State of
New Hampshire

HOUSE RECORD

Second Year of the 167th General Court

Calendar and Journal of the 2022 Session

Web Site Address: www.gencourt.state.nh.us

Vol. 44 Concord, N.H. Friday, April 29, 2022 No. 17

Contains: Amendments; Bills Laid on Table; Committee Reports; Governor's Veto Message; House Bills Amended by Senate; House Deadlines; Meetings and Notices; Revised Fiscal Notes; Session Day Logistics; and State House Visitation Schedule.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

In case you missed it last week, the House will meet at 10 a.m. on Wednesday, May 4th and at 9 a.m. on Thursday, May 5th, in Representatives Hall.

The House will also meet on Thursday, May 12th and May 26th.

On Thursday, May 12th, session will begin at 10 a.m. The House and Senate will meet in Joint Convention, and we will have the honor of welcoming guest speaker Lech Walesa, former President of Poland and winner of the Nobel Peace Prize.

Each House member was given the opportunity to pick up a free antigen self-test kit in your anteroom mailbox during our last House session. Those that were not picked up have been mailed. Please consider using a test prior to attending our session next week.

As a reminder, since the parking shuttle, which is reserved for Members coming from the Storrs Street parking garage on session days, has not been used this year, we are only planning to reserve the shuttle for future sessions if inclement weather is expected. Do not expect to have the shuttle available next week.

Sherman A. Packard, Speaker of the House

NOTICE

There will not be a Chairs meeting the week of May 2.

Sherman A. Packard, Speaker of the House

NOTICE

There will be a Republican Caucus on **Wednesday, May 4th at 9:00 a.m. and Thursday, May 5th at 8:00 a.m.** in Representatives Hall.

Rep. Jason Osborne, Majority Leader

NOTICE

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

CLOSES AT 3:00 p.m. ON:	**AVAILABLE ON:**
Wednesday, May 04, 2022	Friday, May 06, 2022
Wednesday, May 11, 2022	Friday, May 13, 2022
Wednesday, May 18, 2022	Friday, April 20, 2022

Paul C. Smith, Clerk of the House

2022 HOUSE DEADLINES

Thursday, May 5, 2022	Last day to act on all Senate Bills
Thursday, May 12, 2022	Last day to form committees of conference
Thursday, May 19, 2022	Last day to sign committee of conference reports (4:00 p.m.)

Thursday, May 26, 2022	Last day to act on committee of conference reports
Tuesday September 6, 2022	First day for incumbents running for re-election to file LSRs with complete information
Friday, September 16, 2022	Last day prior to the General Election for incumbents running for re-election to file LSRs with complete information
Friday, October 28, 2022	Last day to file 2022 Interim Study reports
Wednesday, November 9, 2022	First day for all Representatives to file LSRs with complete information
Tuesday, November 22, 2022 (12:00 p.m.)	Last day to file LSRs with complete information Ten day sign-off begins
Wednesday, December 28, 2022 (12:00 p.m.)	Last day to sign-off on all LSRs
Friday, January 20, 2023	Last day to introduce House Bills
	Last day to amend House Rules by majority vote

NOTICE

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

GOVERNOR'S VETO MESSAGE REGARDING 319

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

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

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

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

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

Respectfully submitted,
Christopher T. Sununu
Governor

2022 HOUSE BILLS AMENDED BY THE SENATE

CACR 21, relating to registers of probate. Providing that eliminating the office of register of probate and all references to such office. (SJ 4/21/22)
HB 50, apportioning state representative districts. (House Concurs 3/10/22)
HB 55, (New Title) apportioning delegates to state party conventions, and relative to the form for declarations of candidacy for delegates to state party conventions. (House Concurs 3/10/22)
HB 84, (New Title) declaring May 21, 2022 as Ona Judge Staines Day. (SJ 3/17/22)
HB 95-FN, relative to milk pasteurization. (House Concurs 2/16/22)
HB 102, (Second New Title) establishing a commission to study worldwide combined reporting method for unitary businesses under the business profits tax, and relative to the treatment of water or sewerage disposal utilities under the business profits tax. (House Concurs 3/31/22)
HB 169, establishing a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles. (SJ 4/14/22)

HB 230, (New Title) relative to child day care monitoring visits and the appeals process for child day care providers. (SJ 4/21/22)
HB 233-FN, (New Title) establishing a committee to study the right of any infant born alive to medically appropriate and reasonable care and treatment. (House Non-Concurs 3/10/22)
HB 292, relative to the absentee ballot application process. (SJ 1/5/22)
HB 293, relative to the procedure for adoption of a minor child. (SJ 1/5/22)
HB 307, relative to the state preemption of the regulation of firearms and ammunition. (SJ 1/5/22)
HB 347-FN, relative to driving with a suspended license. (SJ 1/5/22)
HB 355, relative to Keno. (SJ 3/24/22)
HB 381-FN, relative to laboratory testing. (SJ 1/5/22)
HB 440, (New Title) prohibiting the suspension of civil liberties during a state of emergency. (House Concurs 3/10/22)
HB 503, (Second New Title) codifying the council on housing stability and relative to telehealth and medically assisted treatment for substance use disorder. (SJ 1/5/22)
HB 514, relative to ballot column rotation. (SJ 4/21/22)
HB 543, establishing a commission to study nuclear power and nuclear reactor technology in New Hampshire. (SJ 4/14/22)
HB 549, (New Title) relative to the system benefits charge and the energy efficiency and sustainable energy board. (House Concurs 2/16/22)
HB 591-FN, (New Title) relative to certain liquor license fees. (SJ 3/24/22)
HB 624-FN, (Second New Title) relative to site evaluation committee monitoring and enforcement responsibilities, and relative to net energy metering by hydroelectric generators. (SJ 4/21/22)
HB 1011-FN, (New Title) relative to criminal mischief. (SJ 4/21/22)
HB 1038, (New Title) naming a bridge in Londonderry in honor of Robert J. Prowse and a bridge in Portsmouth in honor of Staff Sergeant Jesse E. Sherrill. (SJ 3/31/22)
HB 1040, (New Title) establishing a commission to study revenue alternatives to the road toll for the funding of improvements to the state's highways and bridges and their resulting improvements to the environment. (SJ 3/31/22)
HB 1063, (New Title) relative to the technical changes to the administration of certain taxes by the department of revenue administration and relative to county redevelopment district bonds for an unincorporated place. (House Concurs 3/31/22)
HB 1125, relative to school emergency plans. (SJ 4/21/22)
HB 1130-FN, (New Title) relative to restroom access for persons with certain medical conditions and relative to the procedure for obtaining a marriage license. (SJ 4/21/22)
HB 1134, establishing a commission to study proper labeling and disposal of disposable wipes. (SJ 4/21/22)
HB 1139, relative to ophthalmic prescription requirements. (SJ 4/21/22)
HB 1160, relative to obedience to signals at railroad crossings. (SJ 3/31/22)
HB 1277, relative to the reporting of cybersecurity incidents. (SJ 4/21/22)
HB 1318-FN-L, relative to penalties for employer noncompliance with retirement system requirements. (SJ 3/31/22)
HB 1320, relative to public exposure of deceased human bodies. (SJ 4/21/22)
HB 1333-FN, (New Title) relative to the definition of a "way" for the purposes of driving under the influence of drugs or liquor and administrative license suspensions. (SJ 4/21/22)
HB 1335-FN, relative to the parole board and the procedure for medical parole of prisoners. (SJ 4/21/22)
HB 1339, relative to the Winnipesaukee River basin control replacement fund. (SJ 4/21/22)
HB 1343, allowing limited legal services to be provided by certain paraprofessionals. (SJ 4/21/22)
HB 1381, relative to student school board members. (SJ 4/21/22)
HB 1390, relative to access to language translation services in telemedicine. (3/24/22)
HB 1420-FN, prohibiting the issuance of new landfill permits until the state's solid waste plan is updated. (SJ 4/21/22)
HB 1439, (New Title) relative to health care facility visitation policies. (SJ 4/21/22)
HB 1448, relative to the pretermitted heir statute. (SJ 4/21/22)
HB 1487, relative to the procedure for withdrawal from the vaccine registry. (SJ 4/21/22)
HB 1495-FN, (New Title) prohibiting the state from requiring businesses to require vaccine or documentation related to vaccination or immunity status. (SJ 4/21/22)
HB 1507, requiring childcare investigatory findings to be timely published. (SJ 4/21/22)
HB 1531-FN-A, (New Title) repealing certain statutory commissions relating to children. (SJ 4/21/22)
HB 1546-FN, (Second New Title) enabling the commissioner of the department of environmental services to adopt rules relative to airborne PFAS in certain circumstances. (SJ 4/21/22)

