster Highway (Route three). Continental Boulevard's primary purpose serves as a thoroughfare for these state roads. Consequently, it should remain under state control.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1071, relative to wake surfing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gregg Hough for the **Majority** of Resources, Recreation and Development. This bill sought to increase the shore distance required for wake boarding from 150 ft, to 250 ft away from NH shorelines. The committee majority heard convincing testimony that enforcement of a separate and unique distance rule for this one activity, separate and distinct from all other activities, would be problematic and cause confusion for boaters and the general public alike. Many boats and activities generate wakes, but only wake surfing would be subject to this added setback. Testimony also showed wake surfing is generally of better quality further from shore and away from other boats and property. Further, the committee heard testimony that wake surfing can be done in a manner whereby any wave action will be directed away from the shore. The majority was also impressed with the boating industry and Marine Patrol actively promoting an information campaign focused toward those who participate in wake boating; promoting safety, best practices and respectful behavior to

others on our lakes. The broadcasting of 2,363 radio ads was part of that “Wake Responsibly” campaign in 2021. It should be noted that 1179 people signed in opposed to this bill (63% opposed). The majority of the committee recommends this bill be deemed inexpedient to legislate. **Vote 11-10.**

Rep. Suzanne Gottling for the **Minority** of Resources, Recreation and Development. HB 1071 is a modest proposal to require any watercraft creating the conditions necessary for wake surfing remain 250 feet from shore, docks, and other boats. At present, the distance required is 150 feet. Citizens in favor of this bill who use our waterbodies for recreation sent individualized emails describing the effects of larger, more powerful wakes on their ability to safely navigate in small, unpowered vessels such as kayaks, canoes, rowing shells, and paddleboards. Others detailed their reluctance to sit on the dock after large waves swept their chairs and cushions into the water. Boats tied up at a dock were damaged by the heaving waves and dock boards pulled loose. Many parents and grandparents noted the frightening effect of the waves on small children playing in shallow water. Owners of shoreline properties lamented the loss of their shoreline due to erosion. Small and large lake associations expressed concern about the effect on the quality of water resulting from higher, more powerful wave action. The Department of Environmental Services (DES) spoke in approval of this modest protection of a valuable NH asset, its waterbodies, while protecting the right of citizens to use these assets. Opponents of the bill testified that education and enforcement are sufficient to limit the possible damage caused by the large waves needed for wake surfing. However, the hundreds of communications from supporters of the bill make it clear that these are not sufficient. Opponents also stated enforcement would be a problem with a change in distance. The Captain of Marine Patrol told the committee enforcement by Marine Patrolmen would not be a problem as they are highly trained in monitoring distances and many use laser devices for even more accuracy. The opponents also felt that wake surfing was being singled out with a higher than 150-foot required separation distance. However, “ski craft” must be 300 feet from shore. Most of the objections included the fear that extension of the distance was a step in banning wake surfing. The intent of the bill is quite the opposite. By increasing the safe passage distance for this activity, wake surfers can continue to enjoy the activity and, because the large waves will be further from shore, those enjoying sunbathing on their docks can also enjoy their time by the water. The minority believes family fun does not diminish proportionate to one’s distance from shore, docks, and other boats.

HB 1227, relative to the definition of prime wetland. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Andrew Renzullo for the **Majority** of Resources, Recreation and Development. Wetlands designated as “prime” are the gold standard of wetlands. Due to their size, unspoiled character, fragile condition, and other relevant factors they are considered as being substantially significant. They are the premier wetlands in NH. In 2011, SB 19 was enacted that tightened up the regulations as to what characteristics made a wetland “prime.” Among these objective requirements were that a prime wetland must be contiguous, at least two acres in size, and have a width of at least 50 feet at its narrowest point, plus meet 4 of the 12 primary wetlands functions enumerated in statute. Any wetland missing any one of these requirements, while still being considered a wetland, could not be designated a “prime” wetland. This bill would allow a lesser width (less than 50 ft) if it can be demonstrated that its narrower portions provide a significant contribution (a subjective determination) to the primary wetland functions of the prime wetland. This cheapens the designation of prime wetlands as it suddenly allows sub-prime wetlands, or even streams (which are not wetlands) to connect prime wetlands that do not meet the size requirements of the statute. Sponsors have made much of the bill itself not defining the size of the buffer zone (non-wet land) which is required to protect the prime wetland, suggesting that there would be no buffer setback. Not so, as the local buffer setback requirements in the local wetland ordinance would apply. And, in fact, nothing prevents a local ordinance from adopting more severe setbacks for prime wetlands specifically. The New Hampshire Timber Owners Association (NHTOA) opposed the bill stating, “...portions of a wetland less than 50 feet wide could be eligible for designation (e.g., inlets/outlets to, or depressions adjacent to, a bog or swamp). Once designated, the regulatory /permitting requirements for any activity (including forest management) become a lot more complex and costly (e.g., abutter notification, Conservation Commission review, wetland assessments, etc.). The NHTOA opposes this bill because this law remains a problem for landowners seeking to conduct forest management projects on properties with prime wetlands. Currently there are 32 NH towns with prime wetlands, and in some communities, if the inlets and outlets were to become designated, large parcels of land would be “land locked” behind this regulation.” The NH Association of Natural Resource Scientists, an organization of wetland scientists, soil scientists, biologists, foresters, surveyors, ecologists, state and municipal employees and citizens who work to promote the science of NH’s wetlands and soils, opposed the bill, along with the NH Homebuilders Association, the NH Association of General Contractors and Eversource Energy. And finally, on July 29th, 2019, Governor Sununu vetoed the predecessor to this bill. The Governor stated that “New Hampshire currently has sound and responsible protections for wetlands and our environment. This bill adds additional and unnecessary regulations to those laws and does not properly account for property owners who could be negatively affected by them. Any change to the definition of prime wetland should allow for sufficient protection for individual property rights before

moving forward.” There are many sections in DES statutes dealing with prime wetlands. The majority believes that expansion of the prime wetlands designation proposed by this bill will have a deleterious effect on land owners who will be subject to stringent permitting requirements on usable land presently not under such requirements. **Vote 11-10.** Rep. Chuck Grassie for the **Minority** of Resources, Recreation and Development. Prime wetlands are those few wetlands which a municipality has asked to be so designated by the state “because of their size, unspoiled character, fragile condition or other relevant factors making them of substantial significance.” Nomination by the town follows a thorough study and a vote by the town. A wetland permit application for a prime wetland receives a higher level of review by the state. Several years ago, the statutes defining prime wetlands were changed so they eliminated some of the most important parts of the wetland, the narrower portions that might connect two wetland systems or be an integral part of their water supply and wildlife habitat. This bill corrects this by allowing these significant but narrower portions to be included in the delineated prime wetland as they should be. These areas must meet the same requirement that they “provide significant contribution to the primary wetland functions of the prime wetland.” The bill provides for exemptions for man-made structures such as drainage ditches and berms, work conducted by the Department of Transportation within highway rights-of-way, does not require any set buffers, and would not impact forest management activities on adjoining uplands. The bill also provides that a “municipality shall consider any potential adverse effects on the landowner from including any narrower portion.” Any designation as a prime wetland shall require landowner and abutter notice, a vote by the local land use board, receive a full public hearing, and a vote by the local legislative body. Finally, the EPA has stated that “wetlands’ highly developed root systems hold the soil in place and filter pollutants, naturally improving water quality (including water that is eventually used for drinking).”

HB 1317, requiring the director of the state police in consultation with the bureau of marine patrol to report annually to the legislature regarding new developments in electric and gasoline powered recreational watercraft. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gregg Hough for the **Majority** of Resources, Recreation and Development. This bill requires the director of the state police, in consultation with the bureau of marine patrol, to report annually to the legislature regarding new developments in electric and gasoline powered recreational watercraft. The bill is well intended; encouraging transparency and providing informational value. However, after testimony from the Marine Patrol, it was determined by the majority that this information is already voluntarily provided, making this legislation unnecessary. The majority of the committee finds that not all requests for information by legislative committees need be placed in statute, thus rendering the recommendation of inexpedient to legislate. **Vote 14-7.**

Rep. Suzanne Gottling for the **Minority** of Resources, Recreation and Development. This bill requires the director of the state police in consultation with the bureau of marine patrol to issue a report annually to the appropriate House and Senate committees regarding new developments in electric or gasoline powered recreational watercraft. This report will inform the committees if the bureau believes legislation or authorization of new rules are needed to meet the challenges of the new developments. The emergence of efoils and the burgeoning popularity of wake surfing are examples of recent challenges to our water bodies from both electric and gasoline powered watercraft. On the horizon is the jet-powered surfboard. There was no testimony in opposition and the Director of Marine Patrol was favorable to this requirement. The majority stated that because the Director has verbally agreed to this reporting, no legislation is required. The minority believes that a record of this agreement is needed given the usual turnover in committee members and committee chairs every two years. In addition, the Captain of Marine Patrol may someday think retirement is in his/her plans.

