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No. 10A

Contains: Amendments

HOUSE CALENDAR

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to CACR 15

(2022-0735h)

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

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

RELATING TO: residency for the purpose of voting.

PROVIDING THAT: only residents of the state may vote in elections.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 11 of the first part of the constitution be amended to read as follows:

[Art.] 11. [Elections and Elective Franchises.] All elections are to be free, and ~~[every inhabitant of the state of]~~ **only a person who is a citizen of the United States and a citizen of the state of New Hampshire, and** 18 years of age and upwards shall have an equal right to vote in any election. ~~[Every person]~~ **A person who is a United States citizen** shall be considered ~~[an inhabitant]~~ **a citizen of the state of New Hampshire only if that person is domiciled in and has primary residence in a town, ward, or unincorporated place in New Hampshire and shall vote only in that town, ward, or unincorporated place** ~~[for the purposes of voting in the town, ward, or unincorporated place where he has his domicile]~~. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it by conviction of such offenses. The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non payment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office."

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 2022.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 2022 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 2022 session of the general court shall be approved.

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

"Are you in favor of amending article 11 of the first part of the constitution to read as follows:

[Art.] 11. [Elections and Elective Franchises.] All elections are to be free, and only a person who is a citizen of the United States and a citizen of the state of New Hampshire, and 18 years of age and upwards shall have an equal right to vote in any election. A person who is a United States citizen shall be considered a citizen of the state of New Hampshire only if that person is domiciled in and has a primary residence in a town, ward, or unincorporated place in New Hampshire and shall vote only in that town, ward, or unincorporated place. No person shall have the right to vote under the constitution of this state who has been convicted of treason, bribery or any willful violation of the election laws of this state or of the United States; but the supreme court may, on notice to the attorney general, restore the privilege to vote to any person who may have forfeited it

by conviction of such offenses. The general court shall provide by law for voting by qualified voters who at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot, are absent from the city or town of which they are inhabitants, or who by reason of physical disability are unable to vote in person, in the choice of any officer or officers to be elected or upon any question submitted at such election. Voting registration and polling places shall be easily accessible to all persons including disabled and elderly persons who are otherwise qualified to vote in the choice of any officer or officers to be elected or upon any question submitted at such election. The right to vote shall not be denied to any person because of the non payment of any tax. Every inhabitant of the state, having the proper qualifications, has equal right to be elected into office."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 2022 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

VII. Voters' Guide.

AT THE PRESENT TIME, article 11 of the first part of the New Hampshire constitution provides that a voter must be domiciled in the state.

IF THE AMENDMENT IS ADOPTED, a voter must be a citizen of the United States and a citizen of New Hampshire who is domiciled and whose primary place of residence is in the state and he or she may only vote in place he or she is domiciled.

2022-0735h

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that voters in the state of New Hampshire must be citizens of the United States, citizens of New Hampshire, domiciled in the state, have their primary residence in the state, and vote only in the place where they are domiciled.

Amendment to HB 103

(2022-0904h)

Proposed by the Majority of the Committee on Finance - r

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

1 Statement of Purpose; Dental Benefits under Medicaid Managed Care.

I. The general court recognizes that untreated oral health conditions negatively affect a person's overall health and that good oral health improves a person's ability to obtain and keep employment. The general court further recognizes that regular dental care and access to preventive and restorative treatments for oral health conditions prevent oral conditions from developing into more complex health conditions that would require medical care. In addition, the general court recognizes that personal responsibility is an essential component of any strategy to improve individual oral health.

II. Therefore, to improve overall health and prevent future health conditions caused by oral health problems, and based on the recommendation of the working group convened pursuant to 2019, 346:225, the general court hereby determines that it is in the best interest of the state of New Hampshire to extend dental benefits under the Medicaid managed care program to individuals 21 years of age and over.

2 New Paragraph; Medicaid Managed Care Program; Dental Benefits. Amend RSA 126-A:5 by inserting after paragraph XIX the following new paragraph:

XIX-a.(a)(1) The commissioner shall pursue contracting options to administer the state's Medicaid dental program with the goals of improving access to dental care for Medicaid populations, improving health outcomes for Medicaid enrollees, expanding the provider network, increasing provider capacity, fostering individual behaviors that promote good oral health, and retaining innovative programs that improve access and care through a value-based care model.

(2) The commissioner shall issue a request for information to assist in determining whether the state's Medicaid dental program would be best administered by a dental managed care organization or, alternatively, by the state's current medical managed care organizations. The commissioner shall obtain the requested information from both the current medical managed care organizations and any interested dental managed care organization. The approach selected shall be that which demonstrates the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, patient education, and savings. The request for information shall be released no later than August 1, 2022. The request for information shall address improving health outcomes, expanding the provider network, increasing capacity of providers, integrating a value-based care model, and exploring innovative programs for children and adults.

(3) If the commissioner determines that the program would be best administered by a dental managed care organization, the commissioner shall issue a 3-year request for proposals, with 2 optional one-year extensions, to enter into contracts with the vendor that demonstrates the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, patient education, and savings. The state plan amendment shall be submitted to the Centers for Medicare and Medicaid Services (CMS) within the quarter of implementation (by June 30, 2023). Implementation of a procured contract shall begin April 1, 2023. The commissioner shall establish a capitated rate for the contract that is full risk to the vendor. In contracting with a dental managed care organization and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the quality of care provided. Following approval by the joint health care reform oversight committee, pursuant to RSA 420-N:3, the department shall seek, with the review of the fiscal committee of the general court, all necessary and appropriate state plan amendments and waivers to implement the provisions of this paragraph. The program shall not commence operation until such state plan amendments or waivers have been approved by CMS. All necessary state plan amendments shall be submitted within the quarter of implementation (by June 30, 2023) and waivers shall be submitted by October 1, 2022.

(4) The commissioner shall adopt rules, pursuant to RSA 541-A, if necessary, to implement the provisions of this paragraph and shall first obtain approval of proposed rules by the joint health care reform oversight committee, pursuant to RSA 420-N:3.

(b) Any vendor awarded a contract pursuant to this paragraph shall provide the following dental services to individuals 21 years of age and over, reimbursed under the United States Social Security Act, Title XIX, or successors to it:

(1) Diagnostic and preventive dental services including an annual comprehensive oral examination, necessary x-rays or other imaging, prophylaxis, topical fluoride, oral hygiene instruction, behavior management and smoking cessation counseling, and other services as determined by the annual update of Current Dental Terminology (CDT) codes D0100-D0999 and D1000-D1999 for diagnostic and preventive services. Annual updates to the CDT shall be made available on the department of health and human services' website.

(2) Comprehensive restorative treatment necessary to prevent or treat oral health conditions, to reduce or eliminate the need for future acute oral health care, and to avoid more costly medical or dental care.

(3) Oral surgery and treatment necessary to relieve pain, eliminate infection or prevent imminent tooth loss.

(4) Prosthodontic coverage for individuals served on the developmental disability (DD), acquired brain disorder (ABD), and choices for independence (CFI) waivers, such waivers authorized under Section 1915(c) of the Social Security Act, and nursing facility resident populations only, subject to medical necessity.

(5) The individual benefit shall be capped at \$1,500 per year, excluding preventive services, provided that this cap shall be subject to adjustment upon approval by the joint legislative fiscal committee and governor and council.

(c) Cost sharing shall be implemented to the maximum extent allowed under CMS guidelines for Medicaid recipients with family incomes above 100 percent of the Federal Poverty Level (FPL).

(d) The department of health and human services shall present an annual report to the health and human services oversight committee that includes, but is not limited to, Medicaid recipient utilization, provider participation, and other indicators of program effectiveness.

(e) In this paragraph, "dental managed care organization" means any dental care organization, dental service organization, health insurer, or other entity licensed under Title XXXVII, that provides, directly or by contract, dental care services covered under this paragraph rendered by licensed providers and that meets the requirements of Title XIX or Title XI of the federal Social Security Act.

3 Appropriation; Centene Corporation Settlement. Notwithstanding RSA 7:6-e, \$18,728,619 of the amount received from the settlement of December, 2021 between New Hampshire and the Centene Corporation and its affiliates ("Centene"), relative to pharmacy benefits in the Medicaid program shall be appropriated to the department of health and human services and shall not lapse. This sum shall be used to fund the non-federal share of an adult dental benefit in the Medicaid program. The department may accept and expend matching federal funds for the purpose of this section without prior approval of the fiscal committee of the general court. In the event an adult dental benefit in the Medicaid program is not implemented by June 30, 2023, the sum appropriated in this section shall be transferred as follows:

I. Ten percent of the funds shall be transferred to the revenue stabilization reserve account pursuant to RSA 7:6-e, I; and

II. The remainder of the funds shall be transferred to the general fund.

4 Adult Dental Benefit; Working Group. 2019, 346:225 is repealed and reenacted to read as follows:
346:225 Department of Health and Human Services; Adult Dental Benefit; Working Group.

I. The department shall maintain a working group consisting, at a minimum, of representatives of the following stakeholders: each managed care plan under contract with the state, the New Hampshire Oral Health Coalition, a public health dentist and a solo private practice dentist recommended by the New Hampshire Dental Society, the New Hampshire Dental Hygienist Association, and the Bi-State Primary Care Association, a representative of a New Hampshire dental insurance carrier designated by the governor, 2 members of the house of representatives, one of whom shall be from the majority party and one of whom shall be from the minority party, appointed by the speaker of the house of representatives, 2 members of the senate, one of whom shall be from the majority party and one of whom shall be from the minority party, appointed by the president of the senate, a member of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program designated by the commission, and 2 members of the New Hampshire medical care advisory committee, one of whom shall be a consumer advocate, designated by the committee. The working group shall advise the commissioner on matters relative to incorporating a dental benefit for individuals 21 years of age or older into the state's Medicaid Managed Care Program.

II. The working group shall be convened by the commissioner of health and human services and shall be subject to RSA 91-A.

III. The working group convened and maintained by the commissioner under this section shall be discontinued and have its duties terminated by the commissioner upon selection of an approach for administering the Medicaid dental benefit as described in RSA 126-A:5, XIX-a.(a)(2).

5 Repeal. 2019, 346:226, relative to reports by the department of health and human services on implementation of an adult dental benefit, is repealed.

6 Effective Date.

I. Section 3 of this act shall take effect June 30, 2022.

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

Amendment to HB 1014 (2022-0460h)

Proposed by the Minority of the Committee on Judiciary – r

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

AN ACT allowing public meetings to be conducted with a virtual component.

Amend RSA 91-A:2, III as inserted by section 1 of the bill by replacing it with the following:

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

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

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

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

(a) Each meeting shall have a physical location. Members of the public body and the public may participate in person or remotely. The public body shall provide remote access to the meeting by telephone and by video or other electronic means of communication.

(b) Public notice of the meeting, with all information necessary to access the meeting telephonically and by other means, shall be given as provided in this chapter. The notice shall provide a mechanism for the public to alert the public body during the meeting if there are problems with access. The meeting shall be adjourned if the public is unable to access the meeting.

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

**Amendment to HB 1018
(2022-0929h)**

Proposed by the Committee on Executive Departments and Administration- c

Amend the bill by replacing section 4 with the following:

4 Medical Imaging and Radiation Therapy; Advisory Board. RSA 328-J:3 is repealed and reenacted to read as follows:

328-J:3 Advisory Board Established. The executive director shall establish an advisory board of medical imaging and radiation therapy consisting of 3 members who are licensed and in good standing in New Hampshire as a medical imaging professional. There shall be one alternate board member who has the same qualifications set forth for advisory board members. Each member shall be appointed to a term of 3 years. No member shall serve more than 2 consecutive full terms. The advisory board shall advise the executive director regarding the implementation of this chapter.

Amend the introductory paragraph of RSA 328-J:7 as inserted by section 5 of the bill by replacing it with the following:

328-J:7 [Board] Responsibilities; Rulemaking Authority. The [board] ***executive director, in consultation with the board,*** shall adopt rules, pursuant to RSA 541-A, relative to:

Amend RSA 328-J:8 as inserted by section 5 of the bill by replacing it with the following:

328-J:8 Educational Qualifications. The [board] ***executive director, in consultation with the board,*** shall approve medical imaging and radiation therapy educational programs that the [board] ***executive director, in consultation with the board,*** determines meet the criteria and standards established by the [board] ***executive director in consultation with the board.*** The curriculum for each course of study shall be no less stringent than the standards approved by the Joint Review Committee on Education in Radiologic Technology, Joint Review Committee on Education in Nuclear Medicine Technology, Commission on Accreditation of Allied Health Education Programs, or any other appropriate educational accreditation agency approved by the [board] ***executive director in consultation with the board.***

Amend the introductory paragraph of RSA 328-J:11 as inserted by section 6 of the bill by replacing it with the following:

328-J:11 Licensure; Medical Imaging Professionals and Radiation Therapists. The [board] ***executive director, in consultation with the board,*** shall issue licenses to individuals who meet the following qualifications:

Amend RSA 328-J:14 as inserted by section 6 of the bill by replacing it with the following:

328-J:14 Educational Programs. All educational programs approved by the [board] ***executive director, in consultation with the board,*** in radiography, radiation therapy, nuclear medicine technology, magnetic resonance technology, sonography, radiologist assistant or limited x-ray machine operation may be offered by a medical facility or educational institution. The program shall be affiliated with one or more hospitals or clinics approved by the [board] ***executive director*** to provide the requisite clinical education.

**Amendment to HB 1022
(2022-0964h)**

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

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

1 New Section; Ivermectin; Dispensing. Amend RSA 318 by inserting after section 47-m the following new section:

318:47-n Ivermectin; Dispensing.

I. In this section, "standing order" means a written and signed protocol authored by one or more physicians licensed under RSA 329:12 or one or more advanced practice registered nurses licensed under RSA 326-B:18. Such agreement shall specify a protocol allowing the pharmacist licensed under RSA 318:18 to dispense ivermectin under the delegated prescriptive authority of the physician or advanced practice registered nurse, 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 referring for evaluation and treatment of adverse events. Any such prescription shall be regarded as being issued for a legitimate medical purpose in the usual course of professional practice.

II. Licensed pharmacists following standing orders may dispense ivermectin to persons in this state without a prior prescription. Pharmacies may charge a fee for consultation with the patient.

III. A pharmacist, pharmacy, physician, advanced practice registered nurse, or a medical facility that employs a pharmacist, physician, or advanced practice registered nurse issuing or following standing orders shall be prohibited from seeking personal financial benefit by participating in any incentive-based program or accepting any inducement that influences or encourages therapeutic or product changes or the ordering of tests or services.

IV. A pharmacist, physician, or advanced practice registered nurse shall be held to the same standard of care as when prescribing and dispensing any other medication.

V. The pharmacist shall provide each recipient of ivermectin pursuant to this section with an information sheet written in plain language, which shall include, but is not limited to, potential adverse effects, drug interactions, Food and Drug Administration-approved indications for ivermectin use, the importance of follow-up care, and health care referral information.

VI. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary action against a physician based on a pharmacist's failure to follow standing orders provided the provisions of this section are satisfied. The board of nursing shall not deny, revoke, suspend, or otherwise take disciplinary action against an advanced practice registered nurse based on a pharmacist's failure to follow standing orders provided the provisions of this section are satisfied. The board of pharmacy shall not deny, revoke, suspend, or otherwise take disciplinary action against a pharmacist who follows standing orders based on a defect in those standing orders provided the provisions of this section are satisfied.

2 New Section; Prescription and Administration of Ivermectin. Amend RSA 329 by inserting after section 1-h the following new section:

329:1-i Prescription and Administration of Ivermectin. The board of medicine shall not deny, revoke, suspend, or otherwise take disciplinary action against a physician based on a pharmacist's failure to follow standing orders provided the provisions of RSA 318:47-n are satisfied.

3 New Section; Prescription and Administration of Ivermectin. Amend RSA 326-B by inserting after section 37 the following new section:

326-B:37-a Prescription and Administration of Ivermectin. The board of nursing shall not deny, revoke, suspend, or otherwise take disciplinary action against an advanced practice registered nurse based on a pharmacist's failure to follow standing orders provided the provisions of RSA 318:47-n are satisfied. .

4 New Section; Prescription and Administration of Ivermectin. Amend RSA 318 by inserting after section 16-f the following new section:

318:16-g Prescription and Administration of Ivermectin. The board of pharmacy shall not deny, revoke, suspend, or otherwise take disciplinary action against a pharmacist who follows standing orders based on a defect in those standing orders provided the provisions of RSA 318:47-n are satisfied.

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

Amendment to HB 1033-FN-L

(2022-0815h)

Proposed by the Committee on Legislative Administration - r

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

AN ACT prohibiting the use of state or local grants, appropriations, or property tax revenue for lobbying activities.

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

1 New Paragraphs; Powers; Use of Funds for Lobbying Restricted. Amend RSA 24:13 by inserting after paragraph IV the following new paragraphs:

V. Except as provided in paragraph VII, no state grant or appropriation provided to any county shall be used for lobbying as referenced in RSA 15:1, II (a) and (b).

VI. Except as provided in paragraph VII, no funds collected from property taxes provided to any county shall be used for lobbying as referenced in RSA 15:1, II (a) and (b).

VII. Any county that wishes to engage in any of the activities prohibited in paragraph V or VI, shall segregate funds for such in a separate account, in such a manner that such funds are physically and financially separate from any funds that shall not be used for any of these purposes. Mere bookkeeping separation of state funds or county funds collected from taxpayers from other moneys shall not be sufficient.

2 New Section; Use of Property Tax Funds. Amend RSA 31 by inserting after section 8-a the following new section:

31:8-b Use of Taxpayer Funds

I. Except as provided in paragraph III, no state grant or appropriation provided to any town, city, village district or unincorporated place shall be used for lobbying as referenced in RSA 15:1, II (a) and (b).

II. Except as provided in paragraph III, no funds collected from property taxes provided to any town, city, village district or unincorporated place shall be used for lobbying as referenced in RSA 15:1, II (a) and (b).

III. Any town, city, village district or unincorporated place that wishes to engage in any of the activities prohibited in paragraph I or II, shall segregate non-taxpayer funds in a separate account, in such a manner that such funds are physically and financially separate from any funds that shall not be used for any of these purposes. Mere bookkeeping separation of state funds or county funds collected from taxpayers from other moneys shall not be sufficient.

3 New Section; Limitation on Use of Funds. Amend RSA 194 by inserting after section 5 the following new section:

194:5-a Limitation on Use of Funds.

I. Except as provided in paragraph III, no state grant or appropriation provided to a school district shall be used for lobbying as referenced in RSA 15:1, II (a) and (b).

II. Except as provided in paragraph III, no funds raised by property taxpayers provided to any school district shall be used for lobbying as referenced in RSA 15:1, II (a) and (b).

III. Any school district that wishes to engage in any of the activities prohibited in paragraph I or II, shall segregate non-taxpayer funds in a separate account, in such a manner that such funds are physically and financially separate from any funds that may not be used for any of these purposes. Mere bookkeeping separation of state funds or school district funds collected from taxpayers from other moneys shall not be sufficient.

4 Prohibited Activities; Lobbying. RSA 15:5 is repealed and reenacted to read as follows:

15:5 Prohibited Activities.

I. Except as provided in paragraph II, no state grant or appropriation of funds or funds collected from property taxes shall be used to lobby or attempt to influence legislation, participate in political activity, promote or oppose, directly or indirectly, any legislation pending or proposed before the general court.

II. Any entity that wishes to engage in any of the activities prohibited in paragraph I shall segregate such state funds and funds collected from property taxes in a separate account, in such a manner that such funds are physically and financially separate from any non-state grant and appropriation or property taxpayer funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds or funds collected from property taxes from other moneys shall not be sufficient.

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

2022-0815h

AMENDED ANALYSIS

This bill prohibits counties, municipalities, or school districts that are recipients of a state or local grant, appropriation, or property taxes from using such funds to engage in lobbying activities.

Amendment to HB 1035

(2022-0854h)

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

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

1 Communicable Disease; Immunization Required for School Attendance; Grounds and Procedure for Exemption. Amend RSA 141-C:20-c, II to read as follows:

II. A parent or legal guardian objects to immunization because of religious beliefs. The parent or legal guardian shall sign a [notarized] form stating that the child has not been immunized because of religious beliefs.

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

2022-0854h

AMENDED ANALYSIS

This bill removes the requirement that a parent's request for a religious exemption to immunizations required for school attendance be notarized.

Amendment to HB 1039

(2022-0284h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT relative to the definition of "beverage manufacturer retail outlet" and certain liquor licenses and fees.

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

2 Carrier Licenses. Amend RSA 178:14, III to read as follows:

III. A licensed carrier shall not transport any liquor, wine, or beverage [~~within a 90-day period~~] that has been identified by the commission as originating from a person who does not hold a valid New Hampshire direct shipper permit, provided that such identification has first been provided to and received by the licensed carrier in writing. The commission shall notify carriers by mail on a monthly basis of the identity of unauthorized shippers, which notification shall be effective 15 days after such mailing. The commission may impose a fine by rule for violations within the reporting month per shipper.

3 Repeal. RSA 178:23, IV-V, relative to fees for multi-year licenses, are repealed.

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

2022-0284h

AMENDED ANALYSIS

This bill:

I. Removes the production and manufacturing requirements from the definition of "beverage manufacturer retail outlet."

II. Prohibits licensed carriers from transporting any liquor, wine, or beverage from a person without a direct shipper permit at any time.

III. Repeals provisions for multi-year liquor licenses.

Amendment to HB 1044

(2022-0991h)

Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs - r

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

AN ACT relative to direct payment and membership-based health care facilities.

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

1 Residential Care And Health Facility Licensing; Policies Required for Health Facilities and Special Health Care Service Licenses; Direct Payment and Membership-Based Facilities Excluded. Amend RSA 151:2-f, I to read as follows:

I. Adopt and enforce a written policy to assure that the facility provides its services to all persons who require the services the facility provides regardless of the source of payment for the services provided to any person, *unless the facility operates on a membership-based business model or exclusively provides services to persons who make direct payment for services. For purposes of this paragraph, a direct payment is one that is paid directly by the patient and is not reimbursed or otherwise paid by a third party;*

2 Effective Date. This act shall take effect January 1, 2023.

2022-0991h

AMENDED ANALYSIS

This bill exempts facilities operating with membership-based or direct payment business models from certain special licensing provisions.

Amendment to HB 1045

(2022-0902h)

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

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

AN ACT relative to the composition of the ethics oversight advisory committee.

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

1 Ethics Oversight Advisory Committee. RSA 141-C:27, III is repealed and reenacted to read as follows:

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

(a) Two members of the house of representatives, one of whom shall be from the minority party, appointed by the speaker of the house of representatives. The speaker shall give preference to those members who have been trained in ethics.

(b) One member of the senate, appointed by the senate president. The senate president shall give preference to a member who has been trained in ethics.

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

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

(e) The state epidemiologist.

(f) An attorney well-versed in medical ethics, appointed by the president of the New Hampshire Bar Association.

(g) A physician well-versed in medical ethics, appointed by the president of the New Hampshire Medical Society.

(h) The executive director of the governor's commission on disability, or designee.

(i) A nurse well-versed in medical ethics, appointed by the president of the New Hampshire Board of Nursing.

(j) A psychologist well-versed in ethics, appointed by the president of the New Hampshire Psychological Association.

(k) A professor of ethics currently teaching at a college or university in New Hampshire, appointed by the chairperson elected in paragraph IV.

2 Ethics Oversight Advisory Committee. Amend RSA 141-C:27, IV to read as follows:

IV. The committee shall elect one of the legislative members as chairperson. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee. The committee shall meet initially within [30] **90** days of the effective date of this section and then as regularly as the chairperson shall direct.

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

2022-0902h

AMENDED ANALYSIS

This bill changes the membership of the ethics oversight advisory committee.

Amendment to HB 1065-FN**(2022-0137h)****Proposed by the Minority of the Committee on Executive Departments and Administration - r**

Amend the bill by replacing section 5 with the following:

5 Fees; Reference Added. Amend RSA 330-A:12, I to read as follows:

I. The [board] *office of professional licensure and certification* shall establish fees pursuant to RSA 541-A for supervisory agreements; applications for licensed pastoral psychotherapist, independent clinical social worker, school social worker, licensed social worker, licensed social work associate, clinical mental health counselor, [and] marriage and family therapist, *art therapist*; and conditional licenses; renewal of license; renewal of dual license; reinstatement of license; inactive license status; reactivation of an inactive license; examination of applicants; transcribing and transferring records; and other services, including investigations and hearings conducted under this chapter.

Amendment to HB 1066**(2022-0505h)****Proposed by the Committee on Resources, Recreation and Development - c**

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

AN ACT requiring the commissioner of the department of environmental services to prepare a plan relative to cyanobacterial blooms in New Hampshire.

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

1 Report Required; Commissioner of Environmental Services. The commissioner of the department of environmental services shall prepare a plan to prevent the increase of, and eventually control, cyanobacterial blooms in New Hampshire's lakes and other waters. Such plan shall be supported by scientific data and shall include measurable milestones. The commissioner shall determine the organizational structure, foci, personnel, and resources needed to execute the plan. The commissioner shall also coordinate with appropriate stakeholders as may be required to execute the plan. Any budgetary request necessary to execute the plan shall be submitted as part of the department's total funding request for the fiscal years ending June 30, 2024 and June 30, 2025. The plan shall be submitted in writing to the governor, the speaker of the house of representatives, and the president of the senate no later than November 1, 2023.

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

2022-0505h

AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to prepare a plan relative to cyanobacterial blooms in New Hampshire.

Amendment to HB 1067-FN**(2022-0168h)****Proposed by the Committee on Criminal Justice and Public Safety - c**

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

1 New Subparagraphs; Criminal Code; Limitations. Amend RSA 625:8, III by inserting after subparagraph (i) the following new subparagraphs:

(j) For any offense under RSA 631:1, where the victim was under 18 years of age when the alleged offense occurred, within 6 years of the victim's eighteenth birthday.

(k) For any offense under RSA 631:2, where the victim was under 18 years of age when the alleged offense occurred, within 6 years of the date the offense was committed or within 3 years of the victim's eighteenth birthday, whichever is greater.

2 Effective Date. This act shall take effect January 1, 2023.

2022-0168h

AMENDED ANALYSIS

This bill establishes a statute of limitation on actions brought for first degree and second degree assaults where the victim was under 18 years of age.

**Amendment to HB 1069
(2022-0483h)**

Proposed by the Committee on Municipal and Country Government – c

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

AN ACT relative to the election of village district commissioners.

Amend the bill by replacing section 1 with the following:

1 Optional Election of Commissioners in Village Districts. Amend the section heading of RSA 670:2-a and RSA 670:2-a, I to read as follows:

670:2-a Optional Election of Commissioners in Districts [~~Within the Towns of Merrimack and Hooksett~~].

I. Notwithstanding the provisions of RSA 670:2, any village district [~~within the town of Merrimack or the town of Hooksett~~] may at any annual meeting under an article in the warrant for the meeting elect 5 rather than 3 commissioners by a majority vote of the legal voters present and voting at the annual meeting in the manner provided in paragraph II.

2022-0483h

AMENDED ANALYSIS

This bill allows village districts located within any county to elect 5 commissioners rather than 3 by a majority vote of the legal voters present and voting at an annual meeting.

**Amendment to HB 1072
(2022-0893h)**

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

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

AN ACT establishing a criminal penalty for denying an elected school district official access to any school district facilities, documents, or school activities.

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

1 New Section; Schools; Access by Elected Persons to School Facilities, Documents, or School Activities.

Amend RSA 189 by inserting after section 1-e the following new section:

189:1-f Access by Elected Persons to School Facilities, Documents, or School Activities. No elected member of a school board, budget committee, or any other elected school district position, shall be denied access to any school facilities, documents, or school activities by any superintendent of school, school principal, or faculty member while that person holds office. School activities shall include, but are not limited to sporting events, intramural events, events associated with student clubs or organizations, student assemblies, or any organized student activity occurring on or off school property. The access to documents shall be notwithstanding any state or federal prohibition and in accordance with RSA 91-A:5, III, V, or VII. The access to school facilities, documents, or school events shall not apply if the elected person has been charged pending disposition for, or convicted of, any violation or attempted violation as described in RSA 189:13-a, V. Any person denying access in violation of this section shall be guilty of a class B misdemeanor.

2 Effective Date. This act shall take effect January 1, 2023.

2022-0893h

AMENDED ANALYSIS

This bill prohibits the denial of access to any school facilities, documents, or school activities to persons in elected school district positions. A violation is a class B misdemeanor.

**Amendment to HB 1073
(2022-06089h)**

Proposed by the Majority of the Committee on Judiciary – r

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

AN ACT modifying attorney exemptions under RSA 91-A.

Amend the bill by replacing section 1 with the following:

1 Access to Governmental Records and Meetings; Exemptions; Attorney Records. Amend RSA 91-A:5, XII to read as follows:

XII. Records protected under the attorney-client privilege or the attorney work product doctrine ***consistent with the public's right to know.***

2022-0689h

AMENDED ANALYSIS

This bill narrows the scope of attorney-related records exempt from the right to know law.

**Amendment to HB 1076
(2022-0630h)**

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services - r
Amend the bill by replacing all after the enacting clause with the following:

1 New Subdivision; Productivity Quotas. Amend RSA 275 by inserting after section 77 the following new subdivision:

Productivity Quotas

275:78 Definitions. In this subdivision:

- I. "Commissioner" means the labor commissioner.
- II. "Defined time period" means any unit of time measurement equal to or less than the duration of an employee's shift, and includes hours, minutes, and seconds and any fraction thereof.
- III. "Department" means the department of labor.
- IV. "Employee" means an employee who works at a warehouse distribution center.
- V. "Employee work speed data" means information an employer collects, stores, analyzes, or interprets relating to an individual employee's performance of a quota, including, but not limited to, quantities of tasks performed, quantities of items or materials handled or produced, rates or speeds of tasks performed, measurements or metrics of employee performance in relation to a quota, and time categorized as performing tasks or not performing tasks. "Employee work speed data" shall not include qualitative performance assessments, personnel records, or itemized wage statements, except for any content of those records that includes employee work speed data as defined in this subdivision.
- VI. "Employer" means a person who directly or indirectly, or through an agent or any other person, including through the services of a third-party employer, temporary service, or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of 100 or more employees at a single warehouse distribution center or 1,000 or more employees at one or more warehouse distribution centers in the state.
- VII. "Person" means an individual, corporation, partnership, limited partnership, limited liability partnership, limited liability company, business trust, estate, trust, association, joint venture, agency, instrumentality, or any other legal or commercial entity, whether domestic or foreign.
- VIII. "Quota" means a work standard under which an employee is assigned or required to perform at a specified productivity speed, or perform a quantified number of tasks, or to handle or produce a quantified amount of material, within a defined time period and under which the employee may suffer an adverse employment action if they fail to complete the performance standard.

IX.(a) "Warehouse distribution center" means an establishment as defined by any of the following North American Industry Classification System (NAICS) Codes, however that establishment is denominated, and may include the following:

- (1) 493110 for General Warehousing and Storage.
- (2) 423 for Merchant Wholesalers, Durable Goods.
- (3) 424 for Merchant Wholesalers, Nondurable Goods.
- (4) 454110 for Electronic Shopping and Mail-Order Houses.

(b) The term "warehouse distribution center" shall not include NAICS Code 493130, Farm Product Warehousing and Storage.

275:79 Employer Disclosure of Productivity Quotas. Each employer shall provide to each prospective employee, a written description of each quota to which the employee is subject, including the quantified number of tasks to be performed or materials to be produced or handled, within the defined time period, and any potential adverse employment action that could result from failure to meet the quota

275:80 Productivity Quotas. An employee shall not be required to meet a quota that prevents compliance with meal or rest periods, use of bathroom facilities, including reasonable travel time to and from bathroom facilities, or occupational health and safety laws in state law or department rules. An employer shall not take adverse employment action against an employee for failure to meet a quota that does not allow a worker to comply with meal and rest periods, or occupational health and safety laws in state law or department rules, or for failure to meet a quota that has not been disclosed to the employee pursuant to RSA 275:79.

275:81 Productive Time. Any action taken by an employee to comply with occupational health and safety laws shall be considered time on task and productive time for purposes of any quota or monitoring system. Meal and rest breaks shall not be considered productive time unless the employee is required to remain on call.

275:82 Right to Request Quota Description. If a current employee believes that meeting a quota caused a violation of their right to a meal or rest period or required them to violate any occupational health and safety laws in state law or department rules, then such employee shall have the right to contact the department of labor and submit a complaint pursuant to RSA 275:80. An employer that does not monitor this data shall have no obligation to provide it.

275:83 Duties of the Commissioner. The commissioner shall:

I. Enforce this subdivision by engaging in coordinated and strategic enforcement efforts with the department. The commissioner shall have access to data from the department including employer-reported injury data and enforcement actions in warehouses.

II. Adopt rules pursuant to RSA 541-A relating to the procedures for an employee to make a complaint alleging a violation of this subdivision.

275:84 Employer Right to Cure. In any action by a current employee that could be brought for a violation of this subdivision, the employer shall have the right to a reasonable amount of time to cure an alleged violation.

2 Effective Date. This act shall take effect January 1, 2023.

Amendment to HB 1077

(2022-0921h)

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

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

AN ACT amending the prohibition on conversion therapy.

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

1 Conversion Therapy; Chapter Title Amended. Amend the chapter title preceding RSA 332-L to read as follows:

[PROHIBITING] CONVERSION THERAPY [ON MINORS]

2 Prohibiting Conversion Therapy; Definitions and Prohibitions. Amend RSA 332-L:1 and 2 to read as follows:

332-L:1 Definition. In this chapter, "conversion therapy" means practices or treatments that seek to change an individual's sexual orientation or gender identity ***against an individual's will***, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. [~~Conversion therapy shall not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or gender identity.~~]

332-L:2 Prohibition; Violations and Enforcement.

I. A person who is licensed to provide professional counseling under RSA 326-B, RSA 328-D, RSA 329, RSA 329-B, RSA 330-A:16, RSA 330-A:18, RSA 330-A:19, RSA 330-A:20, RSA 330-A:21, or RSA 330-C, including, but not limited to, a nurse, physician assistant, physician, psychologist, clinical social worker, clinical mental health counselor, marriage and family therapist, or licensed alcohol and drug counselor, or a person who performs counseling as part of the person's professional training for any of these professions, shall not engage in conversion therapy [~~with a person under 18 years of age~~] ***as defined in RSA 332-L:1***.

II. Any licensed professional, as listed in paragraph I, who proposes to engage or engages in conversion therapy [~~on a patient under 18 years of age~~] ***as defined in RSA 332-L:1*** shall be considered to have engaged in unprofessional conduct and shall be subject to such discipline as the relevant licensing authority deems appropriate.

III. In any claim of unprofessional conduct under paragraph II, the licensed professional shall not be presumed to have engaged in unprofessional conduct if the therapy in question was client-directed or was not against the client's will, regardless of whether the client was an adult or minor.

IV. If the therapy in question is alleged to have consisted of speech only, the relevant licensing authority shall presume that the therapy was client-directed unless the client shows, by a preponderance of the evidence, that the therapy was conducted against the client's will.

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

2022-0921h

AMENDED ANALYSIS

This bill:

I. Removes the prohibition on engaging in conversion therapy with a minor less than 18 years of age.

II. Amends the definition of conversion therapy to provide that no licensed professional shall engage in conversion therapy against an individual client's will.

III. Establishes a presumption that a licensed professional's actions shall not constitute unprofessional conduct if the therapy in question was client-directed or was not against the client's will, regardless of whether the client was an adult or minor.

IV. Establishes a presumption that in cases where the therapy was speech only, the therapy shall be presumed to be client-directed, unless the client shows that the therapy was against the client's will.

**Amendment to HB 1089
(2022-0376h)**

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services - r
Amend the title of the bill by replacing it with the following:

AN ACT relative to the unenforceability of noncompete agreements upon termination of an employee for noncompliance with a medical intervention mandate.

Amend RSA 275:70, II as inserted by section 1 of the bill by replacing it with the following:

II. If an employer makes any material change to the terms of employment for any employee, any existing noncompete agreement shall be unenforceable against such employee. Termination of employment resulting from the material change in terms of employment or the failure to agree to a new employment contract or noncompete contract shall be considered a termination at the will of the employer. New requirements for medical testing, vaccination, or other medical intervention, established by the employer as a condition of employment, shall be considered a material change in the terms of employment. Any other employment agreement, including confidentiality, nondisclosure, trade secret, intellectual property assignment, or other agreement between the employer and such employee shall remain in full force and effect.

Amend the bill by replacing section 2 with the following:

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

2022-0376h

AMENDED ANALYSIS

This bill provides that a noncompete agreement between an employer and an employee who is terminated for refusing to comply with an employer-mandated medical intervention shall be unenforceable against such employee.

**Amendment to HB 1097
(2022-1037h)**

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

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

1 New Chapter; Position on Out-of-state Taxation of Remote Worker Income. Amend RSA by inserting after chapter 78-E the following new chapter:

CHAPTER 78-F

POSITION ON OUT-OF-STATE TAXATION OF REMOTE WORKER INCOME

78-F:1 Purpose. In order to promote the health of its economy and the welfare of its citizens, by preserving an environment in which labor is not unduly penalized, it is declared to be the sovereign interest of the state of New Hampshire that the income earned and received by residents of the state of New Hampshire for services entirely performed within the state of New Hampshire may not be subject to taxation as earned income in any other state.