HB 1554-FN, (Second New Title) relative to online payment of fees relating to the operation of off highway recreational vehicles and snowmobiles, and relative to grants administered by the bureau of trails for OHRV trail development and maintenance. (SJ 4/21/22)
HB 1579, relative to landowner liability on land authorized for outdoor recreational activities. (SJ 4/21/22)
HB 1586-FN-A, relative to a likeness of Wentworth Cheswill at the state house. (SJ 3/17/22)
HB 1594, relative to assistance to certain students with disabilities in registering to vote. (SJ 4/14/22)
HB 1626, relative to the unique pupil identification system. (SJ 4/21/22)
HB 1653-FN, (New Title) relative to educational and employment opportunities and protections for military families and their dependents and relative to temporary licenses for emergency and advanced emergency care providers. (SJ 4/21/22)
HB 1671-LOCAL, relative to the content of an adequate education. (SJ 4/21/22)
HB 1681-FN, (New Title) relative to the state building code and the state fire code. (SJ 4/21/22)
HB 1682-FN-A, establishing the law enforcement conduct review committee in the New Hampshire police standards and training council and making an appropriation therefor. (SJ 4/21/22)

BILLS LAID ON TABLE

CACR 18, relating to reproductive medical decisions. Providing that the state shall not infringe or unduly inconvenience the right of reproductive medical decisions. (Pending question: Inexpedient to Legislate)
CACR 23, the New Hampshire constitution. Providing that all references to persons in the New Hampshire constitution be gender-neutral. (Pending question: Inexpedient to Legislate)
CACR 34, relating to the use, sale, or cultivation of cannabis. Providing that the state shall make no law prohibiting the use, sale, or cultivation of cannabis for persons over 18 years of age. (Pending question: Inexpedient to Legislate)
CACR 35, relating to cannabis. Providing that all adults have the right to possess, use, and cultivate cannabis, subject to regulation by the legislature. (Pending question: Inexpedient to Legislate)
HB 20-FN-A-L, establishing the Richard "Dick" Hinch education freedom account program. (Pending question: Refer for Interim Study)
HB 136, requiring schools to update documents and software to include the option of identifying a student as non-binary. (Pending question: Inexpedient to Legislate)
HB 147-FN, relative to assault against an elderly person. (Pending question: Ought to Pass)
HB 153, establishing a committee to study universal Internet access for New Hampshire. (Pending question: Inexpedient to Legislate)
HB 167-FN, relative to net energy metering limits for customer generators and the purchase of output of limited electrical energy producers. (Pending question: Inexpedient to Legislate)
HB 172, establishing greenhouse as emission reduction goals for the state and establishing a climate action plan. (Pending question: Inexpedient to Legislate)
HB 204, proclaiming January 24 as "Granny D" day. (Pending question: Inexpedient to Legislate)
HB 237-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor. (No pending question)
HB 255, relative to limited liability for institutions of higher education and businesses. (Pending question: Majority committee amendment)
HB 359, creating a private cause of action for discrimination based on hairstyles relative to a person's ethnicity. (Pending question: Inexpedient to Legislate)
HB 362, relative to domicile of students for voting purposes. (Pending question: Inexpedient to Legislate)
HB 376, establishing a committee to study applications of microgrids in electricity supply. (Pending question: Inexpedient to Legislate)
HB 382, establishing a commission to study the utility rate structure of demand charges. (Pending question: Inexpedient to Legislate)
HB 394, establishing a commission to study the short and long term impacts of pending national and regional carbon pricing mechanisms on New Hampshire's residents, agriculture, wildlife and natural resources-based tourism sector, and commercial enterprises. Inexpedient to Legislate)
HB 517-FN, relative to the state minimum hourly rate. (Pending question: Inexpedient to Legislate)
HB 531-FN-L, relative to determining the qualifications of voters and establishing provisional voter registration and provisional ballots. (Pending question: Refer for Interim Study)
HB 535, relative to the qualified voter affidavit. (Pending question: Refer for Interim Study)
HB 554, relative to temporary absence from domicile for voting purposes. (Pending question: Refer for Interim Study)
HB 607-FN, establishing local education savings accounts for students. (Pending question: Majority committee amendment)
HB 608-FN-A-L, relative to the formula for determining funding for an adequate education. (Pending question: Inexpedient to Legislate)

HB 611-FN, abolishing fluoridation in water. (Pending question: Majority committee amendment)
HB 620-FN-L, requiring law enforcement agencies to gather and analyze certain demographic information. (Pending question: Inexpedient to Legislate)
HB 622-FN, protecting nascent human life as a reasonable and valid state interest. (Pending question: Majority committee amendment)
HB 1007, relative to qualifications for office. (Pending question: Inexpedient to Legislate)
HB 1014, allowing public meetings to be conducted virtually. (Pending question: Inexpedient to Legislate)
HB 1031, prohibiting law enforcement from encrypting public frequencies. (Pending question: Inexpedient to Legislate)
HB 1033-FN-L, prohibiting recipients of state or local grants or appropriations from using such funds for lobbying. (Pending question: Committee amendment)
HB 1041-FN, extending the public employee labor relations act to employees of the general court and relative to the duties of the joint committee on legislative facilities. (Pending question: Inexpedient to Legislate)
HB 1064-FN, requiring the use of hand-marked, durable paper ballots in elections. (Pending question: Inexpedient to Legislate)
HB 1065-FN, relative to the regulation of art therapists. (Pending question: Inexpedient to Legislate)
HB 1072, establishing a criminal penalty for denying an elected school district official access to any school district facilities, documents, or events. (Pending question: Majority committee amendment)
HB 1076, relative to illegal productivity quotas. (Pending question: Majority committee amendment)
HB 1077, repealing the prohibition on conversion therapy for minors. (Pending question: Majority committee amendment)
HB 1087, relative to zoning for single family housing lots. (Pending question: Inexpedient to Legislate)
HB 1090, relative to teaching on discrimination in the public schools. (Pending question: Inexpedient to Legislate)
HB 1100-FN, relative to changing the penalties for driving without a license. (Pending question: Inexpedient to Legislate)
HB 1107, establishing a committee to study the rental or lease of housing to a person who has a pet. (Pending question: Inexpedient to Legislate)
HB 1116, relative to renewable energy customer-generators accounts and credits. (Pending question: Inexpedient to Legislate)
HB 1119, relative to the regulation of single-use bags. (Pending question: Inexpedient to Legislate)
HB 1159, recognizing November 7 as Victims of Communism Memorial Day. (Pending question: Inexpedient to Legislate)
HB 1175, relative to recording interactions with public officials. (Pending question: Inexpedient to Legislate)
HB 1177, relative to permissible residential units in a residential zone. (Pending question: Ought to Pass)
HB 1180, relative to state recognition of biological sex. (Pending question: Ought to Pass)
HB 1197, relative to the definition of "party" for election purposes. (Pending question: Inexpedient to Legislate)
HB 1200, relative to notice of rent increases in residential rental property. (Pending question: Inexpedient to Legislate)
HB 1208, relative to driver education. (Pending question: Inexpedient to Legislate)
HB 1227, relative to the definition of prime wetland. (Pending question: Inexpedient to Legislate)
HB 1233, Prohibiting higher education institutions receiving state funds from requiring face masks and COVID-19 vaccinations for attendance. (Pending question: Refer for Interim Study)
HB 1250, requiring the public utilities commission to consider climate change in making rate-setting decisions. (Pending question: Inexpedient to Legislate)
HB 1251, prohibiting payment of subminimum wages. (Pending question: Inexpedient to Legislate)
HB 1264, establishing ranked-choice voting for state party primary elections and municipal elections. (Pending question: Floor amendment)
HB 1283, relative to liability as taxable income of education freedom account payments. (Pending question: Inexpedient to Legislate)
HB 1284, establishing a committee to study the effects of deportation of primary earners on family members who are United States citizens. (Pending question: Inexpedient to Legislate)
HB 1291, prohibiting discrimination against tenants holding certain vouchers for purposes of renting dwellings. (Pending question: Inexpedient to Legislate)
HB 1306-FN, relative to personal possession of marijuana. (Pending question: Refer for Interim Study)
HB 1332, excepting public universities and colleges from requirements under medical freedom in immunizations. (Pending question: Inexpedient to Legislate)
HB 1347, relative to licensing requirements for health care facilities that operate on a membership-based business model. (Pending question: Majority committee amendment)
HB 1348-FN, relative to the legalization of a certain amount of cannabis. (Pending question: Refer for Interim Study)