SCIENCE, TECHNOLOGY AND ENERGY

HB 1116, relative to renewable energy customer-generators accounts and credits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeanine Notter for the **Majority** of Science, Technology and Energy. This bill seeks to allow net metering customers with multiple accounts to share credits across accounts. This sharing would be difficult for utilities to track, increasing their costs, which would then be passed along to ratepayers. Such sharing would be very complex to administer. The majority believes that this would cause a billing nightmare that we do not wish to see materialize. **Vote 13-8.**

Rep. Rebecca McWilliams for the **Minority** of Science, Technology and Energy. This bill is enabling legislation to allow the monthly transfer of money earned by producing electricity to another account. Granite Staters who currently generate renewable energy can only apply the credits that they earn from their own electric production to another meter under the same utility provider once per year. This severely limits the customer generator’s access to (in many cases significant) funds they have already earned to pay down other utility bills.

HB 1148, relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Fred Plett for the **Majority** of Science, Technology and Energy. This bill is designed to prevent municipalities from enacting ordinances to prevent fuel types (natural gas, liquefied natural gas, wind, solar, hydro, or whatever) for power production or conversion. Determinations of this type are a state responsibility, and we have a Site Evaluation Committee to aid in this decision making. Any proposed power production or conversion must follow local zoning, unless exempted, but this will keep a municipality from deliberately enacting zoning to block a project. The municipality may intervene in Site Evaluation Committee proceedings to express its support or opposition. **Vote 11-10.**

Rep. Kat McGhee for the **Minority** of Science, Technology and Energy. The minority finds this to be an extremely disruptive bill to New Hampshire energy planning. This bill not only removes local control for energy planning from those who are doing the work on town energy committees to help lower costs and emissions, it voids decisions already made by towns to adopt plans that eliminate fossil fuels from their municipal energy portfolios. This bill is an about-face in direction-setting that walks back support for local, clean energy efforts. To implement a mandate that says New Hampshire counties and towns have no authority to exclude an energy source can only be seen as paving the way for continued fossil fuel use and dependence. This is not the desire of the many towns who have already invested in moving forward with clean energy targets. This bill disrupts orderly planning for many municipalities and defies our long-standing tradition of local control.

HB 1250, requiring the public utilities commission to consider climate change in making rate-setting decisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. JD Bernardy for the **Majority** of Science, Technology and Energy. The Public Utilities Commission is tasked with determining “just and reasonable or lawful rates, fares, and charges” for “services performed and observed.” This is largely a financial assessment. This bill proposes taking into consideration climate change, a non-quantifiable subject from a financial standpoint. More staff would be needed to create financial and economic criteria from environmental principles. This is very difficult to do for a theoretical environmental hazard. **Vote 12-10.**

Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. The minority of the committee considers that it would be highly beneficial for the Public Utilities Commission (PUC) to take climate change into consideration when determining if utility investment decisions are just and reasonable. For example, a PUC approval of a new substation in an area likely to be inundated by rising seas long before the end of that infrastructure’s useful life would be a waste of ratepayer money. Due to a drafting error, HB 1250 placed the relevant language that would have added climate change to the PUC’s list of factors to consider in the wrong section of RSA 378. The minority therefore recommends this bill be referred for Interim Study.

HB 1258, relative to the implementation of the department of energy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Harrington for Science, Technology and Energy. This bill addresses the recent creation of the Department of Energy in 2021’s HB 2 (Ch. 91, Laws of 2021). As amended, it fixes numerous administrative oversights and omissions in the division of duties and responsibilities between the department and the Public Utilities Commission. It further defines the “bright red line” that separates the department and the commission to guarantee that no future conflicts of interest may contaminate any of the proceedings of the two bodies. **Vote 22-0.**

HB 1270, dissolving the legislative oversight committee to monitor the transformation of delivery of electric services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. The original purpose of this committee was to oversee the divestiture of electric generation from the electric utilities. After some 20 years, this was accomplished a couple of years ago. The committee has served its intended use and has no other practical function. Attempts were made to repurpose the committee by renaming it and altering its original goal, but the repurposed mission is vague and offers no end in sight. Not surprising, the committee has not met for over two years. There may be other committees in the future needed to address or monitor the changing electrical market, but the bipartisan majority felt it was better to start fresh, if needed, instead of continuing to rehash an old committee with patchwork fixes. Therefore, dissolution is a way to accomplish this. **Vote 15-7.**

Rep. Jacqueline Cali-Pitts for the **Minority** of Science, Technology and Energy. Doing away with oversight committees in general is not a good idea. These committees, especially the one in question, enable deep probing into reports generated by agencies and enable deeper understanding of the information they contain which may not be possible in regular committee session. The electric oversight committee has an important role. The transition of our electric system, contrary to popular belief, is not completed. We have concrete examples of how our system must and should change. We see what happened in Texas and is happening on the world stage. An oversight committee is a way for the legislature to stay aware of what is or is not happening in our energy sector and perhaps recommend the appropriate steps that should be taken. An oversight committee also cannot be advised as to what it can discuss or not discuss. It must study topics enumerated but can go further. In depth probing is the most valuable duty of any commission. Legislative oversight is now more than ever necessary in this vital area.

HB 1328-FN, authorizing a utility to petition to be relieved of their carrier of last resort obligations. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Michael Harrington for the **Majority** of Science, Technology and Energy. This bill removes one of the last vestiges of Ma Bell, the old monopoly telephone company. It allows a phone company – NH has several small, rural telephone exchanges – to petition to be relieved of their status as carrier of last resort (COLR). Such relief will reduce costs for these small companies without affecting service. It will also remove an obsolete public utilities commission assessment that ratepayers continue to pay. Thirty-eight states have similar laws including both Vermont and Maine, where these laws have been effect for several years without problems. The number of options for telephone service has and will continue to increase in NH in the future, reducing the need for a COLR designation. **Vote 12-9.**

Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. “Carrier of Last Resort” (COLR) policies have provided a critical communication and public safety guarantee to every NH household since the early days of telephone service. Increasing competition and the transition to broadband have reduced - but not eliminated - the need to designate a carrier that will be obligated to provide service in areas where competition and technology have yet to conquer the obstacles presented by NH’s geography and terrain. It would be irresponsible for the House to put the cart before the horse and precipitately remove this vital public safety requirement without first undertaking an in-depth study of the issue and involving stakeholders in the process. In a competitive marketplace in which the carrier of last resort requirement is eliminated or severely reformed through legislative or regulatory actions, how will we ensure that all residents have access to adequate telecommunications services from their primary place of residence – “adequate” meaning meeting established and measurable standards for reliability, quality of service and affordability? COLR policies give regulators a tool to ensure that no user is left behind when a carrier seeks to discontinue service. Yes, we should review our COLR policy to ensure that all citizens have access to affordable service that meets their needs, and we can work together to develop a new regulatory compact that maintains the best parts of both carrier of last resort duties and competitive offerings. But we must first perform the proper due diligence and not adopt measures that could compromise the safety and security of our citizenry at the behest of a single industry.