78-F:2 Business Profits Tax Application. Notwithstanding any other provisions in this chapter, any business organization carrying on any business activity within New Hampshire within the meaning and provisions of RSA 77-A shall be subject to the business profits tax within the provisions of RSA 77-A.

78-F:3 Business Enterprise Tax Application. Notwithstanding any other provisions in this chapter, any business enterprise engaged in or carrying on any business activity within New Hampshire within the meaning and provisions of RSA 77-E shall be subject to the business enterprise tax within the provisions of RSA 77-E.

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

2022-1037h

AMENDED ANALYSIS

This bill declares the position of the state on income earned and received by residents of the state of New Hampshire for services entirely performed within this state.

**Amendment to HB 1102
(2022-0188h)**

Proposed by the Committee on Legislative Administration - r

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

1 Department of State; Commissions and Boards Functioning Within Department; Removals. Amend RSA 5:13 to read as follows:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission[, the boxing and wrestling commission and the joint board of licensure and certification] shall [each] function within the department of state as a separate organizational entity and with all the powers and duties as heretofore provided, except as otherwise provided by law.

2 Boxing and Wrestling Commission; Attachment Removed. Amend RSA 285:2 to read as follows:

285:2 Establishment of Commission. There is hereby established a boxing and wrestling commission which shall oversee amateur and professional fighting sports in the state. ~~[The commission shall be administratively attached to the department of state pursuant to RSA 21-G:10.]~~

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

Amendment to HB 1113

(2022-0878h)

Proposed by the Minority of the Committee on Education - r

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

AN ACT allowing remote instruction to satisfy the required number of hours of school.

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

1 Education; Days of School; Remote Instruction. Amend RSA 189:1 to read as follows:

189:1 Days of School; ***Remote Instruction.***

I. The school board of every district shall provide standard schools for at least 180 days in each year, or the equivalent number of hours as required in the rules of the department of education, ~~[at such places in the district]~~ as will best serve the interests of education and give to all the pupils within the district as nearly equal advantages as are practicable.

II. A school district may conduct remote instruction for up to 5 days per year, or the equivalent number of hours, when the school has been closed due to inclement weather, an emergency, or other extenuating circumstances impacting the health, safety, and welfare of students and school staff. Remote instruction shall satisfy the required amount of instructional time under applicable statutes and state board of education rules. If a district desires to implement remote instruction for more than 5 days per year, the district may petition the commissioner of the department of education requesting that the district be allowed to offer remote instruction for more than 5 days per year. The petition shall state why inclement weather, an emergency, or other extenuating circumstances impacting the health, safety, and welfare of students and school staff makes it necessary for the district to offer more than 5 days of remote instruction per year. The commissioner shall accept or deny the request within 48 hours of receipt of the petition.

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

2022-0878h

AMENDED ANALYSIS

This bill allows remote instruction to satisfy school instruction requirements for up to 5 school days for when a school is closed due to inclement weather, an emergency, or other extenuating circumstances.

Amendment to HB 1119

(2022-0764h)

Proposed by the Minority of the Committee on Municipal and County Government - r

Amend RSA 31:39, I(q) as inserted by section 1 of the bill by replacing it with the following:

(q) Regulating the distribution of single-use plastic bags and paper bags at point of sale.

Amendment to HB 1131

(2022-0998h)

Proposed by the Majority of the Committee on Education - r

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

1 New Section; Schools; Instruction of Pupils; Facial Coverings Policy. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Facial Covering Policy for Schools. The school board of a school district or the chief executive officer of a chartered public school or public academy shall not adopt, enforce, or implement a policy that requires students or members of the public to wear a facial covering for any purpose while on the school's property unless the facial covering is necessary for a specific extracurricular or instructional purpose, or is required by some other section of the law.

I. In this section, "facial covering" means any item worn on the face which covers a student's mouth, nose, or both. This provision shall not prohibit any public school board or governing person or body of a school from requiring participating students to wear athletic gear intended to protect against concussive or similar sports-related physical damage, or to wear protective equipment while handling chemicals, fire, or other similar hazardous elements for scientific or similar educational purposes.

II. Any person claiming to be aggrieved by a violation of this section, including the attorney general, may initiate a civil action against a school, school district, school board, or other public education agency in

superior court for injunctive and other legal or equitable relief. Any person aggrieved by an act prohibited by this section may also pursue all of the remedies available under RSA 491, RSA 275-E, or any other applicable common law or statutory cause of action.

III. Violation of this section by an educator shall be considered a violation of the educator code of conduct that justifies disciplinary sanction by the state board of education. For the purposes of this section, "educator" means a professional employee of any school whose position requires certification by the state board pursuant to RSA 189:39.

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

2022-0998h

AMENDED ANALYSIS

This bill prohibits school boards and other public education agencies from adopting, enforcing, or implementing a policy that requires students or members of the public to wear a facial covering.

Amendment to HB 1132

(2022-0970h)

Proposed by the Majority of the Committee on Education - r

Amend RSA 194-B:3, VI(a) as amended by section 1 of the bill by replacing it with the following:

VI.(a) Any existing public school may by a vote of the school board *and a 2/3 majority vote taken by the school district at a regular annual meeting pursuant to RSA 195, RSA 197, or the governing charter, called for the purpose and provided that an article is inserted in the warrant for said meeting to* become a charter conversion school[, provided that, in addition to all other requirements of this chapter for establishment of a chartered public school:-

(1) A majority of its prospective teachers vote by ballot to approve such conversion in a district with more than one school, or 2/3 of the teachers so vote in a single school district.

(2) The school superintendent and principal both provide their approval in writing].

2022-0970h

AMENDED ANALYSIS

This bill removes certain vote requirements for conversion of a public school to a chartered public school and adds the requirement for a two-thirds majority vote of the school district at a regular annual meeting.

Amendment to HB 1135

(2022-0847h)

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

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 1, 2023.

Amendment to HB 1139

(2022-0963h)

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

Amend RSA 327-A:1, III as inserted by section 1 of the bill by replacing it with the following:

III. "Prescription for spectacle lenses" means a dated and signed, written or oral direction not more than 24 months old from an ophthalmologist or optometrist for therapeutic or corrective lenses which states the prescribed refractive power and when necessary, the vertex distance, cylinder axis, and prism. The oral prescription must be recorded and kept on file for one year by the ophthalmic dispenser. *The prescriber of spectacle lenses shall provide the interpupillary distance on the prescription for spectacle lenses when requested by the patient, or the parent or legal guardian if the patient is a minor. The dispenser shall be allowed to modify the interpupillary distance.*

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect January 1, 2023.

2022-0963h

AMENDED ANALYSIS

This bill requires prescriptions for eyeglasses to contain the interpupillary distance when requested by the patient, or the parent or guardian if the patient is a minor.

Amendment to HB 1163

(2022-0741h)

Proposed by the Committee on Election Law - c

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Electronic Ballot Counting Devices; Rules; Over Voted Ballots. Amend RSA 656:42 by inserting after paragraph IX the following new paragraph:

X. The electronic ballot counting device shall be programmed to require that a ballot which contains more than the allowable number of votes for an office or ballot question on the ballot, known as an “over voted ballot”, be returned to the election day voter by the device. The voter shall be instructed to place the ballot in an auxiliary compartment to be hand counted by election officials after the polls close. Over voted ballots of absentee voters shall be placed in the auxiliary compartment by the moderator or his or her appointee to be counted after the polls close.

2022-0741h

AMENDED ANALYSIS

This bill requires that ballots which contain more than the allowable number of votes for an office on the ballot be returned to the voter to be hand counted by election officials after the polls close. The bill also requires the number of over voted ballots, as well as the number of overvotes and undervotes, be included in the return for each election.

Amendment to HB 1164

(2022-0939h)

Proposed by the Committee on Education - c

Amend RSA 425:25, III(g) as inserted by section 1 of the bill by replacing it with the following:

(g) A representative of the Fruit Growers Association, appointed by the governor.

Amendment to HB 1170

(2022-0270h)

Proposed by the Committee on Legislative Administration - r

Amend RSA 20-C:2, I(a) and (b) as inserted by section 1 of the bill by replacing them with the following:

(a) Four members of the delegation shall be selected by the New Hampshire house of representatives; one member shall be appointed by the speaker of the house of representatives and 3 members shall be elected by a majority vote of the house of representatives.

(b) Three members shall be selected by the New Hampshire senate; one member shall be appointed by the senate president and 2 members shall be elected by a majority vote of the senate members.

Amend RSA 20-C:2, IV as inserted by section 1 of the bill by replacing it with the following:

IV. Each New Hampshire delegate member shall be paid \$100 per day and reimbursed for actual expenses submitted, including, but not limited to, transportation, lodging, and meals.

Amend RSA 20-C:3, III as inserted by section 1 of the bill by replacing it with the following:

III. Every delegate from New Hampshire to an interstate convention shall be required to take the following oath:

“I do solemnly swear or affirm that to the best of my abilities, I will, as a delegate to an interstate convention, uphold the Constitution and laws of the United States of America and the state of New Hampshire. I will accept and act in accordance to the limits of the authority as a delegate granted to me by New Hampshire law, and I will not vote to consider or approve any unauthorized amendment or policy proposal introduced by the convention as prohibited by New Hampshire law. I understand penalties may be imposed under New Hampshire law for violation this oath.”

Amendment to HB 1171-FN

(2022-0843h)

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

Amend the bill by replacing all after section 6 with the following:

7 New Paragraphs; Barbering, Cosmetology, and Esthetics; Exemptions. Amend RSA 313-A:25 by inserting after paragraph XIII the following new paragraphs:

XIV. Persons engaged in blow dry styling and hair styling.

XV. Persons who demonstrate the use of cosmetic beauty aid or equipment for the purpose of offering for sale to the public such cosmetic beauty aid or equipment.

XVI. Persons engaged in blow-dry styling and makeup application for theatrical, television, film, fashion, photography, or media productions or media appearances.

XVII. Persons engaged in eyelash extension application.

XVIII. Persons engaged in makeup application.

XIX. Persons engaged in threading.

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

**Amendment to HB 1178
(2022-0479h)**

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

Amend the bill by replacing section 1 with the following:

1 New Chapter; Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right to Keep and Bear Arms. Amend RSA by inserting after chapter 159-D the following new chapter:

CHAPTER 159-E

PRESIDENTIAL EXECUTIVE ORDERS AND STATUTORY LAW

RELATING TO THE RIGHT TO KEEP AND BEAR ARMS

159-E:1 Federal Statutes, Regulations, and Presidential Executive Orders Relating to the Right to Keep and Bear Arms. Pursuant to the general court's authority under Part II, Article 5 of the New Hampshire Constitution, the state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law shall be prohibited from using any personnel or financial resources to enforce, administer, or cooperate with any law, act, rule, order, or regulation of the United States Government or Executive Order of the President of the United States that is inconsistent with any law of this state regarding the regulation of firearms, ammunition, magazines or the ammunition feeding devices, firearm components, firearms supplies, or knives. Silence in the New Hampshire Revised Statutes Annotated pertaining to a matter regulated by federal law shall be construed as an inconsistency for the purposes of this chapter.

159-E:2 Application. In light of the long-standing practice of cooperation between federal, state, and local law enforcement agencies, nothing in this chapter shall prevent a state, county, or local official from cooperating with or rendering aid or assistance to federal officials in any circumstance where there is reasonable suspicion to believe that a person who is the subject of an investigation for violation of federal firearms law covered by RSA 159-E:1 also has committed, is committing, or is about to commit a violation of New Hampshire law or a violation of a federal law, regulation, order, or practice not covered by RSA 159-E:1. Nothing in this chapter shall prevent a state, county, or local official from providing authorized federal officials, upon their request, with official state, county, or local records that are available to the public or which constitute criminal history records maintained by an agency of state, county, or local government, or taking any other action necessary to fulfill or comply with the state's obligations under the National Crime Prevention and Privacy Compact approved and ratified in RSA 106-B:14, III, provided that the provisions of this chapter shall not provide for the distribution of information required to be destroyed pursuant to 18 U.S.C. section 922(t)(2)(C).

159-E:3 Severability. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable.

**Amendment to HB 1180
(2022-0959h)**

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

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

1 New Paragraph; Initiating Amendments and Corrections to Birth Records; Recognition of Biological Sex. Amend RSA 5-C:87 by inserting after paragraph XI the following new paragraph:

XII. Nothing in this subdivision is intended to prohibit any public entity from differentiating between the male and female sexes in athletic competitions. In this paragraph, "the male and female sexes" refers to biologically male and female human beings.

2 New Section; Administration of Motor Vehicle Laws; State Recognition of Biological Sex. Amend RSA 260 by inserting after section 21-b the following new section:

260:21-c State Recognition of Biological Sex. Nothing in RSA 260, RSA 263, or any related provision of law, is intended to prohibit any public entity from differentiating between the male and female sexes in athletic competitions. In this paragraph, "the male and female sexes" refers to biologically male and female human beings.

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

**Amendment to HB 1186
(2022-0727h)**

Proposed by the Committee on Environment and Agriculture - c

Amend RSA 126-A:98 as inserted by section 1 of the bill by replacing it with the following:

126-A:98 State Policy for Companion Animals. 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 maximum number of animals per family

entering the hotel or community shelter shall comply with local ordinances. For the purpose of this section, “companion animal” means a cat, dog, or other legally-owned animal kept in an enclosure that might typically be found in a home. During such emergency, any volunteer who has been vetted by the department of health and human services and is a member of the disaster animal response team and is assisting evacuated persons and companion animals shall be considered an emergency worker under RSA 21-P:41, VI(c).

Amendment to HB 1192

(2022-0913h)

Proposed by the Committee on Executive Departments and Administration - c

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

AN ACT relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

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

1 Acupuncture; Titles for Licensees. Amend RSA 328-G:9, V to read as follows:

V.(a) Whoever, not being licensed or exempted as provided in this chapter, shall advertise oneself or in any way hold oneself out as qualified to practice acupuncture, or shall practice acupuncture, or whoever does so after receiving notice that one’s license has been revoked, and whoever, being licensed as provided in this chapter, shall advertise or call oneself or allow oneself to be advertised or called a physician or a doctor in such a way as to imply that such credential relates to the provision of acupuncture services, or use any physician’s or doctor’s insignia for such purposes shall be in violation of this chapter.

(b) Notwithstanding subparagraph (a), the only persons licensed under this chapter that shall be allowed to call themselves a doctor shall be those who have earned a doctoral degree in the practice of acupuncture from an accredited educational institution or other program approved by the board pursuant to administrative rules.

2 Board of Acupuncture Licensing; Qualification. Amend RSA 328-G:3, I(a)(1) to read as follows:

(1) ~~[Be NCCAOM-certified and]~~ Hold a current, valid license to practice acupuncture ~~[in another state in which licensure requirements are substantially equivalent to, or higher than, those of this state, in the case of the initial board appointees, and a current, valid license to practice] under this chapter[, in the case of subsequent board appointees].~~

3 Board of Acupuncture Licensing; Terms. Amend RSA 328-G:3, III to read as follows:

III. The terms of office shall be 3 years for all board members. **No member shall serve more than 2 consecutive full terms. Members shall serve until the expiration of the term for which they have been appointed, or until their successors have been appointed and qualified, whichever is later.** The initial board appointees shall consist of one acupuncturist for a term of 3 years, one acupuncturist for a term of 2 years, 2 acupuncturists for a term of one year each, and one public member for a term of 3 years. A member may be removed from office by the governor and council for malfeasance, misfeasance, or dishonorable conduct.

4 License Issuance; Certification. Amend RSA 328-G:9, II to read as follows:

II. The board shall issue a license to any applicant who satisfies all of the following requirements:

(a) ~~[Is 21 years of age or older]~~ **Has reached the age of majority.**

(b) Has current, active NCCAOM certification **or equivalent certification approved by the board** through examination or Credentials Documentation Review.

~~[(c) Has successfully completed an NCCAOM-approved Clean Needle Technique Course.]~~

~~[(d) (c) Has paid the \$[110] required license application fee and filed the board approved licensure application [established by the board].~~

~~[(e) (d) Is of good [moral] professional character.~~

~~[(f) (e)(1) Has earned a baccalaureate, registered nurse, or physician’s assistant degree from an accredited institution[. An applicant who possesses], and has a current, valid license to practice acupuncture from another state [who meets all other requirements of licensure may have this requirement waived at the discretion of the board.] whose requirements are substantially equal to or exceed the requirements of RSA 328-G:9, II; or~~

~~[(g) (2) Has successfully completed a post-secondary acupuncture college program which is [ACAOM] approved by the Accreditation Commission for Acupuncture and Herbal Medicine (“ACAHM”), including its successors or predecessors, or the board [approved. For one year from the date on which the first license is issued this requirement will be waived for an applicant who possesses a current, valid license to practice acupuncture in another state, provided that the applicant meets the other requirements of this chapter. After one year from the date on which the first license is issued, this requirement may only be waived at the discretion of the board. The board of acupuncture licensing will review on a case by case basis valid apprenticeship programs that demonstrate a balanced approach of clinical training and fundamental sciences and that conform to NCCAOM standards. In addition, all applicants who have not graduated from an accredited acupuncture school must show proof of successful completion of a college level course in anatomy and physiology.]; or~~

(3) *Has successfully completed an apprenticeship program that at the time of completion was in compliance with certification standards set by NCCAOM, including its successors or predecessors. All applicants seeking licensure via apprenticeship route who have not graduated from an accredited acupuncture school must be able to meet all NCCAOM standards for certification or hold a valid license to practice acupuncture from another state whose requirements are substantially similar to or exceed the requirements of RSA 328-G:9, II.*

5 License Renewal; Continuing Education. Amend RSA 328-G:9, X to read as follows:

X. ~~[As a condition of renewal of license, the board shall require each licensee to show proof of having completed for each biennial period 30 continuing education units at approved institutions or as approved by the board. Maintaining continuous NCCAOM certification shall fulfill the continuing education requirement as long as NCCAOM certification continues to require at least 30 Professional Development Activity points for each biennium]~~ ***Maintaining current, active NCCAOM certification shall fulfill the continuing education requirement.***

6 Acupuncture Detoxification Specialist; General Supervision. Amend RSA 328-G:9-a, II(b) to read as follows:

(b) ~~“General supervision” [includes, but is not limited to, being available by phone, or other electronic means during business hours, with at least 2 site visits by a licensed acupuncturist a year]~~ ***shall be provided by site visit, phone, or other electronic means during business hours with at least 2 site visits per year by a licensed acupuncturist currently licensed in New Hampshire pursuant to RSA 328-G:9. The supervising licensed acupuncturist shall not be required to be on site for direction and supervision, but shall be available at least by telecommunications.***

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

Amendment to HB 1203-FN (2022-0962h)

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

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

AN ACT relative to domicile residency, voter registration, and investigation of voter verification letters.

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

1 Voters; Temporary Absence. RSA 654:2 is repealed and reenacted to read as follows:

654:2 Temporary Absence.

I. A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained. Domicile for purposes of voting is a question of fact and intention. A voter can have only one domicile for these purposes. No person shall be deemed to have lost a domicile by reason of his or her presence or absence while the voter or his or her spouse is employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility.

II.(a) A person present in New Hampshire for temporary purposes shall not gain a domicile for voting purposes. A person who maintains a voting domicile where he or she came from, to which he or she intends to return to as his or her voting domicile after a temporary presence in New Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her presence in New Hampshire.

(b) A person who has been present and residing in one town or ward in New Hampshire for 30 or fewer days is presumed to be present for temporary purposes unless that person has the intention of making the place in which the person resides his or her one place, more than any other, from which he or she engages in the domestic, social, and civil activities of participating in democratic self-government including voting, and has acted to carry out that intent.

(c) For the purposes of this chapter, temporary purposes shall include, but are not limited to, being present in New Hampshire for 30 or fewer days for the purposes of tourism, visiting family or friends, performing short-term work, or volunteering or working to influence voters in an upcoming election.-

2 General Voter Registration; Voter Registration Form. Amend RSA 654:7, IV to read as follows:

IV.(a) Standard registration application forms shall be used throughout the state. The registration forms shall be no larger than 8 1/2 inches by 11 inches.

(b) The secretary of state shall prescribe the form of the voter registration form to be used for voter registrations, transfers, or updates other than those used within 30 days of an election or at the polling place on election day, which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

Date _____

(Please print or type)

Date registration form is submitted _____
Date applicant moved to the address listed below as the voter's domicile _____

VOTER REGISTRATION FORM
FOR USE STARTING 30 DAYS BEFORE AN ELECTION AND
AT THE POLLING PLACE ON ELECTION DAY

(Please print or type)

1. Name _____
Last (suffix) First Full Middle Name

2. Domicile Address _____
Street Ward Number

_____ Town or City Zip Code

3. Mailing Address if different than in 2 _____
Street

_____ Town or City Zip Code

4. Place and Date of Birth _____
Town or City State

Date _____

5. Are you a citizen of the United States? Yes _____ No _____

If a naturalized citizen, give name of court where and date when naturalized _____

6. Place last registered to vote _____
Street Ward Number

I am not currently registered to vote elsewhere (initial here _____), or I request that my name be removed as a registered voter in _____ (fill in your address where previously registered, street, city/town, state, and zip code)

7. Name under which previously registered, if different from above _____

8. Party Affiliation (if any) _____

9. Driver's License Number _____ State _____

If you do not have a valid driver's license, provide the last four digits of your social security number _____

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire. If a city, ward number _____.

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I understand that to make the address I have entered above my domicile for voting I must have an intent to make this the one place from which I participate in democratic self-government and must have acted to carry out that intent.

~~I understand that if I have documentary evidence of my intent to be domiciled at this address when registering to vote, I must either present it at the time of registration or I must place my initials next to the following paragraph and mail a copy or present the document at the town or city clerk's office within 10 days following the election (30 days in towns where the clerk's office is open fewer than 20 hours weekly).~~

~~By placing my initials next to this paragraph, I am acknowledging that I have not presented evidence of actions carrying out my intent to be domiciled at this address, that I understand that I must mail or personally present to the clerk's office evidence of actions carrying out my intent within 10 days following the election (or 30 days in towns where the clerk's office is open fewer than 20 hours weekly), and that I have received the document produced by the secretary of state that describes the items that may be used as evidence of a verifiable action that establishes domicile.~~

~~Failing to report and provide evidence of a verifiable action will prompt official mail to be sent to your domicile address by the secretary of state to verify the validity of your claim to a voting domicile at this address.~~

~~I understand that if I do not have any documentary evidence of my intent to be domiciled at this address, I must place my initials next to the following paragraph:~~

~~By placing my initials next to this paragraph, I am acknowledging that I am aware of no documentary evidence of actions carrying out my intent to be domiciled at this address, that I will not be mailing or delivering evidence to the clerk's office, and that I understand that officials will be sending mail to the address on this form or taking other actions to verify my domicile at this address.]~~

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date _____	Signature of Applicant _____
~~[If this form is used in place of proof of identity, age, or citizenship, I hereby swear that such information is true and accurate to the best of my knowledge.~~	
~~This form was executed for purposes of proving (applicant shall circle yes or no and initial each item):~~	
~~Identity~~ _____	~~yes/no~~ _____
	~~(initials)~~ _____
~~Citizenship~~ _____	~~yes/no~~ _____
	~~(initials)~~ _____
~~Age~~ _____	~~yes/no~~ _____
	~~(initials)~~ _____

Applicant	Election Official

~~Notary Public/Justice of the Peace/Official Authorized by RSA 659:30]~~

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000. In accordance with RSA 659:34-a voting in more than one state in the same election is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and a fine not to exceed \$4,000.-

3 Voter Registration; Determining Qualifications of Applicant. Amend RSA 654:12, I to read as follows:

I. When determining the qualifications of an applicant, the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, a sworn statement on the voter registration form used starting 30 days before an election and on election day, or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date: _____
 QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____
 Name at birth if different: _____
 Place of birth: _____
 Date of birth: _____
 Date and Place of Naturalization: _____
 Domicile Address: _____
 Mailing Address (if different): _____
 Telephone number (requested but optional) _____
 Email address (requested but optional) _____

If I am using this form for purposes of identity, I acknowledge my photograph shall be taken and that photo will be preserved in my voter record.

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

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

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized),

(known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

This affidavit was executed for purposes of proving (check all that apply):

- ☐ Identity
- ☐ Citizenship
- ☐ Age

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30.

(b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a, or a sworn statement on the voter registration form used starting 30 days before an election and on election day.

(c) DOMICILE.

(1) Registering more than 30 days in advance of an election.

(A) A person who possesses one of the following qualified documents identifying the applicant's name and the address claimed as domicile must present that document when applying for registration prior to election day: (i) New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b; (ii) New Hampshire resident vehicle registration; (iii) a picture identification issued by the United States government that contains a current address; (iv) government issued check, benefit statement, or tax document. ~~[A person who possesses such a document, but failed to bring it with the person when seeking to register to vote shall be required to return when he or she can present one of these documents or to bring the document and register on election day.]~~

(B) A person who ***does not have the specific documentation as outlined in subparagraph (A) shall be entitled to present other reasonably similar documentation that would establish a domicile to include, but necessarily be limited to, documentary evidence such as an invoice or canceled mail.*** ~~[-attests under penalty of voter fraud that he or she does not possess any of the qualified documents listed in subparagraph (A) may present Any reasonable documentation of having established a physical presence at the place claimed as domicile, having an intent to make that place his or her domicile, and having taken a verifiable act to carry out that intent. The documentation must establish that it is more likely than not that the applicant has a domicile and intends to maintain that domicile, as defined in this chapter, at least until election day in the town or ward in which he or she desires to vote. Reasonable documentation may include, but is not limited to evidence of:~~

- ~~(i) Residency, as set forth in RSA 654:1, I-a, at an institution of learning at that place;~~
- ~~(ii) Renting or leasing an abode at that place for a period of more than 30 days, to include time directly prior to an election day;~~
- ~~(iii) Purchasing an abode at that place;~~
- ~~(iv) Enrolling the applicant's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;~~
- ~~(v) Listing that place as the person's physical residence address on state or federal tax forms, other government identification showing the address, or other government forms showing the address;~~
- ~~(vi) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;~~
- ~~(vii) Obtaining public utility services for an indefinite period at that place; or~~
- ~~(viii) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual.~~

~~An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person under penalty of voting fraud if false information is provided.]~~

(C) A person who attests under penalty of voter fraud that he or she does not possess any qualifying documentation of domicile and will not ever be able to possess any qualifying documents of domicile shall complete the domicile affidavit.

(2) [Registering within 30 days before an election and on election day.]

(A) [When registering within 30 days before an election or on election day as provided in RSA 654:7-a, if the applicant does not have in his or her possession at the polls one of the qualified documents listed in subparagraph (1) or other reasonable documentation which establishes that it is more likely than not that the applicant has a domicile at the address claimed in the town or ward in which he or she desires to vote, he or she may execute] ***If the applicant does not have reasonable documentation in his or her***

possession at the place and time of voter registration, a sworn statement on the **general election day** voter registration form, **or a sworn statement on the domicile affidavit form**. [~~used starting 30 days before an election and on election day and initial the acknowledgment of domicile evidence obligation. If the applicant identifies on his or her application action taken to establish his or her domicile, which he or she has documentation of, he or she must agree to mail a copy of or present the document in person to the city or town clerk within 10 days, or where the town clerk's office is open fewer than 20 hours weekly, within 30 days. Copies of documents provided in compliance with this subparagraph are exempt from the public disclosure required by RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a document presented in person and forward verification to the supervisors of the checklist. An applicant whose voter registration is approved based on an acknowledgment of a domicile evidence obligation who knowingly or purposely fails to provide a document to the city or town clerk as required by this paragraph shall be subject to the penalties of wrongful voting as established in RSA 659:34.~~] The supervisors of the checklist shall initiate removing the name from the checklist of any such person who fails to provide proof of domicile by the deadline by sending the person the notice required by RSA 654:44.

(B) A person registering within 30 days before an election or on election day who does not possess reasonable documentation of establishing domicile and has taken no verifiable action to carry out his or her intent to establish domicile at the address claimed on the voter registration application may nonetheless register to vote by initialing the paragraph on the registration form acknowledging that domicile may be verified. The supervisors of the checklist shall, as soon as practical following an election at which the person initials such paragraph to register and vote, attempt to verify that the person was domiciled at the address claimed on election day by means including, but not limited to:

(i) Examining public records held by the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office that may house public records containing domicile confirmation; or

[(ii) Requesting 2 or more municipal officers or their agents or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day. In unincorporated places that have not organized for the purposes of conducting elections, county officers may be asked to perform this function; or]

[(iii)] (ii) Referring the registrant's information to the secretary of state, who shall cause such further investigation as is warranted.

(C) Any case where supervisors are unable to verify the applicant's domicile or where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the attorney general, who shall cause such further investigation as is warranted.

DOMICILE AFFIDAVIT

Date: _____

Name: _____

Current Domicile Address: _____

Street

Ward Number

Town or City

Zip Code

Current Mailing Address (if different): _____

Street

Ward Number

Town or City

Zip Code

Telephone Number (requested but optional): _____

Email Address (requested but optional): _____

Date when current domicile was established: Month: _____ **Year:** _____

Place and Date of Birth: _____

Address of Last Previous Domicile: _____

Street

Ward Number

Town or City

Zip Code

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not currently in possession of necessary documents to prove my domicile and that my established domicile is at the current domicile address I have entered above. I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other city/town, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of Applicant)

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

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30.

4 Voter Checklists; Right to Know Exemption. Amend RSA 654:31-a to read as follows:

654:31-a Right to Know Exemption. The information contained on the checklist of a town or city, specifically, the name, domicile address, mailing address, town or city, and party affiliation, if any, of registered voters, except as otherwise provided by statute, is public information subject to RSA 91-A. All other information on the voter registration form, absentee registration affidavit, qualified voter affidavits, domicile affidavits, affidavit of religious exemption, application for absentee ballot, and contact information, including but not limited to a phone number and email address, provided to the secretary of state or other election officials for the purpose of receiving information about elections shall be treated as confidential information and the records containing this information shall be exempt from the public disclosure provisions of RSA 91-A, except as provided by statutes other than RSA 91-A. Notwithstanding the foregoing, qualified voter **and domicile** affidavits are public records subject to RSA 91-A for the sole purpose of challenging an individual registering to vote or voting, challenging ballots to be recounted, to the extent that such ballot challenges are specifically authorized by law, or determining the accuracy of any qualified voter **or domicile** affidavit. Election officials and law enforcement personnel in furtherance of their official duties may access and may disclose information from the voter registration form, qualified voter **and domicile** affidavits, affidavits of religious exemption, absentee registration affidavits, and applications for absentee ballots, if necessary to resolve a challenge to an individual registering to vote or voting, or if necessary to investigate or prosecute election law violations or any crime. Law enforcement access and use of such records for the investigation or prosecution of crimes unrelated to election law violations shall be limited to the records of the specific individuals who are the subject of the investigation or prosecution.

5 Election Procedure; Challenges; Affidavit. Amend RSA 659:30 to read as follows:

659:30 Affidavit. The affidavit of a challenged voter, an asserting a challenge form, a qualified voter affidavit, **a voter domicile affidavit**, or any other affidavit required by the election statutes may be sworn before any person authorized by law to administer oaths or before any election officer.

6 Wrongful Voting; Penalties for Voter Fraud. Amend RSA 659:34, I(a) to read as follows:

(a) When registering to vote; when obtaining an official ballot; when casting a vote by official ballot; or when applying for a photo identification card for voting purposes, purposely or knowingly makes a false material statement regarding his or her qualifications as a voter to an election officer or submits a voter registration form, an election day registration affidavit, a qualified voter affidavit, **a domicile affidavit**, a challenged voter affidavit, an affidavit of religious exemption, an identification card voucher, or an absentee registration affidavit containing false material information regarding his or her qualifications as a voter;

7 Repeal. The following are repealed:

I. RSA 659:34, I(h)-(i), relative to penalties for voter fraud.

II. RSA 654:7, V, relative to the "verifiable action of domicile" addendum to the voter registration form.

III. 2016, 175:2, relative to Interstate Voter Registration Crosscheck Program.

8 Preservation of Absentee Voting Materials [and] Election Day Affidavits. Amend RSA 659:101 to read as follows:

659:101 Preservation of Absentee Voting Materials, [and] Election Day Affidavits, **and Domicile Affidavits**. The absentee ballot affidavits and application forms processed by the moderator as provided in RSA 659:50, the absentee ballots challenged and rejected as provided in RSA 659:51 and RSA 659:53, and the qualified voter affidavits **and domicile affidavits** as provided in RSA 654:12 and any other documentary proof of qualifications retained by the town or city clerk, the supervisors of the checklist, or other election official shall be preserved in accordance with RSA 33-A:3-a. Qualified voter [and], voter registration, **and domicile** affidavits shall be retained for the period set forth in RSA 33-A:3-a, and other materials may be destroyed after the election is settled and all appeals have expired or one year after the election, whichever is longer.

9 Disposition of Municipal Records; Domicile Affidavit. Amend RSA 33-A:3-a, CXLI(f) to read as follows:

(f) [~~Verifiable action of domicile document~~] **Domicile affidavit**: until voter is removed from checklist plus 7 years.

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

2022-0962h

AMENDED ANALYSIS

This bill modifies the definition of domicile for voting purposes, modifies forms and procedures used for voter registration, and removes the requirement that the secretary of state conduct post-election voter registration inquiries.

Amendment to HB 1210

(2022-0724h)

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services - r

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

1 Legislative Findings. The general court finds that:

I. It is the longstanding public policy of New Hampshire to protect the rights of its citizens to live free; and

II. The state of New Hampshire has affirmed in statute the natural, essential, and inherent right to individual bodily integrity. Therefore, citizens shall have the right to choose what, if any, substances are injected into their bodies, including without limitation, any mandated vaccine.

2 New Subdivision; Labor; Protective Legislation; Exemption from Vaccination Mandates. Amend RSA 275 by inserting after section 77 the following new subdivision:

Exemption from Vaccination Mandates

275:78 Exemption from Vaccination Mandates; Public and Private Employers.

I. Any public or private employer that receives public funds from the federal or state government or any subdivision thereof, whether such funds are in the form of payment for contractual services, grants, or in any other form however denominated, and irrespective of the amount or level of such funding, and mandates any vaccine, inoculation, or immunization procedure, shall offer an employee the opportunity to submit a request for a medical, religious, or right of conscience exemption.

II. An employee's written request for exemption shall simply state: "I, (employee name), hereby submit a request for a medical, religious, or right of conscience exemption from the mandated vaccination or inoculation. [employee signature and date]". Such request for exemption shall be granted. The employer may then work with the employee to see if an agreement for a reasonable accommodation can be reached.

III. If any provision of this section or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

3 New Chapter; Exemptions from Vaccination Mandates in Postsecondary Educational Institutions. Amend RSA by inserting after chapter 200-N the following new chapter:

CHAPTER 200-O

EXEMPTIONS FROM VACCINATION MANDATES IN

POSTSECONDARY EDUCATIONAL INSTITUTIONS

200-O:1 Exemptions from Vaccination Mandates; Postsecondary Educational Institutions.

I. Any postsecondary educational institution that receives public funds from the federal or state government or any subdivision thereof, whether such funds are in the form of payment for contractual services, grants, or in any other form however denominated, and irrespective of the amount or level of such funding, and mandates any vaccine, inoculation, or immunization procedure, shall offer each student the opportunity to submit a request for a medical, religious, or right of conscience exemption.

II. A student's written request for exemption shall simply state: "I, (student name), hereby submit a request for a medical, religious, or right of conscience exemption from the mandated vaccination or inoculation. [student signature and date]". Such request for exemption shall be granted. The school may then work with the student to see if an agreement for a reasonable accommodation can be reached.

200-O:2 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

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

2022-0724h

AMENDED ANALYSIS

This bill requires public employers, private employers, and postsecondary education institutions that receive public funds and mandate a vaccination or other inoculation procedure to accept an employee's or student's request for a medical, religious, or right of conscience exemption.

**Amendment to HB 1221
(2022-0471h)**

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

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

AN ACT relative to the rate of the business profits tax.

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

1 New Paragraph; Business Profits Tax; Imposition of Rate; Rate Reduced 2023. Amend RSA 77-A:2 by inserting after paragraph II the following new paragraph:

III. For all taxable periods ending on or after December 31, 2023, a tax is imposed at the rate of 7.5 percent upon the taxable business profits of every business organization.

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

2022-0471h

AMENDED ANALYSIS

This bill reduces the rate of the business profits tax for tax years ending on or after December 31, 2023.

**Amendment to HB 1236
(2022-0923h)**

Proposed by the Committee on Education- c

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

1 New Section; Education Improvement and Assessment; Legislative Oversight Committee. Amend RSA 193-C by inserting after section 8 the following new section:

193-C:8-a Legislative Oversight Committee.

I.(a) It is the duty and policy of the state of New Hampshire that public elementary and secondary education shall provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government, now and in the years to come, regardless of where the students live.

(b) Respecting New Hampshire's long tradition of community involvement, appropriate means are established to provide an adequate education through an integrated system of shared responsibility between state and local government. In this system, the state establishes minimum standards for public school approval and academic standards for delivery of educational services at the local level. School districts then have the responsibility and flexibility in implementing diverse educational approaches to instruction and curriculum tailored to meet student needs.