HB 1349-FN, decriminalizing the possession and use of psilocybin mushrooms. (Pending question: Inexpedient to Legislate)
HB 1355, requiring the scholarship organization to refer suspected cases of misuse of funds or fraud in the education freedom account program to the attorney general. (Pending question: Inexpedient to Legislate)
HB 1369, relative to COVID-19 health and safety policies at New Hampshire performing arts venues. (Pending question: Majority committee amendment)
HB 1376, relative to participation in the education freedom accounts program by students with disabilities. (Pending question: Inexpedient to Legislate)
HB 1396-FN, relative to the payment of child support. (Pending question: Inexpedient to Legislate)
HB 1400, prohibiting law enforcement from using the scent of marijuana as probable cause for a search. (Pending question: Inexpedient to Legislate)
HB 1409, relative to the age at which a minor may receive mental health treatment without parental consent. (Pending question: Majority committee amendment)
HB 1419-FN, relative to establishing a New Hampshire civilian climate corps advisory commission. (Pending question: Inexpedient to Legislate)
HB 1436-FN, relative to appeals of family court decisions. (Pending question: Inexpedient to Legislate)
HB 1443, proclaiming the first Monday of March as COVID-19 Victims and Survivors Memorial Day. (Pending question: Inexpedient to Legislate)
HB 1465-FN, relative to the appointment of counsel for juveniles. (Pending question: Committee amendment)
HB 1468-FN, relative to the legalization of cannabis. (Pending question: Inexpedient to Legislate)
HB 1473-FN, authorizing a forensic audit of the November 3, 2020 election results in Merrimack county for president, governor, and United States senate races. (Pending question: Refer for Interim Study)
HB 1477-FN, prohibiting abortions after detection of fetal heartbeat. (Pending question: Inexpedient to Legislate)
HB 1481, repealing the statute relative to medical freedom in immunizations. (Pending question: Inexpedient to Legislate)
HB 1484-FN, requiring a forensic audit of the 2020 election results. (Pending question: Inexpedient to Legislate)
HB 1506-FN, establishing a revolving clean energy accelerator fund in the department of energy. (Pending question: Inexpedient to Legislate)
HB 1509-FN, relative to termination of the FRM victims' contribution recovery fund. (Pending question: Inexpedient to Legislate)
HB 1536-FN, relative to expanding Medicaid to include certain postpartum health care services. (Pending question: Refer for Interim Study)
HB 1555-FN, repealing the permit required for fires at campgrounds. (Pending question: Refer for Interim Study)
HB 1576-FN, repealing the law relative to certain discrimination in public workplaces and education. (Pending question: Inexpedient to Legislate)
HB 1578-FN, relative to including certain children and pregnant people in Medicaid and the children's health insurance program. (Pending question: Inexpedient to Legislate)
HB 1596-FN, relative to net energy metering limits for individual and business customers. (Pending question: Inexpedient to Legislate)
HB 1600, relative to the use of body cameras by law enforcement during an interview or interrogation. (Pending question: Refer for Interim Study)
HB 1601-FN, relative to funding of the NHsaves program. (Pending question: Inexpedient to Legislate)
HB 1607-FN, prohibiting unlawful discrimination in public and nonpublic schools. (Pending question: Inexpedient to Legislate)
HB 1621-FN, relative to reducing the rebates distributed by the energy efficiency fund. (Pending question: Inexpedient to Legislate)
HB 1628-FN, directing the department of energy to generate a report on the microgrid project currently in progress at the university of New Hampshire in collaboration with the regional utilities. (Pending question: Inexpedient to Legislate)
HB 1632-FN, relative to civil rights education in public elementary and secondary schools. (Pending question: Refer for Interim Study)
HB 1638, relative to grievances under the right to freedom from discrimination in public workplaces and education. (Pending question: Inexpedient to Legislate)
HB 1646, relative to representation on a cooperative school district board. (Pending question: Committee amendment)
HB 1651-FN, adding sexual reassignment to the definition of child abuse. (Pending question: Inexpedient to Legislate)
HB 1654-FN, relative to termination of pregnancy statistics. (Pending question: Refer for Interim Study)
HB 1656-FN-A-L, establishing a road usage registration fee and making an appropriation therefor. (Pending question: Inexpedient to Legislate)

HB 1669-FN, requiring the department of education to administer the education freedom account program. (Pending question: Inexpedient to Legislate)
HB 1670-L, relative to funds of the education freedom account program after termination of a student's participation and responsibilities of the scholarship organization. (Pending question: Inexpedient to Legislate)
HB 1674, relative to reproductive rights. (Pending question: Inexpedient to Legislate)
HR 18, urging Congress to remove the exception from the 13th Amendment: "except as a punishment for crime whereof the party shall have been duly convicted." (Pending question: Inexpedient to Legislate)
SB 44, establishing the New Hampshire workforce pathway program. (Pending question: Inexpedient to Legislate)
SB 69, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. (Pending question: Majority committee amendment)
SB 92-FN, relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks. (Pending question: Majority committee amendment)
SB 403-FN-A, re-establishing the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program. (Pending question: Ought to Pass)
SB 456-FN-A, establishing a law enforcement conduct review committee in the police standards and training council and making an appropriation therefor. (Pending question: Refer for Interim Study)

WEDNESDAY, MAY 4
CONSENT CALENDAR

CHILDREN AND FAMILY LAW

SB 336, relative to family mediator interns. **OUGHT TO PASS.**
Rep. Jodi Nelson for Children and Family Law. This bill establishes qualifications and appropriate instances for inclusion of qualified family mediator interns. It also defines a quorum for the Board of Family Mediator certification. It is commonly accepted that family mediators are invaluable, and we need more of them. However, qualified people have been deterred from becoming certified due to the difficulty of fulfilling required internship hours after the classroom training and by statutes that do not allow interns to co-mediate with already certified mediators in court cases. By receiving at least some training with court-referred cases, interns are provided with experiences in diverse cases and it ensures that the interns are provided with enough hours to complete their internship in a timely manner. **Vote 14-0.**

SB 446-FN-A, (New Title) directing the department of health and human services to develop a plan relative to fostering sustainable childcare opportunities for working families and businesses. **OUGHT TO PASS.**
Rep. Jodi Nelson for Children and Family Law. This bill establishes a childcare workforce fund dedicated to financing recruitment and retention bonuses and benefits for eligible NH childcare employers. The committee heard testimony from many childcare centers that have waitlists larger than current enrollment due to severe staffing shortages. We heard from a business organization that these shortages are affecting NH businesses as they are extending job offers to employees who cannot find childcare and must decline, leading to unfilled positions. **Vote 13-1.**

COMMERCE AND CONSUMER AFFAIRS

SB 121, relative to a state-based health exchange. **REFER FOR INTERIM STUDY.**
Rep. Paul Terry for Commerce and Consumer Affairs. As proposed, this bill would enable the New Hampshire Insurance Department (NHID) to study and subsequently provide it with discretionary power to initiate a process that could move New Hampshire from the federal- to a state-based healthcare marketplace (SBM) under the Federal Affordable Care Act (ACA). Proponents claimed that moving to a SBM initially could save just under $4 million and add as many as 40 private sector jobs. Any potential future savings could not be confidently projected. Though not supporting or opposing the bill, the NHID Commissioner and Deputy Commissioner reported that transitioning from the federal to a state exchange (i.e., marketplace) "is no small task and involves significant considerations that impact both the state and consumers." Additionally, it was reported, too, that costs to states participating in the federal exchange have been decreasing, the costs being identified as a major factor in assessing the attractiveness of federal vs. state exchanges. These as well as other uncertainties prompted the Committee unanimously to deem it premature to commit limited state resources to launching a costly NHID investigation that might very well leave us exactly where we are today. **Vote 18-0.**

SB 160-FN, relative to multiple employer welfare arrangements. **INEXPEDIENT TO LEGISLATE.**
Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill would establish parameters for association health plans pursuant to recent federal regulations. It would have expanded how groups were defined, whether trade groups or individuals. Many questions remain as the federal regulations are being challenged

in the courts and the resolution is unlikely to be determined quickly. The court has set aside expanding the definition and all changes have been held in abeyance at this time. Even after a decision is made, it is likely to be appealed. NH currently allows for self-funded programs and the committee felt there was not a need to expand definitions at this time. **Vote 18-0.**

SB 204, relative to the definition of "covered claim" for purposes of the New Hampshire insurance guaranty association act. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John Hunt for Commerce and Consumer Affairs. This bill will modify the definition of "covered claim" in the New Hampshire Insurance Guaranty Association Act (Association) to clarify whether a claim is covered by the association when the issuing insurer becomes insolvent and the policy is assumed by another company. This bill makes clear that the association will cover a claim if the policy was originally issued by an association member company, but will not cover a claim if the original policy issuer is not an association member. **Vote 18-0.**

SB 205, relative to the insurance department administration fund. **OUGHT TO PASS.**
Rep. John Hunt for Commerce and Consumer Affairs. This bill will allow the Insurance Department to generally apply any overage in their administration fund to reduce future fee assessments across the board. Current statute directs any overage to be calculated as a pro rata offset, apportioned to each individual insurer based on their relative contribution. The proposed change streamlines operations for the department and is supported by the insurance industry. **Vote 18-0.**

SB 206, relative to consumer guaranty contracts. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Kristina Fargo for Commerce and Consumer Affairs. This bill was requested by the New Hampshire Insurance Department. This administrative bill amends RSA 415-C: 1, III(c) (6)-(7) to exclude prepaid legal contracts from the definition of "consumer guaranty contract" and prohibits certain consumer guaranty contract acts and terms. The amendment revises the rulemaking authority of the commissioner of the department of insurance regarding privileged communications. **Vote 18-0.**

SB 207, relative to administrative fee credit for insurance company external review. **OUGHT TO PASS.**
Rep. Kristina Fargo for Commerce and Consumer Affairs. This bill was requested by the New Hampshire Insurance Department. This administrative bill amends RSA 400-A:10, III to clarify that the amount paid for any external review of insurance companies shall be applied as a nontransferable credit toward the company's administrative fee under RSA 400-A:39 in the subsequent fiscal year and not thereafter. **Vote 18-0.**