HB 1459-FN, relative to recycling solar panels. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Fred Plett for the **Majority** of Science, Technology and Energy. This bill, rather than kicking the can down the road, recognizes an incipient problem and steps out in front of it. It establishes a program and fund for the recycling of photovoltaic solar panels. It is modeled after a similar law in the State of Washington. California has a rule facilitating recycling that took effect in January 2021. Several other states, including Hawaii, Rhode Island, New Jersey and North Carolina are studying the issue. Without this law, the burden falls on municipal landfills and homeowners, and unlike small electronics, this would impose a severe end-of-life financial burden. Solar waste has the potential to leach hazardous materials such as cadmium, lead, silver, telluride, and selenium into soil and water, which could harm surrounding communities and ecosystems. Several recycling companies are springing up to handle solar panel recycling. Other power production (e.g. nuclear, natural gas, wind) in most cases go to the Site Evaluation Committee where that committee imposes end-of-life dismantling requirements as part of an approval. This bill differentiates small scale electronics, best handled through electronic recycling administered by local departments of public works with the potentially very expensive solar panel recycling costs, justifying the program this bill introduces using the Department of Environmental Services. **Vote 11-7.**

Rep. Roderick Pimentel for the **Minority** of Science, Technology and Energy. Although we agree with the majority that it is important to recycle and remove solar panels from the waste stream, we believe that this legislation unfairly targets one industry over all others. It is a draconian solution that will hobble the solar industry in its infancy, while not even addressing the question of how this recycling will be achieved. The minority believes that we should be examining our entire waste stream, and finding solutions both local and regional to ensure that all products are recycled in a productive and efficient manner. Since the lifespan of photo voltaic (PV) panels is 25+ years, and very few panels in NH are even approaching that timeline, we do have time to examine PV panel recycling as well as many other valuable or toxic materials which have to be removed from our landfill waste stream. The minority recommends that this bill be found Inexpedient to Legislate, and further recommends establishing a commission to study recycling and extended producer responsibility

HB 1596-FN, relative to net energy metering limits for individual and business customers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. JD Bernardy for the **Majority** of Science, Technology and Energy. This bill increases the electric generating capacity of customer generators who may participate in expanded net energy metering. The majority found that increasing net metering is likely socially regressive by cost shifting to customers that do not generate electricity through solar or wind technology. Additionally, there is an ongoing study of net metering being conducted by the Public Utilities Commission with results expected later this spring. It is premature

to legislate before these results are known. Finally, net metering was recently expanded for municipalities with the passage of HB 315. It is appropriate to understand the consequences of this change before expanding it more broadly. **Vote 13-9.**

Rep. Rebecca McWilliams for the **Minority** of Science, Technology and Energy. This bill would increase the renewable energy net metering cap from 1 MW to 5 MW for all potential energy producers, including: individuals, businesses, and large campus consumers. This bill opens the door for 21st century energy jobs across NH, building on the similar net metering cap increase signed into law last year for municipalities. NH's economic security in the future hinges on energy independence. This winter we have been burning oil as a marginal fuel, and we are extremely dependent on natural gas. This means the current NH energy market is subjected to the whims of the volatile global gas market, exacerbated by the Ukraine conflict. This bill sets the table to create home-grown, renewable energy at home with minimal transmission costs. Municipalities across NH have committed to renewable energy production and consumption goals, and this bill is the next step to help achieve those goals. For example, Concord, Keene, Cornish, Hanover, and Plainfield have committed to use 100% renewable electricity by 2030. It is time to build a resilient local renewable energy future right here in the Granite State.

HB 1599-FN, relative to customer generators who sell renewable energy certificates. **OUGHT TO PASS.**

Rep. Fred Plett for Science, Technology and Energy. This bill establishes deductions from the credit for exports to the electric grid for new customer-generators over 1 MW until the Public Utilities Commission (PUC) establishes alternative tariffs. It deducts from the credits established by the PUC in Order 26,029 on June 23, 2017 the cost of compliance with the Renewable Portfolio Standard (RPS), from the otherwise payable (as a credit) Default Service Rate (the retail cost of energy), on the theory, and reality, that the generator does not pay into the RPS, and does receive credits for selling renewable energy certificates and therefore, should not get credited again for the costs imposed on all other customers. **Vote 13-9.**

HB 1611, relative to rules of the site evaluation committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Harrington for Science, Technology and Energy. The committee determined that no compelling need currently exists for this bill. No energy projects are on the horizon for the site evaluation committee (SEC). The issues identified by the bill may be addressed by future legislation derived from a SEC study committee report filed in 2021. **Vote 21-1.**

HB 1628-FN, directing the department of energy to generate a report on the microgrid project currently in progress at the university of New Hampshire in collaboration with the regional utilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Tom Ploszaj for Science, Technology and Energy. The Department of Energy reports that the of work on the University of New Hampshire microgrid project by UNH and Eversource has been terminated. **Vote 19-3.**

HB 1629-FN, relative to default service for net metering. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Harrington for the **Majority** of Science, Technology and Energy. This bill clarifies the definition of default generation supply service for the purposes of net metering. Default service is the rate that net metering generators receive as a credit for power supplied to their distribution utility. The rate currently includes credits for costs that these generators do not incur, including payments for renewable energy certificates, a utility's cost for developing and acquiring contracts for the delivery of wholesale electricity supply, cost of compliance in the ISO-NE forward capacity market, wholesale supplier profits, and several others. Receiving such credits forces utilities to shift the cost of recovering these expenses onto non-net metering customers. Expansions of net metering will require that these cost-shifts be eliminated and altering the definition of default service accomplishes that goal. **Vote 12-10.** Rep. Kat McGhee for the **Minority** of Science, Technology and Energy. This bill is an attempt to insert the House into the process of rate-setting, when our authorized rate-setting agency, the Public Utilities Commission, has a pending rate-case due this spring, designed to determine the true value of net metered energy. The bill arbitrarily redefines the default service rate applied to those who are net-metering, as less than the default service rate that was agreed to by all as the rate that would stay in place until the current PUC value study was completed. If the value of distributed generation was easy to calculate, there would not be a long-term study at the PUC, nearing its conclusion. This bill will confound local energy producers and confuse the PUC who were party to the agreement to keep the rate steady until the Value of Distributed Energy Resources (VDER) study was completed. These actions are inconsistent with our own prior decisions and although we can derail those decisions, I would argue that economic disruption and erratic policy changes, should be avoided. This bill is unnecessarily disruptive to energy producers engaged in net metering, for no good reason.

HB 1635-FN, relative to the purchase of output of limited electrical energy producers and including qualifying storage system. **REFER FOR INTERIM STUDY.**

Rep. Nick White for Science, Technology and Energy. This bill would enhance the act governing limited electrical energy producers (LEEPA). The 2021 LEIPA Study Commission report found that questions remain

about exactly how avoided transmission charges might be monetized. The public utilities commission Value of Distributed Energy Resources Study due this spring may provide answers to those questions. As a result, the committee believes Interim Study will give this bill's premise its proper direction. **Vote 18-4.**

HB 1645-FN, requiring notification to renewable energy customer-generators of issues related to renewable energy credits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lex Berezhny for the **Majority** of Science, Technology and Energy. This bill would require the Department of Energy (DOE) to send notices to all electricity customer-generators whose unclaimed renewable energy production had been credited to electric providers to be swept and converted into renewable energy certificates. The DOE would further be empowered to delegate this task by requiring distribution companies to send these notices. It was not clear how much these notices would cost to generate and send. It was the prime sponsor's request that this bill be replaced with an amendment containing text substantively like HB 396 from 2021, which this committee recommended Inexpedient to Legislate. This provision has been in statute for over 10 years, and has never been challenged in court. The majority finds that sending notices for unclaimed, or unclaimable, renewable energy certificates is unnecessary and that allowing electricity providers to claim these certificates reduces the electric rates for ratepayers. **Vote 12-10.**

Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. RSA 362-F:6, II-a authorizes the state of NH to seize the property rights of NH citizens and businesses who generate renewable energy (RE) – without their knowledge and without providing any compensation – via a practice known as renewable energy credit (REC) sweeping. REC sweeping constitutes a taking and violates the New Hampshire Constitution's guarantees of property right protection (Part 1, Articles 2 and 12). This statutory provision enables both the regulated utilities and competitive electricity suppliers to meet some or all their Renewable Portfolio Standard (RPS) compliance obligations by means of this seized property. It also prohibits those NH citizens and businesses whose property was seized from claiming to use RE — even if they are powering their home or business with the physical electricity generated by their own solar array. REC sweeping denies NH citizens and businesses who generate RE for their own use the right to use their property; denies them the right to exclude others from using their property; and places them in jeopardy of possible criminal prosecution and either misdemeanor or felony conviction for claiming to use RE in any situation relating to commerce. This pernicious practice also transfers millions of dollars from NH citizens and businesses to private corporations for those corporation's direct financial benefit.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 1284, establishing a committee to study the effects of deportation of primary earners on family members who are United States citizens. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Al Baldasaro for the **Majority** of State-Federal Relations and Veterans Affairs. The majority feels that this bill has good intentions, but the bill is not written properly and goes against the U.S. Constitution. The federal government is responsible for immigration matters. Much of the information this bill seeks is protected by federal law and the committee does not have subpoena power to request school data, individual medical records cost, health care information, or federal taxes paid. **Vote 13-8.**

Rep. Amanda Elizabeth Toll for the **Minority** of State-Federal Relations and Veterans Affairs. The minority recommends that this bill Ought to Pass with Amendment. This study committee will provide the much needed current data on the economic impact on communities in New Hampshire of deportation of primary breadwinners. New Hampshire communities are experiencing a workforce shortage, and the vibrancy and vitality of communities are being reduced, while human potential is being underutilized due to deportation. This study would give basis to find appropriate solutions to sustain communities' economic growth.