(c) New Hampshire's long history of authorizing local governments in the form of local districts, to develop and administer public schools pursuant to a set of minimum standards established by the state has successfully achieved, on average across the state, high quality educational outcomes.

II. An oversight committee shall be established consisting of:

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives.

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

III. The first meeting of the oversight committee shall be at the call of the first named house member. The first order of business shall be for the members to elect a chair. The members of the committee shall receive mileage at the legislative rate when attending to duties of the committee.

IV. The legislative oversight committee shall:

(a) Review the development and implementation of the school performance and accountability program set forth in RSA 193-H to ensure compliance with state and federal law. Implementation of the program shall be in conjunction with the committee's review.

(b) Review the provisions of RSA 193-H and submit a report of such review annually to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate education committees.

(c) Propose legislation that is needed as a result of the review of the progress and results of the policies implemented under this chapter and under RSA 193-H, including any changes necessitated by federal law.

(d) Confer with the commissioner and the state board of education to identify operational principle's which should guide the work of the department of education in supporting improved school performance and accountability.

(e) Analyze existing department of education programs and initiatives which support improved school performance and accountability.

(f) Receive reports from the commissioner regarding the status of public education in New Hampshire, updates on the improvement made by local school districts toward achieving satisfactory progress in statewide student performance under RSA 193-H:2 and status reports on the on-going issues and implications of school accountability at the state and federal level. Reports by the commissioner shall occur at least once annually or more frequently as needed, as determined by the committee and the commissioner.

(g) Review and approve statewide performance targets required under RSA 193-H:2 developed by the department of education and recommended to the legislative oversight committee by the state board of education.

(h) Receive reports from the state board of education including rules recommended by the department to be adopted by the state board of education under RSA 541-A relative to statewide performance targets required under RSA 193-H:2. The legislative oversight committee shall propose legislation to be submitted to establish such statewide performance targets in state statute during the legislative session following the approval of any recommendations which the state board of education is required to make.

(i) Review the unique pupil identification system established in RSA 193-E:5 and propose legislation needed as a result of the review.

(j) Review the implementation and results of the program relative to accountability for the opportunity for an adequate education established in RSA 193-E, consult and receive reports on such program, evaluate and review existing and emergent performance-based measurement tools, and propose legislation for improvements to the accountability program, as necessary.

(k) Receive security breach reports from the department of education pursuant to RSA 189:66, consult with the commissioner of the department of information technology, and propose legislation needed as a result of the review.

(l) Review and make recommendations relating to academic standards under consideration by the state board of education pursuant to RSA 193-E:2-a, IV(c).

2 Performance-Based Accountability System; References Added. Amend RSA 193-E:3-c to read as follows: 193-E:3-c Performance-Based Accountability System.

I. At least every 4 years the commissioner shall review the performance-based accountability system and make recommendations for future legislation *to the legislative oversight committee established in RSA 193-C:8-a.*

II. The department shall have the following duties:

(a) Implement the performance-based accountability system to be used by schools that will ensure that the opportunity for an adequate education is maintained.

(b) Identify performance criteria and measurements.

(c) Establish performance goals and the relative weights assigned to those goals.

(d) Establish the basis, taking into account the totality of the performance measurements, for determining whether the opportunity for an adequate education exists, which may include the assignment of a value for performance on each measurement.

(e) Ensure the integrity, accuracy, and validity of the performance methodology as a means of establishing that a school provided the opportunity for an adequate education as defined in RSA 193-E:2-a.

III. The performance-based accountability system shall be based on data and indicators aligned to the New Hampshire consolidated state plan, as required by the Elementary and Secondary Education Act, 20 U.S.C. section 6301 et seq. as amended by the Every Student Succeeds Act.

IV. The commissioner shall submit a report of its findings with recommendations for future legislation for the performance-based accountability system to the *legislative oversight committee established in RSA 193-C:8-a. After the report is approved by the legislative oversight committee, the commissioner shall submit the report to the* chairpersons of the house and senate education committees, the speaker of the house of representatives, the senate president, the governor, the house clerk, and the senate clerk.

V. The department shall annually prepare a detailed report documenting the results of each school on the performance-based school accountability system to be developed pursuant to this section, and identifying all schools that can demonstrate the opportunity for an adequate education through the performance-based methodology. The report shall be submitted no later than January 15 annually to the same individuals receiving the final report under paragraph IV.

Amendment to HB 1244-L

(2022-0979h)

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

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Department of Health and Human Services; Consent to Medical and Dental Treatment in Schools. Amend RSA 126-A:5 by inserting after paragraph XIV-a the following new paragraph:

XIV-b. A child's participation in any program that provides medical or dental treatment in any school setting shall require the explicit written consent of the child's parent or legal guardian.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Section; Health and Sanitation; School Health Services; Consent of Parent or Legal Guardian Required. Amend RSA 200 by inserting after section 27 the following new section:

200:27-a Consent of Parent or Legal Guardian Required. A child's participation in any program that provides medical or dental treatment in any school setting shall require the explicit written consent of the child's parent or legal guardian.

2022-0979h

AMENDED ANALYSIS

This bill requires a child's parent or legal guardian to provide explicit written consent for any medical or dental treatment provided in a school setting.

Amendment to HB 1256-FN**(2022-0969h)****Proposed by the Committee on Executive Departments and Administration - c**

Amend the bill by replacing section 1 with the following:

1 Department of Military Affairs and Veterans Services; New Hampshire State Veterans Cemetery; Director of the State Veterans Cemetery. Amend RSA 110-B:74 to read as follows:

110-B:74 ~~[Operation and Maintenance. The adjutant general shall administer the operation and maintenance of the New Hampshire state veterans cemetery which shall be located in Boscawen, New Hampshire.]~~ ***Director of the State Veterans Cemetery. The state veterans cemetery, shall be under the direction of an unclassified director of the state veterans cemetery who shall be qualified to hold that position by reason of education and experience.***

Amend the introductory paragraph of RSA 110-B:76 as inserted by section 2 of the bill by replacing it with the following:

110-B:76 Cemetery ~~[Superintendent]~~ ***Director.*** ~~[The adjutant general shall designate a cemetery superintendent who shall arrange for personnel, material, and equipment within the limits of appropriated funds and in accordance with the regulations and procedures adopted in accordance with RSA 110-B:8-a, and approved by the governor and council.]~~ ***The cemetery director shall:***

Amend the introductory paragraph of RSA 110-B:88 as inserted by section 5 of the bill by replacing it with the following:

110-B:88 Division of Community Based Military Programs. The division of community based military programs, ***shall be*** under the supervision of an ~~[administrator]~~ ***unclassified director of the division*** of community based military programs ***who shall be qualified to hold that position by reason of education and experience. The director*** shall facilitate military and civilian partnerships by collaborating, coordinating, and communicating with military and civilian provider groups in the delivery of services to New Hampshire veterans, service members, and their families. The ~~[administrator]~~ ***director*** shall ***be responsible for the following functions in accordance with applicable law:***

Amendment to HB 1258**(2022-0851h)****Proposed by the Committee on Science, Technology and Energy - r**

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

1 Department of Energy; General Provisions. Amend RSA 12-P:3, II to read as follows:

II. The department of energy is authorized to work with the department of business and economic affairs, ***the public utilities commission***, and the department of administrative services to coordinate the implementation of the establishment of the department, and to transfer appropriations and create the proper expenditure lines, if needed, for the establishment of their respective operations, including but not limited to the relocation of personnel, work stations, books, papers, personnel record files, and equipment, with the approval of the governor and council and of the director of personnel.

2 New Paragraph; Department of Energy; General Provisions. Amend RSA 12-P:3 by inserting after paragraph II the following new paragraph:

III. The department shall have the authority to petition for any proceeding before the public utilities commission and shall automatically be a party to all proceedings before the commission. Any person or party that initiates a proceeding before the public utilities commission by petition or otherwise shall provide a copy to the department at the time of filing. Any person or party filing confidential information in any proceeding in which the department may appear, or exchanging confidential information in discovery or otherwise, shall provide the department with such confidential information. In adjudicative proceedings as defined by RSA 541-A:1, I, the public utilities commission and the department shall be subject to RSA 541-A:36.

3 Department of Energy; Duties of the Commissioner. Amend RSA 12-P:5, IV to read as follows:

IV. Have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuance or granting of federal funds or other assistance intended to promote the administration of this chapter, not otherwise provided for by law, and to adopt all rules necessary to implement the specific statutes administered by the department or by any division or unit within the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department, or any administrative unit or subordinate official of the department. ***Where the commissioner has adopted rules under this paragraph, the department shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.***

4 Department of Energy; Duties of the Commissioner. Amend RSA 12-P:5, VII to read as follows:

VII. Ensure that the department provides all necessary support to the public utilities commission, the site evaluation committee, office of the consumer advocate, and any other entity that is administratively attached to the department~~[-, provided that, other than for administrative functions, department employees shall not communicate with the public utilities commission and its staff in connection with any issue in a matter pending before the commission or the department, except upon notice and opportunity for all parties to participate].~~

5 Regulatory Support; Reference Deleted. Amend RSA 12-P:9 to read as follows:

12-P:9 Division of Regulatory Support. There is established within the department the division of regulatory support, under the supervision of an unclassified director of the division of regulatory support. The division, through its officials, shall be responsible for all functions, duties, and responsibilities which may be assigned to it by the commissioner or laws enacted by the general court. ~~[The division shall automatically be a party to all proceedings before the public utilities commission.]~~

6 Department of Energy; Transfer of Rules, Orders, Approvals. Amend RSA 12-P:14 to read as follows:

12-P:14 Transfer of Rules, Orders, Approvals. Existing rules, orders, and approvals of the public utilities commission which are associated with any functions, powers, and duties, transferred to the department of energy pursuant to RSA 12-P:11 or any other statutory provision, shall continue in effect ***notwithstanding any provision of RSA 541-A:17, II to the contrary***, and be enforced by the commissioner of the department of energy ***or the commission, as applicable***, until they ***otherwise*** expire or are repealed or amended in accordance with applicable law, ***or for a period of 5 years, whichever occurs first. To the extent the department acts pursuant an existing rule, order, or approval, the department shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.***

7 Energy Efficiency and Sustainable Energy Board. RSA 125-O:5-a, II is repealed and reenacted to read as follows:

II. The members of the board shall be as follows:

- (a) The commissioner of the department of energy, or designee.
- (b) The consumer advocate, or designee.
- (c) The commissioner of the department of environmental services, or designee.
- (d) The commissioner of the department of business and economic affairs, or designee.
- (e) The president of the Business and Industry Association of New Hampshire, or designee.
- (f) The executive director of the New Hampshire Municipal Association, or designee.
- (g) The executive director of New Hampshire Legal Assistance, or designee.
- (h) The president of the Homebuilders and Remodelers Association of New Hampshire, or designee.
- (i) Two members of the house committee with jurisdiction over energy matters, appointed by the speaker of the house of representatives.
- (j) One member of the senate committee with jurisdiction over energy matters, appointed by the president of the senate.
- (k) Three representatives from not-for-profit groups representing energy, environmental, consumer, or public health issues and knowledgeable in energy conservation policies and programs, appointed by the commissioner of the department of energy.
- (l) The commissioner of the department of administrative services, or designee.
- (m) The state fire marshal, or designee.
- (n) The executive director of the New Hampshire housing finance authority, or designee.

8 Regional Greenhouse Gas Initiative; Carbon Dioxide Emissions Budget Trading Program. Amend the introductory paragraph of RSA 125-O:21, VI to read as follows:

VI. The department and the ~~[commission]~~ ***department of energy*** shall report on an annual basis to the air pollution advisory committee under RSA 125-J:11 and the legislative oversight committee to monitor the transformation of delivery of electric services under RSA 374-F:5, on the status of the implementation of RGGI in New Hampshire, with emphasis on the prices and availability of RGGI allowances to affected CO2 sources, consumer protection mechanisms, and the trends in electric rates for New Hampshire businesses and ratepayers. The report shall include but not be limited to:

9 Regional Greenhouse Gas Initiative; Carbon Dioxide Emissions Budget Trading Program. Amend the introductory paragraph of RSA 125-O:21, VIII to read as follows:

VIII. Any actions taken under this subdivision by the department, ***the department of energy***, or the commission shall not constitute a waiver of sovereign immunity and shall not be deemed consent to suit outside of New Hampshire.

10 Regional Greenhouse Gas Initiative; Compliance. Amend RSA 125-O:22, IV to read as follows:

IV. No person shall operate an affected CO2 source without a temporary or operating permit issued by the department in accordance with this chapter and RSA 125-C. An affected CO2 source that is in operation upon the effective date of this subdivision, shall submit a complete application for a permit modification to

the department no later than January 1, 2009. Applications for permits shall be upon such forms, and shall include such information as the commissioner *of the department of environmental services* requires under rules adopted pursuant to RSA 541-A. The commissioner *of the department of environmental services* shall act upon a permit application within a reasonable period of time.

11 Energy Efficiency Fund and Use of Proceeds. Amend the introductory paragraph of RSA 125-O:23, III to read as follows:

III. All remaining proceeds received by the state from the sale of allowances, excluding the amount used for department of energy and department of environmental services administration under paragraph I, shall be allocated by the ~~[commission]~~ *department of energy* as follows:

12 Energy Efficiency Fund and Use of Proceeds; Bidding Criteria. Amend the introductory paragraph of RSA 125-O:23, III(c) to read as follows:

(c) The remainder to all-fuels, comprehensive energy efficiency programs administered by qualified parties which may include electric distribution companies as selected through a competitive bid process. The funding shall be distributed among residential, commercial, and industrial customers based upon each customer class's electricity usage to the greatest extent practicable as determined by the ~~[commission]~~ *department of energy*. Bids shall be evaluated based on, but not limited to, the following criteria:

13 Energy Efficiency Fund and Use of Proceeds; Annual Report. Amend RSA 125-O:23, V(e) to read as follows:

(e) Other data as required by the ~~[commission]~~ *department of energy* in order to determine program effectiveness.

14 Regional Greenhouse Gas Initiative; Review of the New Hampshire RGGI Program. Amend RSA 125-O:27 to read as follows:

125-O:27 Review of the New Hampshire RGGI Program. At the time of each comprehensive review by the participating states, the ~~[commission]~~ *department of energy* and the department shall concurrently review New Hampshire specific elements of the RGGI program, and include the results of such review and any recommendations for revisions to the New Hampshire regional greenhouse gas initiative program under RSA 125-O:19-29, resulting from this review in the agencies' annual report under RSA 125-O:21, VI.

15 Reference Change. Amend RSA 362-F:4, V to read as follows:

V. For good cause, and after notice and hearing, the ~~[commission]~~ *department of energy* may accelerate or delay by up to one year, any given year's incremental increase in class I or II renewable portfolio standards requirement under RSA 362-F:3.

16 Final Orders Issued by the Public Utilities Commission. Amend RSA 363:17-b to read as follows:

363:17-b Final Orders. The commission shall issue a final order on all matters presented to it. Matters resolved by final order of the commission shall be exempt from RSA 541-A:29 and RSA 541-A:29-a, but shall be subject to federal and state time limitations applicable to specific matters. The transcript or minutes of oral deliberations shall not constitute a final order. A final order shall include, but not be limited to:

I. The identity of all parties;

II. ~~[The positions of each party on each issue;~~

~~HH:]~~ A decision on each issue including the reasoning behind the decision; and

~~[IV:]~~ *III.* The concurrence or dissent of each commissioner participating in the decision.

17 Expenses of the Public Utilities Commission Against Certain Utilities; Assessment. Amend RSA 362-A:2, II-III to read as follows:

II. To facilitate the revenue calculations required under this chapter, entities described in subparagraph I(d) or their registered telecommunications carrier affiliates shall file with the ~~[commission]~~ *department of energy* confidential annual reports of the retail telephone service revenue of such entities, and entities described in subparagraph I(e) shall file with the ~~[commission]~~ *department of energy* confidential annual reports of sales volume and revenues, by customer class, and separately identifying the total revenues received from the distribution customers of each electric or natural gas distribution utility or the members of each rural electric cooperative for which a certificate of deregulation is on file with the commission. All other utilities and other assessed entities shall file information in accordance with applicable ~~[commission]~~ *department of energy* rules.

III. Each entity described in subparagraph I(e) shall be assessed the sum of \$10,000 on an annual basis and shall pay such assessed sum to the department of energy. Each electric load aggregator, and each aggregator of natural gas customers shall be assessed the sum of \$2,000 on an annual basis and shall pay such assessed sum to the department of energy. Each telecommunications carrier voluntarily registered with the ~~[commission]~~ *department of energy* shall be assessed the sum of \$1,000 on an annual basis and shall pay such sum to the department of energy.

18 Expenses of the Public Utilities Commission Against Certain Utilities; Assessment. Amend RSA 362-A:2, VI to read as follows:

VI. A minimum amount shall be assessed to utilities and other assessed entities described in paragraph I having minimal revenues in such proportion as the ~~[public utilities commission]~~ *department of energy* shall determine to be fair and equitable, provided that the minimum amount assessed to any entity to which subparagraphs I(c) or (d) applies shall not be less than \$1,000.

19 Procedures for Termination of Certain Utility Services. Amend RSA 363-B:1, III to read as follows:

III. Notwithstanding the foregoing, a gas or electric public utility may terminate service to a residential customer without prior notice to the customer or the [commission] **department** when:

- (a) There exists unauthorized or fraudulent use or procurement of utility service;
- (b) A condition dangerous to the health, safety, or utility service of others exists;
- (c) There is a clear and present danger to life, health, or physical property; or
- (d) The customer has clearly abandoned the premises.

The utility shall notify the [commission] **department** after it has terminated service for any of these reasons.

20 Conference Provided. Amend RSA 363-B:2 to read as follows:

363-B:2 Conference Provided.

I. Any person who receives a notice of intent to terminate service pursuant to RSA 363-B:1 and believes such proposed termination to be unjustified may request, prior to the date specified in the termination notice, a conference with the utility company involved to review the basis for the proposed termination. The conference with the utility company shall be conducted in person, by writing or by telephone as the customer may elect. If the customer is dissatisfied with the outcome of the conference he may, within 3 days after the conference if the conference is conducted in person, or within 5 days after the conference if the conference is conducted by writing or by telephone, request a conference with a staff member of the [commission] **department of energy** to review the basis for the proposed termination. The conference with the [commission] **department** may be conducted by writing or by telephone if the customer so elects.

II. In the event of a request for a conference with the public utility, the public utility shall continue service to the customer for 3 days after the conference if the conference was conducted in person, or for 5 days after the conference if the conference was conducted by writing or by telephone, or to the date specified in the notice of termination, whichever comes later.

III. During the conference with the utility company, the utility company shall inform the customer of his right to request a conference with a staff member of the [commission] **department of energy**. If the conference with the utility company is conducted in person, the customer shall be furnished a form for requesting a conference with a staff member of the [commission] **department** during the conference. If the conference with the utility company is conducted by writing or by telephone, the utility company shall mail the form to the customer by regular mail on the same day as the conference. In the event of a request for a conference with a staff member of the [commission] **department**, the public utility shall continue service to the customer until such time as the staff member or the [commission] **department** determines that termination is justified.

21 Investigations by the Department of Energy. Amend RSA 365:4 to read as follows:

365:4 Investigation. If the charges are not satisfied as provided in RSA 365:3, and it shall appear to the department of energy that there are reasonable grounds therefor, it shall investigate the same in such manner and by such means as it shall deem proper. After investigation, the department of energy may bring proceedings on its own motion before the public utilities commission, with respect to any complaint or violation of any provision of law, rule, terms and conditions of its franchises or charter, or any order of the commission. ***If the party bringing the complaint is unsatisfied with the disposition of the complaint by the department of energy, then they may petition the public utilities commission to resolve the matter through an adjudicative proceeding.***

22 Rights in Public Waters and Lands; Licenses for New Poles. Amend RSA 371:17 to read as follows:

371:17 Licenses for New Poles. Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a pipeline, cable, or conduit, or a line of poles or towers and wires and fixtures thereon, over, under or across any of the public waters of this state, or over, under or across any of the land owned by this state, ***modify a previously licensed installation, or license a previously constructed installation,*** it shall [petition] ***apply to*** the department of energy for a license to construct and maintain the same. For the purposes of this section, "public waters" are defined to be all ponds of more than 10 acres, tidewater bodies, and such streams or portions thereof as the department of energy may prescribe. Every corporation and individual desiring to cross any public water or land for any purpose herein defined shall [petition] ***apply to*** the department of energy for a license in the same manner prescribed for a public utility. ***The department of energy may condition any license issued under this paragraph in any manner necessary to assure that the license may be exercised without substantially affecting the public rights in public waters or state-owned lands. Using a non-adjudicative process, the department of energy may reject incomplete or improperly filed applications, and shall, also using non-adjudicative process, issue or deny the license within 90 days of receiving a complete application and all information subsequently requested of an applicant.***

23 Rights in Public Waters and Lands; Notice of License Issuance and Right to Appeal. RSA 371:19 through RSA 371:23 are repealed and reenacted to read as follows:

371:19 Notice of License Issuance and of Right to Appeal. The department of energy shall publish notice of the license on its website and cause due notice of said issuance to be given to the attorney general as rep-

representative of the state, and to such owners of lands bordering the location of a state water crossing as the department of energy may designate. Said notice shall refer to the license and inform persons of the rights of appeal in RSA 371:20. The department of energy shall provide similar notice directly to applicants.

371:20 Rights of Appeal, Notice, and Order. Applicants and other persons directly affected by a decision of the department of energy to issue or deny a license may appeal a department decision to the public utilities commission within 30 days of the department's decision, and not thereafter. Whenever an appeal is timely filed, the commission shall hear all parties directly affected, except with respect to applicable safety standards and the applicability and validity of any department of energy rule. The commission may rescind the license or remand to the department of energy with instructions to issue, modify, or condition a license in any manner found necessary by the commission to assure that the license may be exercised without substantially affecting the public rights in public waters or state-owned lands. There shall be no right to appeal licenses issued for the exclusive purpose of furnishing facilities or utility services to the state or with regard to licenses issued to relocate facilities when the relocation is at the request of the state and the department of energy has limited the duration of the license to two years or less. Notwithstanding the foregoing, the attorney general and owners of lands bordering the location of a public water crossing may appeal for the sole purpose of determining damages and compensation pursuant to RSA 371:21. The commission shall publish notice of the appeal and any related hearing on its website, provide notice of a contested case as required under RSA 541-A, and may require such additional notice as it deems proper.

371:21 Damages and Compensation. Whenever an appeal is timely filed, the commission shall, upon request of an affected property owner, determine the compensation, if any, to be paid to the owner of land bordering the site of a public water crossing for any damages caused by the continuation and maintenance of any structures, facilities or equipment installed in connection with the crossing, subject to appeal as provided in RSA 371:10. The commission shall also determine the amount of compensation to be paid to the state for rights on public waters or public lands as provided in section 371:20.

371:22 Rulemaking Authority. The department of energy is authorized to adopt rules to implement this chapter, and shall initiate a formal rulemaking process no later than December 31, 2023. Until the department adopts rules, applicants shall apply for a license by petitioning the department of energy in the same manner as under prior law. The time limits stated in this chapter shall apply notwithstanding RSA 541-A:29, and the department shall not be subject to RSA 541-A:29-a. The commission may utilize its rules governing adjudicative proceedings for hearings and is authorized to adopt rules regarding appeals and compensation to be paid under this chapter.

371:23 Compensation to State. Any compensation payable to the state on account of any such license shall be paid to the state treasurer and, if derived from licenses affecting state forests or forestry reservations, shall be added to the forest improvement fund; otherwise, it shall be a part of the general funds of the state.

24 Investigation of Other Utilities. Amend RSA 374:7 to read as follows:

374:7 Investigation of Other Utilities; Orders. The commission and the department of energy shall have power to investigate and ascertain, from time to time, the quality of gas supplied by public utilities and the methods employed by public utilities in manufacturing, transmitting or supplying gas or electricity for light, heat or power, or in transmitting telephone and telegraph messages, or supplying water, and, after notice and hearing thereon, **the commission** shall have power to order all reasonable and just improvements and extensions in service or methods.

25 Reference Change; Service Territories Served by Certain Telephone Utilities. Amend RSA 374:22-g, II to read as follows:

II. In determining the public good, the ~~[commission]~~ **department of energy** shall consider the interests of competition with other factors including, but not limited to, fairness; economic efficiency; universal service; carrier of last resort obligations; the incumbent utility's opportunity to realize a reasonable return on its investment; and the recovery from competitive providers of expenses incurred by the incumbent utility to benefit competitive providers, taking into account the proportionate benefit or savings, if any, derived by the incumbent as a result of incurring such expenses.

26 Pole Attachments. Amend RSA 374:34-a, VIII to read as follows:

VIII. The department of energy and the **public utilities commission** shall retain ~~[its]~~ **their** authority to regulate the safety, vegetation management, emergency response, and storm restoration requirements for poles, conduits, ducts, pipes, pole attachments, wires, cables, and related plant and equipment of public utilities and other private entities located within public rights-of-way and on, over, or under state lands and water bodies.

27 Restructuring Policy Principals; Open Access. Amend RSA 374-F:3, IV to read as follows:

IV. Open Access to Transmission and Distribution Facilities. Non-discriminatory open access to the electric system for wholesale and retail transactions should be promoted. ~~[Comparability should be assured for generators competing with affiliates of groups supplying transmission and distribution services. Companies providing transmission services should file at the FERC or with the commission, or with the department of~~

energy, as appropriate, comparable service tariffs that provide open access for all competitors.] The commission and the department should monitor companies providing transmission or distribution services and take necessary measures to ensure that no supplier has an unfair advantage in offering and pricing such services.

28 Electric Utility Restructuring; Ratepayer Protection. Amend RSA 374-F:4-b, IV-V to read as follows:

IV. Unless the contract specifies a month-to-month variable rate, no competitive electric supplier shall charge a residential customer a variable rate, including during a contract term or following the expiration of a contract, without first providing written notification in a form approved by the ~~[commission]~~ **department of energy** of the nature of such variable rate 45 days prior to the commencement of the variable rate. The residential customer shall select the method of written notification at the time the contract is signed. Such customer shall have the option to change the method of notification at any time during the contract.

V. Competitive electric suppliers shall retain records of any of the notices required in this section for a period of not less than 2 years and shall make such records available to the ~~[commission]~~ **department of energy** upon its request.

29 Implementation of Retail Choice. Amend RSA 374-F:4, VIII(f) to read as follows:

(f) Beginning in 2000, ~~[the commission and]~~ the department shall submit a report to the legislative oversight committee to monitor the transformation of delivery of electric services by October 1 of each year. The report shall concern the results and effectiveness of the system benefits charge.

30 Electric Utility Restructuring; Participation in Regional Activities. Amend RSA 374-F:8 to read as follows:

374-F:8 Participation in Regional Activities. The department shall advocate for New Hampshire interests before the Federal Energy Regulatory Commission and other regional and federal bodies. The commission shall participate in the activities of the New England Conference of Public Utility Commissioners, and the National Association of Regulatory Utility Commissioners **as the New Hampshire member agency**, and the department shall participate in the activities of the New England States Committee on Electricity, or other similar organizations **as the New Hampshire member agency**, and work with the New England Independent System Operator and NEPOOL to advance the interests of New Hampshire with respect to wholesale electric issues, including policy goals relating to fuel diversity, renewable energy, and energy efficiency, and to assure nondiscriminatory open access to a safe, adequate, and reliable transmission system at just and reasonable prices. **Employees of the commission and the department are not otherwise prohibited from participating in the activities of the aforementioned organizations in which the other agency has the lead role.** The department shall advocate against proposed regional or federal rules or policies that are inconsistent with the policies, rules, or laws of New Hampshire. In its participation in regional activities, the commission and the department shall consider how other states' policies will impact New Hampshire rates and work to prevent or minimize any rate impact the commission or department determines to be unjust or unreasonable.

31 Reference Change; Investigations of Energy Storage. Amend RSA 374-H:3 to read as follows:

374-H:3 ~~[Commission]~~ **Department of Energy** Investigation of Energy Storage.

I. The ~~[commission]~~ **department of energy** shall investigate ways to enable energy storage projects to receive compensation for avoided transmission and distribution costs, including avoided regional and local network service charges, while also participating in wholesale energy markets. The ~~[commission]~~ **department** shall investigate how this might be done for both utility-owned and non-utility-owned energy storage projects, as well as for both behind-the-meter storage and front-of-the-meter storage.

II. The ~~[commission's]~~ **department's** investigative proceeding shall specifically consider the following:

(a) How public policy can best establish accurate and efficient price signals for energy storage projects that avoid actual transmission and distribution costs or reduce wholesale electricity market prices.

(b) How to compensate energy storage projects that participate in wholesale electricity markets for actual avoided transmission and distribution costs in a manner that provides net savings to consumers.

(c) How best to encourage both utility and non-utility investments in energy storage projects.

(d) The costs and benefits of a potential bring your own device program; how such a program might be implemented; any statutory or regulatory changes that might be needed to create, facilitate, and implement such a program; and whether such a program should include all distributed energy resources or be limited to distributed energy storage projects.

(e) Any statutory changes the general court should implement, including but not limited to changes to or exceptions from RSA 374-F or RSA 374-G, to enable energy storage projects to receive appropriate compensation for actual avoided transmission and distribution costs while also participating in wholesale energy markets.

(f) Any other topic the ~~[commission]~~ **department** reasonably believes it should consider in order to diligently conduct the proceeding.

III. The ~~[commission]~~ **department** shall report its findings and recommendations to the standing committees of the house of representatives and senate with jurisdiction over energy and utility matters no later than 2 years after initiating the proceeding. The report shall identify ways any recommended statutory changes can minimize any potential conflict with the restructuring policy principles of RSA 374-F.

32 Reference Change; State Operating Budget. The commissioner of the department of administrative services shall change the title of organization code 1892 from adjudicative commissioners to the public utilities commission.

33 Repeals. The following are repealed:

- I. RSA 12-P:12, relative to prohibited service.
- II. RSA 371:17-a, relative to new attachments on existing utility poles.
- III. RSA 371:17-b, relative to temporary licenses for existing crossings on existing poles.
- IV. RSA 371:18, relative to exceptions to hearing requirements.
- V. RSA 374-F:3, V(b), relative to transition service.

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

Amendment to HB 1263

(2022-0942h)

Proposed by the Committee on Education - c

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

AN ACT relative to prescribed studies on health, physical education, wellness, and personal finance literacy in schools.

Amend the bill by replacing section 1 with the following:

1 Education; Studies; Requirements for Physical Education, Wellness, and Personal Finance Literacy in Schools. RSA 189:10 is repealed and reenacted to read as follows:

189:10 Studies.

I. The department of education shall survey school districts biennially to receive reports on compliance with this section, and shall provide the report to the president of the senate, speaker of the house of representatives, and the chairpersons of the senate and house committees with jurisdiction over education, health and human services, and children.

II. 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, specifically to include physiology, hygiene, health and interpersonal relationships, physical education, and wellness, as they relate to the effects of alcohol and other drugs, prevention of sexual violence, child abuse as established in the definition of "abused child" under RSA 169-C:3, II, human immunodeficiency virus (HIV)/acquired immunodeficiency syndrome (AIDS), and sexually transmitted diseases on the human system.

III. The school board shall 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.

2022-0942h

AMENDED ANALYSIS

This bill provides for prescribed studies in schools in health, physical education, and wellness, as well as on personal finance literacy.

Amendment to HB 1268

(2022-0680h)

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

Amend RSA 47:17, XV as inserted by section 1 of the bill by replacing it with the following:

XV. Miscellaneous. Relative to the grade of streets, and the grade and width of sidewalks; to the laying out and regulating public squares and walks, commons, and other public grounds, public lights, and lamps; to trees planted for shade, ornament, convenience, or use, and the fruit of the same; to trespasses committed on public buildings and other public property, and in private yards and gardens; in relation to cemeteries, public burial grounds, the burial of the dead, and the returning and keeping records thereof, and bills of mortality, and the duties of physicians, sextons and others in relation thereto; relative to public wells, cisterns, pumps, conduits, and reservoirs; the places of military parade and rendezvous, and the marching of military companies with music in the streets of the city; relative to precautions against fire; relative to oaths and bonds of city officers, and penalties upon those elected to such offices refusing to serve; and relative to licensing and regulating butchers, petty grocers, or hucksters, peddlers, hawkers, and common victualers; dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or second-hand articles, and pawnbrokers; under such limitations and restrictions as to them shall appear necessary. They may make any other bylaws and regulations ~~[which may seem for the well-being of the city]~~ for the abatement of nuisances ***that interfere with the use or enjoyment of property***; but no bylaw or ordinance shall be repugnant to the constitution or laws of the state; and such bylaws and ordinances shall take effect and be in force from the time therein limited without the sanction or confirmation of any other authority whatever.

2022-0680h

AMENDED ANALYSIS

This bill limits the general authority of city councils to make bylaws and ordinances to the abatement of nuisances that interfere with the use or enjoyment of property.

Amendment to HB 1284

(2022-0204h)

Proposed by the Minority of the Committee on State-Federal Relations and Veterans Affairs - r

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

AN ACT establishing a commission to study the effects of deportation of primary earners on family members who are United States citizens.

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

1 New Subdivision; Commission to Study the Effects of Deportation of Primary Earners on Family Members who are United States Citizens. Amend RSA 273 by inserting after section 28-a the following new subdivision:

Commission to Study the Effects of Deportation of Primary Earners on
Family Members who are United States Citizens

273:28-b Commission to Study the Effects of Deportation of Primary Earners on Family Members who are United States Citizens.

I. There is established a commission to study the effects of deportation of primary earners on family members who are United States citizens.

II. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) Three members of the general public, appointed by the governor.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall the effects of deportation of primary earners on family members who are United States citizens.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

2 Repeal. RSA 273:28-b, relative to the commission to study the effects of deportation of primary earners on family members who are United States citizens, is repealed.

3 Effective Date.

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

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

2022-0204h

AMENDED ANALYSIS

This bill establishes a commission to study the effects of deportation of primary earners on family members who are United States citizens.

Floor Amendment to HB 1264

(2022-0909h)

Proposed by Reps. Bergeron and Hamblet

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

AN ACT enabling ranked-choice voting for state party primary elections and municipal elections.

Amend the bill by replacing section 8 with the following:

8 General Election; Canvas and Declaration. Amend RSA 659:81 to read as follows:

659:81 Canvass and Declaration Generally. Except as provided in RSA 659:82, when the secretary of state has received the returns for an office from all towns or wards comprising the elective district for that office, he *or she* shall examine, record and total such returns and shall declare elected to the office the same number of persons as the number of officers to which the district is entitled; provided that those persons declared officers-elect shall be those persons who received the highest number of votes cast for said office[.], *or in a municipal election using ranked-choice voting the highest number of active preferences at the conclusion of counting by the ranked-choice method described in RSA 659:61-a through RSA 659:61-d.*

Amend the bill by replacing section 11 with the following:

11 Applicability; Implementation.

I. The provisions for ranked choice voting outlined in sections 1-10 of this act shall take effect on January 1, 2023 with respect to state party primaries for state and federal office including the presidential primary, if state parties opt-in, and to municipal elections, if municipalities opt-in. Any state party or municipality may opt-in to the provisions for ranked choice voting without regard for whether any other state party or municipality also opts in. Any state party or municipality that seeks to opt-in to the provisions for ranked-choice voting shall do so at least 90 days before the first election in which such party or municipality seeks to utilize ranked choice voting by providing written notice to the New Hampshire secretary of state.

II. In the case of a state party, after official approval through appropriate party procedures, the party chair or designee shall provide such notice to the secretary of state. A state party may consider rescinding its action in the same manner, and if so rescinded, the party chair or designee shall notify the secretary of state at least 90 days before the next primary election, of the decision to rescind their opt-in.

III. Any town or city may implement ranked choice voting in the following manner:

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, or by initiative petition or referendum petition if a town charter provides for such, and shall be voted on a ballot.

(b) In a city, the legislative body may vote to place the question on the official ballot for any special or regular municipal election, or, in the alternative, shall place the question on the official ballot for any municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(c) The selectmen or city council shall hold a public hearing on the question at least 15 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality and published either in a newspaper of general circulation or the municipality's Internet website at least 7 days before the hearing.

(d) If one or more amendments to a municipal charter are necessary in order to implement ranked choice voting, the charter shall be amended as provided for in RSA 49-B:5.

IV. Once passed according to the applicable procedures outlined in subparagraphs III(a) – (d), ranked choice voting shall apply within the town or city beginning with the next municipal election, provided that a town or city designee notifies the New Hampshire secretary of state of their opt-in at least 90 days before said election.

V. A town or city may consider rescinding its action in the same manner, and if so rescinded, the city or town clerk shall notify the secretary of state at least 90 days before the next election, of the decision to rescind their opt-in.

Amendment to HB 1266

(2022-0914h)

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

Amend RSA 103-A:1 as inserted by section 1 of the bill by replacing it with the following:

103-A:1 Enforcement of Federal Immigration Law. The state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law shall not adopt or enforce any law or policy that prohibits the state of New Hampshire, a political subdivision of this state, or any person acting under the color of state, county, or municipal law from cooperating with the enforcement of federal immigration laws, including but not limited to 8 U.S.C. 1373 with respect to a person who has been detained by or is already in the custody of the state, county, or local law enforcement agency for a suspected violation of state law to include the enforcement of arrest warrants issued by the courts.