SB 208, relative to life insurance. **OUGHT TO PASS.**
Rep. John Hunt for Commerce and Consumer Affairs. This bill is an update and modernization of New Hampshire's regulations related to life insurance, as drafted by the Insurance Department. A previous year's attempt to undertake this re-write project was sidelined due to the pandemic. The language proposed in the bill not only strips out the old statutory provisions but also revises the remaining provisions to bring them up to date, resulting in a proposal to repeal and re-enact RSA 408. The statute is over 170 years old and has not been amended in over a decade. As such, this bill removes antiquated terms and better accounts for other statutes that have been enacted since the adoption of this statute in 1850. **Vote 18-0.**

SB 212-FN, relative to liquor manufacturers. **OUGHT TO PASS.**
Rep. John Potucek for Commerce and Consumer Affairs. This bill allows for the serving of cocktails by liquor manufacturers using liquor produced by the liquor manufacturers when food is served, and it also changes the eligibility of liquor manufactures to sell liquor at farmers markets. This act shall be known as "The Craft Cocktail Support Act." The Commerce and Consumer Affairs Committee unanimously agreed that this bill would not only support all local small craft liquor businesses, but would also promote New Hampshire tourism to our local liquor producers and farmers markets as well. **Vote 18-0.**

SB 272, establishing a committee to study the oversight and operation of the public deposit investment pool. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John Hunt for Commerce and Consumer Affairs. The Public Deposit Investment Pool (PDIP) was established in the early 90's during difficult economic times. It's a fund that gives municipalities and other public entities an alternative to invest their funds collectively and is overseen by the Banking Department and an advisory committee which consists of the Bank Commissioner, State Treasurer, and municipal and bank representatives. NH is the only state in the country where the banking supervisor is in charge of overseeing such a pool. This bill as amended, would create a committee to look at: moving the PDIP from under the Banking Department's oversight to the treasury; how other states handle their pool; and the PDIP's advisory board's responsibilities board representation of entities utilizing the pool and rate of return. **Vote 18-0.**

SB 285, relative to discount medical plan organizations. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Joyce Weston for Commerce and Consumer Affairs. This bill, which was introduced at the request of the New Hampshire Insurance Department, modifies the registration requirements for discount medical plan organizations, of which there are currently 26 registered in the state. It requires an applicant to provide cer-

tain information by which the commissioner can determine whether the applicant is financially responsible, competent, trustworthy, of adequate expertise and experience, and of good personal and business reputation. The bill also clarifies grounds for suspension or revocation of registration. **Vote 18-0.**

SB 286-FN, establishing an association health plan pilot program. **INEXPEDIENT TO LEGISLATE.**
Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill would require the insurance commissioner to establish a pilot program for association health plans. While the concept of bringing more choice and more competition to the market place is attractive, associated health plans (AHP) may not be financially viable. The NH Insurance Department agreed with this assessment, stating that with overhead costs, AHP's may not see the cost savings that they anticipate. There are also concerns that the 1,000 covered lives in a pilot program would not be a viable risk pool. **Vote 17-1.**

SB 287, relative to balance billing for certain health care services. **REFER FOR INTERIM STUDY.**
Rep. Christy Bartlett for Commerce and Consumer Affairs.
This bill would modify insurance coverage to reflect the changes in federal law and clarifies coverage related to emergency services. However, this bill was amended in the Senate deleting the Insurance Commissioner as an arbitrator in the event of a dispute and inserting another provision. Regardless, there are outstanding questions with the federal law which are being challenged in court. The patient is already protected, and this bill would be between the provider and the insurance carrier. Once the other issues are resolved, this bill could come back, but needs further study. **Vote 18-0.**

SB 324-FN, (New Title) relative to the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenant owned manufactured housing parks. **INEXPEDIENT TO LEGISLATE.**
Rep. John Hunt for Commerce and Consumer Affairs. This bill provides for the resolution of disputes for condominium unit owners, homeowners' association unit owners, and tenants in manufactured housing parks. The Commerce and Consumer Affairs Committee has seen this legislation almost every biennium. The Senate amendment has resolving of disputes by appealing the owner's decision to the owners themselves. **Vote 18-0.**

SB 340-FN, relative to the direct to consumer shipment of alcohol to New Hampshire residents. **INEXPEDIENT TO LEGISLATE.**
Rep. John Hunt for Commerce and Consumer Affairs. The bill as introduced raises the limits that a NH beer manufacturer may deliver to a NH citizen directly using the direct to consumer statute that was passed last year. The committee was working on a more comprehensive solution, but ran out of time. **Vote 19-0.**

SB 354, relative to insurance adjuster licensing, insurance producer licensing fees, and the sale of credit life and credit accident and health insurance policies by banks. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Paul Terry for Commerce and Consumer Affairs. This bill is a request of the Insurance Department. It brings clarification to what is meant by "good cause" with respect to insurance claim adjuster license denial, suspension, revocation and fine decisions. Additionally, it provides that certain business renewal fees are not refundable. And finally, it clarifies in statute that banks are not required to have insurance licenses to sell credit life and credit accident and health insurance. The bill's amendment corrects a single incidental typographical error in one word (i.e., from "or" to "of"). **Vote 18-0.**

SB 373, relative to coverage for certain mental illnesses. **OUGHT TO PASS.**
Rep. John Hunt for Commerce and Consumer Affairs.
This bill is an update to the mental health coverage requirements in state law, in order to align NH statutes with the requirements under federal law. The bill is about mental health parity and our expectations for insurance companies to perform a comparative analysis of benefits to demonstrate compliance with state and federal laws. The changes should result in improved consumer protections and lower administrative costs for insurance companies. **Vote 18-0.**

SB 385-FN, relative to financial exploitation of vulnerable adults. **OUGHT TO PASS.**
Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was introduced at the request of the banking industry to offer more tools to help combat financial exploitation. It will allow banks and credit unions to place a hold on disbursement of funds from an account for 15 days, if they suspect financial exploitation of a vulnerable adult. A bank or credit union would have to provide written notice within two days of the hold to the Department of Health and Human Services (DHHS) with a copy of the notice sent to the Banking Department. Financial planners already have this ability to stop a transaction that may not be in their customers' best interests and this bill allows bankers, who may have even more contact with their customers, to alert a third party that had previously been designated by their customer if they think something is out of the ordinary, as long as the designated individual is not suspected of wrongdoing. **Vote 18-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 292, requiring notice of arrest to a probation and parole officer. **REFER FOR INTERIM STUDY.**
Rep. Terry Roy for Criminal Justice and Public Safety. The unanimous decision of the Criminal Justice and Public Safety committee, after hearing testimony from various witnesses, found that this bill should be referred for Interim Study. The impetus for the bill was to ensure that parole and probation officers receive timely notification of the arrest of parolees and probationers prior to their release. The Committee vice chairman held a video conference call with the stake holders from parole, Probation and the State Police technology department. During the call it was discovered that an automatic notification system was within the ability of the current system and only requires several logistical changes. When fully implemented, the system will send automatic and real time notification to whichever parol or probation office entered the parol or probation status into the system. This means that the officers will have notification the instant the criminal record of their person is run, and by whom. The officer can then call the department that initiated the record retrieval to determine the reason for the check, be it arrest or as part of a criminal investigation. This new procedure will actually provide parole and probation officers with more timely and useful information than would have been given by the bill and with no legislation needed and no additional cost to taxpayers. Furthermore, and most importantly, there is no need to hold arrested persons any longer than is currently provided by law. Both parole and probation were extremely pleased with the solution and agreed that there was no need for legislation, the bill should be referred for interim study. **Vote 18-0.**

SB 393-FN, relative to the use of restraints on pregnant women in the custody of a state or county correctional facility. **OUGHT TO PASS WITH AMENDMENT.**
Rep. David Meuse for Criminal Justice and Public Safety. The practice of shackling pregnant people while incarcerated or while under arrest poses serious safety risks for the mother and the baby. This bill codifies best practices currently in place at the New Hampshire Department of Corrections that place strict guidelines on the use of restraints on residents during pregnancy. However, these policies could be changed by a future commissioner. Moreover, policies on use of restraints on pregnant people in county correctional facilities are inconsistent. This bill establishes a consistent set of policies across the state and clearly details situations where restraints are allowed or not allowed and the type of restraints that can be used. It has the full support of the Department of Corrections, the ACLU, and the New Hampshire Women's Foundation. **Vote 20-0.**

EDUCATION

SB 233-FN, relative to water bottle filling stations in schools. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Rick Ladd for Education. This bill, as amended, requires newly constructed public schools and public schools undergoing substantial renovations to incorporate water bottle filling stations. A key benefit of filtered water bottle filling stations for schools is their ability to provide safe drinking water that removes contaminants such as chlorine and lead. Traditional water fountains are perfect places for germs and other contaminants to spread, especially among younger children. Safe, clean and accessible water gives students greater incentive to hydrate more often and enables students to refill water bottles during the day or while attending after-school cocurricular activities. In addition, childhood obesity currently affects approximately 17% of U.S. kids. Water stations will further encourage students to drink water, rather than sugary beverages, will support student health, and result in fewer sick days. **Vote 19-0.**