HCR 7, reaffirming support for the nation of Israel and the location of the embassy of the United States therein. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for the **Majority** of State-Federal Relations and Veterans Affairs. The majority wanted to make a statement of solidarity and support for the only democracy in a volatile region, following a long tradition of house resolutions demonstrating awareness of contemporary issues. Specifically supporting Israel's choice of location for its capital underscores the importance of acknowledging the sovereignty of an important ally. The Clinton, Bush, and Obama administrations all recognized Jerusalem as Israel's capital, although the embassy did not move there until 2018. **Vote 12-9.** Rep. Israel Piedra for the **Minority** of State-Federal Relations and Veterans Affairs. The minority believes that it is not the role of the House to weigh in on international affairs, and especially not to unilaterally pick sides in longstanding and complex geopolitical conflicts. The minority, however, wishes to reaffirm its vehement opposition to all forms of antisemitism.

HR 15, condemning the Communist Party of China and the People's Republic of China. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for the **Majority** of State-Federal Relations and Veterans Affairs. Following the NH House's long tradition of making occasional resolutions on important matters, this committee voted to publicly rebuke the Chinese communist party for its egregious behavior and state policies, including illegally occupying sovereign territory, committing genocide against the Uyghurs, harvesting organs of political prisoners, snuffing out democratic practices in Hong Kong, illegally constructing artificial islands in international waters and threatening a violent take-over of Taiwan. **Vote 11-10.**

Rep. Linda Massimilla for the **Minority** of State-Federal Relations and Veterans Affairs. The minority feels that this resolution is beyond the scope of the NH legislature in general, and this committee specifically, to engage in foreign policies.

HR 17, opposing all federal and state efforts to establish a carbon tax on fuels for electricity and transportation. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Foster for the **Majority** of State-Federal Relations and Veterans Affairs. With the current high-energy costs, record inflation, increasing supply chain issues and costs, along with our state having one of the lowest CO2 emissions in the U.S., we do not support any carbon taxes that will increase costs to the taxpayers of our state. **Vote 11-10.** Rep. Lawrence Welkowitz for the **Minority** of State-Federal Relations and Veterans Affairs. A carbon tax is an effective approach to moving away from our dependence on fossil fuels. Carbon dioxide levels must be reduced for the future of the planet, currently at 417 ppm. For the future of our children and grandchildren, and for putting earth first, we oppose this resolution.

HR 18, urging Congress to remove the exception from the 13th Amendment: "except as a punishment for crime whereof the party shall have been duly convicted." **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Lundgren for the **Majority** of State-Federal Relations and Veterans Affairs. The majority of the committee believes that HR18 should go no further, and recommends ITL. **Vote 12-9.** Rep. Tony Labranche for the **Minority** of State-Federal Relations and Veterans Affairs. This is a tri-partisan resolution to close the loophole in the current 13th amendment to the U.S. Constitution, which allows for state sponsored slavery. Since its passage, the United States has become number one in incarceration with big racial disparities. Many states passed the "black codes" in order to incriminate many freed slaves. These slaves were used for slave labor sold back to the plantations they were originally freed from. Let us do what is right and ask the Congress to finally close this loophole.

TRANSPORTATION

HB 1093, relative to the licensure of nonresident aliens temporarily residing in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas Walsh for the **Majority** of Transportation. Current law allows for aliens temporarily residing in New Hampshire to acquire a driver's license under RSA 263:39-a. This bill seeks to include anyone who merely applies for asylum status to get a temporary New Hampshire driver's license. The federal criteria for asylum status is specific and many applications are denied. The bill is silent and no solutions were offered on what happens to that license if the application is denied. The majority believes that existing law is sufficient. **Vote 10-9.** Rep. George Sykes for the **Minority** of Transportation. Asylum petitioners have a waiting period before they may apply for permission to work. Asylum petition adjudications are complex and historically have taken extended periods before the government issues a decision. For this reason, petitioners are allowed to apply for permission to work after a waiting period. In 2020, the waiting period for when an asylum petitioner is eligible to apply for a work permit Employment Authorization Document (EAD) was expanded from 150 days to 365 days. Asylum petitioners and other non-citizens are generally not eligible to apply for a Social Security number (SSN) until after they have received an EAD. EAD adjudications are back logged with significant delays. Processing times for EADs have increased significantly over the past several years. Delays are due to a variety of factors including diversion of resources and the impact of the COVID-19 pandemic. This means that after waiting a year to apply for permission to work, it could take up to an additional year or more before an EAD is issued. Without work authorization, most asylum petitioners will be unable to obtain an SSN. The minority believes asylum petitioners should be allowed to obtain a driver's license during the extended waiting period. The New Hampshire Department of Motor Vehicles (DMV) generally limits issuance of driver's licenses to non-citizens who possess an EAD. They must also possess a SSN. The only current exceptions are codified in RSA 263-39-a which permits certain non-citizens, their spouses and/or their children to obtain drivers licenses without an SSN or EAD, RSA 263:39-a, II(b). This bill would add asylum petitioners to the class of persons who would be eligible to apply for a driver's license without an SSN or EAD.

HB 1302-FN, relative to the weighing of vehicles. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for the **Majority** of Transportation. This bill removes a requirement that drivers of private vehicles submit to an order to proceed to a weigh station to get weighed. If you have five 200 pound adults in

a half ton truck, and put a bag of grass seed in the bed, you are overweight. This should not be a cause for search and detention. Unsafe and secured loads are still a reason to be stopped and cited under this bill. This bill also does not affect weighing requirements for commercial vehicles. **Vote 10-9.** Rep. Catherine Rombeau for the **Minority** of Transportation. This bill raises potentially significant public safety concerns regarding weighing of non-commercial vehicles and does not rectify any discernible issue. The committee heard testimony from the State Police and the Department of Safety regarding the risks caused by excessive non-commercial vehicle weight, which may require police intervention: vehicle braking ability and steering effectiveness are subjected to greater failure under stress, and tires can blow out from the resulting heightened heat and pressure. Furthermore, probable cause is already required to justify stopping and weighing a non-commercial vehicle; the vehicle must already be more than 20 percent overweight to be considered in violation; and non-commercial vehicles are rarely cited for exceeding weight capacity, approximately six times in the last five years. For these reasons, the minority recommends inexpedient to legislate.

HB 1401, prohibiting the disclosure of the number of miles driven by a specific driver licensed by the state or vehicle registered in the state. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Thomas Walsh for the **Majority** of Transportation. This bill prohibits both the Department of Safety and vehicle inspection stations from sharing personally identifiable mileage information with certain taxing authorities outside New Hampshire without the vehicle owner's consent. In 2018, over 80% of New Hampshire's voters agreed to add an amendment to our State Constitution, enshrining our right to privacy. The new Article 2-b states, "An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent." It's up to the legislature to impart the values of this amendment into statute. This bill protects our citizen's individually identifiable vehicle mileage data from being sent to taxing authorities external to New Hampshire without their consent. The trillion dollar Infrastructure Investment and Jobs Act recently passed by Congress contains a pilot program for a national per-mile usage tax for vehicles. The implication is that this program could soon become mandatory nationally. This bill will help shield New Hampshire's citizens from this new federal tax scheme. The bill is not intended to interfere with existing state programs or businesses that rely on vehicle mileage information. It would not preclude the state from adopting its own vehicle mileage tax. The committee amendment clarifies that this only applies to third party public authorities charged with enforcing motor vehicle tax law. **Vote 10-9.** Rep. Laura Telerski for the **Minority** of Transportation. This bill, as amended, prohibits any inspection station or the Department of Safety from sharing any mileage information with a public authority without the consent of the vehicle owner to enforce any motor vehicle tax law. The intent of the bill is to stop any federal implementation of a mileage tax, but the minority believes this bill also prevents the state from possibly utilizing a mileage based system in the future. With the advent of more efficient motor vehicles, as well as the growing popularity of fully electric vehicles, revenues from the road toll, the state tax on gasoline, which fund the maintenance of our roads, have dropped significantly in the past decade. Discussions continue on possible solutions, including some kind of road usage fee that is determined based on miles driven. This bill also removes a tool we potentially will need in the future. It is the opinion of the minority that passage of this bill closes a door on a mileage based fee when it may prove to be an integral part of a multi-faceted solution to funding our roads in the future.