Amendment to HB 1269

(2022-0782h)

Proposed by the Committee on Legislative Administration - c

Amend the bill by replacing sections 13-17 with the following:

13 McAuliffe-Shepard Discovery Center; Definitions. Amend RSA 12-L:1 to read as follows:

12-L:1 Definitions. In this chapter:

I. ~~["Commission" means the McAuliffe-Shepard discovery center commission:]~~ ***"Corporation" means the McAuliffe-Shepard discovery center corporation, incorporated in New Hampshire in May 2012 as an independent nonprofit operation responsible for the management and operation of the discovery center beginning in January 1, 2013.***

II. ~~"Discovery center" means the McAuliffe-Shepard discovery center, which includes the planetarium, [and related exhibits pertaining to astronomy, aviation, and earth and space sciences]~~ ***science museum, and grounds located at 2 Institute Drive in Concord, New Hampshire.***

III. ~~["Touch the Future" means the nonprofit corporation organized to promote the welfare of the discovery center and to assist the discovery center director and the commission:]~~

IV.] “Planetarium” means the discovery center planetarium.

~~IV. “Private operator” means the McAuliffe-Shepard discovery center corporation established in RSA 12-L:13 and the corporation’s board established in RSA 12-L:14 which is responsible for the management and operation of the discovery center beginning January 1, 2013.]~~

14 McAuliffe-Shepard Discovery Center Corporation; References to Board Removed. RSA 12-L:14 is repealed and reenacted to read as follows:

12-L:14 McAuliffe-Shepard Discovery Center Corporation.

I. The corporation is a body politic and corporate which has a distinct legal existence separate from the state and does not constitute a department of state government. The corporation was established to carry out the provisions of this chapter.

II. The corporation, by the board of directors, may manage and operate the McAuliffe-Shepard discovery center beginning January 1, 2013.

15 Discovery Center Equipment. Amend RSA 12-L:15, IV to read as follows:

IV. The state shall enter into a 10-year, renewable lease with the ~~[private operator]~~ **corporation** to occupy and operate the discovery center buildings and grounds and utilize the equipment and software beginning on January 1, 2013, at a charge of \$1 per year. Either party may terminate this lease with 90 days notice if the other party fails to make a good faith effort to meet all of its obligations under RSA 12-L.

16 Discovery Center Exhibits. Amend RSA 12-L:16 and RSA 12-L:17 to read as follows:

12-L:16 Discovery Center Exhibits, Equipment, **and** Software Licenses~~[, and Supplies]~~.

I. ~~[The commission shall compile a comprehensive inventory of all equipment, including exhibits and software owned by the discovery center, on June 30, 2012, which shall be updated through December 31, 2012.~~

II.] The annual lease to the ~~[private operator]~~ **corporation** shall include the use of all exhibits and equipment owned by the discovery center on December 31, 2012. The state shall allow the ~~[private operator]~~ **corporation**, at its own expense, to make any upgrades to the equipment, software, and exhibits the ~~[private operator]~~ **corporation** deems necessary.

~~III. All equipment and exhibits on loan to the discovery center on June 30, 2012, shall be identified and updated in a timely manner through December 31, 2012.~~

IV. ~~The discovery center director shall work with the private operator to contact the loaners and arrange for transfer of the loans to the private operator, for those loans that the private operator wishes to continue.~~

V. ~~The state shall transfer at no cost all supplies belonging to the discovery center on December 31, 2012, to the private operator.]~~

12-L:17 Discovery Center Visitor, Donor, Program Records and Archives. All publicly available donor, visitor, and program records and archival materials owned by the discovery center on December 31, 2012, shall continue to be available to the public and to the ~~[private operator]~~ **corporation**.

17 Repeal; McAuliffe-Shepard Discovery Center. The following are repealed:

I. RSA 12-L:7, relative to the powers and duties of the commission.

II. RSA 12-L:12, relative to the gift store.

III. RSA 12-L:13, relative to establishing the corporation.

IV. RSA 12-L:18, relative to state funds.

Amend RSA 141-C:27, VI as inserted by section 18 of the bill by replacing it with the following:

VI. The committee may provide advisory opinions, including draft guidance, guidelines, or protocols, which shall **be submitted to the commissioner of the department of health and human services and to the health and human services oversight committee established in RSA 126-A:13 and shall** not be binding on the commissioner or any member of the public.

Amend the bill by replacing all after section 30 with the following:

31 Legislative Officers and Proceedings. RSA 14:49 is repealed and reenacted to read as follows:

14:49 Legislative Study Committees and Commissions.

I.(a) For the purpose of this paragraph, “study committee” shall mean a committee, commission, task force, council, or any other similar entity established by the general court in chapter law to study or otherwise address a specified issue, and shall not include any similar entities that are codified in statute.

(b) Every study committee which is established by the general court shall be repealed either upon the filing of a final report or on November 1 in the even-numbered year prior to the beginning of the subsequent biennial session, whichever is earlier.

(c) The membership of a study committee established by the general court shall be limited to members of the general court only.

(d) The chairperson of a study committee established by the general court shall, in addition to any other reporting requirements, electronically file the final report with the clerk of the house of representatives and the clerk of the senate, and the clerks of the respective bodies shall post the report on the general court website. The clerks of the respective bodies shall then send a copy of the report to the standing committee of each body with jurisdiction over the subject matter of the report.

II.(a) For the purpose of paragraph II, “commission” shall mean a committee, commission, task force, council, or any other similar entity established by the general court and codified in the Revised Statutes Annotated for a specific term to study or otherwise address a specified issue, and shall not include any similar entities that are not a study committee as defined in paragraph I.

(b) The term of the commission shall be specified and the commission’s statutory authorization shall be repealed no later than 5 years after the date it becomes effective, unless subsequent legislation is passed to extend the commission’s existence.

(c) No commission shall have more than 15 members and may include appointees who are not members of the general court. The legislative members of the commission shall constitute a majority of the commission. The term of members of the general court who serve on a commission shall be coterminous with their term in office, unless they are appointed in a capacity other than their legislative office.

(d) In addition to any other reporting requirements, the chairperson of each commission established by the general court shall electronically file the final report with the clerk of the house of representatives or clerk of the senate, and the clerks of the respective bodies shall post the report on the general court website. The clerks of the respective bodies shall then send a copy of the report to the standing committee of each body with jurisdiction over the subject matter of the report.

(e) House and senate committee services staff shall jointly prepare an updated index of all commissions with relevant information annually. This list shall be provided to the speaker of the house of representatives, the president of the senate, and the standing committee chairs with jurisdiction over the subject matter of the commissions by January 15 of each year.

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

I. There is established an advisory committee on marine fisheries to recommend programs and policies regarding marine fisheries to the fish and game commission. The advisory committee shall consist of 5 members and one alternate member, all *with expertise in marine fisheries, a majority* of whom shall be residents of the [seacoast region] *tidewater towns, as defined in RSA 206:2-a*, appointed by the governor and council.

33 Effective Date.

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

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

2022-0782h

AMENDED ANALYSIS

This bill:

I. Repeals certain inactive commissions and revises the membership and duties of other commissions.

II. Requires certain commissions to be repealed or re-authorized no later than 5 years after they are created, to have a maximum of 15 members, and for the house and senate committee services staff to compile and disseminate a comprehensive index of the commissions annually.

III. Requires study committee and commission reports to be sent to the relevant standing committees of both the house and the senate.

Amendment to HB 1270 (2022-0880h)

Proposed by the Majority of the Committee on Science, Technology and Energy – r

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

AN ACT repealing the legislative oversight committee to monitor the transformation of delivery of electric services.

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

1 Renewable Energy Fund; Reference to Legislative Oversight Committee Removed. Amend RSA 362-F:10, IV to read as follows:

IV. The department of energy shall make an annual report by October 1 of each year, beginning in 2009, to ~~[the legislative oversight committee to monitor the transformation of delivery of electric services established under RSA 374-F:5;]~~ the house science, technology and energy committee, and the senate energy and natural resources committee detailing how the renewable energy fund is being used and any recommended changes to such use. The report shall also include information on the total peak generating capacity that is net energy metered under RSA 362-A:9 within the franchise area of each electric distribution utility, and the percentage this represents of the amount that is allowed to be net metered within each franchise area. Information shall be provided on net metered group host registrations and the associated customer groups, including number and location of group host facilities, generation by renewable source and size of facility, and group load served by such facilities.

2 Multiple Pollutant Reduction Program; Reference to Legislative Oversight Committee Removed. Amend RSA 125-O:13, IX to read as follows:

IX. The owner shall report by June 30, 2007 and annually thereafter, to ~~[the legislative oversight committee to monitor the transformation of delivery of electric services, established under RSA 374-F:5, and]~~ the chairpersons of the house science, technology and energy committee and the senate energy and natural resources committee, on the progress and status of complying with the requirements of paragraphs I and III, relative to achieving early reductions in mercury emissions and also installing and operating the scrubber technology including any updated cost information. The last report required shall be after the department has made a determination, under paragraph V, on the maximum sustainable rate of mercury emissions reductions by the scrubber technology.

3 Carbon Dioxide Emissions Budget Trading Program; Reference to Legislative Oversight Committee Removed. Amend the introductory paragraph of RSA 125-O:21, VI to read as follows:

VI. The department ~~[and the commission]~~ **of environmental services and the department of energy** shall report on an annual basis to the air pollution advisory committee under RSA 125-J:11 ~~[and the legislative oversight committee to monitor the transformation of delivery of electric services under RSA 374-F:5,]~~ **the house science, technology, and energy committee, and the senate energy and natural resources committee** on the status of the implementation of RGGI in New Hampshire, with emphasis on the prices and availability of RGGI allowances to affected CO2 sources, consumer protection mechanisms, and the trends in electric rates for New Hampshire businesses and ratepayers. The report shall include but not be limited to:

4 Implementation; Electric Utility Restructuring. Amend RSA 374-F:4, VIII(f) to read as follows:

(f) ~~[Beginning in 2000, the commission and the department]~~ **The department of environmental services and the department of energy** shall submit a report to ~~[the legislative oversight committee to monitor the transformation of delivery of electric services]~~ **the house science, technology, and energy committee, and the senate energy and natural resources committee** by October 1 of each year. The report shall concern the results and effectiveness of the system benefits charge.

5 Repeal. The following are repealed:

I. RSA 374-F:5, relative to the legislative oversight committee to monitor the transformation of delivery of electric services.

II. RSA 374-F:6, relative to the duties of the legislative oversight committee to monitor the transmission of delivery of electric services.

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

Amendment to HB 1272 (2022-0679h)

Proposed by the Committee on Municipal and County Government- c

Amend the bill by replacing section 1 with the following:

1 Local Health Officers; Regulations on Public Health. Amend RSA 147:1, I to read as follows:

I. The health officers of towns may make regulations for the prevention and removal of nuisances~~[-and such other regulations relating to the public health as in their judgment the health and safety of the people require]~~ **such as garbage, insects, unsanitary living conditions, septic, rodents, and safe drinking water inspections**, which shall take effect when approved by the selectmen, recorded by the town clerk, and published in some newspaper printed in the town, or when copies thereof have been posted in 2 or more public places in the town.

Amendment to HB 1296-FN (2022-0874h)

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

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

AN ACT relative to the forfeiture of items used in connection with a drug offense.

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

1 Controlled Drug Act; Forfeiture of Items Used in Connection With Drug Offenses. Amend RSA 318-B:17-b to read as follows:

318-B:17-b Forfeiture of Items Used in Connection With Drug Offense.

I. Interests in the following property, upon petition of the attorney general, shall be subject to forfeiture to the state and said property interest shall be vested in the state:

(a) All materials, products and equipment of any kind, including, but not limited to, firearms, scales, packaging equipment, surveillance equipment and grow lights, which are used or intended for use in procurement, manufacture, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter.

(b) Property interest in any conveyance, including but not limited to aircraft, vehicles, or vessels, which is used or intended for use in the procurement, manufacture, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter.

(c) Any moneys, coin, currency, negotiable instruments, securities or other investments knowingly used or intended for use in the procurement, manufacture, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter and all proceeds, including moneys, coin, currency, negotiable instruments, securities or other investments, and any real or personal property, traceable thereto. All moneys, coin, currency, negotiable instruments, securities and other investments found in proximity to controlled substances are presumed to be forfeitable under this paragraph. The claimant of the property shall bear the burden of rebutting this presumption.

(d) Any books, records, ledgers and research material, including formulae, microfilm, tapes and any other data which are used or intended for use in felonious violation of this chapter.

(e) Any real property, including any right, title, leasehold interest, and other interest in the whole of any lot or tract of land and any appurtenances or improvements, which real property is knowingly used or intended for use, in any manner or part, in the procurement, manufacture, compounding, processing, concealing, trafficking, delivery or distribution of a controlled drug in felonious violation of this chapter.

I-a. The state shall have a lien on any property subject to forfeiture under this section upon seizure thereof. Upon forfeiture, the state's title to the property relates back to the date of seizure.

I-b. Property may be seized for forfeiture by any law enforcement agency designated by the department of justice, as follows:

(a) Upon process issued by any justice, associate justice or special justice of the circuit or superior court. The court may issue a seizure warrant on an affidavit under oath demonstrating that probable cause exists for its forfeiture or that the property has been the subject of a previous final judgment of forfeiture in the courts of any state or of the United States. The application for process and the issuance, execution and return of process shall be subject to applicable state law. The court may order that the property be seized and secured on such terms and conditions as are reasonable in the discretion of the court. Such order may include an order to a financial institution or to any fiduciary or bailee to require the entity to impound any property in its possession or control and not to release it except upon further order of the court. The order may be made on or in connection with a search warrant;

(b) Physically, without process on probable cause to believe that the property is subject to forfeiture under this chapter; or

(c) Constructively, without process on probable cause to believe that the property is subject to forfeiture under this chapter, by recording a notice of pending forfeiture in the registry of deeds in the county where the real property is located or at the town clerk's office where the personal property is located stating that the state intends to seek forfeiture of the identified property pursuant to this chapter.

(d) A seizure for forfeiture without process under subparagraph (b) or (c) is reasonable if made under circumstances in which a warrantless seizure or arrest would be valid in accordance with state law.

(e) United States currency totaling \$200 or less, or a motor vehicle of \$2,000 or less in market value shall be exempt from seizure and forfeiture. The department of justice shall notify state, county, and municipal law enforcement agencies of the publications that such agencies may use to establish the value of a motor vehicle in the prosecuting authority's jurisdiction.

I-c. Upon seizure of any items or property interests the property shall not be subject to alienation, sequestration or attachment but is deemed to be in the custody of the department of justice subject only to the order of the court.

I-d. No waiver shall be accepted by the court, for purpose of seizure or forfeiture, unless the court determines that it has been executed knowingly and voluntarily and has not been requested, induced or required by a law enforcement officer. A document purporting to waive interest or rights in seized property shall be void and inadmissible in court.

II.(a) Upon the seizure of any personal property under paragraph I, the person making or directing such seizure shall inventory the items or property interests and issue a copy of the resulting report to any person or persons having a recorded interest, or claiming an equitable interest in the item within 7 days of said seizure.

(b) Upon seizure of any real property under paragraph I, the person making or directing such seizure shall notify any person having a recorded interest or claiming an equitable interest in the property within 7 days of said seizure.

(c) The seizing agency shall cause an appraisal to be made of the property as soon as possible and shall promptly send to the department of justice a written request for forfeiture. This request shall include a statement of all facts and circumstances supporting forfeiture of the property, including the names of all witnesses then known, and the appraised value of the property.

(d) The department of justice shall examine the facts and applicable law of the cases referred pursuant to subparagraph (c), and if it is probable that the property is subject to forfeiture, shall cause the initiation of

administrative or judicial proceedings against the property. If upon inquiry and examination, the department of justice determines that such proceedings probably cannot be sustained or that the ends of justice do not require the institution of such proceedings, the department shall make a written report of such findings and send a copy to the seizing agency, and, if appropriate, shall also authorize and direct the release of the property.

~~[(e) The department of justice shall, within 60 days of the seizure, file a petition in the superior court having jurisdiction under this section. If no such petition is filed within 60 days, the items or property interest seized shall be released or returned to the owners.]~~

II-a. Pending forfeiture and final disposition, the law enforcement agency making the seizure shall:

- (a) Place the property under seal; or
- (b) Remove the property to a storage area for safekeeping; or
- (c) Remove the property to a place designated by the court; or
- (d) Request another agency to take custody of the property and remove it to an appropriate location

within the state; or

(e) In the case of moneys, file a motion for transfer of evidence under RSA 595-A:6. Upon the court's granting of the motion the moneys shall be immediately forwarded to an interest-bearing seized asset escrow account to be administered by the attorney general. Upon resolution of the forfeiture proceeding the moneys deposited shall be transferred to the drug forfeiture fund or returned to the owners thereof as directed by the court. Unless otherwise ordered by a court in a specific case, interest on all moneys deposited in the seized asset escrow account shall be deposited annually into the drug forfeiture fund established under RSA 318-B:17-c.

III. The court may order forfeiture of all items or property interests subject to the provisions of paragraph I[, except as follows:-

~~(a) No item or property interest shall be subject to forfeiture unless the owner or owners thereof were consenting parties to a felonious violation of this chapter and had knowledge thereof.-~~

~~(b) No items or property interests shall be subject to forfeiture unless involved in an offense which may be charged as a felony] as part of a criminal prosecution and following a conviction for a felony violation of this chapter pursuant to paragraph III-a.~~

III-a.(a)(1) If a defendant in a criminal matter is represented by a public defender or counsel appointed by the court, the public defender or appointed counsel shall represent the defendant in the forfeiture proceeding and any other related criminal proceeding.

(2) Following seizure, a defendant or any other person with an interest in the property shall have a right to a post-seizure hearing. The court shall give such post-seizure hearings priority on the court's docket.

(3) A person with an interest in the property may petition the court for a hearing.

(4) The court may hold a post-seizure hearing:

(A) As a separate hearing; or

(B) At the same time as a probable cause determination, a post-arraignment hearing, or other pretrial hearing.

(5) A party, by agreement or for good cause, may move for one extension of no more than 10 days. Any motion may be supported by affidavits or other submissions.

(6) The court shall order the return of property if it finds:

(A) The seizure was invalid;

(B) A criminal charge has not been filed and no extension of the filing period is available;

(C) The property is not reasonably required to be held as evidence; or

(D) The final judgment likely shall be in favor of the defendant or any other person with an interest in the property.

(7) The provisions of this section shall not apply to contraband.

(b) In a case in which the state seeks forfeiture of property the prosecuting authority shall file with the court a petition for forfeiture. The petition shall be a separate document and accompany the initial or a subsequent indictment or information. It shall include the following information:

(1) A description of the property seized;

(2) The time, date, and place of the seizure; and

(3) A description of how the property was used in or derived from the alleged crime.

(c)(1) The prosecuting authority may allege, in the petition, the forfeiture of property as a sanction related to the crime for which the defendant is charged, as part of sentencing consideration, or through other means for the court to oversee the forfeiture proceeding.

(2) The petition shall not be read to the jury.

(3) The prosecuting authority may amend the petition at any time before trial.

(4) The prosecuting authority shall serve the indictment or information, amendment, and petition as provided by the rules of the court.

(5) The court may grant an unlimited number of 30-day extensions for the filing of a petition if, for each extension, the court determines probable cause is shown and additional time is warranted.

(6) *The court shall order the return of the property to the owner if the prosecuting authority does not file an indictment or information as provided by the court's rules, the period of an extension expires, or the court does not grant an extension.*

(d) *Discovery related to the forfeiture proceeding shall be subject to the rules of criminal procedure.*

(e) *The court shall consider the loss of property subject to forfeiture as a criminal sanction as part of and following the prosecution of the underlying crime. Property may be forfeited if:*

(1) *The state secures a conviction under this chapter; and*

(2) *The state establishes by a preponderance of the evidence that the property is an instrumentality of, or proceeds derived directly from, the crime for which the state secured a conviction.*

(f) *After the defendant's conviction, the court shall hold the forfeiture proceeding at its discretion. It shall be conducted by the court without a jury.*

(g) *Nothing in this paragraph shall prevent property from being forfeited as part of:*

(1) *A plea agreement; or*

(2) *A grant of immunity or reduced punishment, with or without the filing of a criminal charge, in exchange for testifying or assisting a law enforcement investigation or prosecution.*

(h) *The court may waive the conviction requirement and grant title to the property to the state if the prosecuting authority files a motion no fewer than 90 days after seizure and shows by a preponderance of the evidence that, before conviction, the defendant:*

(1) *Is deceased;*

(2) *Was deported by the United States government;*

(3) *Has abandoned the property; or*

(4) *Has fled the jurisdiction.*

(i) *The defendant may petition the court to determine, before trial, at trial or upon conviction, whether the forfeiture is unconstitutionally excessive under the state or federal constitution. The defendant shall bear the burden of establishing the forfeiture is unconstitutionally excessive by a preponderance of the evidence at a hearing conducted by the court without a jury. In determining whether the forfeiture is unconstitutionally excessive, the court shall not consider the value of the property to the state, but may consider other relevant factors including:*

(1) *The seriousness of the crime and its impact on the community, including the duration of the activity, use of a firearm, and harm caused by the defendant;*

(2) *The extent to which the defendant participated in the crime;*

(3) *The extent to which the property was used in committing the crime;*

(4) *Whether the crime was completed or attempted;*

(5) *The sentence or fine to be imposed for committing the crime;*

(6) *The hardship to the defendant if the forfeiture of a motor vehicle would deprive the defendant of the defendant's livelihood;*

(7) *An unjust hardship to the defendant's family if the property is forfeited; and*

(8) *All relevant factors related to the fair market value of the property.*

(j)(1) *Property encumbered by a security interest shall not be forfeited. The prosecuting authority shall return property to a secured interest holder, other than the defendant or rightful owner, up to the value of the interest. Contraband shall not be returned.*

(2) *If the property is not returned, the secured interest holder may petition the court at any time before the court enters judgment in the criminal prosecution or grants the motion in subparagraph (h).*

(3) *The court shall hear the petition within 30 days after its filing or at the court's discretion. The hearing shall be held before the court without a jury. The court may consolidate the hearing on the petition with any other hearing before the court in the case.*

(4) *The secured interest holder shall establish by a preponderance of the evidence the validity of the security interest, mortgage, lien, leasehold, lease, rental agreement, or other agreement.*

(5) *If the secured interest holder alleges a valid interest but the prosecuting authority seeks to proceed, the prosecuting authority shall prove by a preponderance of the evidence that:*

(A) *The interest is invalid;*

(B) *The interest resulted from a fraudulent conveyance; or*

(C) *The secured interest holder consented to the use of the property in the crime for which the defendant is charged.*

(6) *If the state fails to meet its burden under subparagraph (5), the court shall order the state to relinquish claims to the property, up to the value of the interest, and return the interest to the secured interest holder.*

(k)(1) *Property of an innocent owner shall not be forfeited. The prosecuting authority summarily shall return property to such owner. Contraband shall not be returned.*

(2) *If the property is not summarily returned, an innocent owner may petition the court at any time before the court enters judgment in the criminal prosecution or grants the motion in subparagraph (h).*

(3) *An innocent owner shall file with the court a simple statement that sets forth:*

- (A) *The owner's interest or regular use of the property;*
- (B) *Additional facts supporting the owner's claim; and*
- (C) *The relief sought by the owner.*

(4) *The court shall hear the petition within 30 days after its filing or at the court's discretion. The hearing shall be held before the court alone without a jury. The court may consolidate the hearing on the petition with any other hearing before the court in the case.*

(5) *The innocent owner shall establish by a preponderance of the evidence the validity of interest or regular use of the property.*

(6) *If the innocent owner meets the burden under subparagraph (5) and the prosecuting authority seeks to proceed, the prosecuting authority shall prove by a preponderance of the evidence that the innocent owner is not entitled to the property because:*

- (A) *The innocent owner's interest in the property is invalid;*
- (B) *The innocent owner did not regularly use the property;*
- (C) *The innocent owner had actual knowledge the property was used in or derived directly from the crime for which the defendant is charged;*
- (D) *The innocent owner was willfully blind to the crime for which the defendant is charged; or*

(E) *The innocent owner was not a bona fide purchaser without notice of any defect in title and for valuable consideration.*

(7) *If the prosecuting authority fails to meet its burden in subparagraph (6), the court shall order the state to relinquish all claims and return the property to the innocent owner.*

(8) *No information in the innocent owner's statement shall be used as evidence in the criminal portion of the case.*

(9) *Nothing in this paragraph shall prohibit the innocent owner from providing information to any party or testifying in any trial as to facts the innocent owner knows.*

(10) *The defendant or convicted offender may invoke the right against self-incrimination or the marital privilege during the forfeiture proceeding. The trier of fact may draw an adverse inference from the invocation of the right or privilege.*

(l)(1) *If the prosecuting authority fails to meet its burden in the criminal or forfeiture proceeding, the court shall enter judgment dismissing the forfeiture proceeding and ordering the return of property to the innocent owner unless the owner's possession of the property is illegal.*

(2) *If the prosecuting authority meets its burden in the criminal and forfeiture proceeding, the court shall enter judgment forfeiting the property.*

(3) *A court may enter judgment following a hearing, pursuant to a stipulation or plea agreement, or at the court's discretion.*

(m) *Upon the prosecuting authority's motion following conviction or at the court's discretion, the court may order the forfeiture of substitute property owned solely by the defendant up to the value of property that is beyond the court's jurisdiction or cannot be located through due diligence, only if the state proves by a preponderance of the evidence that the defendant intentionally:*

- (1) *Dissipated the property;*
- (2) *Transferred, sold, or deposited property with a third party to avoid forfeiture;*
- (3) *Diminished substantially the value of property; or*
- (4) *Commingled property with other property that cannot be divided without difficulty.*

(n) *A defendant shall not be jointly and severally liable for forfeiture awards owed by other defendants. When ownership is unclear, a court may order each defendant to forfeit property on a pro rata basis or by another means the court finds equitable.*

(o)(1) *A party to forfeiture proceeding, other than the defendant, may appeal the court's decision.*

(2) *The defendant may appeal the court's decision regarding the seizure or forfeiture of property following final judgment in the forfeiture proceeding.*

(p)(1) *If the court orders the return of property, the law enforcement agency that holds the property shall return the property to the rightful owner within a reasonable period not to exceed 5 days after the date of the order.*

(2) *The rightful owner shall not be subject to any expenses related to towing, storage or preservation of the property.*

(3) *The law enforcement agency that holds the property shall be responsible for any damages, storage fees, and related costs applicable to property returned under this section.*

(q) *No law enforcement agency shall sell forfeited property directly or indirectly to any employee of the law enforcement agency, to a person related to an employee by blood or marriage, or to another law enforcement agency.*

(r)(1) No state or local law enforcement agency shall transfer or offer for adoption property, seized under state law, to a federal agency for the purpose of forfeiture under the federal Controlled Substances Act, Public Law 91-513.

(2) Subparagraph (1) shall only apply to a seizure by state and or local law enforcement agencies pursuant to their own authority under state law and without involvement of the federal government. Nothing in this paragraph shall be construed to limit state and local agencies from participating in joint task forces with the federal government.

(3) No state, county, or local law enforcement agency shall accept payment of any kind or distribution of forfeiture proceeds from the federal government in violation of subparagraph (1). Any such law enforcement agency that violates this subparagraph shall forfeit such proceeds to the state's general fund.

~~IV. (a) The department of justice may petition the superior court in the name of the state in the nature of a proceeding in rem to order forfeiture of items or property interests subject to forfeiture under the provisions of this section. Such petition shall be filed in the court having jurisdiction over any related criminal proceedings which could be brought under this chapter.~~

~~(b) Such proceeding shall be deemed a civil suit in equity in which the state shall have the burden of proving all material facts by a preponderance of the evidence and in which the owners or other persons claiming an exception pursuant to paragraph III shall have the burden of proving such exception.~~

~~(c) The court shall issue summonses to all persons who have a recorded interest or claim an equitable interest in said items or property interests seized under this chapter and shall schedule a hearing on the petition to be held within 90 days of the date specified by the court on the summonses.~~

~~(d) At the request of any party to the forfeiture proceeding, the court may grant a continuance until the final resolution of any criminal proceedings which were brought against a party under this chapter and which arose from the transaction which gave rise to the forfeiture proceeding. No asset forfeiture may be maintained against a person's interest in property if that person has been found not guilty of the underlying felonious charge.~~

~~(e) At the hearing, the court shall hear evidence and make findings of fact and rulings of law as to whether the property is subject to forfeiture under this chapter. Except in the case of proceeds, upon a finding that the property is subject to forfeiture the court shall determine whether the forfeiture of the property is not excessive in relation to the underlying criminal offense. In making this determination the court shall consider whether in addition to any other pertinent considerations:~~

~~(1) There is a substantial connection between the property to be forfeited and the underlying drug offense;~~

~~(2) Criminal activities conducted by or through the use of the property were extensive; and~~

~~(3) The value of the property to be forfeited greatly outweighs the value of the drugs that were or would have been likely to be distributed, the costs of the investigation and prosecution, and the harm caused by the criminal conduct. The court shall, thereupon, make a final order, from which all parties shall have a right of appeal.~~

~~V.] Final orders for forfeiture of property under this section shall be implemented by the department of justice and shall provide for disposition of the items or property interests by the state in any manner not prohibited by law, including retention for official use by law enforcement or other public agencies or sale at public auction. The department of justice shall pay the reasonable expenses of the forfeiture proceeding, seizure, storage, maintenance of custody, advertising, court costs, and notice of sale from any money forfeited and from the proceeds of any sale or public auction of forfeited items. All outstanding recorded liens on said items or property interests seized shall be paid in full upon conclusion of the court proceedings from the proceeds of any sale or public auction of forfeited items. The balance remaining shall be distributed by the department of justice as follows:~~

~~(a) Of the first \$600,000, \$100,000 shall be credited to the police psychological stability screening fund established in RSA 106-L:16 and from the remainder:~~

~~(1) Forty-five percent shall be returned to the fiscal officer or officers of the municipal, county, state, or federal government which provided the law enforcement agency or agencies responsible for the seizure. Moneys returned to each fiscal officer shall be deposited in a special account and shall be used primarily for meeting expenses incurred by law enforcement agencies in connection with drug-related investigations. Except as provided in RSA 31:95-b, such funds shall be available for expenditure without further appropriation by the legislative body of the municipal, county, state or federal government, and shall not be transferred or expended for any other purpose. Moneys returned to a state law enforcement agency shall be deposited in a special nonlapsing account established within the office of the state treasurer and shall be in addition to all other state appropriations to such agency;~~

~~(2) Ten percent shall be deposited into a special nonlapsing account established within the office of the state treasurer for the department of health and human services; and~~

(3) Forty-five percent shall be deposited in a revolving drug forfeiture fund, administered by the department of justice pursuant to RSA 318-B:17-c; and

(b) Of any balance remaining:

(1) Ten percent shall be deposited in the manner prescribed in subparagraph ~~V(a)(2)~~ **IV(a)(2)** of this section; and

(2) Ninety percent shall be deposited in the manner prescribed in subparagraph ~~V(a)(3)~~ **IV(a)(3)** of this section.

(c) The total amount of payments made to the special account for the department of health and human services pursuant to subparagraphs ~~V(a)(2) and V(b)(1)~~ **IV(a)(2) and IV(b)(1)** of this section shall not exceed \$400,000 in any fiscal year and any excess over \$400,000 which would otherwise be paid to such special account under this section shall be deposited in the general fund. The revolving drug forfeiture fund shall at no time exceed \$1,000,000. All sums in the revolving drug forfeiture fund in excess of \$1,000,000 shall be credited to the general fund.

2 Effective Date. This act shall take effect January 1, 2023.

2022-0874h

AMENDED ANALYSIS

This bill establishes a procedure for the forfeiture of items used in connection with a drug offense.

Amendment to HB 1297

(2022-0157h)

Proposed by the Majority of the Committee on Fish and Game and Marine Resources - r

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Lobsters and Crabs; Scuba Diver Recreational Lobster License. Amend RSA 211:18 by inserting after paragraph II-a the following new paragraph:

II-b.(a) A person who is a resident of this state and wishes to engage in scuba diving or freediving, also known as skin diving, as a recreational activity, and who is in compliance with RSA 270:31 through 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a scuba diver recreational lobster license issued by the executive director. The executive director shall make available a number of scuba diver recreational lobster licenses that is equivalent to the number of recreational lobster and crab licenses available in the prior calendar year under subparagraph III(a).

(b) The executive director shall set the fee for the scuba diver recreational lobster license which shall be credited to the derelict fishing gear and coastal cleanup fund established in RSA 211:77.

(c) The executive director shall establish the scuba diver recreational lobster season from April 1 through September 15, and a scuba diver recreational lobster license shall be valid for not less than 4 weeks during such season.

(d) The license shall consist of letters and or numbers which the person engaged in scuba diving shall affix to his or her diving tanks and regulation dive flag in a contrasting color making it readily visible to a conservation officer.

(e) The executive director shall establish a limit on the number of lobsters taken per day by a scuba diver holding a license under this paragraph, provided such limit shall not be less than 3 lobsters per day per licensee. Lobsters shall be taken only for the consumption by the licensee, and the licensee's family and guests.

(f) No person shall at any time take any lobsters by any method except by hand. Use of a tickle stick, which is a straight or slightly bent stick used to agitate a lobster into coming out of its hole, shall be permitted.

(g) All lobsters taken under a scuba diver recreational lobster license shall be of legal size, as provided by RSA 211:62 and in accordance with RSA 211:27, measured immediately upon capture on the seafloor before surfacing.

(h) The scuba diver recreational lobster license shall not be transferred to any other person.

(i) Annual catch reports shall be required of all scuba diver recreational lobster license holders at the time of renewal or, if not renewing license, at year end. Annual catch information, in a format determined by the executive director, shall be required of all divers before renewal application will be accepted.

(j) The executive director shall adopt rules for the issuance of the license under this paragraph, and rules governing the sex and size of lobsters allowed to be taken under this paragraph, provided such rules conform with requirements applicable to non-commercial 5 pot licenses and commercial lobster license holders.

(k) The executive director shall submit a report to the chairpersons of the house and senate committees with the jurisdiction over scuba diving recreational lobster licensing. The report shall include the total number of lobsters reported taken by year by non-commercial scuba diving license holders, the total number of non-commercial scuba diving lobster licenses issued, the number of violations issued, the number of investigations detailed by source, such as public complaint, commercial lobsterman complaint, diver complaint, conservation officer complaint. The executive director shall submit the report within 5 years of the effective date of this paragraph, and every 5 years thereafter.

Amend the bill by replacing all after section 4 with the following:

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

2022-0157h

AMENDED ANALYSIS

This bill authorizes the executive director of fish and game to issue a scuba diver recreational lobster license.

Amendment to HB 1330

(2022-0399h)

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

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

AN ACT repealing the board of medical technicians in the office of professional licensure and certification.

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

1 Office of Professional Licensure and Certification; Telemedicine and Telehealth. Amend RSA 310-A:1-g, III to read as follows:

III. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; [RSA 328-I;] **or** RSA 328-J may provide services through telemedicine or telehealth, provided the services rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of practice for individuals regulated under this chapter.

2 Repeal. The following are repealed:

I. RSA 151:3-d, relative to the verification of medical technician registration.

II. RSA 310-A:1-a, I(pp), relative to the certification and regulation of medical technicians by the office of professional licensure and certification.

III. RSA 328-I, relative to the board of medical technicians.

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

2022-0399h

AMENDED ANALYSIS

This bill repeals the requirements for the certification and regulation of medical technicians by the office of professional licensure and certification.

Amendment to HB 1330

(2022-0699h)

Proposed by the Minority of the Committee on Executive Departments and Administration - r

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

1 Board of Registration of Medical Technicians; Definitions. Amend RSA 328-I:1, I to read as follows:

I. "Board" means the **advisory** board of registration of medical technicians.

I-a. "Executive director" means the executive director of the office of professional licensure and certification.

2 Board of Registration of Medical Technicians; Advisory Board Established. RSA 328-I:2 is repealed and reenacted to read as follows:

328-I:2 Advisory Board of Registration of Medical Technicians. The executive director shall establish an advisory board of registration of medical technicians consisting of 3 members. Two members shall be licensed, registered, or certified health care providers with experience supervising medical technicians. One shall be a medical technician required to be registered pursuant to this chapter. Each member shall be appointed to a term of 3 years. No member shall serve more than 2 consecutive full terms. The advisory board shall advise the executive director regarding the implementation of this chapter.

3 Medical Technicians; Initial Registration; Application; Fees. Amend RSA 328-I:6 to read as follows:

328-I:6 Initial Registration; Application, Fees.

I. The [board] ***executive director, in consultation with the advisory board,*** may register any person who submits a completed application. [~~The fee for registration under this chapter shall be \$110.~~]

II. Completed applications shall include:

(a) Payment of the non-refundable registration fee;

(b) Reports of any pending criminal charges, criminal convictions, plea agreements in lieu of convictions, or complaints made to or dispositions made by licensing, certification, or registration boards.

(c) A complete set of fingerprints and a criminal history record release form pursuant to RSA 328-I:7.

(d) The applicant's work history over the last 10 years.

III. All applications shall include at a minimum, the applicant's name, social security number, place and date of birth, place of employment in New Hampshire and the home address and shall be duly signed and verified. Applications shall be available for public inspection.