SB 236, establishing a committee to study New Hampshire teacher shortages and recruitment incentives. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Deborah Hobson for Education. This bill establishes a committee to study and address New Hampshire teacher shortages and recruitment incentives. There is a definite shortage of highly trained teachers who possess skills in content areas such as math and the sciences as well as various special education skill areas due to the recent pandemic, retirement, highly competitive jobs in business and industry, and more. As amended, this bill also provides that teachers of grades 7-12 shall be considered secondary school teachers for purposes of teacher loan forgiveness. Prior to this legislation, junior high school teachers, grades 7 and 8, who teach the same course competencies as offered in grade 9, and who possess the same teacher certification as a secondary teacher, have not been considered secondary teachers and therefore not eligible for teacher loan forgiveness. This bill corrects the inequity. **Vote 19-0.**

SB 238, relative to special education services in chartered public schools. **OUGHT TO PASS WITH AMENDMENT.** Rep. Rick Ladd for Education. This bill, as amended, requires that a sending public school and the receiving chartered public school enter into a memorandum of understanding (MOU), to ensure compliance with state and federal law for providing special education services. The Department of Education shall develop and provide chartered public schools and school districts with a model MOU document to use as a guide. Prior to the start of each school year, the MOU shall be reviewed and updated to ensure and address responsibilities in accordance with law and individualized education plans. **Vote 19-0.**

SB 350, relative to rulemaking by the state board of education on educational personnel applicant checks and licensing standards. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Rick Ladd for Education. This bill, as amended, requires the Department of Education to adopt rules for conducting a check of educational personnel applicants by using the National Association of State Directors of Teacher Education and Certification (NASDTEC) database. This is a nationwide secure system for conducting criminal background checks and accessing findings of abuse for individuals on the central registry. This bill also amends the authority to adopt rules relative to licensing standards for certain educational personnel. This bill is supported and requested by the New Hampshire Department of Education. **Vote 19-0.**

SB 352, relative to substitute teacher criminal history records check. **OUGHT TO PASS.**
Rep. Glenn Cordelli for Education. This bill clarifies the process for criminal history record checks for substitute teachers. It specifies that substitute teachers who have had a record check to work in one school, do not need to have another record check to teach in another school within the same school administrative unit (SAU). The record check for the first school will be sufficient for a three-year period. **Vote 18-0.**

SB 353, relative to the education professional standards board. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Rick Ladd for Education. This bill adds instructional specialists to persons who are members of the Professional Standards Board to advise the State Board of Education regarding professional growth, certification, and governance of the education profession in the state. The bill makes further technical changes such as the board shall maintain records and minutes of its meetings and shall file them in the Bureau of Credentialing for 25 years. Lastly, the amendment identifies members on the board representing higher education shall include teaching faculty and higher education administration. All members must reside in NH. **Vote 19-0.**

SB 386, relative to the determination of state adequate education grants and chartered public school tuition amounts. **OUGHT TO PASS.**
Rep. Alicia Lekas for Education. This bill makes technical changes to the determination of tuition amounts paid to chartered public schools and to the determination of adequate education grants to municipalities. This bill was submitted in response to the performance audit of the Department of Education. It makes a number of small technical changes identified by the audit such as replacing average daily membership in attendance (ADMA) with average daily membership in residence (ADMR) where needed. **Vote 19-0.**

SB 410, (New Title) relative to public comment periods at school district meetings and meetings of the state board of education. **OUGHT TO PASS.**
Rep. Michael Moffett for Education. This bill codifies the expectation that school boards shall clearly establish public comment periods at every public session for citizens to speak about relevant school district matters. This bill also requires public comment periods at meetings of the State Board of Education. **Vote 18-0.**

SB 421, relative to dual and concurrent enrollment for career and technical education center students. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Rick Ladd for Education. This bill, as amended, clarifies the time of payment and that the state shall pay the current rate of dual enrollment tuition, which is established at ½ the regular cost of the course, to the Community College System of New Hampshire (CCSNH) institution where a high school, career and technical school, or non-residential non-public high school student enrolls in a dual enrollment course. The CCSNH shall accept the amount of $150 as full payment for course tuition. **Vote 19-0.**

ELECTION LAW

SB 364, relative to the use of electronic poll books. **OUGHT TO PASS.**
Rep. Katherine Prudhomme-O'Brien for Election Law. The bill proposes to change the required time to update information for the mark up of a backup checklist when using electronic poll books. Currently, communities are authorized to use electronic poll books for voter registration and check in for elections. That information is to be backed up every five minutes to allow the duplication of a paper check list. The committee agreed that an increase in time from five minutes to 30 minutes was reasonable and continued to provide adequate back up to maintain accurate lists while at the polling place on election day. **Vote 20-0.**

ENVIRONMENT AND AGRICULTURE

SB 368-FN, (New Title) relative to the unlicensed sale of live animals and establishing the agricultural hearings officer revolving fund. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Howard Pearl for Environment and Agriculture. This bill as amended will establish a revolving fund for an Agricultural Hearing Officer to assist the Agriculture Commissioner in all aspects of the adjudicative process within the Department. The department is capped at accessing the fine moneys deposited into the fund, not to exceed $75,000 annually. Additionally, the bill applies the official certificate of transfer require-

ment equally to all transfers by fixing a loophole identified by the department in RSA 437:10 relating to the penalty for transferring an animal without a certificate of transfer, this is required in RSA 438:8 VI of current statute and provides for an administrative action not just a criminal penalty. **Vote 16-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 53, (New Title) relative to confidentiality of department of revenue administration records. **OUGHT TO PASS.** Rep. Peter Schmidt for Executive Departments and Administration. This bill provides that certain records relative to the assessing standards board and the certification of assessors shall be exempt from Department of Revenue Administration (DRA) confidentiality requirements. This bill addresses a long-time unintended and unwanted aspect of the governance of assessors in NH, namely the inaccessibility of their records by the public. This has resulted because they have been overseen and regulated by the department of revenue administration, which has very strict confidentiality requirements. This bill is a companion to HB 1552, which will transfer regulation and oversight of the certification and decertification of assessors away from DRA, thereby creating much greater transparency for the public. **Vote 17-0.**

SB 221, relative to the internal organization of the department of corrections. **OUGHT TO PASS.**
Rep. Jennifer Rhodes for Executive Departments and Administration. This bill makes changes to the Department of Corrections (DOC) at the request of DOC. The committee has unanimously voted to enable the reorganization of positions in the department with the aim of effectively supporting their operation. **Vote 17-0.**

SB 224, recognizing the second Thursday in October as children's environmental health day. **INEXPEDIENT TO LEGISLATE.**
Rep. Mark Alliegro for Executive Departments and Administration. This bill would establish the second Thursday in October as children's environmental health day. Barring exceptional circumstances, the committee's position is that such memorial days do not belong in law, but are more appropriately handled as a direct request for recognition made to the Executive Branch or municipal authorities. There are also, in some cases, additional reasons for not recommending passage of bills designating memorial days. In this circumstance as in most others, the committee voted unanimously to recommend inexpedient to legislate. **Vote 19-0.**

SB 225, relative to the bond required of applicants for auctioneer licenses. **OUGHT TO PASS.**
Rep. Glenn Bailey for Executive Departments and Administration. This bill removes the requirement that licensed auctioneers post a $25,000 bond. Since the bond has never been needed to settle a dispute, the committee agreed with its deletion. **Vote 19-0.**

SB 226-FN, establishing a recruitment and retention program for state employment. **OUGHT TO PASS.**
Rep. Sallie Fellows for Executive Departments and Administration. We heard that the overall vacancy rate for State jobs is 20%. For corrections officers it is 34%, and for mental health workers it is 50%. This bill gives the Division of Personnel the authority to use incentives such as hiring bonuses and employee referral fees to recruit new hires. Without this program it is likely the vacancy rate will increase. The Fiscal Committee must approve both the plan and specific expenditures. This program sunsets on June 31, 2023. **Vote 19-0.**

SB 277-FN, relative to emergency or temporary health care licenses. **OUGHT TO PASS WITH AMENDMENT.**
Rep. William Marsh for Executive Departments and Administration. This bill extends the expiration date for the emergency licensing and establishes precedent for future emergency licensing. We believe it is was important to issue emergency licenses during the COVID emergency and may be important in a future emergency. However it is imprudent to waive all continuing education requirements when issuing licenses. Conceivably, a physician so licensed could still be practicing for 8 years without any continuing education – the final year of a prior cycle, two years prior to license expiration, three years since expiration, and two years before CME is again required. This would put the public at risk. The amendment requires evidence of continuing education to be presented, but allows the board discretion. **Vote 19-0.**

SB 282, (New Title) relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist. **OUGHT TO PASS WITH AMENDMENT.**
Rep. William Marsh for Executive Departments and Administration. As amended this bill is the companion bill to HB1192, recently passed by the Senate. That bill makes necessary changes to occupational licensing requirements for acupuncture as requested by their board. All parties were in agreement with the language passed in the Senate, and the ED&A Committee concurred. This bill incorporates a number of additional changes, all requested by the board. These include changing "oriental medicine" to "Asian medicine;" providing that if the national organization that sets their standards were to change their name, further legislation would not be necessary; and providing greater flexibility to the Board recognizing continuing education in granting licenses. **Vote 19-0.**