HB 1424, relative to the speed limit for watercraft on Lake Winnepesaukee. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Karel Crawford for the **Majority** of Transportation. This bill would repeal the daytime speed limit on Lake Winnepesaukee and allow any speed limit to occur that is deemed responsible. The majority of the committee felt this would be a safety issue for all who enjoy different types of activities on the lake such as fishing, canoeing, kayaking and sailing. **Vote 15-3.** Rep. Aidan Ankarberg for the **Minority** of Transportation. The committee was not provided information indicating speed as a major contributing factor in regard to boater safety. The Marine Patrol representative did not take a position on the bill and relayed that his department's wish that the boating community self regulate. Online sign-ins showed 601 in support of the bill compared to 206 against. This committee has repeatedly opposed water body specific regulations and the minority feels that an Ought to Pass motion would be in keeping with that tradition.

HB 1463, relative to drivers' licenses issued in accordance with the Real ID Act of 2005. **INEXPEDIENT TO LEGISLATE.**

Rep. Ted Gorski for Transportation. Providing driver's licenses and ID cards to illegal aliens or to asylum applicants, rather than asylum recipients, is bad public policy and undermines the purposes and objectives of federal immigration law. Federal law clearly states under what circumstances a person may legally reside in the United States. An illegal alien, by definition does not possess lawful immigration status or lawful presence and is subject to immediate removal. Granting a driver's license or ID card to illegal aliens treats them as if they are lawfully present in the U.S. and facilitates further illegal conduct. Asylum applicants may have

entered the country legally or illegally, but then make an application to the federal government claiming a “well-founded fear of persecution” in their home country. Driver’s licenses and ID cards are useful to create an appearance of lawful presence and serves as the virtual passport to the nation, opening many doors that would otherwise be unavailable. In addition to giving an individual the ability to travel freely throughout the country, it is also used for countless other purposes like registering to vote and applying for government benefits, as well as for establishing bank and credit card accounts. Giving illegal aliens and asylum applicants driver’s licenses or ID cards provides them with the major form of identification used by U.S. citizens. The bottom line is that granting illegal aliens driver’s licenses aids and abets their efforts to live and work illegally in the United States. Finally, granting a driver’s license and ID cards to illegal aliens or asylum applicants accommodates and rewards those who violate our immigration laws and encourages others to follow the same path. States that grant driver’s licenses and ID cards to illegal aliens give prospective immigrants little incentive to pursue legal paths to immigration when they can side step the process and gain the same benefits. **Vote 10-9.**

HB 1666-FN, relative to the application process for driver’s licenses and the privacy of motor vehicle records. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ted Gorski for the **Majority** of Transportation. This bill, if passed, would provide driver’s licenses to undocumented citizens. The majority felt that there are many issues with this bill. First, it would prohibit the sharing of information with the federal immigration enforcement. Second, a license is a legal identification document. It can be used to vote. The majority felt that there is no guarantee that undocumented citizens will not use these licenses to vote. Third, if undocumented citizens are provided licenses, it will make New Hampshire a sanctuary state. Lastly, possessing a driver’s license is a privilege, not a right for legal citizens of New Hampshire. **Vote 10-9.** Rep. George Sykes for the **Minority** of Transportation. The minority believes that this bill would allow people without social security numbers, including undocumented New Hampshire residents, to apply for and obtain drivers licenses. The bill has the support of many law enforcement leaders as well as members of immigrant communities and advocacy and faith groups and it is time for our state to join the growing number of jurisdictions that have concluded that licensing undocumented drivers would be beneficial to their state and to all of their residents.

WAYS AND MEANS

HB 1097, relative to taxation of income of New Hampshire residents when working remotely for an out of state employer. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Walter Spillsbury for the **Majority** of Ways and Means. This bill addresses an issue that arose during the COVID-19 pandemic, when the Commonwealth of Massachusetts required that certain New Hampshire residents, who customarily commuted to work at employer sites within Massachusetts, but who instead were working exclusively from home in New Hampshire, continue to be subject to Massachusetts’ personal income tax and withholding requirements. Governor Sununu immediately lodged objection to this assertion of taxation power across state lines, but Massachusetts did not back off. Subsequently, New Hampshire, through its Attorney General, filed suit before the United States Supreme Court, invoking the court’s original jurisdiction under the U.S. Constitution to resolve legal disputes arising directly between two states. The court decided to dismiss the complaint (without explanation, as is common) despite assertions that it was required to accept jurisdiction. One can speculate as to why the Justices elected not to take up the case, knowing that this is a power that they are reluctant to invoke and knowing that they often seek to avoid further burdening their calendar when they do not believe a particular controversy demands resolution by them at that juncture. One possibility is that they did not detect that the State of New Hampshire had a sovereign interest to protect, independent of the claims of any individually aggrieved taxpayer, who might conceivably be asked to litigate in his own right, thus drawing into question the issue of standing on the part of the state. Alternatively, they may have conjectured that the dispute was temporary, likely to disappear soon, as the emergency receded. Indeed, more recently in October 2022, Massachusetts let its emergency order in this regard lapse, as the pandemic was lessening in urgency, thus rendering the pending dispute moot. Even so, the committee took up the bill with an eye on preventing a recurrence. As originally drafted, this bill asserted that, “No state has the power to tax value earned outside of its borders, ...”, but it created no viable means of enforcing such an admonishment directly against any other offending state and potentially created ambiguities over the term “value earned.” The committee believes that this bill addresses a very important issue that was offensive to New Hampshire’s independent sovereignty and that this issue must still be addressed preemptively, lest it arise again without recourse. Yet, the committee concluded that the bill needs to be re-framed. In concert with the Attorney General and the Department of Revenue Administration, the committee’s amendment seeks to re-aim the bill towards firmly and unequivocally establishing an explicit claim of policy and sovereign interest that will put other states on notice and clearly lay the foundation for successful litigation if it should

ever again become necessary. **Vote 17-6.** Rep. Mary Hakken-Phillips for the **Minority** of Ways and Means. The minority agrees with the majority that personal income earned by New Hampshire residents working entirely remotely within New Hampshire should be protected from personal income taxation by other states. But the minority believes the complexities of interstate taxation and constitutional interstate commerce law require that the proposed statutory assertion of state sovereignty in this matter must be further studied in conjunction with legal and tax experts at the Department of Revenue Administration and Attorney General's offices. The matter of remote work and multi-state income taxation is increasingly a ripe question for judicial determination, but the minority believes that a deeper understanding of the complexities is needed to develop a statute putting the state in the best possible position to protect its citizens.

HB 1221-FN, relative to the rates of the business profits tax and the business enterprise tax. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Janigian for the **Majority** of Ways and Means. This bill originally proposed lowering the business profits tax (BPT) to 7.5% from 7.6% and the business enterprise tax (BET) to 0.5% from 0.55%. The bill was amended to only lower the BPT from 7.6% to 7.5%. According to the fiscal note, the lowering of the BET would lower tax revenue by about \$27.5 million and the lowering of the BPT would lower revenue by about \$8.5 million. Cumulatively, they would lower tax revenues by about \$36 million. By adopting the amendment, and not lowering the BET tax, we would only be lowering tax revenue by about \$8 million. Many taxes were lowered in the previous year and although business tax collections are up, we are still determining the full impact of the Paycheck Protection Program (PPP) loans and COVID-19 stimulus on tax revenue. Therefore, keeping the tax reduction more moderate and not reducing other taxes is prudent at this time. Furthermore, when businesspeople consider moving their business to NH or keeping it in NH, one of the top line considerations is the Business Profits Tax (BPT). At a new rate of 7.5%, we will compare favorably with our neighbors in Massachusetts at 8% and Vermont at between 6 and 8.5%, where any business making over \$25,000 is taxed at 8.5%. This very moderate tax reduction of 0.1% meets our original goal from several years ago to reduce from the then 8.5% rate to a 7.5% rate. This rate reduction will be good for NH businesses and good for the state. **Vote 12-11.** Rep. Richard Ames for the **Minority** of Ways and Means. As amended, this bill reduces the Business Profits Tax rate from 7.6% to 7.5%. Overall, it is expected to lower the state's total business tax revenues by about \$8 million annually. This change has not been requested or lobbied for by business owners. Testimony on the bill included no persuasive evidence demonstrating that this single decimal point rate reduction would have any noticeable impact on business decisions to move to or depart from the state. State revenues have been high this year, largely due to a huge temporary infusion of COVID-19-related federal funds, but even so, they have proved insufficient to meet local school and essential human service funding needs. Property tax rates have been forced up this year in many property-poor jurisdictions where state funding has failed to keep up with essential needs. Testimony on this bill and at the Ways and Means economic forum on March 4 provided no evidence-based support for this bill's proposed rate reduction, but made clear instead that equitable relief from high property tax rates is urgently needed to enhance the profitability of many struggling New Hampshire businesses as well as the quality and sufficiency of local public schools, worker housing, and infrastructure. Since 2014, rapid national and global growth, and more recently enormous federal stimulus funding for state businesses and consumers alike, have masked the state's revenue losses due to tax cuts given mostly to our largest businesses over the last six years. As the stimulus fades, and as new recession threatens, our revenue situation could become dire. This relief cannot be provided by the state if its tax base continues to be eroded.