IV. Upon approval of the application by the [board] **executive director, in consultation with the advisory board**, the applicant shall be registered as a medical technician for 2 years. Such registration shall take effect within 90 days after the filing of such completed application.

V. Any medical technician who changes his or her name, place or status of employment in New Hampshire, or residence shall notify the [board] **executive director** in writing within 30 days. For failure to report such a change within 30 days of such event, the [board] **executive director** may suspend the medical technician's registration.

VI. Once an application has been approved by the [board] **executive director**, a temporary registration may be issued, pending receipt of the criminal records check and fingerprint information.

4 Medical Technicians; Renewal of Registration. Amend RSA 328-I:8 to read as follows:

328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the [board] **executive director**. ~~[The fee for renewal of certificates of registration shall be \$110.]~~ Certificates of registration for medical technician shall be renewed upon the payment of the renewal fee.

5 Medical Technicians; Disciplinary Action; Investigations. Amend RSA 328-I:10-11 to read as follows:

328-I:10 Disciplinary Action; Remedial Proceedings.

I. The [board] **executive director** is authorized to undertake investigations and disciplinary proceedings upon:

(a) The [board's] **executive director's** initiative, **in consultation with the advisory board**.

(b) A written complaint made by any person complaining that a registrant has committed an act of misconduct and specifying the nature of the misconduct.

(c) A written complaint made by any person that a person is engaged in unauthorized practice.

(d) Notification by a licensing or certifying agency of this state that a registrant has been disciplined by that agency.

(e) Notification by the regulatory authority of another domestic or foreign jurisdiction that a registrant has been disciplined in that jurisdiction.

(f) A report made pursuant to the obligation to report imposed by this chapter.

II. The [board] **executive director, in consultation with the advisory board**, may undertake non-disciplinary remedial proceedings (a) upon [its] **his or her** own initiative or (b) upon written complaint of any person which charges that a person registered by the [board] **executive director** is afflicted with a condition as set forth in paragraph VI and which specifies the grounds therefor.

III. Every facility administrator, or designee, for any licensed hospital, health clinic, ambulatory surgical center, or other health care facility within the state shall report to the [board] **executive director** any disciplinary or action related to disruptive conduct, professional incompetence or violation of an organizational rule or procedure involving controlled substances, or any adverse action which results in the termination of an employment relationship, within 30 days after such action is taken, including situations in which allegations of misconduct are settled by voluntary resignation without adverse action, against a person registered by the [board] **executive director**. Disciplinary or adverse action shall include the requirement that a registrant undergo counseling or be subject to any policy with regard to disruptive behavior.

IV. In cases involving imminent danger to life or health, the [board] **executive director** may order suspension of a license pending hearing for a period of no more than 120 days. In such cases, the basis for the [board's] **executive director's** finding of imminent danger to life or health shall be reduced to writing and combined with a hearing notice which complies with RSA 328-I:11. A licensee may be allowed additional time to prepare for a hearing, but any additional time for preparation shall result in an extension of license suspension commensurate with the additional time extended.

V. The [board] **executive director, in consultation with the advisory board**, after hearing, may take disciplinary action against any person registered by it upon finding that the person:

(a) Has knowingly provided false information during any application for registration or employment, whether by making any affirmative statement which was false at the time it was made or by failing to disclose any fact material to the application.

(b) Is a habitual user of drugs or intoxicants.

(c) Has engaged in dishonest or unprofessional conduct, or has negligently or intentionally injured a patient while practicing as a medical technician or performing such ancillary activities.

(d) Has willfully or repeatedly violated any provision of this chapter or any substantive rule of the [board] **executive director**.

(e) Has been convicted of a felony under the laws of the United States or any state.

VI. The [board] **executive director, in consultation with the advisory board**, may take non-disciplinary remedial action against any person registered by it upon finding that the person is afflicted with physical or mental disability, disease, disorder, or condition deemed dangerous to the public health. Upon making an affirmative finding, the [board] **executive director**, may take non-disciplinary remedial action:

(a) By suspension, limitation, or restriction of a registration for a period of time as determined reasonable by the [board] **executive director**.

(b) By revocation of registration.

(c) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the [board] **executive director**.

(d) By requiring the person to practice under the direction of a physician in a public institution, public or private health care program, or private practice for a period of time specified by the [board] **executive director**.

VII. The [board] **executive director, in consultation with the advisory board**, upon making an affirmative finding under paragraph V, may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension, limitation, or restriction of a registration or probation for a period of time as determined reasonable by the [board] **executive director**.

(c) By revocation of registration.

(d) By requiring the person to submit to the care, treatment, or observation of a physician, counseling service, health care facility, professional assistance program, or any combination thereof which is acceptable to the [board] **executive director**.

(e) By assessing administrative fines in amounts established by the [board] **executive director** which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

VIII. The [board] **executive director, in consultation with the advisory board**, may issue a non-disciplinary confidential letter of concern to a registrant advising that, the [board] **executive director** believes the medical technician should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the [board] **executive director** may result in action against the registrant's registration. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence in subsequent disciplinary proceedings by the [board] **executive director**.

IX. Disciplinary or non-disciplinary remedial action taken by the [board] **executive director** under this section may be appealed to the supreme court under RSA 541.

X. No civil action shall be maintained against the ~~[board or any member of the board]~~ **executive director or the advisory board**, or its agents or employees, with regard to any action or activity taken in the performance of any duty or authority established by this chapter. No civil action shall be maintained against any organization or its members or against any other person for or by reason of any good faith statement, report, communication, or testimony to the [board] **executive director** or determination by the [board] **executive director** in relation to proceedings under this chapter.

XI. [Repealed]

XII. Allegations of professional misconduct or other violations of this chapter enforceable by the [board] **executive director** shall be brought within 6 years from the time the [board] **executive director** could reasonably have discovered the act, omission, or failure complained of, except that conduct which resulted in a criminal conviction or in a disciplinary action by a relevant licensing authority in another jurisdiction may be considered by the [board] **executive director** without time limitation in making registration or disciplinary decisions if the conduct would otherwise be a ground for discipline under this chapter. The [board] **executive director** may also consider registrant conduct without time limitation when the ultimate issue before the [board] **executive director** involves a pattern of conduct or the cumulative effect of conduct which becomes apparent as a result of conduct which has occurred within the 6-year limitation period prescribed by this paragraph.

XIII. When an investigation of a complaint against a registrant is determined to be unfounded, the [board] **executive director** shall dismiss the complaint and explain in writing to the complainant and the registrant its reason for dismissing the complaint. The [board] **executive director** shall destroy all information collected during the course of the investigation ~~[after 6 years. The board shall retain a record only noting that an investigation was conducted and that the board determined the complaint to be unfounded]~~ **in accordance with the retention policy adopted by the office of professional licensure and certification**. For the purpose of this paragraph, a complaint shall be deemed to be unfounded if it does not fall within the jurisdiction of the [board] **executive director**, does not relate to the actions of the registrant, or is determined by the [board] **executive director** to be frivolous.

328-I:11 Investigations; Procedure for Complaints; Hearings; Judicial Review.

I. The [board] **executive director** may investigate possible misconduct by registrants and applicants for registration, as well as the unauthorized practice under this chapter and other matters within the scope of this chapter. [Board] Investigations and the information gathered in such investigations, including information provided to the [board] **executive director** under RSA 328-I:10, I and III and paragraphs III and V, shall be exempt from the public disclosure provisions of RSA 91-A, except to the extent such information

may later become the subject of a public disciplinary hearing. The [board] **executive director** may disclose information acquired in an investigation to law enforcement or health licensing agencies in this state or any other jurisdiction, or in response to specific statutory requirements or court orders.

II. No certificate of registration shall be suspended or revoked until after a hearing before the [board] **executive director, in consultation with the advisory board**, which shall be held in accordance with RSA 541-A, and upon written notice mailed to the registrant by certified or registered mail. If, when a notice of hearing is mailed to a registrant at the address shown in the records of the [board] **executive director**, such a registrant fails to attend such hearing, then the [board] **executive director** may suspend his or her registration without a hearing pending his or her attendance at such hearing.

III. Upon the denial of an application for a certificate of registration, the [board] **executive director** shall grant a hearing to an applicant therefor upon receipt of a request for a hearing made within 30 days after the applicant is notified of denial. The [board] **executive director** shall have the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of such hearing.

IV. If a certificate of registration is revoked or suspended or an application is denied, no such certificate shall be issued to such former registrant or applicant for at least 6 months, or thereafter, except in the discretion of the [board] **executive director, in consultation with the advisory board**.

V. The applicant or registrant may be heard in person or by counsel. The [board] **executive director** shall notify the applicant of the time and place of the hearing. The [board] **executive director** shall have the power to subpoena any person in this state, or document, record or other relevant evidence, and administer an oath to and take the testimony of any such person or cause his or her deposition to be taken.

6 Medical Technicians; Investigative Costs. Amend RSA 328-I:14 to read as follows:

328-I:14 Investigative Costs. For any order issued in resolution of a disciplinary proceeding by the board, where the [board] **executive director, in consultation with the advisory board**, has found misconduct sufficient to support disciplinary action, including but not limited to a violation of this chapter or an administrative rule adopted under this chapter, the [board] **executive director** may require the registrant who is the subject of such finding to pay the [board] **executive director** a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum shall not exceed \$5,000. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the [board] **executive director** as part of the penalty. The investigative and prosecution costs shall be assessed by the [board] **executive director** and any sums recovered shall be credited to the [board's] **office of professional licensure and certification** fund and disbursed by the [board] **executive director** for any future investigations of complaints and activities ~~[that violate this chapter or rules adopted under this chapter]~~.

7 Reference Change; Executive Director. Amend the following RSA provisions by replacing the term "board" with "executive director": RSA 328-I:3; 328-I:4; 328-I:5; 328-I:7; 328-I:9; 328-I:13; and 328-I:16.

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

Amendment to HB 1331 (2022-0140h)

Proposed by the Committee on Science, Technology and Energy- c

Amend the bill by replacing section 1 with the following:

1 Service Equipment of Public Utilities; Installation and Maintenance of Power Lines. Amend RSA 370:12 to read as follows:

370:12 Installation of Power Line Extensions. Any New Hampshire utility customer that requires a power line extension located on private property may hire a contractor who is ~~[licensed in the state of New Hampshire and is]~~ approved by the utility. Such contractor shall supply and install materials specified by the local utility for underground and overhead line extensions, the cost of which shall be borne by the utility customer.

2022-0140h

AMENDED ANALYSIS

This bill allows any New Hampshire utility customer that requires a power line extension located on private property to hire any contractor who is approved by the utility.

Amendment to HB 1335 (2022-0811h)

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

Amend the bill by replacing section 3 with the following:

3 Parole of Prisoners; Medical Parole. RSA 651-A:10-a, I-IV are repealed and reenacted to read as follows:

I. Only upon the recommendation of the commissioner of the department of corrections and the director of medical and forensic services, and after their review of the information provided by a physician licensed pursuant to RSA 329 or an advanced practice registered nurse pursuant to RSA 326, and his or her review of medical needs, resource capabilities, and treatment goals, may the parole board consider medical parole to

an inmate, referred to by the department of corrections as a “resident,” incarcerated in a state correctional facility, regardless of the time remaining on his or her minimum sentence. The medical parole request shall cite one of the following medical categories:

(a)(1) Permanently incapacitated or permanently debilitated. A resident who satisfies all of the following as certified by a physician licensed pursuant to RSA 329 or an advanced practice registered nurse licensed pursuant to RSA 326:

(A) Has a health care condition that prevents the resident from independently performing activities of daily living in a manner that ensures their daily needs are met in a prison environment; and

(B) Has such limited physical strength or capacity that the resident poses an extremely low threat to others or to the community; and

(C) The condition is unlikely to improve or cannot be managed in the prison health care setting due to the resident’s serious functional impairment and/or the level of care that is needed to ensure the resident’s access to constitutionally appropriate health care in a prison health care setting.

(2) Additional consideration shall be given to whether or not there are appropriate services available in the prison health care setting as determined by the director of medical and forensic services.

(b) Terminally Ill. As certified by a physician licensed pursuant to RSA 329 or an advanced practice registered nurse licensed pursuant to RSA 326, a resident who has an illness that is considered terminal or permanently debilitating, and treatments are not going to cure or stop the progression of the illness. Generally, comfort measures and hospice are offered in place of active treatment interventions.

(c) Serious and complex medical condition. As certified by a physician licensed pursuant to RSA 329 or an advanced practice registered nurse licensed pursuant to RSA 326, a resident who has a serious and complex medical condition, which will require extended services or care that cannot be accommodated, managed, or provided by the department of corrections as determined by the director of medical and forensic services.

II. The director of medical and forensic services, on behalf of a resident, may petition the parole board for a hearing to determine if the person is eligible for medical parole.

(a) A representative from the department of corrections’ division of medical and forensic services shall attend each medical parole hearing.

(b) If the condition, disease, illness, or injury of the resident does not allow for participation of the resident at a scheduled hearing, the resident may have a representative approved by the board or an attorney participate in the hearing on the resident’s behalf.

II-a. The board shall require as a condition of release on medical parole that the parolee agree to placement and that the parolee is able to be placed for a definite or indefinite period of time in a hospital, hospice, or other housing accommodation suitable to his or her condition, disease, illness, or injury, including a family home, as specified by the board.

II-b. Any medical parolee shall remain in the assigned residence except to engage in medical treatment. Any change in residence shall require pre-approval of the parole board unless it is a medically-emergent residence change, as determined by a health care provider. If a medically emergent residential change occurs, the adult parole board shall be notified within 48 hours of the probation parole officer being notified of the change in residence.

III. Medical parole shall be granted by a majority vote of the members of the hearing panel if the resident satisfies the criteria under paragraph I and the adult parole board has determined there is a reasonable probability the resident will not violate the law while on medical parole and will conduct himself or herself as a good citizen.

IV. The parole board may request, as a condition of medical parole, that such resident or his or her representative submit to the director of medical and forensic services the results of to periodic medical examinations while on medical parole and comply with any other parole conditions imposed by the parole board. The director of medical and forensic services, after review of any such medical examination shall report the findings to the parole board. After review of such findings, the parole board may require the issuance of a warrant to return the parolee to the prison for a revocation hearing. If the parole board finds that the condition, disease, illness, or injury of the parolee has improved to the extent that the parolee no longer meets the criteria specified in paragraph I, or has violated the conditions of parole, the medical parole shall be revoked and the parolee shall be returned to the custody of the state.

Amendment to HB 1337

(2022-0732h)

Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services - r
Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Unemployment Compensation; Weekly Benefit Amount. Amend RSA 282-A:25 by inserting after paragraph III the following new paragraph:

IV.(a) Notwithstanding RSA 4:45 and the maximum benefit amounts in paragraph I, for unemployment compensation claims submitted during a calendar year, the duration of benefits under this chapter shall be

limited to 16 weeks, if the state's average unemployment rate is at or below 3 percent, plus one additional week for each 0.5 percent increment in the state's average unemployment rate above 3 percent, up to a maximum of 26 weeks if the state's average unemployment rate exceeds 8 percent.

(b) In this paragraph, "state average unemployment rate" shall mean the average of the 3 months for the most recent fourth calendar year quarter of the seasonally adjusted total unemployment rates as determined and benchmarked by the department of labor.

2 Effective Date. This act shall take effect 120 days after its passage.

**Amendment to HB 1345
(2022-0668h)**

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

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

1 New Section; Release of a Minor's Medical Records to a Parent or Guardian. Amend RSA 332-I by inserting after section 4 the following new section:

332-I:4-a Release of a Minor's Medical Records to a Parent or Guardian. A minor's parent or legal guardian shall have access to a minor's medical record unless:

I. Consent from the parent or legal guardian is not required for the minor to receive the medical care or treatment, as directed by federal or specific state law. In such cases, the minor may provide specific, written consent for release of the medical records to the parent or legal guardian.

II. The health care provider reasonably believes, in his or her professional judgment, that the child has been or may be subjected to domestic violence, abuse or neglect, and that release of the medical records to the parent or guardian could endanger the child.

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

**Amendment to HB 1347
(2022-0996h)**

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

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

AN ACT relative to licensing requirements for health care facilities that operate on a membership-based or direct payment business model.

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

1 Residential Care and Health Facility Licensing; License or Registration Required. Amend RSA 151:2, VI(a) to read as follows:

VI.(a) No new license shall be issued for, and there shall be no increase in licensed capacity of, any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services. This moratorium shall not apply to any ***facility under this chapter that operates on a membership-based business model or exclusively provides services to persons who make direct payment for services, or any*** rehabilitation facility whose sole purpose is to treat individuals for substance use disorder or mental health issues or to any continuing care facility for which a certificate of authority has been issued by the insurance commissioner pursuant to RSA 420-D:2.

2 Residential Care and Health Facility Licensing; Policies Required. Amend RSA 151:2-f to read as follows: 151:2-f Policies Required for Health Facilities and Special Health Care Service Licenses.

I. Every facility licensed under RSA 151:2, I(a) or (d) and every person holding a special health care service license under RSA 151:2-e shall:

~~[I.]~~ ***(a)*** Adopt and enforce a written policy to assure that the facility provides its services to all persons who require the services the facility provides regardless of the source of payment for the services provided to any person;

~~[II.]~~ ***(b)*** Adopt, publicize, and apply an assistance plan for persons who are uninsured or who do not have the financial resources to pay for the facility's services due to financial hardship;

~~[III.]~~ ***(c)*** Provide data to the commissioner of the department of health and human services regarding the volume, cost and outcomes of services provided in the facility; and

~~[IV.]~~ ***(d)*** Pay fees under RSA 151:2-e, III to the commissioner of the department to cover the costs of administering the licensing of special health care services, the administration of the quality and patient safety requirements of this section, and the collection and analysis of the data collected under this section.

II. Subparagraphs I(a) and (b) shall not apply to any nursing home, skilled nursing facility, intermediate care facility, or rehabilitation facility, including rehabilitation hospitals and facilities offering comprehensive rehabilitation services facilities, which operate on a membership-based business model or exclusively provide services to persons who make direct payment for services. For the purpose of this paragraph, a direct payment is one that is paid directly by the patient and is not reimbursed or otherwise paid by a third party.

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

2022-0996h

AMENDED ANALYSIS

This bill exempts direct payment and membership-based health care facilities from the moratorium on the issuance of certain licensing requirements and from the adoption of certain policies relative to access to care and financial assistance plans.

Amendment to HB 1356**(2022-0166h)****Proposed by the Majority of the Committee on Fish and Game and Marine Resources - r**

Amend the bill by replacing section 1 with the following:

1 Small Game and Game Birds; Authority to Set Seasons. Amend RSA 207:56, I to read as follows:

I. The executive director, after consultation with the commission, shall have the authority to open and close the seasons for the taking of small game and game birds as defined in RSA 207:1, XXVI and XI, except those birds protected under RSA 209:4 ***and except for the taking of gray squirrel which shall be permitted year round***, to fix the number and sex limitations for small game, and any other conditions governing the methods and manner of taking and reporting the same, subject to any restrictions imposed by statute.

2022-0166h

AMENDED ANALYSIS

This bill requires the executive director to establish a season for the year round taking of gray squirrel.

Amendment to HB 1360-FN**(2022-0088h)****Proposed by the Committee on Criminal Justice and Public Safety - c**

Amend the bill by replacing section 1 with the following:

1 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(a) to read as follows:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III, or IV, other than those specifically covered in this section, the person shall be guilty of a [class B felony, except that] ***misdemeanor for a first offense*** [notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed]. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a [class A] ***class B*** felony[, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed].

Amendment to HB 1361-FN**(2022-0087h)****Proposed by the Majority of the Committee on Criminal Justice and Public Safety - r**

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph XIII the following new paragraph:

XIV. In addition to any other penalty imposed under this section, any person who enters this state while possessing any substance prohibited by this chapter with the intent to distribute the substance shall be guilty of a class A felony and shall be sentenced to a minimum of 5 years imprisonment. Any vehicle or other conveyance used to transport a controlled substance into the state shall be subject to forfeiture. This paragraph shall not apply to any cannabis-type drug.

2022-0087h

AMENDED ANALYSIS

This bill establishes an additional penalty for transportation of a controlled drug into New Hampshire with the intent to distribute. The bill excludes any cannabis-type drug.

Amendment to HB 1367**(2022-0933h)****Proposed by the Majority of the Committee on Education - r**

Amend the bill by replacing section 1 with the following:

1 Civics Instruction. Amend RSA 189:11, II to read as follows:

II. As a component of instruction under paragraph I, a locally developed competency assessment of United States government and civics that includes, but is not limited to, the nature, purpose, structure, function, and history of the United States government, the rights and responsibilities of citizens, and noteworthy government and civic leaders, shall be administered to students as part of the required high school course in history and government of the United States and New Hampshire. To be eligible for a graduation certificate, a student shall attain a locally sanctioned passing grade on the competency assessment, and a grade of 70 percent

or better on the 128 question civics (history and government) naturalization examination developed by the 2020 United States Citizen and Immigration Services. Schools ***are required to provide accommodations and*** may modify the naturalization examination for a child with a disability in accordance with the child's individualized education program. By June 30 of each year, each school district shall submit the results of ~~[either the locally developed competency assessment of United States government and civics or]~~ the United States Citizenship and Immigration Services (USCIS) test to the department of education.

Amendment to HB 1369

(2022-0707h)

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

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

AN ACT relative to communicable disease health and safety policies at New Hampshire performing arts venues.

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

1 New Chapter; Performing Arts Venues Communicable Disease Health and Safety Policies. Amend RSA by inserting after chapter 359-S the following new chapter:

CHAPTER 359-T

PERFORMING ARTS VENUES COMMUNICABLE DISEASE HEALTH AND SAFETY POLICIES

359-T:1 Performing Arts Venues; Communicable Disease Health and Safety Policies. Notwithstanding any other provision of law, the owners, operators, and promoters of performing arts venues located in New Hampshire shall have the authority to establish communicable disease health and safety policies, including mask requirements, vaccine requirements, testing requirements, or a combination thereof, in order to protect patrons, staff, performers, and the venue's financial investments. If policies posted at the time of ticket purchase relative to communicable disease change after the ticket purchase is completed, the venue shall refund the ticket price at the patron's request, unless the patron has 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.

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

2022-0707h

AMENDED ANALYSIS

This bill provides that performing arts venues in New Hampshire have the authority to establish their own communicable disease health and safety policies.

Amendment to HB 1376

(2022-0840h)

Proposed by the Minority of the Committee on Education - r

Amend the bill by replacing section 1 with the following:

1 Education Freedom Accounts; Responsibilities of the Scholarship Organization; Parents of Students with Disabilities. Amend RSA 194-F:4, III to read as follows:

III. The scholarship organization shall ensure that parents of students with disabilities, ***whose children with disabilities are enrolled in a nonpublic elementary or secondary school as defined in 20 U.S.C. sections 1401(6) and 1401(27)*** receive notice that participation in the EFA program is a parental placement under 20 U.S.C. section ~~[1412]~~ ***1412(a)(10)(A)***, Individuals with Disabilities Education Act (IDEA), along with an explanation of the rights that parentally placed students ~~[possess]~~ ***have*** under IDEA and any applicable state laws. ***The scholarship organization shall provide parents of students with disabilities who are not enrolled in a private elementary or secondary school an explanation of the rights that such students have under IDEA and any applicable state laws.***

Amendment to HB 1379

(2022-0844h)

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

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

1 Communicable Disease; Immunization. RSA 141-C:20-a, I is repealed and reenacted to read as follows:

I. All parents or legal guardians shall have their children who are residing in this state immunized against diphtheria, mumps, pertussis, poliomyelitis, rubella, rubeola, tetanus, and varicella. Immunization against hepatitis B and haemophilus influenzae shall be required until June 30, 2026, unless otherwise authorized by statute. The commissioner may add an immunization requirement to the above list for up to 20 months with the approval of the legislative oversight committee on health and human services established in RSA 126-A:13. Such action shall require a 3/5 vote by the oversight committee and shall be permitted only one time per communicable disease.

Continuation beyond 20 months shall require specific statutory authority for the immunization requirement. The commissioner may only adopt rules under RSA 541-A relative to changes in the number of doses, dosage, route of administration, and age requirements for immunization against the diseases identified in this paragraph.

2 Communicable Disease; Rulemaking. Amend RSA 141-C:6, XIII to read as follows:

XIII. [Other] Communicable diseases requiring immunization under RSA 141-C:20-a, I.

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

2022-0844h

AMENDED ANALYSIS

This bill limits immunization requirements to those diseases identified in statute. The bill also provides the commissioner of health and human services with limited authority to include an additional immunization requirement with the approval of the oversight committee on health and human services.

Amendment to HB 1382

(2022-0887h)

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

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

1 New Paragraph; Parental Rights and Responsibilities; Definitions; Shared Parenting Specified. Amend RSA 461-A:1 by inserting after paragraph VII the following new paragraph:

VIII. "Shared parenting" means an arrangement in which each parent plays a substantially equal role in decision making responsibility, and 35 percent or more of the child's residential time is spent with each parent.

2 Parental Rights and Responsibilities; Determination of Parental Rights and Responsibilities; Best Interest; Presumption of Shared Parenting Established. Amend RSA 461-A:6, I-a to read as follows:

I-a. If the court concludes that frequent and continuing contact between each child and both parents is not in the best interest of the child, the court shall make findings supporting its order. ***If the court does not make that conclusion, there shall be a presumption that shared parenting is in the best interests of the child.***

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

2022-0887h

AMENDED ANALYSIS

This bill defines shared parenting and establishes a presumption that shared parenting is in the best interests of the child.

Amendment to HB 1389

(2022-0473h)

Proposed by the Minority of the Committee on Judiciary- r

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

2 Appropriation. The sum of \$1 is here by appropriated for the fiscal year ending June 30, 2023 to the judicial branch for the purposes of section 1 of this act. This appropriation shall be in addition to any other sums appropriated to the judicial branch. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Superior Court; Justices. Amend RSA 491:1 to read as follows:

491:1 Justices. The superior court shall consist of a chief justice, appointed by the governor and council to a 5-year term, and [24] **22** associate justices. Said justices shall be appointed and commissioned as prescribed by the constitution and shall exercise the powers of the court unless otherwise provided. The chief justice shall be appointed from among the associate justices. In the event that the chief justice resigns as chief justice or is not reappointed at the expiration of the 5-year term, he or she may return to the position of associate justice, whether or not an associate justice vacancy then exists.

4 Effective Date.

I. Section 2 of this act shall take effect July 1, 2022.

II. The remainder of this act shall take effect January 1, 2023.

2022-0473h

AMENDED ANALYSIS

This bill establishes the land use review docket in the superior court and makes a \$1 appropriation for this purpose. The bill also increases the number of superior court justices to 22.

Amendment to HB 1401

(2022-0905h)

Proposed by the Majority of the Committee on Transportation - r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Motor Vehicle Records and Certification; Mileage Records. Amend RSA 260:14 by inserting after paragraph XVII the following new paragraph:

XVIII. Notwithstanding any provision of law to the contrary, no information relative to the mileage of a motor vehicle shall be shared by the department or an inspection station with any public authority authorized to enforce motor vehicle tax laws, without the consent of the vehicle's owner, lessee, or renter. For purposes of this paragraph, "public authority," shall not include any entity representing the state of New Hampshire.

2022-0905h

AMENDED ANALYSIS

This bill prohibits both the department of safety, and inspection stations, from sharing vehicle mileage information with certain authorities without consent.

Amendment to HB 1409

(2022-0513h)

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

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

1 New Subdivision; Mental Health Practice; Services Provided to Minors. Amend RSA 135-C by inserting after section 67 the following new subdivision:

Mental Health Services for Minors

135-C:68 Mental Health Services; Consent of Minor. A minor 16 years of age or older may voluntarily consent to mental health services, and a licensed mental health care provider may provide such services without the consent of the minor's parent or legal guardian, provided, however, that the provider shall not prescribe medication without the consent of a parent or guardian.

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

2022-0513h

AMENDED ANALYSIS

This bill allows a minor 16 years of age or older to consent to mental health treatment without parental consent.

Amendment to HB 1416

(2022-0871h)

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

Amend RSA 461-A:4, IV-a as inserted by section 1 of the bill by replacing it with the following:

IV-a. If the parents have joint decision-making responsibility, either parent may consent to counseling services or other mental health treatment for the child, provided that the parent who obtains such services for the child notifies the other parent before treatment begins.

Amendment to HB 1431-FN-L

(2022-0881h)

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

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

1 Declaration of Purpose. The general court finds that it is a fundamental right of parents to direct the upbringing, education, and care of their minor children. The general court further finds that important information relating to a minor child should not be withheld, either inadvertently or purposefully, from his or her parent, including information relating to the minor's education. The general court further finds it is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their minor children.

2 New Chapter; Parental Bill of Rights. Amend RSA by inserting after chapter 169-H the following new chapter:

CHAPTER 169-I

PARENTAL BILL OF RIGHTS

169-I:1 Short Title. This chapter may be cited as the Parents' Bill of Rights.

169-I:2 Definitions. In this chapter, "parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian, but such term shall not include a parent with whom the parent-child relationship has been terminated by judicial decree or voluntary relinquishment.

169-I:3 Infringement of Parental Rights Prohibited. The state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity, or any other institution shall not infringe on the fundamental rights of a parent to direct the upbringing and education of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and cannot be achieved by less restrictive means.

169-I:4 Parental Rights.

I. All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity, or any other institution, including, but not limited to, all of the following rights of a parent of a minor child in this state:

- (a) The right to direct the education and care of his or her minor child.
- (b) The right to direct the upbringing and the moral or religious training of his or her minor child.
- (c) The right to apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.

(d) The right to access and review all school records relating to his or her minor child, pursuant to RSA 189:66, IV.

(e) The right to be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to law enforcement or the bureau of child protective services and notifying the parent would impede the investigation.

II. An employee of the state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent who is not suspected of a criminal offense against the minor and sharing the information would not impede an investigation of a criminal offense against the minor may be subject to disciplinary action.

III. A parent of a minor child in this state has inalienable rights that are more comprehensive than those listed in this section, unless such rights have been legally waived or terminated. This chapter shall not prescribe all rights to a parent of a minor child in this state. Unless required by law, the rights of a parent of a minor child in this state may not be limited or denied.

169-I:5 Parental Rights in Education.

I. Each school board, school district, or school administrative unit shall, in consultation with parents, teachers, and administrators, develop and adopt publicly a policy to promote parental involvement in the public school system. Such policy shall include:

(a) A plan for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline.

(b) A procedure for a parent to learn about his or her minor child's course of study, including the source of any supplemental education materials.

(c) Procedures for a parent to learn about the nature and purpose of clubs and activities offered at his or her minor child's school, including those that are extracurricular or part of the school curriculum.

(d) Procedures for a parent to learn about gifted or special education programs offered in the district.

(e) Procedures for a parent to learn about parental rights and responsibilities under general law, including all of the following:

(1) Their right to object to instructional materials and other materials used in the classroom, pursuant to RSA 186:11, IX-c.

(2) Their right to exercise their option to get an exception to a particular health or sex education instruction, pursuant to RSA 186:11, IX-b.

(3) Their right to exempt his or her minor child from immunizations, as provided in RSA 141-C:20-a.

(4) Their right to review statewide, standardized assessment results.

(5) Their right to inspect school district instructional materials.

(6) Their right to access information relating to the school district's policies for promotion or retention, including high school graduation requirements.

(7) Their right to receive a school report card and be informed of his or her minor child's attendance requirements and compliance with such requirements.

(8) Their right to access information relating to the state standards, report card requirements, attendance requirements, and instructional materials requirements.

(9) Their right to participate in parent-teacher associations and parent-teacher organizations that are sanctioned by a school board or the department of education.

(10) The right of a parent to opt out of any district-level data collection relating to his or her minor child not required by law.

II. A parent may request, in writing, from the superintendent the information required to be disclosed under this section pursuant to process outlined in RSA 91-A to obtain public records.

III. A parent may request, in writing, from the superintendent the information required under this section. Within 10 business days of such request, the superintendent shall provide such information to the parent. If the superintendent denies a parent's request for information or does not respond to the parent's request within 10 business days, the parent may appeal the denial to the school board. The school board shall place a parent's appeal on the agenda for its next public meeting. If it is too late for a parent's appeal to appear on the next agenda, the appeal shall be included on the agenda for the subsequent meeting. If a parent is dissatisfied with the results of such an appeal, or such an appeal does not take place in a timely fashion as required by this paragraph, the aggrieved parent may appeal the matter to the superior court with jurisdiction over the applicable

school district and if the superior court finds in favor of the parent may award the parent reasonable attorney's fees and court costs. An aggrieved parent may appeal a decision of the superior court to the state supreme court and the supreme court may award the prevailing party reasonable attorneys' fees and court costs.

169-I:6 Exceptions.

I. This chapter does not:

(a) Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law, as defined in RSA 169-C.

(b) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority, pursuant to RSA 186:11, IX-c; or

(c) Prohibit a court from issuing an order that is otherwise permitted by law, including limits to some or all of the items listed in this chapter as justice may require.

169-I:7 Violations.

I. Any person who violates any provision of this chapter shall be guilty of a class B misdemeanor.

II. Any parent claiming violation of any provisions of this chapter may bring an action for injunctive relief and damages against the state or any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity which the parent claims has violated this chapter in the superior court having jurisdiction over the relevant individual or the state or any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity, and if the court finds in favor of the parent, it may award reasonable attorneys' fees and court costs to the parent. An aggrieved parent may appeal a decision of the superior court to the state supreme court and the supreme court may award the prevailing party reasonable attorneys' fees and court costs.

III. Any teacher, school employee, or administrator that violates any provision of this chapter shall have a disciplinary letter added to their personnel file. Any contractor or third party employed by the school that violates any provision of this chapter shall be restricted from any further access to all schools in the district for one year for the first offense and shall be permanently restricted from all schools in the district for a second or subsequent offense.

3 Effective Date. This act shall take effect January 1, 2023.

Amendment to HB 1434

(2022-0992h)

Proposed by the Majority of the Committee on Education - r

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

1 School Boards; Duty of the State Board of Education; Curriculum Course Material. Amend RSA 186:11, IX-c to read as follows:

IX-c. Require School Districts to Adopt a Policy Allowing an Exception to Specific Course Material Based on a Parent's or Legal Guardian's Determination that the Material is Objectionable. Such policy shall include a provision requiring the parent or legal guardian to notify the school principal or designee in writing of the specific material to which they object and a provision requiring an alternative agreed upon by the school district and the parent, at the parent's expense, sufficient to enable the child to meet state requirements for education in the particular subject area. The policy shall also require the school district or classroom teacher to provide parents and legal guardians not less than 2 weeks advance notice of curriculum course material used for instruction of human sexuality or human sexual education. The policy shall address the method of delivering notification to a parent or legal guardian. To the extent practicable, ~~[a school district shall make curriculum course materials available to parents or legal guardians for review upon request]~~ **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 10 business days.** The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the material shall not be public information and shall be excluded from access under RSA 91-A.

2 New Paragraph; Chartered Public Schools; Curriculum Course Materials. Amend RSA 194-B:5 by inserting after paragraph V the following new paragraph:

V-a. Upon request from a parent, legal guardian, or resident of a sending school district to review curriculum course material used to support student learning in a grade level, course, or program at a chartered public school, the board of trustees of the chartered public school shall make available the requested curriculum course material within 10 business days.

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

**Amendment to HB 1439
(2022-1029h)**

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - r
Amend the bill by replacing all after the enacting clause with the following:

1 Title. Section 2 of this act shall be known and may be cited as the “No Patient Left Alone Act”.

2 New Section; Residential Care and Health Facility Licensing; Presence of Parent, Spouse, or Caregiver Permitted. Amend RSA 151 by inserting after section 2-i the following new section:

151:2-j Visitation Policies; Presence of Parent, Spouse, or Caregiver Permitted.

I. Subject to paragraphs III and IV, a minor who is admitted to a health care facility licensed pursuant to RSA 151:2 shall have the right to have a parent, guardian, or other person standing in loco parentis, who shall be permitted to be physically present while the minor patient is receiving hospital care.

II. Subject to paragraphs III and IV, an adult who is admitted to a hospital, residential care facility, nursing home, or rehabilitation facility, licensed pursuant to RSA 151:2, I, shall have the right to designate a spouse, family member, or caregiver who shall be permitted to be physically present while the adult patient is receiving hospital care.

III. A health care facility may establish visitation policies that limit or restrict visitation when:

(a) The presence of visitors would be medically or therapeutically contraindicated in the best clinical judgment of health care professionals;

(1) The reason for denial of a visitor for a medical or therapeutic contraindication shall be documented in the patient’s medical record.

(2) Upon request the patient, or patient’s representative if the patient is incapacitated, shall be provided the reason for denial;

(b) The presence of visitors would interfere with the care of or rights of any patient;

(c) Visitors are engaging in disruptive, threatening, or violent behavior toward any staff member, patient, or other visitor; or

(d) Visitors are noncompliant with written hospital policy.

IV. A health care facility may require visitors to wear personal protective equipment provided by the facility, or provided by the visitor and approved by the facility. A health care facility may require visitors to comply with reasonable safety protocols and rules of conduct. The health care facility may revoke visitation rights for failure to comply with this section.

V. Nothing in this section shall be construed to require a health care facility to allow a visitor to enter an operating room, isolation room, isolation unit, behavioral health setting or other typically restricted area or to remain present during the administration of emergency care in critical situations. Nothing in this section shall be construed to require a health care facility to allow a visitor access beyond the rooms, units or wards in which the patient the visitor is visiting is receiving care or beyond general common areas in the health care facility.