SB 357-FN, relative to mental health training for first responders. **OUGHT TO PASS WITH AMENDMENT.** Rep. Stephen Pearson for Executive Departments and Administration. This bill reestablishes the PTSD Commission for another 2 years. The bill requires that Mental Health Training be included in both

the Police and Fire Academies for new recruits. The bill also requires annual refresher training that will be an online only component. The online refresher training is already under development by both academies. This annual refresher training will not require any existing personnel to travel to their respective academies. **Vote 19-0.**

SB 383-FN, relative to land surveying services. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Carol McGuire for Executive Departments and Administration. As amended, this bill expands the opportunity for non resident licensing for land surveyors, and requires the board to present its investigations into unlicensed practice to the Attorney General for prosecution. **Vote 19-0.**

FINANCE

SB 363-FN, relative to service credit for certain group II retirement eligibility. **OUGHT TO PASS.**
Rep. Gerald Griffin for Finance. This bill allows certain Group II retirement system members to purchase non-qualified service time as creditable service in order to reduce certain transition provision requirements for retirement. The pension reform bill passed in 2011 increased the service requirement for those not yet vested by five years. This bill is aimed at that group and allows them to buy credible service time in order to reduce the age at which they could retire. The bill passed the policy committee and the full House by large majorities. The Finance Committee found that the bill would have little or no cost to the state, as those exercising this option would bear the full actuarial cost of this benefit. **Vote 21-0.**

SB 402-FN, (New Title) relative to financial assistance for municipalities affected by disasters. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Joseph Pitre for Finance. This bill as amended establishes a protocol when the President of the United States declares an area a federal disaster area and a municipality has applied for federal emergency assistance from the Federal Emergency Management Administration (FEMA), the municipality may apply to the Division of Homeland Security and Emergency Management (HSEM) for state aid in an amount not to exceed 50 percent of the non-federal share of projects eligible for costs relating to public assistance disaster grants and hazard mitigation grants. For approved applications, the division, with the approval of the Fiscal Committee of the General Court, the Governor, and the Executive Council, shall disburse aid to the municipality. The Governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise, appropriated. **Vote 19-1.**

SB 409, relative to disaster relief loans. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Leonard Turcotte for Finance.This bill amends RSA 21-P:37-c, to authorize the Governor with approval of the executive council in the event of a state emergency declared by the President of the United States or the Governor to approve a non-interest loan to a municipality in the amount up to the anticipated assistance from FEMA, as agreed upon by the division of homeland security and emergency management and the municipality. To be eligible for an exceptional disaster loan, the per incident of the critical relief disaster project(s) shall equal or exceed 25 percent of the amount raised by local property taxes in the municipality's current annual budget. Recipients of the disaster loan shall be responsible to repay the entire loan to the state. If the amount of FEMA assistance is less than the disaster relief loan, the state treasurer, with advice and consent from governor and council, shall negotiate repayment terms of the difference. The municipality in receipt of such loan shall consider applying for available hazard mitigation grant funding administered by the division of homeland security that would reduce the impact of future disasters on facilities that were repaired with disaster relief loan fund. In addition, to be eligible for future loans the municipality must demonstrate progress on their hazard mitigation plan in the affected area. The municipality shall not knowingly request an exceptional disaster relief loan for costs that are not eligible for reimbursement under FEMA public assistance program. **Vote 20-0.**

SB 443-FN, relative to municipal authority regarding the state building code. **OUGHT TO PASS.**
Rep. Gerald Griffin for Finance. This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code and requires submission of local amendments prior to enforcement. The bill also requires the state fire marshal to review local amendments to the state fire code prior to enforcement and to publish local amendments to the state fire code. The Finance Committee heard testimony that this bill makes much needed changes to several sections of RSA-155 by requiring local changes, to the state adopted building and fire codes, would have to be enacted as local ordinances and could not go into effect until they were approved by the respective state board or the state fire marshal. The goal of the bill is to end up with a centralized place where all local changes to the codes can be found. The effective date of the bill is January 1, 2023, and while the bill has no immediate financial impact it is anticipated that the FY 24 budget would ask for an additional full-time person in the fire marshal's office. **Vote 21-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 281, relative to nursing home policies regarding notice of vacancy. **OUGHT TO PASS WITH AMENDMENT.** Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. This bill as amended would prohibit a nursing home or assisted living facility from enforcing a 30-day notice of vacancy policy in the event of a resident's death. This prevents families (or the estate) from incurring charges for any longer than 10 days beyond the resident's death. It also provides that, in such cases, the month in which the resident passes shall be the last month for which payment is due, provided that the deceased resident's family vacates property from the unit in a timely manner. **Vote 20-0.**

SB 283, relative to membership of the council on autism spectrum disorders and the developmental services quality council. **OUGHT TO PASS.**
Rep. Mark Pearson for Health, Human Services and Elderly Affairs. This bipartisan, bicameral bill simply revises the membership of the two councils to better reflect the breadth of stakeholders and make it more likely that each group will attain a quorum at its meetings. **Vote 20-0.**

SB 288, (New Title) establishing a committee to study the listing of immunizations for children. **OUGHT TO PASS.**
Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. This bill will create a committee to study concerns about the list of required immunizations for children in New Hampshire. The bipartisan committee will make recommendations to address public concerns and ensure that public health is adequately protected. **Vote 20-0.**

SB 290-FN, relative to the practice of auriculotherapy. **REFER FOR INTERIM STUDY.**
Rep. Mark Pearson for Health, Human Services and Elderly Affairs. In the past several decades, several layers of medical professionals have been added. For example, between a physician and a registered nurse, there are now Physician Assistants (PAs) and Nurse Practitioners (APRNs). Adding new layers allows helpful procedures to be done by people appropriately trained, licensed, and, in some cases, regularly supervised, but not to the level that would demand unnecessary training that would be costly and time consuming. The committee was, therefore, quite open to the concept of auriculotherapy, the practice of inserting needles into the external human ear. The committee was concerned, however, that the bill as presented to us was in need of much more work. We learned that auriculotherapy is actually a subset of acupuncture, which is regulated in New Hampshire. Additionally, acupuncturists who are not also physicians, and physical therapists who provide dry needling both have extensive training and are required to be licensed. The bill would require auriculotherapists to have had appropriate training in clean needle technique but did not define "appropriate," nor did it specify who would sign off that such training indeed occurred. Finally, the bill would allow someone to practice auriculotherapy as long as it "does not purport to treat any disease, disorder, infirmity, or affliction." The committee wondered, "Then why do it?" Rather than kill the bill outright, the committee's suggestion is that the subject be studied further so that there could perhaps be a place for those practicing auriculotherapy only. **Vote 20-0.**

SB 335, relative to collaborative pharmacy practice agreements. **OUGHT TO PASS.**
Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The bill amends RSA 318:1, XXVII so a patient is not required to sign a multiple page legal agreement governing the collaboration between a prescribing provider and a pharmacist. When a prescribing provider refers a patient to a pharmacist, the decision to accept or reject the referral remains with the patient. **Vote 20-0.**

SB 337-FN, relative to emergency medical and trauma services data sharing to the purposes of analysis. **OUGHT TO PASS.**
Rep. Dennis Acton for Health, Human Services and Elderly Affairs. This bill establishes a data collection and analysis capability that provides for the evaluation of emergency medical and trauma services in order to identify areas of improvement that may be needed. Specifically, this data will be used to identify gaps and shortfalls in the delivery of emergency medical and trauma services. All analysis shall be public documents, provided that recipients of the emergency services remain confidential. Any patient data collected for use in analysis is required to be de-identified and is subject to existing state and federal data privacy laws. Any release of data for analysis shall be returned to the Department of Safety or destroyed and no copies shall be kept. Currently, the existing laws limit the ability to share data for analysis which inhibits the ability to change and improve patient care protocols and to propagate best practices. This bill will solve this problem while maintaining strict privacy rules to protect patient confidentiality. **Vote 21-0.**

SB 390, relative to telemedicine and telehealth. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Mark Pearson for Health, Human Services and Elderly Affairs. The necessity of telemedicine during the pandemic demonstrated that this way of caring for patients had particular value for those needing a practitioner who could not be found locally, for those who, because of transportation problems needed a different way of interacting with the doctor even if he or she were local, and for those who were in temporary quarantine,

but still needed immediate care. Many providers wondered if the benefits of telemedicine, proven during the pandemic, might continue as we move out of the pandemic. This new mode of helping is not for everyone nor is it appropriate in some circumstances. This bill was carefully crafted so as not to rush forward too quickly nor to remove existing safeguards regarding personal privacy and medical ethics. Concerns raised in the Senate's hearing of the bill were addressed in a Senate amendment. Some technical issues still remaining were addressed in a House committee amendment. **Vote 20-0.**

SB 408-FN, directing the department of health and human services to make adjustments to the facility fee reimbursement schedule for freestanding birthing centers. **OUGHT TO PASS.**
Rep. Beth Folsom for Health, Human Services and Elderly Affairs. Freestanding Birthing Centers in New Hampshire are part of an integrated network of coordinated maternity care and supportive practitioners. Their alternative services offer a cost savings while maintaining a high level of care. This increase in the facility fee, while not completely covering the actual expense, does help sustain the service they provide. **Vote 21-0.**