HB 1478-FN-A, relative to the business profits tax applicable to certain large, low-wage employers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alan Bershtein for the **Majority** of Ways and Means. This bill would increase the Business Profits Tax rate from 7.6% to 8.0% for every business organization of at least 100 employees that employs any person at an hourly rate of less than \$15 per hour. This well intentioned, yet deeply flawed bill focuses solely on the hourly wage rate to the exclusion of any and all other forms of compensation. It is poor public policy to determine a tax rate based on the hourly pay of a single employee. This bill would unduly harm low margin, labor intensive New Hampshire businesses such as grocery stores, retailers, and restaurants, among others. Most importantly, this bill is clearly unconstitutional, specifically when considering the clause included in Part 2, Article 5 of the NH Constitution regarding equal and proportional tax rates. **Vote 18-1.**

Rep. Jennie Gomarlo for the **Minority** of Ways and Means. The minority believes this is an important topic to explore and remedy, as a legislature, if we are able. We have a favorable business tax in NH and the state should not have to subsidize what are the responsibilities of businesses. This bill may not have been the correct mechanism, but there needs to be some relief for our citizens who work for big enterprises and still can't afford health care or food for their families.

HB 1524-FN, establishing a national service alumni attraction and retention fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Walter Spillsbury for the **Majority** of Ways and Means. This bill would create a National Service Alumni Attraction and Retention Fund in the state treasury from which Volunteer NH would make grants “for the purpose of providing financial assistance, workforce development, and education” to benefit individuals who have completed one or more terms of service with either the Peace Corps or AmeriCorps. Specifically, it provides for matching grants, either to assist service alumni enrolled in post-secondary education in New Hampshire with scholarships or to provide alumni who become employed in New Hampshire with funds to pay down existing student loans. The apparent purpose is to attract and retain non-resident service-year alumni to stay and settle in New Hampshire. This bill is well intentioned and garnered ample sympathy and attention from the committee as a general proposition but was light on specific detailed implementation parameters and difficult to follow. A series of four draft amendments, though greatly improving the initial bill, still have fallen short in overcoming a host of questions and concerns regarding criteria and mechanics. For example, certain passages state that grants will be made to the individuals, where in other passages it provides for grants to either the school or employer. It provides for the schools in turn to make a grant to the individual, but doesn’t clarify whether it must be credited to the tuition bill or can be paid out directly in cash. By contrast, grants to employers must be paid by them only to the student loan servicing agency. The bill doesn’t establish what action by the school or employer triggers the match or how it would be demonstrated. While specifying that the grants may be in amounts ranging from \$300 to \$3,000 per satisfactorily completed “term of service,” subject to a lifetime limit of \$6,000, the bill does not indicate how those grants might flow per term of study or over what duration of study. Nor does it indicate whether there are any reciprocal commitments or performance outcomes required of the recipient. This leaves one to wonder how the State of New Hampshire would measure or assess whether it has fulfilled its intended purposes, let alone what it gains from the program. The program has been described as a three-year pilot requiring \$250,000 per year, to be funded with available American Rescue Plan Act (ARPA) funds, but it includes no sunset provision and calls for transfer of \$750,000 to the fund in FY 23, while suggesting in a separate sentence that the Governor should determine whether ARPA funds are available. If not, it seems to require a draw on unappropriated general funds in the coming year. It should be noted that up to 20% of the funds can be used for administrative expenses and another 10% for marketing expenses, as much as \$225,000, leaving a net of 70% for grant support. One might also wonder whether such funds would better be reserved to meet the many needs of those who are already New Hampshire residents and what distinguishes these service alumni, fine as they may be, from the many other youth of New Hampshire who might appreciate similar support. The committee is left with too many questions to recommend going forward with this bill. **Vote 12-11.** Rep. James Murphy for the **Minority** of Ways and Means. This bill is a win-win for the State of NH, colleges and universities of NH, as well as employers and employees in NH. It will bring quality individuals to our colleges and universities and to our labor force by offering matching grants to the employee and student. It will recruit some of the best and brightest who have demonstrated commitment and service to communities across the globe after they have successfully completed national service through either the Peace Corps or AmeriCorps. The recipient will first have to obtain a grant or scholarship from their school or have completed a year of employment with their employer. It is fully funded by the federal American Rescue Plan Act (ARPA) funds and will not use any monies from either the state general or education trust funds. Volunteer NH will disburse grants and scholarships and has extensive experience in managing millions of dollars in federal funding each year. This is a three-year trial. If successful in retaining the students and employees, Volunteer NH can explore options for future funding, whether public or private. Despite increasing availability of jobs in the state, the workforce has decreased substantially from pre-pandemic levels. Our population is growing older with increasing retirements contributing to this shrinking work force. This bill would help recruit and retain talented individuals to experience the NH way of life and we hope to stay here permanently.

COMMITTEE MEETINGS

FRIDAY, MARCH 11

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Dept. of Revenue Administration Training Room 109 Pleasant Street Concord, NH

9:30 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

Please register for HB 737 Commission Meeting on March 11, 2022 10:00 AM EST at:

<https://attendee.gotowebinar.com/register/405406850851758605>

After registering, you will receive a confirmation email containing information about joining the webinar. The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: Amy.E.Rousseau@DES.NH.gov. You may also call Amy Rousseau at 603-271-8801.

COMMISSION TO STUDY THE INCIDENCE OF POST-TRAUMATIC STRESS DISORDER IN FIRST RESPONDERS AND WHETHER SUCH DISORDER SHOULD BE COVERED UNDER WORKERS' COMPENSATION (RSA 281-A:17-d), NH Fire Academy 98 Smokey Bear Blvd. Classroom 2 Concord, NH 03301

10:00 a.m. Regular meeting.

COMMITTEE TO STUDY REQUIRING NEW HAMPSHIRE CHILDREN TO BE PLACED IN REAR FACING RESTRAINTS IN MOTOR VEHICLES (HB 251, Chapter 135:1, Laws of 2021), Dept. of Business & Economic Affairs Kinsman Conference Room 100 North Main St. Concord, NH

9:00 a.m. Regular meeting.

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

2:00 p.m. Subcommittee Work Session meeting.

This work session will be conducted via WEBEX and can be accessed using the information below: <https://nhgov.webex.com/nhgov/j.php?MTID=ma58cb5ba6083df593f2724780e2604ca> Meeting number (access code): 2311 858 4451 Meeting password: water Join by phone +1-415-655-0001 US Toll

OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 21-V:10), Room 103, SH

8:00 a.m. Regular meeting.

STATE HEALTH ASSESSMENT AND STATE HEALTH IMPROVEMENT PLAN ADVISORY COUNCIL (RSA 126-A:88), UNH Law School, 2 White St, Room 282, Concord, NH 03301

9:30 a.m. Regular meeting.

MONDAY, MARCH 14

ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b), Room 100 Walker Building 21 South Fruit Street Concord, NH

9:00 a.m. Regular meeting.

COMMITTEE TO STUDY RAIL TRAIL MANAGEMENT PRACTICES (HB 311, Chapter 94:2, Laws of 2021), NH DES 29 Hazen Drive Concord, NH

9:00 a.m. Regular meeting.

FINANCE - DIVISION I, Room 212, LOB

10:00 a.m. Division Work Session on **HB 1535-FN**, relative to cost of living adjustments for retirees in the state retirement system; **HB 1496-FN**, requiring political subdivisions to make voter checklists available in spreadsheet form to any resident; **HB 1540-FN**, relative to recording custodial interrogations; **HB 1552-FN**, establishing a board for the certification of assessors; **HB 1587-FN-A**, relative to determination of average final compensation under the retirement system and making an appropriation therefor; **HB 1647-FN**, relative to the calculation of child support.