VI. The rights specified in this section shall not be terminated, suspended, or waived by the health care facility, the department of health and human services, or any governmental entity, notwithstanding declarations of emergency declared by the governor or the legislature. No health care facility licensed pursuant to RSA 151:2 shall require a patient to waive the rights specified in this section.

VII. Each health care facility licensed pursuant to RSA 151:2 shall post:

(a) Informational materials explaining the rights specified in this section on its website;

(b) The patients’ bill of rights which applies to the facility on its website and in all patient treatment rooms; and

(c) Hospital visitation policy detailing the rights and responsibilities specified in this section, and the limitations placed upon those rights by written hospital policy on its website and in all patient treatment rooms.

VIII. Unless expressly required by federal law or regulation, the department or any other state agency shall not take any action arising out of this section against a health care facility for:

(a) Giving a visitor individual access to a property or location controlled by the health care facility;

(b) Failing to protect or otherwise ensure the safety or comfort of a visitor given access to a property or location controlled by the health care facility;

(c) The acts or omissions of any visitor who is given access to a property or location controlled by the health care facility.

IX. Nothing in this section shall supersede the right of a patient who is terminally ill to have visitors pursuant to RSA 151:21, XVIII.

3 New Paragraph; Residential Care and Health Facility Licensing; Patients’ Bill of Rights. Amend RSA 151:21 by inserting after paragraph XXI the following new paragraph:

XXII. The patient shall be entitled to have visitors pursuant to RSA 151:2-j.

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

**Amendment to HB 1439
(2022-0946h)**

Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs - r
Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraph; Residential Care and Health Facility Licensing; Patients' Bill of Rights. Amend RSA 151:21 by inserting after paragraph XXI the following new paragraph:

XXII.(a) In addition to the rights specified in paragraph XVIII, the patient shall be entitled to designate a spouse, family member, or caregiver who may visit the facility while the patient is receiving care. A patient who is a minor may have a parent, guardian, or person standing in loco parentis visit the facility while the minor patient is receiving care. A health care facility may establish visitation policies that limit or restrict visitation under this paragraph when:

- (1) The presence of visitors would be medically or therapeutically contraindicated in the best clinical judgment of health care professionals;
- (2) The presence of visitors would interfere with the care of or rights of any patient;
- (3) Visitors are engaging in disruptive, threatening or violent behavior toward any staff member, patient or other visitor; or
- (4) Visitors are noncompliant with hospital policy.

(b) A health care facility may require visitors to wear personal protective equipment, provided by the facility, or provided by the visitor and approved by the facility. A health care facility may require visitors to comply with reasonable safety protocols and rules of conduct. The health care facility may revoke visitation rights for failure to comply with this subparagraph.

(c) Nothing in this paragraph shall be construed to require a health care facility to allow a visitor to enter an operating room, isolation room, isolation unit, behavioral health setting, or other typically restricted area, or to remain present during the administration of emergency care in critical situations. Nothing in this paragraph shall be construed to require a health care facility to allow a visitor access beyond the rooms, units, or wards in which the patient the visitor is visiting is receiving care or beyond general common areas in the health care facility.

(d) The rights specified in this paragraph shall not be terminated, suspended, or waived by the health care facility, the department of health and human services, or any governmental entity, notwithstanding declarations of emergency declared by the governor or the legislature. No health care facility licensed pursuant to RSA 151:2 shall require a patient to waive the rights specified in this paragraph.

(e) Each health care facility licensed pursuant to RSA 151:2 shall post on its website informational materials explaining the rights specified in this paragraph.

(f) Unless expressly required by federal law or regulation, the department or any other state agency shall not take any action arising out of this paragraph against a health care facility for:

- (1) Giving a visitor individual access to a property or location controlled by the health care facility;
- (2) Failing to protect or otherwise ensure the safety or comfort of a visitor given access to a property or location controlled by the health care facility;
- (3) The acts or omissions of any visitor who is given access to a property or location controlled by the health care facility.

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

**Amendment to HB 1448
(2022-0394h)**

Proposed by the Committee on Judiciary - c

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

1 Wills; Child Not Named. RSA 551:10 is repealed and reenacted to read as follows:
551:10 Child Not Named.

I. In this section:

(a) "Estate" means all property of the testator subject to probate administration and disposition under the testator's will.

(b) "Devise" means any testamentary disposition of real or personal property made under the testator's will.

II. Except as provided in paragraph III, if a testator fails to provide in the testator's will for any of the testator's children born or adopted after the execution of the will, the omitted after-born or after-adopted child shall receive a share in the estate as follows:

(a) If the testator had no child living when the testator executed the will, an omitted after-born or after-adopted child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will devised all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will. The share to which the omitted child shall be entitled under this subparagraph shall be satisfied first from the residue of the estate and if insufficient, from the other assets of the estate pro rata.

(b) If the testator had one or more children living when the testator executed the will, and the will devised property or an interest in property to one or more of the then-living children, an omitted after-born or after-adopted child is entitled to share in the testator's estate as follows:

(1) The portion of the testator's estate in which the omitted after-born or after-adopted child is entitled to share is limited to devises made to the testator's then-living children under the will.

(2) The omitted after-born or after-adopted child is entitled to receive the share of the testator's estate, as limited in subparagraph (b)(1), that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom devises were made under the will and had given an equal share of the estate to each child.

(3) To the extent feasible, the interest granted an omitted after-born or after-adopted child under this section must be of the same character, whether equitable or legal, present or future, as that devised to the testator's then-living children under the will.

(4) In satisfying a share provided by this paragraph, devises to the testator's children who were living when the will was executed abate ratably. In abating the devises of the then-living children, the character of the testamentary plan adopted by the testator shall be preserved to the maximum extent possible.

III. Neither subparagraph I(a) or (b) shall apply if it appears from the will that the omission was intentional.

IV. If at the time of execution of the will the testator fails to provide in the testator's will for a living child solely because the testator believes the child to be dead, the child is entitled to share in the estate as if the child were an omitted after-born or after-adopted child.

2 Repeal. RSA 551:11, relative to the share of an unnamed child, is repealed.

3 Applicability. This act shall apply to all wills executed before or after the effective date of this act, except that this act shall not apply to those wills executed by a testator who died prior to the effective date of this act.

4 Effective Date. This act shall take effect January 1, 2023.

Amendment to HB 1454-FN (2022-0894h)

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

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

1 Statement of Purpose. The protection of perennial rivers, lakes, and coastal waters from contamination is in the public interest of the state of New Hampshire. Therefore, the setback from a proposed landfill to such a water body should be sufficient to prevent groundwater contaminated by a leak, spill, or other failure from reaching the waterbody before remedial action can be implemented. A period of 5 years should be sufficient to detect and map a failure, assess appropriate remediation, meet engineering and regulatory requirements, and initiate the remedy.

2 New Paragraph; Landfill Permits; Groundwater Protection. Amend RSA 149-M:9 by inserting after paragraph XIV the following new paragraph:

XV.(a) The department shall establish a site-specific setback distance for any proposed new landfill from any perennial river, lake, or coastal water of New Hampshire, as defined in RSA 483-B:4, XVI. The setback distance shall be sufficient to prevent any contaminated groundwater at any part of the actual solid waste disposal area from reaching any perennial river, lake, or coastal water of New Hampshire within 5 years. The setback distance shall be calculated as follows:

(1) The applicant shall hire an independent hydrogeologist at the applicant's expense, to estimate based upon adequate and representative on-site field testing, the seepage velocity of groundwater in both overburden/till and in bedrock. The maximum seepage velocity shall be the highest rate estimated for any test site in the disposal area.

(2) The 5-year distance-of-travel estimate shall be calculated by multiplying the maximum seepage velocity by 5.

(3) The setback from any perennial river, lake, or coastal water of New Hampshire shall be the greater of the 5-year distance-of-travel estimate calculated in subparagraph (2) or 200 feet.

(b) No permit shall be issued by any division of the department for siting a new landfill that fails to conform with the setback distance as calculated using the method set forth in subparagraph (a).

(c) Nothing in this paragraph shall be construed to prohibit the expansion of any landfills that are in operation at the time this paragraph takes effect.

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

2022-0894h

AMENDED ANALYSIS

This bill establishes a formula for determining the distance for which a new landfill shall be located from a perennial river, lake, or coastal water.

**Floor Amendment to HB 1454-FN
(2022-1052h)**

Proposed by Rep. Bixby

Amend RSA 149-M:9, XIV(a)(1)-(2) as inserted by section 2 of the bill by replacing it with the following:

(1) The applicant shall hire an independent hydrogeologist at the applicant's expense, to estimate based upon adequate and representative on-site field testing, the seepage velocity of groundwater in both overburden/till and in bedrock. The maximum seepage velocity shall be the highest rate estimated for any test site in the disposal area. Maximum seepage velocity shall be measured in feet per year.

(2) The 5-year distance-of-travel estimate shall be calculated by multiplying the maximum seepage velocity by 5 years.

**Amendment to HB 1457-FN
(2022-0967h)**

Proposed by the Committee on Election Law - c

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

1 Preservation of Ballots; Secretary of State. Amend RSA 659:98 to read as follows:

659:98 Delivery of Ballots to Town Clerk. The moderator, or the moderator's designee, and the selectmen, or their designee, after they have sealed and certified the state election ballots as provided in RSA 659:95 and RSA 659:96, shall deliver the sealed containers to the town or city clerk, or to the clerk's designee, who shall in their presence enter in the appropriate place on each sealer the time of day and shall sign his or her name in the appropriate blank on the sealer. The clerk or the clerk's designee shall, without breaking the seals or otherwise changing the condition of the containers, deposit the containers in the town or city hall [~~where the ballots shall be kept for a period set forth in RSA 33-A:3-a~~]. ***Containers containing ballots and absentee balloting materials that have been sealed after an election according to instructions provided by the secretary of state shall be stored in a location under the direction of the clerk. A log shall be maintained by the clerk specifying the location and the containers at the location. Once stored, the containers shall be accessible only to individuals working under the direction of the town clerk, as required for recounts, or as necessary for the secretary of state to verify the container storage. When the containers are removed to allow for destruction of ballots in accordance with RSA 33-A:3-a, the destruction of the ballots and absentee balloting materials shall be the final entry in the log.***

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

2022-0967h

AMENDED ANALYSIS

This bill modifies the retention policy for ballot boxes.

**Amendment to HB 1459-FN
(2022-0940h)**

Proposed by the Majority of the Committee on Science, Technology and Energy - r

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

1 New Subdivision; Photovoltaic Recycling Program. Amend RSA 149-M by inserting after section 61 the following new subdivision:

Photovoltaic Recycling Program

149-M:62 Definitions. In this subdivision:

I. "Consumer electronic device" means any device containing an electronic circuit board that is intended for everyday use by individuals, such as a watch or calculator.

II. "Department" means the department of environmental services.

III. "Distributor" means a person who markets and sells photovoltaic modules to retailers in New Hampshire.

IV. "Installer" means a person who assembles, installs, and maintains photovoltaic module systems.

V. "Photovoltaic module" means the smallest nondivisible, environmentally protected assembly of photovoltaic cells or other photovoltaic collector technology and ancillary parts intended to generate electrical power under sunlight, except that "photovoltaic module" does not include a photovoltaic cell that is part of a consumer electronic device for which it provides electricity needed to make the consumer electronic device function. "Photovoltaic module" includes but is not limited to interconnections, terminals, and protective devices such as diodes that:

(a) Are installed on, connected to, or integral with buildings;

(b) Are used as components of freestanding, off-grid, power generation systems, such as for powering water pumping stations, electric vehicle charging stations, fencing, street and signage lights, and other commercial or agricultural purposes; or

(c) Are part of a system connected to the grid or utility service.

VI. "Rare earth element" means lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, yttrium, or scandium.

VII. "Reuse" means any operation by which a photovoltaic module or a component of a photovoltaic module changes ownership and is used for the same purpose for which it was originally purchased.

VIII. "Stewardship plan" means the plan developed by a installer or its designated stewardship organization for a self-directed stewardship program.

IX. "Stewardship program" means the activities conducted by a installer or a stewardship organization to fulfill the requirements of this subdivision and implement the activities described in its stewardship plan. 149-M:63 Photovoltaic Module Stewardship Plan.

I. The department shall develop guidance for a photovoltaic module stewardship and takeback program to guide installers in preparing and implementing a self-directed program to ensure the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials. By January 1, 2024, the department shall establish a process to develop guidance for photovoltaic module stewardship plans by working with installers, stewardship organizations, and other stakeholders on the content, review, and approval of stewardship plans. The department's process shall be fully implemented and stewardship plan guidance completed by July 1, 2025.

II. A stewardship organization may be designated to act as an agent on behalf of an installer or installers in operating and implementing the stewardship program required under this subdivision. Any stewardship organization that has obtained such designation shall provide to the department a list of the installers and brand names that the stewardship organization represents within 60 days of its designation by a installer as its agent, or within 60 days of removal of such designation.

III. Each installer shall prepare and submit a stewardship plan to the department by the later of July 1, 2030, or within 30 days of its first sale of a photovoltaic module in or into the state.

(a) A stewardship plan shall, at a minimum:

(1) Describe how installers will finance the takeback and recycling system, and include an adequate funding mechanism to finance the costs of collection, management, and recycling of photovoltaic modules and residuals sold in or into the state by the installer with a mechanism that ensures that photovoltaic modules can be delivered to takeback locations without cost to the last owner or holder;

(2) Accept all of their photovoltaic modules sold in or into the state after July 1, 2022;

(3) Describe how the program will minimize the release of hazardous substances into the environment and maximize the recovery of other components, including rare earth elements and commercially valuable materials;

(4) Provide for takeback of photovoltaic modules at locations that are within the region of the state in which their photovoltaic modules were used and are as convenient as reasonably practicable, and if no such location within the region of the state exists, include an explanation for the lack of such location;

(5) Identify how relevant stakeholders, including consumers, installers, building demolition firms, and recycling and treatment facilities, will receive information required in order for them to properly dismantle, transport, and treat the end-of-life photovoltaic modules in a manner consistent with the objectives described in subparagraph (a)(3);

(6) Establish performance goals, including a goal for the rate of combined reuse and recycling of collected photovoltaic modules as a percentage of the total weight of photovoltaic modules collected, which rate shall be no less than 85 percent.

(b) A installer shall implement the stewardship plan.

(c) A installer may periodically amend its stewardship plan. The department shall approve the amendment if it meets the requirements for plan approval outlined in the department's guidance. When submitting proposed amendments, the installer shall include an explanation of why such amendments are necessary.

IV. The department shall approve a stewardship plan if it determines the plan addresses each element outlined in the department's guidance.

V.(a) Beginning April 1, 2032, and by April 1st in each subsequent year, a installer, or its designated stewardship organization, shall provide to the department a report for the previous calendar year that documents implementation of the plan and assesses achievement of the performance goals established in this section.

(b) The report may include any recommendations to the department or the legislature on modifications to the program that would enhance the effectiveness of the program, including management of program costs and mitigation of environmental impacts of photovoltaic modules.

(c) The installer or stewardship organization shall post this report on a publicly accessible website.

VI. Beginning July 1, 2028, no distributor, installer, or installer may sell or offer for sale a photovoltaic module in or into the state unless the installer of the photovoltaic module has submitted to the department a stewardship plan and received plan approval.

(a) The department shall send a written warning to a installer that is not participating in a plan. The written warning shall inform the installer that it shall submit a plan or participate in a plan within 30 days of the notice. The department may assess a penalty of up to \$10,000 upon a installer for each sale that occurs in or into the state of a photovoltaic module for which a stewardship plan has not been submitted by the installer and approved by the department after the initial written warning. A installer may appeal a penalty issued under this section to the superior court within 180 of receipt of the notice.

(b) The department shall send a written warning to a distributor, installer, or installer that sells or installs a photovoltaic module made by a installer that is not participating in a plan. The written warning shall inform the distributor, installer, or installer that they may no longer sell or install a photovoltaic module if a stewardship plan for that brand has not been submitted by the installer and approved by the department within 30 days of the notice.

VII. The department may collect a flat fee from participating installers to recover costs associated with the plan guidance, review, and approval process described in paragraph I. Other administrative costs incurred by the department for program implementation activities, including stewardship plan review and approval, enforcement, and any rule making, may be recovered by charging every installer an annual fee calculated by dividing department administrative costs by the installer's pro rata share of the New Hampshire state photovoltaic module sales in the most recent preceding calendar year, based on best available information. The sole purpose of assessing the fees authorized in this subsection is to predictably and adequately fund the department's costs of administering the photovoltaic module recycling program.

VIII. In lieu of preparing a stewardship plan and as provided by paragraph III, a installer may participate in a national program for the convenient, safe, and environmentally sound takeback and recycling of photovoltaic modules and their components and materials, if substantially equivalent to the intent of the state program. The department may determine substantial equivalence if it determines that the national program adequately addresses and fulfills each of the elements of a stewardship plan outlined in subparagraph III(a) and includes an enforcement mechanism reasonably calculated to ensure a installer's compliance with the national program. Upon issuing a determination of substantial equivalence, the department shall notify affected stakeholders including the installer. If the national program is discontinued or the department determines the national program is no longer substantially equivalent to the state program in New Hampshire, the department shall notify the installer and the installer shall provide a stewardship plan as described in paragraph III to the department for approval within 30 days of notification.

149-M:64 Rulemaking; Photovoltaic Recycling Fund.

I. The department shall adopt rules under RSA 541-A for the administration of this subdivision.

II. There is hereby established the photovoltaic recycling fund. The fund shall be administered by the department. The fund shall be kept distinct and separate from all other funds and used for the administration of this subdivision. All fees collected from photovoltaic installers under this subdivision shall be deposited in this account. All moneys in the fund shall be nonlapsing and continually appropriated to the department for the purposes of this subdivision.

2 New Subparagraph; Photovoltaic Recycling Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (382) the following new subparagraph:

(383) Moneys deposited in the photovoltaic recycling fund established in RSA 149-M:64, II.

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

Amendment to HB 1467-FN

(2022-1045h)

Proposed by the Committee on Election Law - c

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

AN ACT requiring partial recounts of additional offices on ballots involved in recounts.

Amend the bill by replacing section 1 with the following:

1 New Section; General Provisions for Recounts; Recount of Additional Offices. Amend RSA 660 by inserting after section 17 the following new section:

660:17-a Recount of Additional Offices on Ballots Involved in Recounts.

I. For each official recount, the secretary of state shall conduct a partial recount of either one or 2 additional offices on those ballots involved in the recount.

II. The secretary of state or designee shall select one of the top-of-ballot offices to be recounted on all ballots of every recount to be held, either President, United States Senate, United States House of Representatives, governor or executive council. The selection shall be different for each subsequent recount requested during the same election cycle.

III. A discrepancy of greater than one percent shall be justification for affected candidates to request a full recount of that race.

2022-1045h

AMENDED ANALYSIS

This bill requires a partial recount of additional offices on ballots involved in recounts.

**Amendment to HB 1476-FN
(2022-0895h)**

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

Amend the bill by replacing section 1 with the following:

1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, VIII to read as follows:

VIII.(a) A person charged with an offense who is, or was at the time the offense was committed, on release pending trial for a felony or misdemeanor under federal or state law, release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal or state law; or probation or parole for any offense under federal or state law, except as provided in RSA 597:1-d, III[; may]; **or a person charged with a class B misdemeanor, third or subsequent offense, shall** be detained for a period of not more than [72] **36** hours from the time of his or her arrest, excluding Saturdays, Sundays and holidays[. The law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state, or local law enforcement official. Upon such notice, the court shall direct the clerk to notify by telephone the department of corrections, division of field services, of the pending bail hearing. If the department fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial. Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probations and parole may be subject to arrest and detention as probation and parole violators.] **and, notwithstanding paragraph III, shall be held in preventive detention without bail pending a hearing before a judge. The court shall not order personal recognizance bail in such cases.**

**Amendment to HB 1487
(2022-0983h)**

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

Amend section 1 of the bill by replacing paragraph IV with the following:

IV. To ensure that an individual's right to withdraw from participation in the immunization/vaccination registry is effectively available to all residents of New Hampshire, if they so choose, the general court finds that limiting the requirement to a current or former health care provider to sign the form is an undue burden that does not further a legitimate state interest.

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Communicable Disease; Immunization Registry. Amend RSA 141-C:20-f by inserting after paragraph III the following new paragraph:

III-a. A patient, or the patient's parent or guardian if the patient is a minor, may withdraw from participation in, and request the removal of information from, the registry at any time by submitting a request for withdrawal directly to the department of health and human services. The form shall be signed by a current or former health care provider, or the form shall be notarized by an official authorized by a governmental authority to notarize the signature.

2022-0983h

AMENDED ANALYSIS

This bill provides that an individual's request to withdraw from the state immunization registry shall be signed by a current or former health care provider or notarized by an authorized government official.

**Amendment to HB 1491
(2022-0547h)**

Proposed by the Committee on Science, Technology and Energy- c

Amend RSA 674:75, II as inserted by section 2 of the bill by replacing it with the following:

II. For a new residential or nonresidential development that is located in whole or in part within 1,000 feet of the center point of a natural gas transmission pipeline that was constructed or operated prior to the development, the applicant shall notify the operator of the natural gas transmission pipeline of the planned development no later than the time of application for approval of the development, or 180 days prior to commencement of construction, whichever is earlier.

Amend RSA 674:75, IV as inserted by section 2 of the bill by replacing it with the following:

IV. Within 60 days of the effective date of this section, a local land use board in a municipality that is within 1,000 feet of the center point of a natural gas transmission pipeline shall make National Pipeline Mapping System geospatial data available to developers from the Pipeline and Hazardous Materials Safety Administration within the United States Department of Transportation relative to the locations of pipelines.

2022-0547h

AMENDED ANALYSIS

This bill requires developers to notify the operator of a natural gas transmission pipeline prior to approval of an application for a development project that is within 1,000 feet of the pipeline.

**Amendment to HB 1495-FN
(2022-1013h)**

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - r
Amend the title of the bill by replacing it with the following:

AN ACT prohibiting the state from requiring businesses to require vaccine or documentation related to vaccination or immunity status.

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

1 New Chapter; Prohibition on Certain Vaccine Requirements. Amend RSA by inserting after chapter 9-F the following new chapter:

CHAPTER 9-G

PROHIBITION ON CERTAIN VACCINE REQUIREMENTS

9-G:1 Prohibition on Requiring Vaccination or Documentation. The state of New Hampshire and its political subdivisions shall not:

I. Require any business to require the vaccination of any customer or employee except as specified in RSA 141-C:20-a, I; or

II. Require any business to require or check for the possession of any documentation for certifying vaccination or immunity status.

III. This section shall not apply to state agencies certifying a medical facility or provider which is subject to a valid and enforceable Medicare or Medicaid condition of participation that imposes a vaccination requirement.

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

2022-1013h

AMENDED ANALYSIS

This bill prohibits the state of New Hampshire and its political subdivisions from requiring any business to require vaccination or documentation of vaccination or immunity, except for state agencies certifying a medical facility or provider which is subject to a Medicare or Medicaid vaccination requirement or under RSA 141-C:20-a, I.

**Amendment to HB 1503-FN
(2022-0828h)**

Proposed by the Majority of the Committee on Commerce and Consumer Affairs - r

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

AN ACT exempting the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws and adopting the Uniform Commercial Code relative to controllable electronic records.

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

1 New Paragraph; Uniform Securities Act; Definitions; Open Blockchain Token. Amend RSA 421-B:1-102 by inserting after paragraph (35) the following new paragraph:

(35-a) "Open blockchain token" means a digital unit which is:

(A) Created:

(i) In response to the verification or collection of a specified number of transactions relating to a digital ledger or database;

(ii) By deploying computer code to a blockchain network that allows for the creation of digital tokens or other units; or

(iii) Using any combination of the methods specified in subparagraphs (i) and (ii) of this paragraph;

(B) Recorded in a digital ledger or database which is chronological, consensus-based, decentralized and mathematically verified in nature, especially relating to the supply of units and their distribution; and

(C) Capable of being traded or transferred between persons without an intermediary or custodian of value.

2 New Paragraph; Uniform Securities Act; Exempt Transaction; Open Blockchain Token. Amend RSA 421-B:2-202 by inserting after paragraph (24) the following new paragraph:

(25) A purchase or sale of an open blockchain token if all of the following are met:

(A) The issuer or seller of the token, or the registered agent of the developer or seller, files a notice of intent with the secretary of state, as specified in subsection (D) of this section;

(B) The purpose of the token is for a consumptive purpose, which shall only be exchangeable for, or provided for the receipt of, goods, services or content, including rights of access to goods, services or content; and

(C) The issuer or seller of the token did not sell the token to the initial buyer as a financial investment. For purposes of this subsection, a developer seller of the token will be deemed not to have sold the token to the initial buyer as a financial investment if:

(i) The issuer or seller did not market the token as a financial investment; and

(ii) At least one of the following is true:

(a) The issuer or seller of the token reasonably believed that it sold the token to the initial buyer for a consumptive purpose;

(b) The token has a consumptive purpose that is available at the time of sale and can be used at or near the time of sale for use for a consumptive purpose;

(c) If the token does not have a consumptive purpose available at the time of sale, the initial buyer of the token is prevented from reselling the token until the token is available for use for a consumptive purpose; or

(d) The issuer or seller takes other reasonable precautions to prevent buyers from purchasing the token as a financial investment.

(D) The issuer, seller or person who facilitates the exchange of an open blockchain token, or the registered agent of the applicable person, files a notice of intent with the secretary of state prior to offering or selling the tokens in this state. The notice of intent shall contain the name of the person acting as an issuer, seller or facilitator, the contact information of the person or the registered agent of the person, and a statement that any marketing or advertising materials, including web sites offering or selling open blockchain tokens, will contain a disclosure that the tokens are not registered as securities pursuant to a transaction exemption under RSA 421-B, the New Hampshire Uniform Securities Act. The notice shall also specify whether the person will be acting as an issuer, seller or facilitator. A form shall be made available by the office of the secretary of state on its Internet website for this purpose. The secretary of state shall charge a fee of \$100 per filing.

3 New Subparagraph; Uniform Securities Act; Broker-Dealer Registration Requirements and Exemption. Amend RSA 421-B:4-401(b) by inserting after subparagraph (2) the following new subparagraph:

(3)(A) Except as otherwise provided by RSA 421-B:5-511, a person who exclusively facilitates the exchange of an open blockchain token if all of the following are met:

(i) The person, or the registered agent of the person, files a notice of intent with the secretary of state, as specified in RSA 421-B:2-202(26)(d);

(ii) The person has a reasonable and good faith belief that a token subject to exchange conforms to the requirements of paragraphs RSA 421-B:2-202(25)(a)-(c); and

(iii) The person takes reasonably prompt action to terminate the exchange of a token that does not conform to the requirements of this subsection.

4 New Section; Uniform Securities Act; Liability of Issuers, Seller, and Others Who Facilitate Exchange of Open Blockchain Tokens. Amend RSA 421-B by inserting after section 5-510 the following new section:

421-B:5-511 Liability of Issuers, Sellers, and Others Who Facilitate Exchange of Open Blockchain Tokens. Notwithstanding any other provision of law, an issuer, seller, or a person who facilitates the exchange of an open blockchain token is subject to the provisions of RSA 421-B:5-501 through RSA 421-B:5-503 and RSA 421-B:5-505 through RSA 421-B:5-510 only to the extent necessary to carry out those sections. The secretary of state shall have the authority provided under RSA 421-B:6-601 through RSA 421-B:6-613 to determine compliance with the provisions of this section, including whether a person qualifies for the exemptions set forth in this section. The evidentiary burdens specified in RSA 421-B:5-503 shall apply in any proceeding initiated by the secretary of state pursuant to this subsection.

5 Statement of Intent.

I. The Joint Committee on the Uniform Commercial Code and Emerging Technologies of the Uniform Law Commission has developed draft Uniform Commercial Code provisions governing certain digital assets, specifically those that fall within the definition of “controllable electronic records.” The current draft has been extensively vetted by those who understand and participate in digital transactions.

II. Adoption of the Uniform Law Commission’s draft by the New Hampshire general court will create a considerable advantage for New Hampshire to lead in emerging industries utilizing blockchain, digital ledger technology, virtual currencies, and other digital assets and would provide a sensible framework and legal certainty for transactions of controllable electronic records. In subsequent sessions, if necessary, the New Hampshire general court will review and adopt conforming amendments to the provisions of the Uniform Commercial Code on controllable electronic records to remain consistent with the language and intent of the final proposal of the Joint Committee on the Uniform Commercial Code and Emerging Technologies of the Uniform Law Commission.

6 New Subdivision; Uniform Commercial Code; Article 12; Controllable Electronic Records. Amend RSA 382-A by inserting after section 9-809 the following new subdivision:

ARTICLE 12

CONTROLLABLE ELECTRONIC RECORDS

382-A:12-101 Short Title. This article may be cited as Uniform Commercial Code-Controllable Electronic Records.

382-A:12-102 Definitions.

(a) In this article:

(1) “Controllable electronic record” means an electronic record that can be subjected to control under RSA 382-A:12-105. Except as otherwise provided or the context otherwise requires, the term includes a controllable account or a controllable payment intangible evidenced by a controllable electronic record. The term does not include deposit accounts, electronic chattel paper, electronic documents of title, intangible money, investment property, or “transferable records”, as defined in the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7021(a)(1) or as defined in RSA 294-E:16, I.

(2) “Electronic record” means a record stored in an electronic medium.

(b) The definitions of “account debtor,” “authenticate,” “controllable account,” “controllable payment intangible,” “deposit account,” “electronic chattel paper,” “intangible money,” “investment property,” and “proceeds” in Article 9 apply to this article.

(c) “Value” has the meaning provided in RSA 382-A:3-303(a).

382-A:12-103 Scope.

(a) This article applies to controllable electronic records, controllable accounts, and controllable payment intangibles.

(b) If there is conflict between this article and Article 9, Article 9 governs.

(c) A transaction subject to this article is subject to any applicable rule of law that establishes a different rule for consumers and: (i) any other statute or regulation that regulates the rates, charges, agreements, and practices for loans, credit sales, or other extensions of credit and (ii) any consumer-protection statute or regulation.

382-A:12-104 Rights in Controllable Electronic Records.

(a) In this section, “qualifying purchaser” means a purchaser of a controllable electronic record or an interest in the controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(b) Except as provided in this section, law other than this article determines whether a person acquires a right in a controllable electronic record and the right, if any, the person acquires.

(c) A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer.

(d) A purchaser of a limited interest in a controllable electronic record acquires rights only to the extent of the interest purchased.

(e) A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

(f) Except as provided in subsection (e) or law other than this article, a qualifying purchaser takes a right to payment, right to performance, or interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

(g) An action based on a claim of a property right in a controllable electronic record, whether framed in conversion, replevin, constructive trust, equitable lien, or other theory, may not be asserted against a qualifying purchaser of any controllable electronic record.

(h) Filing of a financing statement under Article 9 is not notice of a claim of a property right in a controllable electronic record.

382-A:12-105 Control of Controllable Electronic Record.

(a) A person has control of a controllable electronic record if:

(1) the controllable electronic record, a record attached to or logically associated with the controllable electronic record, or the system in which the controllable electronic record is recorded, if any, gives the person:

(A) the power to avail itself of substantially all the benefit from the controllable electronic record; and

(B) subject to subsection (b), the exclusive power to:

(i) prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

(ii) transfer control of the controllable electronic record to another person or cause another person to obtain control of a controllable electronic record that is derived from the controllable electronic record; and

(2) the controllable electronic record, a record attached to or logically associated with the controllable electronic record, or the system in which the controllable electronic record is recorded, if any, enables the person to readily identify itself in any way as having the powers specified in paragraph (1), including by name, identifying number, cryptographic key, office, or account number.

(b) A power specified in subsection (a)(1) is exclusive, even if:

(1) the controllable electronic record or the system in which the controllable electronic record is recorded, if any, limits the use to which the controllable electronic record may be put or has a protocol that is programmed to result in a transfer of control; or

(2) the person has agreed to share the power with another person.

382-A:12-106 Discharge of Account Debtor on Controllable Account or Controllable Payment Intangible.

(a) Except as provided in this section, an account debtor on a controllable account or controllable payment intangible may discharge its obligation:

(1) by paying the person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or

(2) by paying a person that formerly had control of the controllable electronic record.

(b) Subject to subsections (d) and (h), an account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

(1) is authenticated by a person that formerly had control or the person to which control was transferred;

(2) reasonably identifies the controllable account or controllable payment intangible;

(3) notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;

(4) identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and

(5) provides a commercially reasonable method by which the account debtor is to pay the transferee.

(c) After receipt of a notification that complies with subsection (b), the account debtor may discharge its obligation only by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.

(d) Subject to subsection (h), notification is ineffective under subsection (b):

(1) unless, before the notification is sent, the account debtor and the person that at that time had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in an authenticated record to a commercially reasonable method by which a person can furnish reasonable proof that control has been transferred;

(2) to the extent that an agreement between the account debtor and the seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(3) at the option of the account debtor, if the notification notifies the account debtor to divide a payment, make less than the full amount of any required payment, or pay any portions of a payment by more than one method or to more than one person.

(e) Subject to subsection (h), if requested by the account debtor, the person giving the notification shall seasonably furnish reasonable proof, using the agreed method, that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (b).

(f) A person furnishes reasonable proof that control has been transferred if the person demonstrates, using the agreed method, that the transferee has the power to avail itself of substantially all the benefit from the controllable electronic record, prevent others from availing themselves of substantially all the benefit from the controllable electronic record, and transfer these powers to another person.

(g) Subject to subsection (h), an account debtor may not waive or vary its option under subsection (d)(3).

(h) This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

382-A:12-107 Governing Law.

(a) Except as provided in subsection (b) and (d), the local law of a controllable electronic record's jurisdiction governs the matters covered by this article.

(b) The local law of a controllable electronic record's jurisdiction governs the matters covered by RSA 382-A:12-106 unless an agreement effective under RSA 382-A:1-301(a) determines that the local law of another jurisdiction governs such matters.

(c) The following rules determine a controllable electronic record's jurisdiction for purposes of this section:

(1) If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record which is readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this article or the UCC, that jurisdiction is the controllable electronic record's jurisdiction.

(2) If paragraph (1) does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this article or the UCC, that jurisdiction is the controllable electronic record's jurisdiction.

(3) If none of the preceding paragraphs applies and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record which is readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(4) If none of the preceding paragraphs applies and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(5) If none of the preceding paragraphs applies, the controllable electronic record's jurisdiction is the jurisdiction in which the transferor is located.

(d) If paragraph (5) of subsection (c) applies and the location of the transferor cannot be readily determined, the transferor is deemed to be located in New Hampshire.

(e) Subsection (c) applies even if a transaction does not bear any relation to the controllable electronic record's jurisdiction determined under paragraphs (c)(1)-(4).

(f) Except as provided in subsection (d), the location of the transferor for purposes of paragraph (c)(5) is determined under RSA 382-A:9-307.

(g) The rights acquired by a purchaser or a qualifying purchaser under RSA 382-A:12-104 are governed by the law applicable under this section as determined at the time of that person's purchase.

7 Secured Transactions; Definitions; Account. Amend RSA 382-A:9-102(a)(2) to read as follows:

(2) "Account", except as used in "account for", means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a State, governmental unit of a State, or person licensed or authorized to operate the game by a State or governmental unit of a State. The term includes **controllable accounts and health-care-insurance receivables**. The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

8 New Subparagraph; Secured Transactions; Definitions; Controllable Account; Controllable Payment Intangible. Amend RSA 382-A:9-102(a) by inserting after subparagraph (27) the following new subparagraphs:

(27A) "Controllable account" means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under RSA 382-A:12-105 of the controllable electronic record.

(27B) "Controllable payment intangible" means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under RSA 382-A:12-105 of the controllable electronic record.

9 Secured Transactions; Definitions; Payment Intangible. Amend RSA 382-A:9-102(a)(61) to read as follows:

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation. ***This term includes controllable payment intangibles.***

10 Secured Transactions; Control; Other Articles. Amend RSA 382-A:9-102(b) to read as follows:

(b) "Control" as provided in Section 7-106 and the following definitions in other articles apply to this article:

"Applicant" Section 5-102.

"Beneficiary" Section 5-102.

"Broker" Section 8-102.

"Certificated security" Section 8-102.

"Check" Section 3-104.

"Clearing corporation" Section 8-102.

"Contract for sale" Section 2-106.

"Controllable electronic record" Section 12-102.

"Customer" Section 4-104.

"Entitlement holder" Section 8-102.

"Financial asset" Section 8-102.

"Holder in due course" Section 3-302.

"Issuer" (with respect to a letter of credit or letter-of-credit right) Section 5-102.

"Issuer" (with respect to a security) Section 8-201.

"Issuer" (with respect to documents of title) Section 7-102.

"Lease" Section 2A-103.

"Lease agreement" Section 2A-103.

"Lease contract" Section 2A-103.

"Leasehold interest" Section 2A-103.

"Lessee" Section 2A-103.

“Lessee in ordinary course of business” Section 2A-103.

“Lessor” Section 2A-103.

“Lessor’s residual interest” Section 2A-103.

“Letter of credit” Section 5-102.

“Merchant” Section 2-104.