SB 419-FN, (New Title) establishing a commission to study the delivery of public health services in New Hampshire through regional public health networks. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Frances Nutter-Upham for Health, Human Services and Elderly Affairs. This bill would establish a commission to study the delivery of public health services in New Hampshire throughout the 13 regional public health networks. The purpose of this commission is to create a plan for implementation of sustainable programs, practice and policies that are evidence-based to improve outcomes across New Hampshire. It is increasingly difficult to find legislators to fill positions on committees and commissions that many bills call for. However, participants from both the Senate and the House have already volunteered for the positions this bill would establish. The only change made by the amendment was to move the date of the commission's report from November 1 of 2022 to November 1 of 2023. The prime sponsor agreed with the committee that this change would give the commission a chance to do a thorough, not rushed, job on its report. **Vote 20-0.**

SB 454, establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet. **OUGHT TO PASS.**
Rep. Mark Pearson for Health, Human Services and Elderly Affairs. This bill establishes a committee to study the information collected as part of the live birth worksheet as required by the division of vital records administration under RSA 5-C:19 and 5-C:20. The committee will study how the data is currently used, issues of privacy and security, how information should de-identified and aggregated, the rights of the mother to decline to share the data, and any other issues the committee deems relevant. The committee will make its report on or before October 15, 2022 so policies may be kept in place, added or changed. **Vote 21-0.**

JUDICIARY

SB 243, permitting transfer on death deeds for real property. **REFER FOR INTERIM STUDY.**
Rep. Mark McLean for Judiciary. This bill provides a mechanism for the non-probate transfer of real estate through the use of a transfer on death deed. The benefit of such a deed is that it would save those seeking to transfer property from the expense of drafting a will or creating a trust. Twenty-eight states and the District of Columbia have already implemented legislation enabling this type of deed. While many stakeholders see the value in these deeds, testimony revealed that the proposed New Hampshire legislation had several gaps relative to notification, acceptance, and disclaiming. Protections against fraud and undue influence were also found to be lacking. For these reasons, the committee unanimously recommended holding the bill for Interim Study. **Vote 21-0.**

SB 296, relative to complaint procedures in cases before the commission for human rights. **REFER FOR INTERIM STUDY.**
Rep. Mark McLean for Judiciary. This bill would eliminate a respondent's right to remove a case from the state Commission for Human Rights to the superior court, and reserve that right exclusively to the complainant. The US Supreme Court has held that it is the right of the complainant to choose the forum where their complaint is to be heard. The committee heard testimony that in the last year, all the cases that were removed to the superior court were done at the direction of the respondent and none by the complainants. While this is an obvious area of concern, testimony also revealed that the severe case backlog at the commission could hit a breaking point if none of the cases are removed. **Vote 20-1.**

SB 297, relative to obtaining out-of-state discovery and testimony. **OUGHT TO PASS.**
Rep. Edward Gordon for Judiciary. Currently, litigants in this state may be required to petition the court to appoint a commissioner when a deposition is sought to be taken in another state or jurisdiction. This legislation would provide an alternative to that process if the other state or jurisdiction has adopted a uniform act which provides for interstate discovery and depositions. This will make discovery easier and less costly while still affording statutory protections. **Vote 21-0.**

SB 301-FN-LOCAL, relative to the procedure for violations under the right to know law. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Joe Alexander for Judiciary. The Judiciary Committee recommends that this bill, as amended, be passed. This bill, unamended, dealt with procedures when there is a violation of the Right to Know Law. The committee found the underlying bill unnecessary. The amendment completely replaces the bill with the text of HB 481 which the House recently passed. HB 481 establishes the Right-To-Know Office of the Ombudsman in the NH Secretary of State's Office. The majority of the committee agrees that the best way to proceed in handling violations of RSA 91-A is going through an ombudsman. **Vote 20-1.**

SB 375-FN, relative to requirements for charitable organizations. **OUGHT TO PASS.**
Rep. Joe Alexander for Judiciary. This bill will ensure that charities are protected from burdensome or onerous filing requirements that are not authorized in state or federal law. The Charity Protection Act is designed to create a predictable regulatory environment that is transparent and brings consistency to the filing process for New Hampshire charitable organizations. The information collected by the Attorney General in the registration and annual report process is critical to securing the public's trust in the charitable sector and helping the state root out bad actors. However, growing calls for charitable organizations to disclose an increasing number of details about operations, governance, and grantmaking without legislative approval are becoming more frequent across the country. Charitable organizations are being required to file multiple, duplicative, and sensitive reports with local officials, often exceeding current federal and state requirements. The Charitable Trust Unit does a good job of protecting the integrity of nonprofits in New Hampshire, but safeguards should be put in place that will provide an appropriate balance between accountability and reliability for all charitable organizations. With the Charity Protection Act in law, nonprofits will be able to focus their attention on activities that carry out their missions without unnecessary and burdensome mandates. **Vote 21-0.**

SB 399-FN, (New Title) relative to certain provisions of the fetal life protection act requiring an ultrasound examination. **OUGHT TO PASS.**
Rep. Kurt Wuelper for Judiciary. This bill clarifies that the ultrasound requirement of the Fetal Life Protection Act is applicable only when there is good reason to believe the fetus may be 24 weeks gestation or more. It is identical to HB 1673 as amended and passed by the House. **Vote 21-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 276, relative to the reporting requirements for the regenerative manufacturing workforce development program. **OUGHT TO PASS.**
Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. This bill addresses the Advanced Regenerative Manufacturing Institute (ARMI) and the State of New Hampshire's program to encourage its development. This is a program that has been in effect since 2018 to encourage development of the regenerative manufacturing industry in our state. The bill simply clarifies the reporting requirements under this program so the Ways and Means committees, in the House and in the Senate, receive the required reports in a timely fashion. This will allow the legislature to better monitor the program's progress as intended. **Vote 21-0.**

MUNICIPAL AND COUNTY GOVERNMENT

SB 249, prohibiting planning and zoning ordinances that prohibit short-term rentals. **REFER FOR INTERIM STUDY.**
Rep. Richard Tripp for Municipal and County Government. This bill attempts to establish standards to regulate short term rentals. Many of those who testified at the bill's hearing were against the bill for one reason or another but not against it in totality. Part of the bill's appeal is that it contains sections which implement owner registration and inspection procedures which would ensure these rentals are safe and in those times when safety or health issues arise give the municipality the means of contacting the owner to correct any issues. There are however many issues which need to be addressed before moving the bill forward. For this reason the committee recommends the bill be sent to interim study. **Vote 17-2.**

SB 251, relative to the advisory board of a tax increment financing district. **OUGHT TO PASS.**
Rep. Diane Pauer for Municipal and County Government. This bill modifies the membership of an advisory board for a tax increment financing district in an effort to ensure fair representation of both community and business interests. As such, the bill requires that in the case of business development districts, as well as residential development districts, the board membership shall primarily consist of owners or occupants of real property from within the community and at least one member shall be an owner or occupant of real property within the development district. **Vote 19-0.**

SB 273-A, relative to broadband infrastructure funding. **OUGHT TO PASS.**
Rep. John MacDonald for Municipal and County Government. New Hampshire is anticipating receiving over 120 million dollars to expand infrastructure broadband within the state. Broadband infrastructure expansion

is extremely important to many residents of New Hampshire. This bill adds a narrow exemption to allow towns to hold a special town meeting for the purpose of adopting and/or acting on a broadband infrastructure bond. This bill will allow towns to start broadband infrastructure projects sooner rather than having to wait until the next town meeting. No changes have been made to the requirements concerning the approval of the bond. **Vote 19-0.**

SB 312, relative to adjusted assessments of taxable property. **OUGHT TO PASS.**
Rep. Richard Lascelles for Municipal and County Government. The committee agreed with the sponsors of the bill on the need for assessors and selectmen to correct errors in existing appraisals. **Vote 19-0.**

SB 317-LOCAL, reducing the interest rate for abatements of paid property taxes. **OUGHT TO PASS.**
Rep. Richard Tripp for Municipal and County Government. This bill changes the interest rate on the amount of taxes abated from a rate of six percent to four percent. **Vote 19-0.**

SB 334-LOCAL, (New Title) establishing a committee to study property blight in New Hampshire cities and towns. **OUGHT TO PASS.**
Rep. Tom Dolan for Municipal and County Government. This bill would establish a committee to study property blight in NH cities and towns. The committee will study strategies and barriers and will study the feasiblility of legislation pertaining to registering blighted property. **Vote 18-0.**

RESOURCES, RECREATION AND DEVELOPMENT

SB 257, enabling municipalities to incorporate sewage disposal systems as part of their stormwater utility. **REFER FOR INTERIM STUDY.**
Rep. Robert Harb for Resources, Recreation and Development. After hearing testimony, the committee believes this bill requires more study. As presently written this bill could possibly affect the entire state and all private septic systems, which the Department of Environmental Services says are about half of all residential "sewage disposal systems". This bill as presently proposed could also lead to additional taxes on property owners whose septic systems are in compliance with all regulations, and possibly lead to mandated septic system inspections and mandated upgrades. The committee recognizes the needs to protect the environment and the needs of the Great Bay area. For these and other reasons, the committee believes further study is needed to arrive at a reasonable resolution of these needs, and recommends interim study. **Vote 21-0.**