FINANCE - DIVISION II, Room 209, LOB

1:00 p.m. Division Work Session on **HB 1462-FN**, relative to motorcycle learner's permits.

1:30 p.m. Division Work Session on **HB 1682-FN-A**, establishing the law enforcement conduct review committee in the New Hampshire police standards and training council and making an appropriation therefor.

2:00 p.m. Division Work Session on **HB 1547-FN**, setting maximum contaminant levels for perfluorochemicals in the soil.

2:30 p.m. Division Work Session on **HB 1665-FN-A-L**, establishing a municipal road and bridge disaster relief fund.

FINANCE - DIVISION III, Room 210-211, LOB

10:00 a.m. Division Work Session on **HB 1604-FN**, including state medical facilities in the statute providing medical freedom in immunizations; **HB 1608-FN**, relative to withdrawal from the state immunization registry; **HB 1662-FN**, related to privacy obligations of the department of health and human services.

1:00 p.m. Division Work Session on **HB 1609-FN**, relative to the scope of the fetal protection act; **HB 1622-FN**, relative to mental health parity.

3:00 p.m. Division Work Session **HB 1642-FN**, relative to lead testing in children; **HB 1526-FN**, relative to income eligibility for in and out medical assistance.

NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2),

2:00 p.m. Regular meeting.

Join Zoom Meeting:

<https://us02web.zoom.us/j/84327646605?pwd=R0lwOWFVK0w2U2FKYTVybXM1MjNhcz09>

Meeting ID: 843 2764 6605 Passcode: 731679

NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), University System of NH 5 Chenell Drive, Suite 301 Concord, NH 03301

10:00 a.m. Regular meeting.

WAYS AND MEANS, Room 104, LOB10:00 a.m. Subcommittee Work Session on **HB 1598-FN**, legalizing the possession and use of cannabis.**FRIDAY, MARCH 18****ADMINISTRATIVE RULES (RSA 541-A:2), Room 306-308, LOB**

9:00 a.m. Regular meeting.

The streaming video of the JLCAR Meeting for March 18 2022 can be found by using the link listed below to the YouTube channel: <https://youtu.be/Q0Y2Ft8YRMM>**FISCAL COMMITTEE (RSA 14:30-a), Room 210-211, LOB**

10:00 a.m. Regular meeting.

The You Tube link to view the meeting livestream is: <https://youtu.be/7cNuOfO78kk>**LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1), Back Room, Upham Walker House**

10:00 a.m. Regular meeting.

NEW HAMPSHIRE RARE DISEASE ADVISORY COUNCIL (RSA 126-A:79), DHHS Public Health Training Room 3rd Floor 29 Hazen Drive Concord, NH

3:00 p.m. Regular meeting.

Join Zoom Meeting:

<https://nh-hhs.zoom.us/j/9833055343?pwd=TWNLyTh3SDBIUW9IaXBaNDRjQ3Yzdz09>

Meeting ID: 983 305 5343 Passcode: 780875

WAYS AND MEANS, Room 202-204, LOB10:00 a.m. Full Committee Work Session on **HB 1237-FN**, relative to the definition of cigar bar; **HB 1288**, relative to the terms for certain officers and the names, duties, and funds of certain divisions within the department of administrative services; **HB 1339**, relative to the Winnepesaukee River basin control replacement fund; **HB 1584-FN**, establishing a capital improvement grant program for the benefit of state fairs and agricultural fairs; **HB 1598-FN**, legalizing the possession and use of cannabis.

Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

MONDAY, MARCH 21**COMMISSION ON HOLOCAUST AND GENOCIDE EDUCATION (RSA 193-E:2-f), Room 103, SH**

4:00 p.m. Regular meeting.

FINANCE - DIVISION II, Room 209, LOB10:00 a.m. **HB 1624-FN-A**, relative to students with disabilities participating in co-curricular activities and making an appropriation therefor.10:30 a.m. **HB 1627-FN-A**, establishing an education freedom account program administrator in the department of education and making an appropriation therefor.11:00 a.m. **HB 1661-FN-L**, relative to regional career technical education agreements.**NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a), New Hampshire Veterans Home, Tarr South Conference Room, 139 Winter Street, Tilton**

9:00 a.m. Regular meeting.

TUESDAY, MARCH 22**RULES, Room 301-303, LOB**

1:00 p.m. We will take up amendments to House Rules, including Deadlines.

WEDNESDAY, MARCH 23

FINANCE, Room 210-211, LOB

10:00 a.m. Executive Session on **HB 1235-FN**, relative to compensation paid to a crime victim; **HB 1417-FN-L**, relative to payment by the state of a portion of retirement system contributions of political subdivision employers; **HB 1496-FN**, requiring political subdivisions to make voter checklists available in spreadsheet form to any resident; **HB 1535-FN**, relative to cost of living adjustments for retirees in the state retirement system; **HB 1540-FN**, relative to recording custodial interrogations; **HB 1552-FN**, establishing a board for the certification of assessors; **HB 1587-FN-A**, relative to determination of average final compensation under the retirement system and making an appropriation therefor; **HB 1647-FN**, relative to the calculation of child support; **HB 1462-FN**, relative to motorcycle learner's permits; **HB 1547-FN**, setting maximum contaminant levels for perfluorochemicals in the soil; **HB 1624-FN-A**, relative to students with disabilities participating in co-curricular activities and making an appropriation therefor; **HB 1627-FN-A**, establishing an education freedom account program administrator in the department of education and making an appropriation therefor; **HB 1661-FN-L**, relative to regional career technical education agreements; **HB 1665-FN-A-L**, establishing a municipal road and bridge disaster relief fund; **HB 1682-FN-A**, establishing the law enforcement conduct review committee in the New Hampshire police standards and training council and making an appropriation therefor; **HB 1526-FN**, relative to income eligibility for in and out medical assistance; **HB 1531-FN-A**, modifies the oversight commission on children's services; **HB 1604-FN**, including state medical facilities in the statute providing medical freedom in immunizations; **HB 1608-FN**, relative to withdrawal from the state immunization registry; **HB 1609-FN**, relative to the scope of the fetal protection act; **HB 1622-FN**, relative to mental health parity; **HB 1642-FN**, relative to lead testing in children; **HB 1662-FN**, related to privacy obligations of the department of health and human services.

FRIDAY, MARCH 25

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 210-211, LOB

10:00 a.m. Regular meeting.

MOUNT WASHINGTON COMMISSION (RSA 227-B:3), AMC Highland Center at Crawford Notch White Mountain National Forest US-302, Bretton Woods, NH 0357

9:30 a.m. Regular meeting.

NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2), IPOC 110 Smokey Bear Blvd. Room 213 Concord, NH

9:00 a.m. Regular meeting.

Join Zoom Meeting

<https://us06web.zoom.us/j/86360415500?pwd=ZVR6cDFVUFNBb2JETHpIWkhtZC8vZz09>

Meeting ID: 863 6041 5500 Passcode: 550137

SOLID WASTE WORKING GROUP (RSA 149-M:61), NH DES Offices Room 208C 29 Hazen Drive Concord, NH

9:30 a.m. Regular meeting <https://register.gotowebinar.com/register/944991081080221199>

MONDAY, MARCH 28

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201-203, LOB

10:15 a.m. Regular meeting. The YouTube link to view the meeting livestream is:

https://youtu.be/Z9B_wjrnUYE

COMMISSION TO STUDY TELEHEALTH SERVICES (RSA 329:1-f), Room 103, SH

1:00 p.m. Regular meeting.

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1), Room 201-203, LOB

9:30 a.m. Regular meeting. The YouTube link to view the meeting livestream is:

<https://youtu.be/5Az4iNBhH08>

NEW HAMPSHIRE PRESCRIPTION DRUG AFFORDABILITY BOARD (RSA 126-BB:2), Brown Building Auditorium, Health and Human Services, 129 Pleasant St. Concord NH 03301

10:00 a.m. Regular meeting. Please see the Board website for additional information regarding this meeting: <https://www.dhhs.nh.gov/ombp/medicaid/nhpdab/index.htm>

FRIDAY, APRIL 1**JOINT COMMITTEE ON LEGISLATIVE FACILITIES (RSA 17-E:1), Room 100, SH**

10:10 a.m. Regular meeting.