“Negotiable instrument” Section 3-104.

“Nominated person” Section 5-102.

“Note” Section 3-104.

“Proceeds of a letter of credit” Section 5-114.

“Prove” Section 3-103.

“Qualifying purchaser” Section 12-104.

“Sale” Section 2-106.

“Securities account” Section 8-501.

“Securities intermediary” Section 8-102.

“Security” Section 8-102.

“Security certificate” Section 8-102.

“Security entitlement” Section 8-102.

“Uncertificated security” Section 8-102.

11 New Section; Secured Transactions; Control of Controllable Electronic Record. Amend RSA 382-A by inserting after section 9-107 the following new section:

382-A:9-107A Control of Controllable Electronic Record, Controllable Account, or Controllable Payment Intangible.

(a) A secured party has control of a controllable electronic record as provided in RSA 382-A:12-105.

(b) A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

12 Secured Transactions; Attachment and Enforceability of Security Interest. Amend the introductory paragraph of RSA 382-A:9-203(b) to read as follows:

(b) Enforceability. Except as otherwise provided in subsections (c) through [(i)] **(j)**, a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

13 Secured Transactions; Attachment and Enforceability. Amend RSA 382-A:9-203(b)(3)(D) to read as follows:

(D) the collateral is deposit accounts, electronic chattel paper, **electronic documents**, investment property, **or** letter-of-credit rights, [~~or electronic documents;~~] and the secured party has control under Section 7-106, 9-104, 9-105, 9-106, [~~or~~] 9-107, **or 9-107A** pursuant to the debtor’s security agreement.

14 New Subparagraph; Secured Transactions; Controllable Accounts. Amend RSA 382-A:9-203 by inserting after subparagraph (i) the following new subparagraph:

(j) Controllable account or controllable payment intangible. The attachment of a security interest in a controllable electronic record that evidences a controllable account or controllable payment intangible is also attachment of a security interest in the controllable account or controllable payment intangible.

15 Secured Transactions; Rights and Duties of Secured Party Having Possession or Control of Collateral. Amend the introductory paragraph of RSA 382-A:9-207(c) to read as follows:

(c) Duties and rights when secured party in possession or control. Except as otherwise provided in subsection (d), a secured party having possession of collateral or control of collateral under Section 7-106, 9-104, 9-105, 9-106, [~~or~~] 9-107, **or 9-107A**:

16 Secured Transactions; Additional Duties of Secured Part Having Control of Collateral. Amend RSA 382-A:9-208(b)(5)-(6) to read as follows:

(5) a secured party having control of a letter-of-credit right under Section 9-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party an authenticated release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; [~~and~~]

(6) a secured party having control of an electronic document shall:

(A) give control of the electronic document to the debtor or its designated custodian;

(B) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(C) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party[~~;~~]; **and**

(7) a secured party having control of a controllable electronic record shall transfer control of the controllable electronic record to the debtor or to a person designated by the debtor.

17 Secured Transactions; Law Governing Perfection and Priority of Security Interests. Amend the introductory paragraph of RSA 382-A:9-301 to read as follows:

Except as otherwise provided in Sections 9-303 through ~~9-306~~ **9-306A**, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

18 New Section; Law Governing Perfection and Priority of Security Interests in Controllable Electronic Records. Amend RSA 382-A by inserting after section 9-306 the following new section:

382-A:9-306A Law Governing Perfection and Priority of Security Interests in Controllable Electronic Records.

(a) Governing law; general rules. Except as provided in subsection (b), perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record is governed by:

(1) the local law of the controllable electronic record's jurisdiction as specified in RSA 382-A:12-107(c)(1) through (4); or

(2) if non of those paragraphs applies, the local law of the jurisdiction in which the debtor is located.

(b) Governing law; perfection by filing. The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in a controllable electronic record intangibles by filing.

(c) Location of the debtor. If the location of the debtor cannot readily be determined, the debtor is deemed to be in this state.

19 New Paragraph; Secured Transactions; When Security Interest or Agricultural Lien is Perfected. Amend RSA 382-A:9-308 by inserting after paragraph (g) the following new paragraph:

(h) Controllable account or controllable payment intangible. Perfection of a security interest in a controllable electronic record that evidences a controllable account or controllable payment intangible also perfects a security interest in the controllable account or controllable payment intangible.

20 Filing to Perfect Security Interest or Agricultural Lien. Amend RSA 382-A:9-310(b)(8) to read as follows:

(8) in **controllable electronic records**, deposit accounts, electronic chattel paper, electronic documents, investment property, or letter-of-credit rights which is perfected by control under Section 9-314;

21 Perfection of Security Interests in Chattel Paper. Amend the section heading of RSA 382-A:312 through 9-312(a) to read as follows:

382-A:9-312 Perfection of Security Interests in **Controllable Electronic Records**, Chattel Paper, Deposit Accounts, Documents, Goods Covered by Documents, Instruments, Investment Property, Letter-of-Credit Rights, and Money; Perfection by Permissive Filing; Temporary Perfection Without Filing or Transfer of Possession.

(a) Perfection by filing permitted. A security interest in chattel paper, **controllable electronic records**, negotiable documents, instruments, or investment property may be perfected by filing.

22 Secured Transactions; Perfection by Control. Amend RSA 382-A:9-314(a)-(b) to read as follows:

(a) Perfection by control. A security interest in investment property, deposit accounts, letter-of-credit rights, **controllable electronic records**, electronic chattel paper, or electronic documents may be perfected by control of the collateral under Section 7-106, 9-104, 9-105, 9-106, ~~or~~ 9-107, **or 9-107A**.

(b) Specified collateral: time of perfection by control; continuation of perfection. A security interest in **controllable electronic records**, deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents is perfected by control under Section 7-106, 9-104, 9-105, ~~or~~ 9-107, **or 9-107A** when the secured party obtains control and remains perfected by control only while the secured party retains control.

23 Secured Transactions; Effect of Change in Governing Law. Amend the introductory paragraph of RSA 382-A:9-316(a) to read as follows:

(a) General rule: effect on perfection of change in governing law. A security interest perfected pursuant to the law of the jurisdiction designated in Section 9-301(1), ~~or~~ 9-305(c), **or 9-306A(a)(2) or (b)** remains perfected until the earliest of:

24 New paragraphs; Secured Transactions; Change in Jurisdiction. Amend RSA 382-A:9-316 by inserting after paragraph (f) the following new paragraphs:

(fA) Change in jurisdiction of controllable accounts, controllable electronic records, or controllable payment intangibles. A security interest that is perfected pursuant to the law designated in Section 9-306A(a)(1) remains perfected until the expiration of four months after a change of the applicable law to another jurisdiction.

(fB) Subsection (fA) security interest perfected or unperfected under law of new jurisdiction. If a security interest described in subsection (fA) becomes perfected under the law of the other jurisdiction before the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

25 New Section; Priority of Security Interests in Controllable Electronic Record. Amend RSA 382-A by inserting after section 9-326 the following new section:

382-A:9-326A Priority of Security Interests in Controllable Electronic Record. A security interest in a controllable electronic record held by a secured party having control of the controllable electronic record has priority over a conflicting security interest held by a secured party that does not have control.

26 Secured Transactions; Priority of Rights of Purchasers. Amend RSA 382-A:9-331 to read as follows:

382-A:9-331 Priority of Rights of Purchasers of Instruments, Documents, and Securities Under Other Articles; Priority of Interests in Financial Assets and Security Entitlements Under Article 8 **and Controllable Electronic Records Under Article 12**.

(a) Rights under Articles 3, 7, [and] 8, **and 12** not limited. This article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, [or] a protected purchaser of a security **or a qualifying purchaser as defined in section 12-104 of a controllable electronic record**. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Articles 3, 7, [and] 8, **and 12**.

(b) Protection under Article 8 **and 12**. This article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under Article 8 **or 12**.

(c) Filing not notice. Filing under this article does not constitute notice of a claim or defense to the holders, or purchasers, or persons described in subsections (a) and (b).

27 Secured Transactions; Discharge of Account Debtor. Amend RSA 382-A:9-406 to read as follows:

382-A:9-406 Discharge of Account Debtor; Notification of Assignment; Identification and Proof of Assignment; Restrictions on Assignment of Accounts, Chattel Paper, Payment Intangibles, and Promissory Notes Ineffective.

(a) Discharge of account debtor; effect of notification. Subject to subsections (b) through [(i)] **(k)**, an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) When notification ineffective. Subject to subsection (h) **and (k)**, notification is ineffective under subsection (a):

(1) if it does not reasonably identify the rights assigned;

(2) to the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(3) at the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(B) a portion has been assigned to another assignee; or

(C) the account debtor knows that the assignment to that assignee is limited.

(c) Proof of assignment. Subject to subsection (h) **and (k)**, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a).

(d) Term restricting assignment generally ineffective. Except as otherwise provided in subsection (e) and Sections 2A-303 and 9-407, and subject to subsection (h), a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) Inapplicability of subsection (d) to certain sales. Subsection (d) does not apply to the sale of a payment intangible or promissory note, other than a sale **of a controllable payment intangible and a sale** pursuant to a disposition under Section 9-610 or an acceptance of collateral under Section 9-620.

(f) Legal restrictions on assignment generally ineffective. Except as otherwise provided in Sections 2A-303 and 9-407 and subject to subsections (h) and (i), a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation:

(1) prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(g) Subsection (b)(3) not waivable. Subject to subsection (h), an account debtor may not waive or vary its option under subsection (b)(3).

(h) Rule for individual under other law. This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) Inapplicability. This section does not apply to:

(1) an assignment of a health-care-insurance receivable; or

(2) an assignment or transfer of or creation of a security interest in:

(A) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. Â section 104(a)(1) or (2), as amended from time to time; or

(B) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. Â section 1396p(d)(4), as amended from time to time.

(j) Section prevails over inconsistent law. Except as otherwise provided in subsection (i), this section prevails over any inconsistent provision of an existing or future statute, rule, or regulation of this State unless the provision is contained in a statute of this State, refers expressly to this section, and states that the provision prevails over this section.

(k) Inapplicability of certain subsections. Subsections (a) through (c) and (g) do not apply to a controllable account or controllable payment intangible.

28 Secured Transactions; Restrictions on Assignment of Promissory Notes. Amend RSA 382-A:9-408(b) to read as follows:

(b) Applicability of subsection (a) to sales of certain rights to payment. Subsection (a) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale **of a controllable payment intangible and a sale** pursuant to a disposition under Section 9-610 or an acceptance of collateral under Section 9-620.

29 Secured Transactions; Rights After Default. Amend RSA 382-A:9-601(b) to read as follows:

(b) Rights and duties of secured party in possession or control. A secured party in possession of collateral or control of collateral under Section 7-106, 9-104, 9-105, 9-106, ~~or~~ 9-107, **or 9-107A** has the rights and duties provided in Section 9-207.

30 Secured Transactions; Unknown Debtor or Secondary Obligor. Amend RSA 382-A:9-605 to read as follows:
382-A:9-605 Unknown Debtor or Secondary Obligor.

(a) Subject to subsection (b), A secured party does not owe a duty based on its status as secured party:

(1) to a person that is a debtor or obligor, unless the secured party knows:

(A) that the person is a debtor or obligor;

(B) the identity of the person; and

(C) how to communicate with the person; or

(2) to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(A) that the person is a debtor; and

(B) the identity of the person.

(b) Subsection (a) does not apply to a secured party that, at the time the secured party's security interest attaches to a controllable electronic record has notice that the nature of the collateral or the system in which the collateral is recorded, if any, would prevent the secured party from acquiring the knowledge specified in that subsection.

31 Secured Transactions; Nonliability and Limitation on Liability of a Secured Party. Amend RSA 382-A:9-628 to read as follows:

382-A:9-628 Nonliability and Limitation on Liability of Secured Party; Liability of Secondary Obligor.

(a) Limitation of liability of secured party for noncompliance with article. Unless a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:

(1) the secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this article; and

(2) the secured party's failure to comply with this article does not affect the liability of the person for a deficiency.

(b) Limitation of liability based on status as secured party. **Subject to section (f),** a secured party is not liable because of its status as secured party:

(1) to a person that is a debtor or obligor, unless the secured party knows:

(A) that the person is a debtor or obligor;

(B) the identity of the person; and

(C) how to communicate with the person; or
 (2) to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

- (A) that the person is a debtor; and
- (B) the identity of the person.

(c) Limitation of liability if reasonable belief that transaction not a consumer-goods transaction or consumer transaction. A secured party is not liable to any person, and a person's liability for a deficiency is not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on:

(1) a debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or

(2) an obligor's representation concerning the purpose for which a secured obligation was incurred.

(d) Limitation of liability for statutory damages. A secured party is not liable to any person under Section 9-625(c)(2) for its failure to comply with Section 9-616.

(e) Limitation of multiple liability for statutory damages. A secured party is not liable under Section 9-625(c)(2) more than once with respect to any one secured obligation.

(f) Section (b) does not apply to a secured party that, at the time the secured party's security interest attaches to a controllable electronic record has notice that the nature of the collateral or the system in which the collateral is recorded, if any, would prevent the secured party from acquiring the knowledge specified in that subsection.

32 General Provisions; Value. Amend the introductory paragraph of RSA 382-A:1-204 to read as follows: Except as otherwise provided in Articles 3, 4, ~~and~~ 5, **and 12** a person gives value for rights if the person acquires them:

33 Uniform Commercial Code; Article 12-Controllable Electronic Records; Department of State and Banking Department; Reporting Requirement. On or before November 1, 2022, the secretary of state, in consultation with the bank commissioner, shall submit a report to the general court regarding implementation of section 1 of this act and the status of Article 12 as finalized and adopted by the Uniform Law Commission. The report shall include any proposed legislation required to implement UCC article 12 in New Hampshire, including but not limited to changes to other UCC articles required by the addition. The report shall be submitted to the speaker of the house of representatives, the senate president, the chairperson of the house commerce and consumer affairs committee, the chairperson of the senate commerce committee, and the governor.

34 Effective Date.

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

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

2022-0828h

AMENDED ANALYSIS

This bill exempts the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws.

This bill also adopts the Uniform Commercial Code on controllable electronic records.

Amendment to HB 1513-FN

(2022-1020h)

Proposed by the Committee on Education - c

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

1 Special Education; Definition; Child with a Disability. Amend RSA 186-C:2, I to read as follows:

I. "Child with a disability" means any person ~~[3 years of age or older but less than 21 years of age]~~ **from the age of 3 to the age attained at the end of the school calendar year during which the student turns age 21** who has been identified and evaluated by a school district according to rules adopted by the state board of education and determined to have an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, acquired brain injury, another health impairment, a specific learning disability, deaf-blindness, multiple disabilities, or a child at least 3 years of age but less than 10 years of age, experiencing developmental delays, who because of such impairment, needs special education or special education and related services. "Child with a disability" shall include a ~~[child ages]~~ **person from the age of 18 [to 21] to the age attained at the end of the school calendar year during which the student turns age 21**, who was identified as a child with a disability and received services in accordance with an individualized education program but who left school prior to his or her incarceration, or was identified as a child with a disability but did not have an individualized education program in his or her last educational institution.

2 Effective Date. This act shall take effect July 1, 2023.

2022-1020h

AMENDED ANALYSIS

This bill modifies the definition of “child with a disability” to include persons from the age of 3 to the age attained at the end of the school calendar year during which the student turns age 21.

Amendment to HB 1514-FN**(2022-0787h)****Proposed by the Minority of the Committee on Labor, Industrail and Rehabilitative Services- r**

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

1 New Section; Day's Work; Days of Rest; Unused Earned Time. Amend RSA 275 by inserting after section 35 the following new section:

I. An employer that employs 15 or more employees and offers paid earned time to such employees shall comply with the following:

(a) Inform employees in writing of any policy regarding accrual or use of unused earned time and any limits on accrual or use.

(b) Provide a means through which earned time requests and approvals are processed.

(c) Provide employees with an accounting of earned time used and unused earned time remaining.

II. For the purpose of this section, the terms “earned time,” “vacation” or “vacation time,” and “paid time off” shall be considered compensation and therefore constitute wages due. For the purposes of this section, “sick time” or “sick days” shall not be considered as wages due.

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

V-a. An employee whose termination is the result of a permanent layoff, shall be paid for unused earned time no later than the next regular pay period. If the termination is the result of a change of business ownership, the prior employer shall, upon completion of the transfer of ownership, pay the employee's unused earned time wages or transfer the employee's unused earned time to the new employer. For the purpose of this paragraph, the terms “earned time,” “vacation” or “vacation time,” and “paid time off” shall be considered compensation and therefore constitute wages due. For the purposes of this paragraph, “sick time” or “sick days” shall not be considered as wages due. In the absence of an accrual system, unused earned time shall be paid on a prorated basis.

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

Amendment to HB 1518-FN-L**(2022-0892h)****Proposed by the Committee on Children and Family Law - r**

Amend the bill by replacing section 1 with the following:

1 Guardianship of Minors and Estates of Minors; Periodic Court Review; Home Visit Required. Amend RSA 463:17 to read as follows:

463:17 Periodic Court Review.

I. The status of all minors for whom guardianship or co-guardianship has been granted shall be reviewed by the court at 6, 12, and 24 months and annually thereafter, except that the court may waive (1) any or all reviews in cases in which a parent or the parents are co-guardians and (2) any or all reviews in all other cases after the 24-month review upon good cause shown. The guardian shall file a report with the court on or before each review date. The parent may file a statement or report with the court on or before each review date. The court may also, as part of the review, conduct a hearing on its own motion, or upon the request of a parent or guardian who seeks to substantially change the existing orders upon a showing by the parent that he or she has a reasonable likelihood of prevailing, if allowed a hearing. If termination of the guardianship is sought as part of the review proceeding, the burdens and standards of proof set forth in RSA 463:15 shall apply. Failure of any party to appear at any hearing held under this section without good cause, shall not cause the hearing to be continued.

II.(a) Every guardian appointed by the court under RSA 169-C or RSA 463 shall, within 60 days of the guardianship appointment, receive a home safety visit by a childcare agency (“agency”) approved and licensed by the department of health and human services. The home safety visit may be waived if the parent or parents give consent of the guardianship.

(b) The cost of the agency visit shall be paid for by the guardian. The agency shall within 30 days, issue a report to the court and guardian, indicating the home is a safe environment for the minor child or if unsafe, list the unsafe issue or issues to be corrected. Proof of the corrected issue or issues shall be submitted by the guardian to the court and agency within 30 days of the date of the agency report.

(c) In the event the guardian fails to remedy safety issues as referenced in subparagraph b), the agency shall promptly notify the court and the guardian for appropriate judicial action. Failure of any party to comply with this section without good cause shall be grounds for judicial review.

2022-0892h

AMENDED ANALYSIS

This bill establishes the requirement for guardians appointed by the court to receive a home visit within 60 days of their appointment to verify the safety and adequacy of the home for the minor and the consequences for failing to do so.

Amendment to HB 1527-FN**(2022-0222h)****Proposed by the Committee on Election Law - c**

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

AN ACT relative to vote returns.

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

1 Forwarding; Retaining Copies of Return. Amend RSA 659:75 to read as follows:

659:75 Forwarding; Retaining Copies of Return.

I. One copy of the election return shall be forwarded by the town or ward clerk to the secretary of state in both paper and electronic form no later than 8:00 a.m. on the day following a state election unless the secretary of state orders them at a different time and date. The other shall be kept by the town or city clerk in accordance with RSA 33-A:3-a and shall be open to public inspection at reasonable times. If an official state election return is sealed along with the ballots, the clerk having custody of the sealed ballots shall, at the request of the secretary of state, and in the presence of a state election official, unseal the ballots and retrieve the election return. The ballots shall be immediately resealed and the election return shall be delivered to the secretary of state by the election official.

II. For a city or town that uses the AccuVote electronic ballot counting device in a state election, the town or ward clerk shall print and forward a paper copy of the long report tape to the secretary of state with the return of votes form and shall keep a paper copy of the long report tape with the paper return of votes form that is retained by the town or city clerk in accordance with paragraph I.

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

2022-0222h

AMENDED ANALYSIS

This bill requires cities and towns that use AccuVote devices to send a paper copy of the long report tape to the secretary of state with the return of votes form.

Amendment to HB 1530**(2022-0947h)****Proposed by the Committee on Education- c**

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

AN ACT establishing curricular transfer pathways between the community college system of New Hampshire and the university system of New Hampshire.

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

1 New Section; University System of New Hampshire; Transfer Pathways. Amend RSA 187-A by inserting after section 16-b the following new section:

187-A:16-c Transfer Pathways.

I. It is the intent of the general court that community college students who wish to earn baccalaureate degrees in the state's public higher education system be provided with clear and effective information and directions that specify curricular paths to a degree.

II.(a) The trustees of the university system of New Hampshire shall work collaboratively with the trustees of the community college system of New Hampshire to create and maintain transfer pathways that optimize the utility and affordability of the community college system for at least the 30 undergraduate majors for which the demand from students in the community college system is the highest, and for which pathways can reasonably be created through partnership between the systems.

(b) The pathways shall consist of general education and lower division major requirements at participating community college system institutions that are fully transferable as a block upon completion of an associate of science or associate of arts degree to any university system institution offering the chosen degree.

(c) An associate of science or associate of arts degree graduate enrolled in a pathway shall be deemed to have met all general education and lower division requirements for transfer to a university system institution as a junior.

III. Notwithstanding paragraph II, admission into a particular program, school, or college within a college or university in the university system of New Hampshire shall remain competitive in accordance with generally applicable policies and nothing in this section shall guarantee a time to degree completion.

2 New Section; Community College System of New Hampshire; Transfer Pathways. Amend RSA 188-F by inserting after section 6 the following new section:

188-F:6-a Transfer Pathways.

I. It is the intent of the general court that community college students who wish to earn baccalaureate degrees in the state's public higher education system be provided with clear and effective information and directions that specify curricular paths to a degree.

II.(a) The trustees of the community college system shall work collaboratively with the trustees of the university system of New Hampshire to create and maintain transfer pathways that optimize the utility and affordability of the community college system for at least the 30 undergraduate majors for which the demand from students in the community college system is the highest, and for which pathways can reasonably be created through partnership between the systems.

(b) The pathways shall consist of general education and lower division major requirements at participating community college system institution that are fully transferable as a block upon completion of an associate of science or associate of arts degree to any university system institution offering the chosen degree.

(c) Each community college system institution shall clearly identify those programs that meet the requirements of this section. Students interested in pursuing a pathway program should notify the appropriate administrators as early as possible. Upon notification, students shall be provided with appropriate resources designed to assist with successful completion of the chosen degree pathway.

3 Effective Date. This act shall take effect July 1, 2024.

2022-0947h

AMENDED ANALYSIS

This bill allows community college students who wish to earn baccalaureate degrees in the state's public higher education system to pursue curricular transfer pathways to a degree.

Amendment to HB 1546 (2022-0899h)

Proposed by the Committee on Science, Technology and Energy- c

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

AN ACT defining PFAS and enabling the commissioner of the department of environmental services to adopt rules relative to airborne PFAS in certain circumstances.

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

1 New Paragraph; Air Toxic Control Act; Definitions; PFAS. Amend RSA 125-I:2 by inserting after paragraph X the following new paragraph:

X-a. "PFAS" means per and polyfluoroalkyl substances.

2 New Paragraph; Regulated Toxic Air Pollutants. Amend RSA 125-I:4 by inserting after paragraph V the following new paragraph:

VI. By January 1, 2023 and annually thereafter, the commissioner shall conduct a review to determine whether there exists at least one study that has been conducted in accordance with generally accepted scientific principles that demonstrates that any individual PFAS is known to cause or may reasonably be anticipated to cause acute, chronic, mutagenic, reproductive, or developmental health effects in humans as a result of inhalation exposure to such PFAS analyte. If a study exists, the commissioner may modify the list of regulated toxic air pollutants by adding such PFAS analyte to the list, or by establishing or modifying any classification or ambient air limit for such PFAS analyte by adopting rules in accordance with the provisions of RSA 541-A.

3 Effective Date. This act shall take effect January 1, 2023.

2022-0899h

AMENDED ANALYSIS

This bill defines PFAS and allows the commissioner of the department of environmental services to adopt rules about airborne PFAS in certain circumstances.

Amendment to HB 1567-FN (2022-1014h)

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

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

AN ACT relative to consequences resulting from election official misconduct.

Amend the bill by replacing section 1 with the following:

1 Provisions for Purity of Elections; Official Misconduct; Consequences. Amend RSA 666:3 to read as follows: 666:3 Official Misconduct.

I. Any public officer upon whom a duty relating to elections is imposed who shall knowingly fail to perform such duty or who shall knowingly perform it in such a way as to hinder the objects thereof shall be guilty of a misdemeanor if no other penalty is provided by law.

II. *Any public officer upon whom a duty relating to elections is imposed who shall negligently fail to perform such duty or who shall negligently perform it in such a way as to hinder the objects thereof, as found pursuant to RSA 666:2, shall cause the county, city, town, school district, village district, or other political subdivision, where such conduct occurred to be subject to a civil penalty of not less than \$250 nor more than \$1000 for each act.*

III. *The attorney general shall notify the county, city, town, school district, village district, or other political subdivision that is subject to this section of the state's intention to seek a civil penalty, and of the ability to negotiate with and to settle with such county, city, town, school district, village district, or other political subdivision without court action, provided that any civil penalty paid as settlement shall be paid to the attorney general for deposit into the general fund.*

IV. *If an entity is subject to a civil penalty under this section, the entity shall also be subject to the payment of restitution damages.*

2022-1014h

AMENDED ANALYSIS

This bill allows the attorney general to seek a civil penalty against the local government entity in which an election official was found to have negligently engaged in misconduct.

Amendment to HB 1579

(2022-0438h)

Proposed by the Committee on Judiciary – c

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

1 Propagation of Fish and Game; Liability of Landowners; Duty of Care. Amend RSA 212:34, I to read as follows:

I. In this section:

(a) “Charge” means a payment or fee paid by a person to the landowner for entry upon, or use of the premises, for outdoor recreational activity. ***A contribution or other voluntary payment not required to be made to use such land shall not be considered a charge or fee within the meaning of this section. In addition, a lease of such land for said purposes to the state or any political subdivision thereof, or to any nonprofit corporation, trust, or association, shall not be considered a charge.***

(b) “Landowner” means an owner, lessee, holder of an easement, occupant of the premises, or person managing, controlling, or overseeing the premises on behalf of such owner, lessee, holder of an easement, or occupant of the premises, ***including the state or any political subdivision.***

(c) “Outdoor recreational activity” means outdoor recreational pursuits including, but not limited to, hunting, fishing, trapping, camping, horseback riding, bicycling, water sports, winter sports, snowmobiling as defined in RSA 215-C:1, XV, operating an OHRV as defined in RSA 215-A:1, V, hiking, ice and rock climbing or bouldering, or sightseeing upon or removing fuel wood from the premises.

(d) “Premises” means the land owned, managed, controlled, or overseen by the landowner upon which the outdoor recreational activity subject to this section occurs. ***For the purpose of this section, “land” shall include railroad property and railroad rights-of-way to which public access is permitted.***

2 New Paragraph; Limitation of Actions; Landowner Liability Limited. Amend RSA 508:14 by inserting after paragraph III the following new paragraph:

IV. In this section, “land” shall include railroad property and railroad rights-of-way. A contribution or other voluntary payment not required to be made to use such land shall not be considered a charge or fee within the meaning of this section. Nor shall a lease of such land for said purposes to the state or any political subdivision thereof or to any nonprofit corporation, trust, or association be considered a charge.

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

Amendment to HB 1583-FN

(2022-0838h)

Proposed by the Majority of the Committee on Commerce and Consumer Affairs - r

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

AN ACT relative to days of operation of state liquor stores.

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

1 Sunday and Holiday Openings. Amend RSA 177:5 to read as follows:

177:5 Sunday and Holiday Openings. Notwithstanding any other provision of law, the commission may, in its discretion, open for business on any Sunday or legal holiday any state liquor store located on a main route

where traffic is heavy[; ~~provided, however, that no state liquor store may be opened for business at any time on Easter or Thanksgiving day, whenever appointed, and Christmas day~~]. Although full-time employees shall be given the option of working, no such employee shall be required to work on such days. The commission may employ part-time employees, subject to the rules of the director of personnel, to staff stores open on Sundays or holidays. Any full-time employee who works on such days shall be paid 1-1/2 times the employee's regular rate of pay for the actual number of hours worked.

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

2022-0838h

AMENDED ANALYSIS

This bill authorizes the liquor commission to open certain state liquor stores on Sundays or legal holidays.

Amendment to HB 1592

(2022-0474h)

Proposed by the Committee on Judiciary - c

Amend the bill by replacing section 1 with the following:

1 New Section; Recordings of Proceedings. Amend RSA 490-D by inserting after section 490-D:15 the following new section:

490-D:16 Recordings of Proceedings. Each party to a proceeding in the family division of the circuit court shall have the right to make an audio recording of the proceeding provided that:

- I. The recording device used by the party does not interfere with the proceeding;
- II. The party notifies the court and the other parties present in advance of the proceeding that a recording will be made; and
- III. The recording is limited to the proceeding in which the party is participating.

2022-0474h

AMENDED ANALYSIS

This bill permits parties in family court to create their own recordings of the proceedings under certain conditions.

Amendment to HB 1594

(2022-0814h)

Proposed by the Committee on Education - c

Amend the bill by replacing section 1 with the following:

1 New Section; Special Education; Voter Registration Planning. Amend RSA 186-C by inserting after section 8 the following new section:

186-C:8-a Voter Registration Planning. When an individualized education program (IEP) team or planning team for accommodations pursuant to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq) meets for the purpose of reviewing or developing an IEP or accommodation plan for a student who is 17 years of age or older, or will be during that academic year, the team shall discuss whether voter registration is an appropriate community living/citizenship training goal to be included in the IEP or Section 504 plan, and, if so, when and how voter registration should be accomplished. Any resulting decisions shall be included in the IEP or Section 504 plan.

Amendment to HB 1606

(2022-0919h)

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

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

1 New Paragraph; Communicable Disease; Immunization Registry; Opportunity to Opt-In to the Registry. Amend RSA 141-C:20-f by inserting after paragraph II the following new paragraph:

II-a.(a) Each patient, or the patient's parent or guardian if the patient is a minor, shall be given the opportunity to opt-out or opt-in to the immunization registry for each administered vaccine. Only actually administered vaccines shall be recorded in the vaccine registry. Refusals or discussions of vaccines shall not be submitted to the registry. A patient, or the patient's parent or guardian if the patient is a minor, may receive a printout of all vaccines in the registry, upon request, from any vaccine provider authorized to use the registry.

(b) No patient's personal data, such as name, address, date of birth, immunization, or vaccination information, shall be entered into the registry without an explicit vaccine consent form, signed by the patient, or the patient's parent or guardian if the patient is a minor, to participate in the vaccine registry.

2 Effective Date. This act shall take effect 120 days after its passage.

**Amendment to HB 1607-FN
(2022-0765h)**

Proposed by the Minority of the Committee on Education - r

Amend the bill by replacing section 2 with the following:

2 Duties of the State Board of Education. Amend RSA 186:11, XXXIII to read as follows:

XXXIII. Discrimination. Ensure that there shall be no unlawful discrimination ~~[in]~~ **by** any ~~[public school]~~ **entity receiving public funding in any public school, private school, approved school for tuition programs, or educational vendor** against any person on the basis of sex, **gender identity, sexual orientation**, race, **religious** creed, color, marital status, **physical or mental disability**, or national origin in educational programs, and that there shall be no denial to any person on the basis of sex, **gender identity, sexual orientation**, race, **religious** creed, color, marital status, **mental or physical disability**, national origin, or economic status of the benefits of educational programs or activities.

**Amendment to HB 1612-FN
(2022-0842h)**

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

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

AN ACT relative to the confidentiality of reports made to the division for children, youth, and families.

Amend the bill by deleting section 1 and renumbering the original sections 2-5 to read as 1-4, respectively.

Amend RSA 169-C:30 as inserted by section 1 of the bill by replacing it with the following:

169-C:30 Nature and Content of Report. An oral report shall be made immediately by telephone or otherwise, and followed within 48 hours by a report in writing, if so requested, to the department. Such report shall, if known, contain the name and address of the child suspected of being neglected or abused and the person responsible for the child's welfare, the specific information indicating neglect or the nature and extent of the child's injuries (including any evidence of previous injuries), the identity of the person or persons suspected of being responsible for such neglect or abuse, and any other information that might be helpful in establishing neglect or abuse or that may be required by the department. **Reports made to the department may include the name, address, or phone number of the person or persons making the report of suspected abuse or neglect of a child under this chapter. The department may inform the complainant that should the complaint be made maliciously or with intent to harm, the complainant may be subject to criminal and civil penalties.**

Amend the bill by replacing section 4 with the following:

4 Effective Date. This act shall take effect January 1, 2023.

2022-0842h

AMENDED ANALYSIS

This bill provides that reports of suspected abuse and neglect may include the name of the person making the report and provides that the person's identity shall be fully confidential unless such a person makes such a report in bad faith or maliciously and with intent to cause harm, in which case the person may be subject to civil and criminal penalties.

**Amendment to HB 1613
(2022-0830h)**

Proposed by the Committee on Commerce and Consumer Affairs- c

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

AN ACT relative to certain liquor manufacturers.

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

1 New Paragraph; Liquor Manufacturer License; Authorizing Retail Sale for Off-Premises Consumption at Certain Facilities. Amend RSA 178:6 by inserting after paragraph III the following new paragraph:

III-a. Each liquor manufacturer distilling less than 1,000 cases of liquor per year may sell at retail at its facility for off-premises consumption any of its liquor. Each retail sale shall be limited to one 9-liter case or less per sale. No liquor manufacturer distilling less than 1,000 cases of liquor per year shall sell more than 12 9-liter cases of liquor to any one customer in any calendar year.

2 Annual Wine and Liquor License Fees. Amend RSA 178:29, V(b) to read as follows:

(b)(1) Domestic ~~[manufacturers of liquor]~~ **liquor manufacturers of 1,000 or more cases of liquor per year**, \$1,692.

(2) **Domestic liquor manufacturers of less than 1,000 cases of liquor per year**, \$300.

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

2022-0830h

AMENDED ANALYSIS

This bill authorizes a liquor manufacturer distilling less than 1,000 cases of liquor per year to sell its liquor at its facility for off-premises consumption and establishes fees for domestic liquor manufacturers based on the number of cases they produce per year.

Amendment to HB 1639

(2022-0189h)

Proposed by the Majority of the Committee on Education - r

Amend RSA 186:11, IX-d as inserted by section 1 of the bill by replacing it with the following:

IX-d. Require School Districts to Adopt a Policy Governing the Administration of Non-academic Surveys or Questionnaires to Students. The policy shall require school districts to notify a parent or legal guardian of a non-academic survey or questionnaire and its purpose. The policy shall provide that no student shall be required to volunteer for or submit to a non-academic survey or questionnaire, as defined in this paragraph, without written consent of a parent or legal guardian unless the student is an adult or an emancipated minor. ~~[The policy shall include an exception from the consent requirement for the youth risk behavior survey developed by the Centers for Disease Control and Prevention.]~~ ***The local school district board shall annually approve the youth risk behavior survey developed by the Centers for Disease Control and Prevention before administering the survey to students.*** The policy shall ~~[also allow a parent or legal guardian to opt-out of]~~ ***include a provision that requires a parent or legal guardian to, either in writing or electronically, opt in to participation in*** the youth risk behavior survey developed by the Centers for Disease Control and Prevention. The school district shall make such surveys or questionnaires available, at the school and on the school or school district's website, for review by a student's parent or legal guardian at least 10 days prior to distribution to students. In this paragraph, "non-academic survey or questionnaire" means surveys, questionnaires, or other documents designed to elicit information about a student's social behavior, family life, religion, politics, ***race***, sexual orientation, sexual activity, drug use, or any other information not related to a student's academics.

Amendment to HB 1646

(2022-0808h)

Proposed by the Committee on Education- c

Amend RSA 195:19-a as inserted by section 1 of the bill by replacing it with the following:

195:19-a Composition of Cooperative School Boards. The ~~[number, composition,]~~ method of selection~~;~~ and terms of members of cooperative school boards shall be as provided in the bylaws or articles of agreement of the cooperative school district, as the case may be; provided, however, that such bylaws and articles of agreement shall be limited ~~[to the alternatives contained herein where applicable; and provided further that no cooperative school district in existence on August 22, 1971 shall be required to conform hereto unless it is so voted pursuant to RSA 671:9:]~~ ***by the following requirements:***

I. ~~[All members of the cooperative school board shall be elected at large; or~~

II. ~~The cooperative school district shall be divided into single board member districts according to population with as nearly equal population in each district as possible; or~~

III. ~~The cooperative school district shall be divided into multiboard member districts or a combination of single member or multimember districts so that proportional representation will be most nearly achieved; or~~

IV. ~~The members of the cooperative school board shall each be domiciled in and represent a pre-existing district with each pre-existing district having at least one such resident representative [but]~~ ***and*** all members of the cooperative school board shall be elected ~~[at large; or]~~ ***within their own district.***

V. ~~Such other method of selection of cooperative school board members compatible with proportional representation, one-man one-vote principle as may be approved by the state board of education.]~~

VI. ~~II.~~ The terms of the members of the cooperative school board shall be as provided in the bylaws or articles of agreement provided that in no case shall such terms exceed 3 years.

VII. ~~III.~~ Whenever the bylaws or articles of agreement provide for the election of cooperative school board members pursuant to this chapter, said election shall be with the use of the non-partisan ballot system under RSA 669.

Amendment to HB 1663

(2022-1028h)

Proposed by the Committee on Education- c

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

3 Home Education Program; Notifications. Amend RSA 193-A:5, III to read as follows:

III. Written notice of termination of a home education program shall be filed by the parent with the commissioner of education, ~~[and, in addition,]~~ the resident district superintendent, ***or the*** nonpublic school principal within 15 days of said termination.

4 New Paragraph; Home Education; Notifications. Amend RSA 193-A:5 by inserting after paragraph IV the following new paragraph:

V. Any parent who previously notified the resident district superintendent of a home education program who moves from said district shall notify the original resident district superintendent that the child has moved from the district and shall provide notification pursuant to paragraph I.

5 Home Education; Records; Educational Evaluation. Amend RSA 193-A:6 to read as follows:

193-A:6 Records; Evaluation.

I. The parent shall maintain a portfolio of records and materials relative to the home education program. The portfolio shall consist of a log which designates by title the reading materials used, and also samples of writings, worksheets, workbooks, or creative materials used or developed by the child. Such portfolio, **which at all times remains the property of the parent**, shall be preserved ~~by the parent~~ for 2 years from the date of the ending of the instruction.

II. The parent shall provide for an annual educational evaluation in which is documented the child's demonstration of educational progress at a level commensurate with the child's age ~~and~~, ability, **and/or disability**. The child shall be deemed to have successfully completed ~~his~~ **an** annual evaluation upon meeting the requirements of any one of the following:

(a) A certified teacher or a teacher currently teaching in a nonpublic school who is selected by the parent shall evaluate the child's educational progress upon review of the portfolio and discussion with the parent or child;

(b) The child shall take any national student achievement test, administered by a person who meets the qualifications established by the provider or publisher of the test~~[- Composite results at or above the fortieth percentile on such tests shall be deemed reasonable academic proficiency];~~

(c) The child shall take a state student assessment test used by the resident district~~[- Composite results at or above the fortieth percentile on such state test shall be deemed reasonable academic proficiency];~~ or

(d) The child shall be evaluated using any other valid measurement tool mutually agreed upon by the parent and the commissioner of education, resident district superintendent, or nonpublic school principal.

6 Effective Date.

I. Section 1 of this act shall take effect 90 days after its passage.

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

Amendment to HB 1671

(2022-1024h)

Proposed by the Committee on Education- c

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

1 Adequate Public Education; Substantive Educational Content. RSA 193-E:2-a, I is repealed and reenacted to read as follows:

I.(a) Beginning in the school year 2008-2009, and for each year thereafter, the specific criteria and substantive educational program that deliver the opportunity for an adequate education shall be defined and identified as the school approval standards in the following learning areas:

(1) English/language arts and reading.

(2) Mathematics.

(3) Science.

(4) Social studies, including civics, government, economics, geography, history, and Holocaust and genocide education.

(5) Arts education, including music and visual arts.

(6) World languages.

(7) Health and wellness education, including a policy for violations of RSA 126-K:8, I(a).

(8) Physical education.

(9) Engineering and technologies including technology applications.

(10) Personal finance literacy.

(b) Teachers shall use academic and applied instruction to teach the learning areas under subparagraph (a). The following skills shall be integrated into the learning areas:

(1) Computer use and digital literacy.

(2) Logic and rhetoric.

2 New Subparagraphs; Substantive Educational Content of an Adequate Education; Definitions. Amend RSA 193-E:2-a, VI by inserting after subparagraph (c) the following new subparagraphs:

(d) "Applied learning" means an educational approach whereby students have the opportunity to directly engage in learning activities using knowledge and skills.

(e) "Logic" means a reasoning skill that better enables a student to analyze problems in learning areas such as mathematics and to develop problem solutions; to better understand the principle of cause and effect; and to develop critical thinking skills to better identify fact from unverified information or data.

(f) “Rhetoric” means the skill of speaking and writing as a means of communication or persuasion.

3 Accountability for the Opportunity for an Adequate Education. Amend RSA 193-E:3-b, I(a) to read as follows:

I.(a) A school shall demonstrate that it provides the opportunity for an adequate education for the school approval standards set forth in rules adopted by the department of education in the following areas:

(1) English/language arts and reading.

(2) Mathematics.

(3) Science.

(4) Social studies, *to include including civics, government, economics, geography, history, and Holocaust and genocide education.*

(5) Arts education, *to include music and visual arts.*

(6) World languages.

(7) Health *and wellness* education.

(8) Physical education.

(9) Engineering and technologies *including technology applications.*

(10) [~~Computer science and digital literacy.~~] *Personal finance literacy.*

(11) School year *requirements.*

(12) Minimum credits required for a high school diploma.

4 Application; Personal Finance Literacy. The requirement in RSA 193-E:2-a, I(a)(10) as inserted by this act for an adequate education to include the learning area of personal finance literacy shall not apply until the 2023-2024 school year.

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

2022-1024h

AMENDED ANALYSIS

This bill revises the requirements for the content of an adequate public education, and adds definitions.

Amendment to HB 1673-FN

(2022-0730h)

Proposed by the Majority of the Committee on Judiciary – r

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

AN ACT relative to the scope of the fetal life protection act.

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

1 Fetal Life Protection Act; Prohibitions; Ultrasound Examination Requirement. Amend RSA 329:44 to read as follows:

329:44 Prohibition.

I. Except in the case of *fetal anomalies incompatible with life or* a medical emergency as [specifically] defined in paragraph III, no abortion shall be performed, induced, or attempted by any health care provider unless a health care provider has first made a determination of the probable gestational age of the fetus. In making such a determination, the health care provider shall make such inquiries of the pregnant woman and perform or cause to be performed all such medical examinations, imaging studies, and tests as a reasonably prudent health care provider in the community, knowledgeable about the medical facts and conditions of both the woman and the fetus involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age, provided, however, that the health care provider shall conduct an obstetric ultrasound examination of the patient for the purpose of making the determination. *This subdivision shall be construed to require the performance of an ultrasound only if the provider either knows that the fetus has a gestational age of at least 24 weeks or is conscious of a substantial risk that the fetus has a gestational age of at least 24 weeks.*

II. Except in *the case of fetal anomalies incompatible with life or* a medical emergency as [specifically] defined in paragraph III, no health care provider shall knowingly perform, induce, or attempt to perform an abortion upon a pregnant woman when the probable gestational age of her fetus has been determined to be at least 24 weeks or in the absence of a determination by a health care provider pursuant to paragraph I as to the fetus’ probable gestational age.

III. For the purposes of this subdivision only, “medical emergency” means a condition in which an abortion is necessary to preserve the life *or health* of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function, as defined in RSA 329:43, V, of the pregnant woman.

2 Repeal. The following are repealed:

I. RSA 329:46, establishing criminal penalties against health care providers for violation of the fetal life protection act.

II. RSA 329:47, establishing civil remedies against health care providers for violation of the fetal life protection act.

III. RSA 329:48, relative to review by the board of medicine.

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

2022-0730h

AMENDED ANALYSIS

This bill expands the circumstances under which an abortion may be performed after 24 weeks, construes the ultrasound requirement, and repeals the criminal, civil, and administrative penalties for violation of the fetal life protection act.

Amendment to HB 1673-FN (2022-0688h)

Proposed by the Minority of the Committee on Judiciary – r

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

AN ACT relative to certain provisions of the fetal life protection act requiring an ultrasound examination.

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

1 Fetal Life Protection Act; Prohibitions; Ultrasound Examination Requirement. Amend RSA 329:44, I to read as follows:

I. Except in the case of a medical emergency as specifically defined in paragraph III, no abortion shall be performed, induced, or attempted by any health care provider unless a health care provider has first made a determination of the probable gestational age of the fetus. In making such a determination, the health care provider shall make such inquiries of the pregnant woman and perform or cause to be performed all such medical examinations, imaging studies, and tests as a reasonably prudent health care provider in the community, knowledgeable about the medical facts and conditions of both the woman and the fetus involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age, provided, however, that the health care provider shall conduct an obstetric ultrasound examination of the patient for the purpose of making the determination. ***This subdivision shall be construed to require the performance of an ultrasound only if the provider either knows that the fetus has a gestational age of at least 24 weeks or is conscious of a substantial risk that the fetus has a gestational age of at least 24 weeks.***

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

2022-0688h

AMENDED ANALYSIS

This bill construes the obstetric ultrasound examination requirement to determine probable gestational age prior to an abortion.

Amendment to HB 1677-FN (2022-0956h)

Proposed by the Committee on Finance - r

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

1 Statement of Purpose. The general court hereby finds that the attorney general's investigation into abuse at New Hampshire's youth development center in prior decades has identified a population of New Hampshire citizens with potential claims against the state. The state wishes to acknowledge those claims and the 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.

2 New Section; Department of Justice; Youth Development Center Claims Administration and Settlement Fund. Amend RSA 21-M by inserting after section 11 the following new section:

21-M:11-a Youth Development Center Claims Administration and Settlement Fund.

I. In this section:

(a) "Administrator" means an independent, neutral attorney admitted to the practice of law in New Hampshire, chosen in the manner set forth in paragraph III to administer youth development center claims pursuant to this section. The administrator shall have all of the duties and authority granted pursuant to RSA 542, except as otherwise provided in this section.

(b) "AG designee" means one or more individuals within the attorney general's office designated by the attorney general.

(c) "Claim" means a request for compensation related to one or more incidents of sexual abuse and/or physical abuse perpetrated upon a former YDC resident by or at the behest of a member of the YDC staff.

(d) "Claimant" means an individual who has filed a claim.

(e) “Former YDC resident” means an individual who resided at the YDC at any time.

(f) “Fund” means the YDC settlement fund established in this section.

(g) “Investigator” means one or more individuals assigned by the administrator to independently investigate a claim.

(h) “Physical abuse” means an incident of conduct that would constitute an offense under RSA 631:1, RSA 631:2, or RSA 631:2-a, and that is not justified under RSA 627:6, or a common law cause of action for assault or battery.

(i) “Sexual abuse” means an incident of conduct which would constitute an offense under RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4, or a common law cause of action for assault or battery that involves sexual contact or sexual penetration as defined by RSA 632-A:1.

(j) “Unlawful confinement” means placement in isolation as discipline without such process as was due under the circumstances or under conditions of confinement that were grossly out of proportion to the severity of the conduct giving rise to the discipline, or not as punishment, and not for another legitimate penological goal or purpose such as the safety or security of the resident or others.

(k) “Youth development center” or “YDC” means the youth development center as identified in RSA 621, or its renamed or successor entity, and any predecessor entity performing the function of housing adjudicated delinquent or pre-adjudication detained youth, including the State Industrial School, the Philbrook School, the Tobey Special Education School and the Youth Services Center.

These definitions shall be applicable to claimants, claims, the claims process, and the fund governed by this section. This section is not intended in any way to expand or limit the rights of individuals or the state under any other state statutory or common law.

II. There is hereby established in the state treasury the YDC settlement fund which shall be kept distinct and separate from all other funds. The fund shall be administered by the attorney general, who shall use the funds for the purpose of administering claims of former YDC residents as defined in this section. The fund shall be nonlapsing and continually appropriated to the department of justice until June 30, 2032, after which date the fund shall lapse to the revenue stabilization reserve account established in RSA 9:13-e, II, unless earlier discontinued by the attorney general, in consultation with the administrator, or as otherwise provided by law. Settlement amounts paid to former YDC residents shall be as determined by the process outlined in this chapter. The attorney general may enter into memoranda of understanding with the judicial branch or any state agency as necessary to compensate them for services performed in furtherance of this chapter.

III. There is further established in the judicial branch a temporary full-time or part-time position known as the youth development center claims administrator, to be appointed by the supreme court. A part-time administrator may maintain a private, unrelated mediation or legal practice apart from the duties as administrator notwithstanding any other provision of rule or law to the contrary. The supreme court shall appoint an administrator agreed to by the attorney general and counsel for claimants. If the attorney general and counsel for claimants are unable to agree upon an administrator, the supreme court shall select the administrator from the candidates submitted to the court by the attorney general and counsel for claimants, not later than 30 days following the court’s receipt of the candidates. The attorney general and counsel for claimants shall each submit two candidates, not later than 30 days following the joint fiscal committee’s approval of the claim process and guidelines as provided in paragraph IV. The administrator shall receive compensation at no more than the rate of salary of an active superior court justice and shall, if working full-time, receive the same benefits as other non-judicial employees of the judicial branch. If working part-time, the administrator shall receive compensation at no more than the equivalent per diem rate of an active superior court justice, provided that in any calendar year, the administrator shall not receive more in total compensation than that received by an active superior court justice. The judicial branch shall provide the administrator and any necessary support staff with office space. The salary, benefits, and expenses of the administrator, and any necessary support staff, shall be paid from the fund. The administrator shall report to the chief justice of the supreme court or the chief justice’s designee for employment-related purposes, but the supreme court shall have no authority to review the administrator’s decisions. At such time as the administrator’s duties are concluded, or at such time as full-time service by the administrator is no longer needed to carry out the administrator’s duties, the supreme court shall either eliminate the administrator’s position or reduce it from a full-time to a part-time position as may be appropriate. The supreme court may remove the administrator if, after a request for removal received from the attorney general or claimants’ counsel, or upon the court’s own motion, the court determines that good cause for removal exists. Once appointed, the administrator shall process claims as provided herein and may settle claims at such amounts as may be agreed upon between the AG designee and each claimant, or at amounts which are determined by the administrator, giving due consideration to the guidelines adopted by the joint fiscal committee as provided in paragraph IV.

IV.(a) As soon as practical following the effective date of this section, the attorney general, after making good faith efforts to reach agreements with claimants' counsel, and with input from the attorney general's victim/witness advocates, shall develop and present to the joint fiscal committee a claims process consistent with this section including the development of claim forms, identification of necessary or helpful documentation, and guidelines for valuing claims for settlement purposes which take into consideration the following factors:

(1) The nature and character of the acts of physical abuse and sexual abuse.

(2) The frequency and duration of those acts.

(3) Aggravating and mitigating factors such as whether the acts were also accompanied by unlawful confinement, the impact on the claimant relative to others similarly situated, the applicable statute of limitations and other potentially available legal defenses if the claims were pursued as litigation, the legal standards in effect at the time of the acts, whether the acts were previously reported to persons in a position of authority, whether the acts can be corroborated through contemporaneous reports by the claimant to others.

(4) Any other factor that may be relevant.

(b) The guidelines may group similar claims by type and suggest a value or range of values for each type of claim. The goal of the guidelines shall be to ensure the fair and uniform valuation of claims so that the claims of similarly situated claimants are valued similarly. The joint fiscal committee shall review and vote to either approve or object to the proposed claims process and guidelines within 30 days of receipt. If the joint fiscal committee votes to object to the proposed claims process and guidelines, the joint fiscal committee shall articulate its reasons for objection in writing and claimants' counsel and the attorney general shall present for approval a revised version of the proposed claims process and guidelines that addresses the joint fiscal committee's concerns. The joint fiscal committee shall approve a claims process and guidelines prior to appointment of an administrator as set forth in paragraph III. Once approved, the guidelines shall be binding on the AG designee and the administrator. The claims process and guidelines may be revised periodically as deemed necessary by the administrator, again with input from claimants' counsel and the attorney general, and with the approval of the joint fiscal committee.

V. For all claims involving both sexual and physical abuse or sexual abuse only, no individual claimant shall be paid more than \$1,500,000 in settlement of all claims in the aggregate. For all claims involving physical abuse only, no individual claimant shall be paid more than \$150,000 in settlement of all physical abuse claims in the aggregate.

VI. Beginning not later than November 1, 2022, the administrator shall publish notice to the public of the establishment of the YDC settlement fund and the opportunity for former YDC residents to file claims. Such notice shall be published in a newspaper of general circulation in every county in the state, at least once a week for at least 2 consecutive weeks. Such notice shall also be published at least once in a newspaper of national circulation. Such notice shall also be published on such social media platforms as are appropriate in the discretion of the administrator for at least 6 consecutive weeks. Additionally, such notice shall be published to the current residents of all New Hampshire correctional facilities by means of posting or other customary means for such facility, shall be made available by the attorney general via press release, and shall be posted on the attorney general's public website. The publication shall constitute conclusive proof in judicial proceedings of the latest date by which all persons, in the exercise of reasonable diligence, could have discovered both their injuries and the causal relationship of their injuries to the acts or omissions of any employees or agents of the state regarding any incident which might have been the subject of a claim, whether or not such a claim was filed.

VII.(a) Any former YDC resident may file a claim. A claim subject to the procedure established in this section may be filed only by the former YDC resident who was personally subject to sexual abuse or physical abuse. No claim shall be filed for collateral injuries or damages suffered by any other person resulting from sexual abuse or physical abuse of the former YDC resident, including claims for loss of consortium or emotional distress suffered by relatives of the former YDC resident. No claim shall be filed by the executor or administrator of a deceased former YDC resident, but a claim may be filed by the guardian or conservator of a living former YDC resident who is incapacitated. Once a claim has been properly filed by a living former YDC resident, the subsequent death of that claimant shall not extinguish the claim.

(b) Claims may be filed beginning January 1, 2023. Claims shall not be accepted after December 31, 2024.

(c) A former YDC resident's participation in this claims process is voluntary. A former YDC resident who elects not to participate in the claims process retains the right to pursue a claim in a judicial or other forum. A former YDC resident is entitled to consult with counsel before deciding whether to participate in the claims process. The administrator shall identify and publish the names of attorneys willing to consult with former YDC residents concerning their decision to file a claim.

(d) This section constitutes the state's offer to resolve completely and finally all of the former YDC resident's claims through the claims process established. By filing a claim, the claimant agrees that he or she will participate in the claims process, and, if the claimant requests that the administrator decide the claim,

agrees to accept the determination of the administrator as final and binding, even if the claimant does not receive any payment from the fund. The submission of a claim shall constitute an agreement in writing to submit the claim to arbitration as provided in RSA 542:1.

(e) By filing a claim, a claimant waives his or her right to simultaneously seek other or additional monetary relief in any forum from the state of New Hampshire or any of its agents or employees, or from any of its political subdivisions or their agents or employees arising out of or relating to any incidents which are or could have been the subject of a claim, except that the claimant does not waive his or her right to seek or continue to seek relief in any forum from an individual whose direct, personal actions constitute sexual abuse or physical abuse, even if said individual was a state employee at the time of the acts. The administrator shall require a claimant to execute appropriate agreements or motions to stay any pending proceedings as a condition to processing claims provided that such documents expressly preserve the right to pursue claims against individual perpetrators as described.

(f) Claims shall be submitted under oath. Claimants shall be entitled to be treated with respect and dignity in the presentment of their claims. Claimants who are believed by the administrator to have deliberately submitted false claims may be referred to an appropriate law enforcement agency. Perpetrators of sexual abuse or physical abuse identified by claimants may be referred to an appropriate law enforcement agency by the administrator, but only with the consent and cooperation of the claimant. A claimant shall not be required to cooperate in a criminal investigation as a condition of participating in the claim process.

(g) Claims and all documents and information created in connection with claims shall be confidential, except that matter which was not previously confidential shall not become so by virtue of being submitted in connection with a claim, or except as otherwise provided in this section or in RSA 91-A. This confidentiality is provided in order to protect the privacy of the claimant, and only for that reason. The claimant shall not be bound by this obligation of confidentiality and may waive it at any time.

VIII.(a) Within 30 days of receipt of a claim, the administrator shall acknowledge its receipt in writing and provide a copy to the AG designee.

(b) Within 60 days of receipt of a claim, the administrator shall review the claim, and indicate whether the claim is considered complete as submitted, or if not, what additional information is required. If the administrator requires additional information, the claimant shall provide that information within 90 days of being notified that additional information is needed, or the claim may be denied as incomplete, provided, that the administrator may grant the claimant an extension of time for good cause shown. The administrator shall also provide any additional documentation received to the AG designee.

(c) Once a claim is considered complete, the AG designee shall have 30 days to indicate to the claimant and the administrator its position regarding the claim. The AG designee may agree or disagree with the claim in whole or in part, and shall indicate whether he or she believes the claim should be referred to an investigator. The administrator may grant the AG designee an extension of time to indicate its position for good cause shown.

(d) Following receipt of the AG designee's position, the administrator may refer a claim to an investigator if, in the administrator's independent judgment, an investigation is needed. The administrator shall direct the investigator as to any particular aspects of the claimant's claim for which the administrator seeks further information or verification, and in such case, the investigation shall be limited to that scope. If the administrator elects not to refer a claim to an investigator, then the administrator shall so notify the AG designee and the claimant, and advise the claimant in writing regarding his or her options: to accept the AG designee's position, to request the administrator decide the claim, or to withdraw his or her claim from further processing. Within 30 days of receiving the position of the AG designee, the claimant shall indicate to the administrator and the AG designee whether he or she agrees with the AG designee's position, whether he or she wishes for the administrator to decide the claim, or whether he or she wishes to withdraw his or her claim from further processing. In the absence of an indication from the claimant, the administrator may assume that the claimant is in agreement with the position of the AG designee.

(e) The purpose of an investigation shall be to verify a claim, as submitted, if possible. The investigation shall, to the greatest extent possible, be conducted in a trauma-informed, respectful, and dignified manner. The investigation may include an interview of the claimant, which may be conducted under oath and recorded. The investigator may also request to review additional records related to the claim. The claimant shall be entitled to the assistance of an advocate in connection with the investigation process who shall be allowed to accompany the claimant during any interview. The claimant shall execute such documents or authorizations as may be necessary to permit the investigator to access records. If the claimant is represented by counsel, counsel shall also be allowed to attend any interview of the claimant. A claim may be denied if a claimant refuses to cooperate with the investigation. Except in extraordinary circumstances, investigations should be completed within 90 days of referral.

(f) The investigator shall present a report to the administrator of his or her findings, which shall include a summary of any interviews conducted or records gathered, a copy of any such supporting documentation, records and recordings. The administrator shall provide a copy of the investigator's report and supporting documentation to the claimant and the AG designee once received.

(g) Within 30 days of receiving the investigation report, the AG designee shall indicate to the claimant and the administrator its updated position regarding the claim, and the administrator shall advise the claimant in writing regarding his or her options: to accept the AG designee's position, to request the administrator decide the claim, or to withdraw his or her claim from further processing.

(h) Within 30 days of receiving the updated position of the AG designee, the claimant shall indicate to the administrator and the AG designee whether he or she agrees with the AG designee's position, whether he or she wishes for the administrator to decide the claim, or whether he or she wishes to withdraw the claim from further processing. In the absence of an indication from the claimant, the administrator may assume that the claimant is in agreement with the position of the AG designee. If the claimant and the AG designee are in agreement regarding the disposition of the claim, the administrator shall make an award consistent with the parties' agreement.

(i) The AG designee and the claimant or claimant's counsel may also engage in discussion separate and apart from their stated claim positions in an effort to resolve their disagreements regarding a claim. Such discussions shall be treated in like fashion to settlement discussions conducted under New Hampshire rules of evidence 408, and the administrator shall not be apprised of efforts to compromise in the event that the claim proceeds to a resolution proceeding.

IX.(a) When a claimant requests that the administrator decide the claim, the administrator shall schedule the claim for a resolution proceeding according to the procedures approved by the joint fiscal committee. All resolution proceedings shall take place in the state of New Hampshire, although parties and witnesses may attend by telephone or video conference in the discretion of the administrator. To the greatest extent possible, claims shall be scheduled for resolution in the order that they are received and determined to be complete, except that the administrator may also give consideration to the time for which litigation may have been pending prior to the filing of a claim. By requesting a resolution proceeding, a claimant fully waives his or her right to seek other or additional monetary relief in any forum from the state of New Hampshire or any of its agents or employees, or from any of its political subdivisions or their agents or employees arising out of or relating to any incidents which are or could have been the subject of a claim, except that the claimant does not waive his or her right to seek or continue to seek relief in any forum from an individual whose direct, personal actions constitute sexual abuse or physical abuse, even if said individual was a state employee at the time of the acts. The administrator shall require a claimant to execute appropriate dismissals, waivers, releases, or other documents as a condition of scheduling a resolution proceeding, provided that such documents expressly preserve the right to pursue claims against individual perpetrators as described.

(b) The administrator may require such submissions by the parties as the administrator determines, may consider such information as the administrator deems appropriate, and shall resolve claims based upon written submission, through conciliation, by conducting a hearing, or on any other basis determined by the administrator. The claimant shall be entitled to the assistance of an advocate in connection with the resolution process who shall be allowed to accompany the claimant during any hearing or meeting.

(c) Any hearing conducted by the administrator shall be scheduled for not more than 3 hours unless good cause is shown regarding the need for more time and shall be conducted in a victim-centered, trauma informed way, to the greatest extent possible. If the claimant is represented by counsel, counsel shall also be allowed to attend and participate in any hearing.

(d) At any hearing, any witnesses who testify shall be sworn.

(e) The administrator shall issue a written decision to the parties within 30 days of the conclusion of the resolution process. The administrator's decision regarding the claim shall be final and non-appealable, and the provisions of RSA 542:8, RSA 542:9, and RSA 542:10 shall not apply, provided, however, that either the claimant or the AG designee may request the administrator to reconsider a decision on grounds that it contains mathematical mistakes or miscalculations.

X. Upon the rendering of any final decision to approve payment of any part of a claim, whether made by the administrator pursuant to the agreement of the claimant and the AG designee or pursuant to a determination by the administrator following a resolution proceeding, the payment shall be made from the YDC settlement fund established in paragraph II. In addition, the claimant may request, and the administrator shall hold a face-to-face meeting with the claimant where the claimant may speak with the administrator without the AG designee present. The conduct of such a meeting shall not be considered a part of a resolution process and shall be not be available if a resolution process is requested until after it is completed.

XI. Any agreement between the claimant and the AG designee and any determination by the administrator may include a determination that a claim should be paid in annual installments over a period of up

to 10 years. A claimant may indicate that he or she does not wish to receive installment payments, and the administrator shall honor the claimant's wishes in this regard. Additionally, a claimant may request that he or she receive the award in the form of periodic payments under a structured settlement that (i) is the subject of a qualified assignment that satisfies the conditions of Internal Revenue Code Section 130 and releases the fund from any liability for the periodic payments; and (ii) is funded by an annuity contract issued by a life insurance company domiciled in the United States, licensed in New Hampshire and rated A or better by A.M. Best. Upon receipt of such a request, the administrator shall accommodate the processing of an award in said fashion. Additionally, the administrator may maintain and provide to claimants a list of licensed structured settlement specialists who have indicated a desire to assist in establishing periodic payments to meet a claimant's anticipated needs.

XII. If the administrator determines that a shortfall in the YDC settlement fund is likely to occur, the administrator, in consultation with the attorney general, shall request additional funds from the legislature.

XIII. The costs of administration of the fund and any costs of the attorney general which are outside of the ordinary operational expenses of the department of justice shall be paid from the fund.

XIV. The administrator may approve all fees and costs of attorneys who represent claimants in proceedings before the administrator. The administrator shall not approve any request of an attorney for fees or costs which are not reasonable. The administrator shall not approve an attorney's fee in excess of 33 1/3 percent of the amount of the award. All costs and attorney's fees paid to a claimant's attorney shall be paid from the amount awarded to the claimant.

XV. The administrator, in consultation with the attorney general, shall quarterly submit a report to the speaker of the house of representatives, the president of the senate, the joint fiscal committee and the governor providing information as to the number and nature of claims made and settled, the amounts requested and paid in settlement to date, the claim amounts pending, an estimate of the likely amounts which will be approved and paid, the administrative costs which have been paid, and an estimate of future administrative costs to be paid. The report shall be structured to protect the privacy and anonymity of the claimants. The attorney general shall also post the report on the department of justice's public website.

3 New Paragraph; Access to Governmental Records and Meetings; Exemptions. Amend RSA 91-A:5 by inserting after paragraph XII the following new paragraph:

XIII. Records of the youth development center claims administration and the YDC settlement fund pursuant to RSA 21-M:11-a, with the exception of settlement agreements, which shall remain subject to RSA 91-A:4, VI, and, after a claim has been finally resolved, such other records the release of which would not constitute a violation of other provisions of law or an unwarranted invasion of a claimant's privacy.

4 Appropriation. Notwithstanding RSA 9:13-e, the sum of \$100,000,000 for the biennium ending June 30, 2023, is hereby appropriated from the revenue stabilization reserve account to the YDC settlement fund established in RSA 21-M:11-a, II for the purpose of administering and settling claims as provided in RSA 21-M:11-a. The appropriation shall be nonlapsing, provided that any moneys in the YDC settlement fund not expended as of June 30, 2032 shall lapse to the revenue stabilization reserve account, unless the fund is earlier terminated by the attorney general, in consultation with the administrator, or as otherwise provided by law.

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

2022-0956h

AMENDED ANALYSIS

This bill:

I. Establishes a procedure for the administration and resolution of claims of abuse which may have occurred at the youth development center.

II. Creates the youth development center (YDC) settlement fund and makes an appropriation to the fund for the settlement of founded abuse claims.

III. Creates an exemption from the right-to-know law for all records related to the administration and settlement of abuse claims at the youth development center.

Floor Amendment to HB 1677-FN

(2022-1036h)

Proposed by Reps. Rogers and Wallner

Amend RSA 21-M:11-a, V as inserted by section 2 of the bill by replacing it with the following:

V. No individual claimant shall be paid more than \$4,500,000 in settlement of all claims in the aggregate.

Floor Amendment to HB 1677-FN

(2022-1038h)

Proposed by Reps. Rogers and Wallner

Amend RSA 21-M:11-a, I(i) as inserted by section 2 of the bill by replacing it with the following:

(i) "Sexual abuse" means an incident of conduct which would constitute an offense under RSA 632-A:2, RSA 632-A:3, or RSA 632-A:4, or a common law cause of action for assault or battery that involves sexual contact or sexual penetration as defined by RSA 632-A:1, or a common law cause of action for emotional abuse, child endangerment, false imprisonment, unlawful confinement, child exploitation, or deprivation of educational rights.

**Amendment to HB 2022
(2022-0745h)**

Proposed by the Majority of the Committee on Public Works and Highways - r

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

2 Ownership Transfer. The project named Nashua-Merrimack-Bedford, project number 13761, shall be amended to provide that the commissioner of the department of transportation shall transfer ownership of the state-owned portion of Continental Boulevard in Merrimack to the town of Merrimack no later than July 1, 2025.

3 Project Restored. The project named Hudson, project number 42108 in the 2021-2030 10-year transportation improvement plan, to construct a roadway between Route 3A and Route 111 as the southern portion of the circumferential highway, shall be included and amended in the 2023-2032 10-year transportation improvement plan to require the department of transportation evaluate the feasibility of constructing said roadway with engineering totaling \$250,375 in fiscal year 2024 and \$750,000 in fiscal year 2025, contingent on the availability of federal funding.

4 Route 153 Report. The commissioner of the department of transportation shall submit an annual report to the long range capital planning and utilization committee relative to Route 153 from the Wakefield town line to the Eaton/Conway town line. Said report shall be submitted to the department of transportation by January 1 of each year and shall include the following:

(a) Traffic counts by town with average speed data.

(b) Road conditions to include shoulders.

(c) Accident data by location.

(d) Correspondences to the department from the towns and citizens with safety concerns in this corridor.

5 The commissioner of the department of transportation may modify funding sources and accelerate schedules of municipally owned bridge projects in the 2022-2032 10-year transportation improvement plan by leveraging additional funding opportunities made available to New Hampshire. Funding sources include the state aid bridge (SAB) program, municipally owned bridge rehabilitation and replacement (MOBRR) program, and municipal owned bridge-bipartisan infrastructure law (MOBIL) program. Recommended changes are based on the eligibility of projects for federal aid funds. To be eligible for MOBIL funding a bridge must be 20 feet or greater in length and off the federal aid system. The affected projects are:

Project	Funding	Proposed TYP Year
ALSTEAD 40649	SAB to MOBIL	2026
ALSTEAD 40661	SAB to MOBIL	2024
AMHERST 40654	SAB	2023
AMHERST 40657	SAB to MOBIL	2024
ANDOVER 41407	SAB to MOBIL	2024
ANTRIM 14942	SAB	2023
AUBURN 29316	SAB to MOBIL	2023
BARRINGTON 26722	SAB	2023
BARRINGTON 41410	SAB	2025
BEDFORD 21684	SAB	2023
BEDFORD 24217	SAB to MOBIL	2023
BOW 24223	SAB	2024
BOW 24224	SAB	2025
BROOKLINE 41408	SAB	2025
CANAAN 26704	SAB	2023
CANAAN 41399	SAB to MOBIL	2023
CANAAN 41406	SAB to MOBIL	2024
COLEBROOK 40651	SAB	2023
COLEBROOK 40652	SAB	2023
COLEBROOK 40655	SAB to MOBIL	2023
CONCORD 41212	MOBRR	2023
DORCHESTER 42091	SAB	2023
DORCHESTER 42092	SAB	2025
ENFIELD 13592	SAB to MOBIL	2025
FRANCESTOWN 42709	SAB to MOBIL	2026

Project	Funding	Proposed TYP Year
FREMONT 23793	SAB	2023
GOFFSTOWN 41597	SAB	2025
HARRISVILLE 16114	SAB to MOBIL	2026
JACKSON 40808	SAB	2023
JAFFREY 41401	SAB	2023
KEENE 40653	SAB	2023
KEENE-SWANZEY 40666	MOBRR	2025
LACONIA 26706	SAB to MOBIL	2023
LACONIA 43845	MOBRR	2026
LANCASTER 22192	SAB	2025
LEBANON 13558A	MOBRR	2023
LEBANON 24221	SAB to MOBIL	2023
LEBANON 24222	MOBRR	2023
MADBURY 41462	SAB	2026
MANCHESTER 15837	SAB to MOBRR	2025
MANCHESTER 24206	MOBRR	2024
MANCHESTER 24212	MOBRR	2024
MERRIMACK 29174	MOBRR	2026
MILTON, NH-LEBANON, ME 40658	MOBRR	2023
NEW BOSTON 14771	SAB to MOBIL	2026
NEW BOSTON 15505	SAB to MOBIL	2024
NEWPORT 20006	SAB	2023
ORFORD 41151	SAB to MOBIL	2023
PELHAM 29450	SAB to MOBIL	2023
PITTSFIELD 14972	SAB	2025
RICHMOND 29055	SAB to MOBIL	2023
RICHMOND 29056	SAB	2023
RUMNEY 27162	SAB	2023
SANDOWN 41412	SAB	2027
SUGAR HILL 24218	SAB to MOBIL	2023
SWANZEY 41403	SAB to MOBIL	2024
WEARE 14338	SAB	2026
WEBSTER 40810	SAB to MOBIL	2023
WENTWORTH 40648	SAB	2023
WILTON 15767	SAB	2023
WILTON 15768	SAB to MOBIL	2025

6 Turnpike Authority; Authority Granted. RSA 237:2 is repealed and reenacted to read as follows:

237:2 Authority Granted. The commissioner of the department of transportation, with the approval of the governor and council, is authorized to make such other and further improvements to the New Hampshire turnpike system as may be required by RSA 240.

7 Turnpike Authority; Limitations. Amend RSA 237:5, II(h) to read as follows:

(h) Establish a [temporary] turnpike engineering section [~~for the period of design and construction of any portion of the system, assign permanent employees of the department of transportation to duties and positions in said section~~] and employ such engineers and assistants as may be necessary [~~on a temporary basis for said period of~~] **for** design and construction. The costs of said turnpike engineering section shall be a charge against the funds made available under this chapter or otherwise for the system.

8 Turnpike System; Funds Provided. RSA 237:7 is repealed and reenacted to read as follows:

237:7 Funds Provided.

I. The amounts necessary to fund turnpike system projects approved in the state 10-year transportation improvement plan as authorized by RSA 240 are hereby appropriated.

II. After substantial completion of the project or projects authorized by paragraph I of this section the governor and council may transfer appropriations for such project or projects to other projects under this chapter. The appropriations made by this chapter shall be continuing appropriations and shall not lapse.

III. The governor and council are authorized under RSA 237-A to provide, solely by resolutions or by trust or security agreements, without further appropriation, for application or expenditures of moneys deposited or held in funds established in connection with the issuance of revenue bonds under RSA 237-A, including without limitation the application of moneys to operate, maintain, and make improvements to the turnpike system, to pay costs of issuance of bonds including costs of traffic studies and engineering reports prepared for issuance of bonds, and to establish and maintain reserves.

9 Repeals. The following are repealed:

I. RSA 237:5, I, relative to the authority of the commissioner of the department of transportation.

II. RSA 237:5, II(o), relative to limitations on the authority of the commissioner of the department of transportation.

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

Amendment to HB 2022

(2022-0859h)

Proposed by the Minority of the Committee on Public Works and Highways - r

Amend the bill by deleting section 2 and renumbering the original sections 3-10 to read as 2-9, respectively.

Amendment to HR 15

(2022-0131h)

Proposed by the Majority of the Committee on State-Federal Relations and Veterans Affairs- r

Amend the bill by replacing the third paragraph after the resolving clause with the following:

That the house clerk forward copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the New Hampshire congressional delegation, the Ambassador of the People's Republic of China to the United States, and the Taipei Economic and Cultural Representative.