HOUSE LEGISLATIVE FACILITIES SUBCOMMITTEE (RSA 17-E), Room 100, SH

2:00 p.m. (Or immediately following the Joint Facilities meeting.) Regular meeting.

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB103, HB347, HB591, HB611, HB620, HB624, HB1064, HB1130, HB1228, HB1235, HB1237, HB1288, HB1423, HB1456, HB 1469, HB1521, HB1526, HB1535, HB1540, HB1587, HB1621, HB1628, HB1629, HB1632, HB1635, HB1677, HB1681, HB1682, SB59, SB92, SB160, SB202, SB278, SB301, SB355, SB366, SB385, SB429, SB435.

Paul C. Smith, Clerk of the House

OFFICIAL NOTICES

Pursuant to RSA 24:23, there will be a public hearing for **Merrimack** County before the County Delegation at **10:00a.m. on Friday, March 11, 2022** in person/Zoom at the Old Courthouse, 2nd floor conference room, 163 North Main Street, Concord, New Hampshire. The purpose of the meeting is: 1. To consider funding for the Teamsters Union Collective Bargaining Agreement for Department of Corrections. 2. To consider 2022 budget appropriations for Merrimack County. 3. To consider Annual Adoption of Grant Resolution. 4. To consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2022 budget as proposed by the Merrimack County Executive Committee.

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

Rep. Dianne Schuett, Chairman

Immediately following the Public Hearing to be held on **Friday, March 11, 2022** in person/Zoom **at 10:00a.m.**, there will be a meeting of the **Merrimack** County Delegation at the Old Courthouse, 2nd floor conference room, 163 North Main Street, Concord, New Hampshire. The purpose of the meeting is: 1. Approval of Funding for Teamsters Union Collective Bargaining Agreement for Department of Corrections. 2. Approval of the 2022 Merrimack County Proposed Budget. 3. Annual Adoption of Grant Resolution. 4. To consider any other business that may appropriately come before them.

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

Rep. Dianne Schuett, Chairman

MEMBERS' NOTICES

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

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitor Center offers the following schedule of schools and other groups visiting the State House. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule books for the school year and subject to changes.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Margaret Waterhouse, Public Information Administrator

DATE	TIME	GROUP	#/GRADE
March 11	10:00	Daughters of the American Revolution	50/HS
March 15	10:00	Broken Ground School – Concord	42/4
March 16	10:00	Broken Ground School – Concord	42/4
March 16	1:30	City Year/AmeriCorps volunteers	10/adults
March 17	11:45	Richards Elementary School – Newport	50/4
March 18	9:30	Dondero School – Portsmouth	55/4
March 18	10:30	AmeriCorps volunteers	18/adults
March 21	10:00	Broken Ground School – Concord	20/4
March 21	1:00	Granite Home Educators	40
March 23	8:15	Capitol Area Student Leadership	25/HS
March 24	9:30	South Merrimack Christian Academy	40/4
March 25	9:15	Deerfield Community School	55/4
March 28	10:00	Lincoln Street School – Exeter	50/4
March 29	10:00	Lincoln Street School – Exeter	50/4
March 29	10:45/12:15	Beaver Meadow School – Concord	75/4
March 30	9:30	American Legion group	10/adults
March 30	10:00	Lincoln Street School – Exeter	50/4
April 4	9:15/10:30	New Boston Elementary School	68/4
April 6	11:45	Presentation of Mary School – Hudson	50/4
April 7	10:00/11:30	Crescent Lake School – Wolfeboro	75/4
April 8		YMCA Youth & Government	
April 11	9:30	Newport Montessori School	22
April 11	10:00	Prenda – Londonderry	11/3-5
April 12	9:00	Trinity Christian School – Concord	26/4
April 12	9:45	Micro Society Academy – Nashua	50/4
April 13	9:00	Green Valley Elementary – Pembroke	24/4
April 13	10:00	Maplewood School – Somersworth	49/4
April 13	1:00	Grappone Leadership group	16/adults
April 14	9:00/11:00	Little Harbor School – Portsmouth	72/4
April 14	10:00	Maplewood School – Somersworth	49/4
April 15	9:00	Epsom Central School	42/4

SESSION DAY LOGISTICS

PARKING

All legislators should park where they are assigned to park. Those with assigned street spaces should only park in the space assigned to them. Only those with assigned LOB garage spaces will be permitted to access the LOB garage. All others should park in the Storrs Street garage. There will be a shuttle operating to bring legislators from the Storrs Street garage to the State House. The shuttle will pick up and drop off passengers at the ground level of the garage.

HEALTH SELF-SCREENING

Members are recommended to utilize the antigen self-tests provided by the General Court prior to attendance. Test kits were mailed in advance. To provide you with the timeliest results, the test should be administered as close to session day as possible. You do not need to report your results to the General Court. However, if your test is positive, please stay home and immediately follow [NH DHHS guidelines for isolation](#).

All attendees are asked to [screen themselves](#) prior to arrival at the State House for fever, symptoms of COVID-19, and additional risk factors. See questions below for screening:

Do you have any symptoms of COVID-19 or fever of 100.4 degrees Fahrenheit or higher? The symptoms of COVID-19 can include:

Fever, or feeling feverish; Respiratory symptoms such as runny nose, nasal congestion, sore throat, cough, or shortness of breath; General body symptoms such as muscle aches, chills, and severe fatigue; Gastrointestinal symptoms such as nausea, vomiting, or diarrhea; and Changes in a person's sense of taste or smell.

Do you share a household with someone who is suspected or confirmed to have COVID-19 in the prior 10 days and are unvaccinated?

Any Non-Member with a positive answer to any of the above questions is not to attend the House session. Any Member with a positive answer to the above questions are recommended not to attend the session..

LEAVING/RETURNING TO REPS HALL

Following past practice, Members may leave the hall and monitor debates in via audio feeds in other rooms*, the House Gallery, the anteroom, or via live stream on their mobile device at a place of their choosing within close proximity of the chamber.

Those choosing to view the livestream video via the internet should take into account that there is a delay of up to 30 seconds.

Roll call and division votes will be announced by the Speaker over the PA system and by the Sergeant at Arms staff in the hallways. Members are asked to return to their seats as quickly as possible in order to vote using the buttons at their assigned seats.

To the best of his ability, the Speaker will announce when the debate has come to the last speaker on a bill so members may begin returning to the chamber before the roll call or division vote is called.

Pursuant to House Rule 22, no member shall vote in any case if the member is not present [in the chamber] when the question is put. Pursuant to House Rule 24, no member shall leave his or her seat while the voting machine is in use and until the Speaker announces the result of the vote.

Members should not participate in voice votes from the gallery, which is not part of the chamber, and would violate House Rule 22.

**Rooms other than the gallery and anteroom that have a live audio feed include the House Democratic Office (Room 307), House Majority Office (Room 313), Speaker's Reception Office (Room 312), Webster Conference Room (Room 308), Legislator Lounge (Rooms 122-123).*

MASKS USAGE AND AVAILABILITY

Members are recommended to wear face masks. There is no mask requirement anywhere in the State House complex. N-95 and regular disposable masks will be made available to Members in the anteroom.

PUBLIC AND PRESS ACCESS

The event will be live-streamed, and the link to watch the event live will be posted on the General Court website. The House Gallery will be open.

The platform located in the back part of the House Chamber is reserved for members of the press only. Please note, State House reporters will be accommodated first in case of space availability. Camera operators may use the end aisles to get close up photos, but may not be stationed there. Members of the press will not be allowed to set up on either end aisles or directly behind Members. No member of the press may interact with House Members on the Chamber floor.

HVAC/VENTILATION

The HVAC system in Representatives Hall was replaced and updated in 2019. It has an air exchange rate that meets or exceeds indoor air quality standards. It uses MERV-13 filtration. The General Court will supplement the HVAC system with portable HEPA/ UV-C air filtration units like those that are used in the Legislative Office Building. Additional portable units will be located in the anteroom.

ADDITIONAL MITIGATION EFFORTS

Hand sanitizer and disinfectant wipes will be stationed throughout the anteroom. Frequent hand hygiene is recommended especially after restroom use and before eating. Touchpoint disinfection will be employed throughout the day.

Should there be any Americans with Disabilities Act (ADA) requests for accommodations specific to attendance in Representatives Hall, these should be submitted to the General Court's ADA representative in advance of the session. Requests can be emailed to Jennifer.Becker@leg.state.nh.us.