SB 305, relative to the operation of personal water craft in marked channels from Hampton Falls to Hampton Harbor. **OUGHT TO PASS.**
Rep. Suzanne Smith for Resources, Recreation and Development. This bill rescinds the prohibition of personal watercraft (PWC) in the Hampton/Seabrook estuary. After the prohibition was put into law in 2019, it was learned that complete prohibition meant that those who put in their PWCs at the depot at Hampton Falls were unable to use this launch to access the channel which leads to the ocean. This bill will allow PWCs in this area when they are operating at headway speed within 300 feet of the salt marshes and flats of the Hampton/Seabrook estuary. Additionally, this bill also requires personal watercraft operating in the Rye estuary and New Castle back channel to travel at headway speed within 300 feet of any marshland or flats in that area. The committee believes that this bill will adequately protect the salt marshes and estuaries in these fragile areas, while still allowing personal watercraft enthusiasts access to docks, launch sites, and other less fragile areas. **Vote 21-0.**

SB 452-FN, relative to lead in drinking water in schools and licensed child care facilities. **INEXPEDIENT TO LEGISLATE.**
Rep. Robert Harb for Resources, Recreation and Development. This bill covers the same subject matter as HB 1421. HB 1421, as amended by the Senate, provides the same provisions as this bill - plus the addition of authorizing installation of water bottle stations if needed to remediate a lead issue. The Department of Environmental Services gave testimony showing a side-by-side comparison between HB 1421 as passed by the House, this bill as passed by the Senate, and HB1421 amended with provisions of this bill and passed by the Senate. After reviewing the testimony on the elements of both bills, the committee determined that this bill should be found inexpedient to legislate. **Vote 20-1.**

SCIENCE, TECHNOLOGY AND ENERGY

SB 256, establishing a committee to study the feasibility of replacing the site evaluation committee. **OUGHT TO PASS.**
Rep. Douglas Thomas for Science, Technology and Energy. This bill is a request of the committee to study necessary revisions to the site evaluation committee. The new Department of Energy and the reorganization of the Public Utilities Commission creates a need to review such issues as adjudicatory and regulatory responsibilities. **Vote 20-1.**

SB 261-FN, relative to net metering participation. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Michael Vose for Science, Technology and Energy. This bill changes the payment interval for net metering credits from yearly to quarterly. The committee amended the bill to allow utilities to recover any costs associated with making this billing cycle change. **Vote 19-2.**

SB 262, relative to customer generators of electric energy. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Kat McGhee for Science, Technology and Energy. This bill refines the definition of customer generators who may participate in group hosting to include certain political subdivisions and hydro facilities to help reduce energy costs; it requires utilities to publish hosting capacity maps of distributed generation facilities and instructs the Department of Energy to investigate and report on ways "to reduce barriers to cost-effective, predictable, and timely interconnections of distributed energy resources to the state's electric distribution system." **Vote 20-0.**

SB 264, (New Title) relative to certain references to the department of energy and transferring authority over the low-income electricity assistance program to the department of energy. **REFER FOR INTERIM STUDY.**
Rep. Nick White for Science, Technology and Energy. This bill seeks to codify existing Public Utilities Commission (PUC) practice into statute, but it does so in ways that leave open several important questions, including whether monies collected from ratepayers should be allowed to accumulate indefinitely in low-income assistance accounts. Disagreement between the PUC and the Department of Energy over control of this program led to the conclusion that the matter needs additional study. **Vote 21-0.**

SB 265, relative to the aggregation of electric customers by counties. **OUGHT TO PASS.**
Rep. Jose Cambrils for Science, Technology and Energy. This bill simply clarifies that a community electricity aggregation unit, whether a municipality or county, no longer needs to mail customers a written notice of the adoption of certain electric aggregation programs but shall post a public notice of such programs. **Vote 19-0.**

SB 268-FN, relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine. **OUGHT TO PASS.**
Rep. Lex Berezhny for Science, Technology and Energy. This bill creates the necessary framework for the State of New Hampshire to claim an interest beyond the three miles out from our coast and up to 200 miles. The federal government currently has jurisdiction over waters past three miles and out to 200 miles. By asserting an interest in this area, we would have a say in any offshore wind projects that develop and be able to advocate for our fishermen and other industries that could be affected by such projects. **Vote 21-0.**

SB 270, (New Title) establishing a low-moderate income community solar program. **OUGHT TO PASS WITH AMENDMENT.**
Rep. JD Bernardy for Science, Technology and Energy. This bill, as amended, requires electric distribution utilities to generate a list of low to moderate income customers potentially eligible to receive the benefits from a community solar project. The Department of Energy is required to develop a process by which developers can be officially designated as community solar developers and then enroll low to moderate income households from the utilities' lists. Low to moderate income households stand to benefit from the cost savings associated with the community solar program. **Vote 21-0.**

SB 321, relative to the purchase of output of limited electrical energy producers in intrastate commerce and including qualifying storage systems. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Michael Harrington for Science, Technology and Energy. This bill allows for pilot projects by utilities for limited electrical energy producers. It sets limits and requirements for these projects. As there were concerns raised at the bill's public hearing on possible conflicts with federal law governing transmission systems, the bill's amendment tasks the Public Utilities Commission (PUC) with determining definitively whether such conflicts exist before any pilot project receives PUC approval. It also sets limits on the size, number, and duration of those pilot projects. **Vote 22-0.**

SB 395, relative to the broadband matching grant initiative. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John Lewicke for Science, Technology and Energy. This bill is enabling legislation to allow cellular service providers to work with municipalities to expand service to areas that are presently unserved or under served. As amended, the bill creates a Wireless Deployment Initiative and Grant Fund. It will create no cost to the state. If federal funding is available or becomes available, the bill would provide the ability for wireless carriers to access funding on behalf of municipalities. **Vote 20-0.**

SB 429-FN, relative to the site evaluation committee. **OUGHT TO PASS.**
Rep. Lex Berezhny for Science, Technology and Energy. This bill makes these short-term improvements to the site evaluation committee process: (a) modifies the site evaluation committee to allow for agency designees, a quorum of five members, and expanded training; (b) requires an adequate public notice of all committee proceedings pursuant to RSA 91-A; (c) updates various fees to reflect changes previously approved by the fiscal committee; (d) clarifies that subsequent certificate holders remain responsible for associated costs; (e) authorizes the committee to impose a fine for preliminary determinations of viola-

tions of any certificate issued within RSA 162-H; (f) provides for funding of all operating costs out of the site evaluation committee fund and allows the chair of the committee to seek additional funding. These improvements were suggested by the Site Evaluation Committee Study Committee Report delivered on October 1, 2021. **Vote 20-0.**

SB 440-FN, (New Title) relative to the office of offshore wind industry development. **OUGHT TO PASS.**
Rep. Douglas Thomas for Science, Technology and Energy. This bill directs the Office of Offshore Wind Industry Development to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same. Without this legislation, the state would not be able to engage with the federal government on offshore development. **Vote 18-0.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

SB 360, relative to national guard educational benefits. **OUGHT TO PASS.**
Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. This measure expands and clarifies the mechanism for transferring the National Guard community college tuition waiver benefit to an eligible spouse. **Vote 13-0.**

TRANSPORTATION

SB 308, relative to driver's licenses for certain visa holders. **REFER FOR INTERIM STUDY.**
Rep. Thomas Walsh for Transportation. This bill would allow H-2A visa workers to drive in New Hampshire using their out of country license or an international driving permit. These workers can currently obtain a New Hampshire driver's license under RSA 263:39-a which would expire when the visa does. The committee agrees that the current system can be improved and made attempts that resulted in more questions. The committee wishes to pursue this and recommends to refer for interim study. **Vote 18-0.**

SB 309, authorizing certain organizations to issue decal plates. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Larry Gagne for Transportation. This bill authorizes the New Hampshire Towing Association to issue decals for multi-use decal plates. The amendment removed an organization whose spokesperson did not come to testify. In fact, no one testified as to their reasons for wanting the decal plates, the committee chose to remove this organization from this bill. They can proceed next year if they choose. **Vote 18-0.**

SB 310, relative to license plate scanning. **INEXPEDIENT TO LEGISLATE.**
Rep. Travis O'Hara for Transportation. This bill replaces, with an expanded definition in statute, license plate readers. The bill also suggests adding a new section where, aside from law enforcement when perhaps searching for a specific car involved in an Amber Alert. It appears that a business could employ the use of license plate readers to match license plates with an approved list of car owners and operating a gated entrance to a private property. While that may, in fact, be a legitimate use, the prime sponsor indicated only a single user and the committee felt laws made based on one user and one purpose, especially where alternatives already exist, would not be in the best interest of the citizens of NH. There was also a question of enforcement of the prohibition of taking and storing facial features of the driver and co-occupants by that privately owned reader. For these reasons, the committee recommends inexpedient to legislate. **Vote 18-0.**

SB 311, (New Title) relative to access to drivers' license information for healthcare and motor vehicle related business purposes. **INEXPEDIENT TO LEGISLATE.**
Rep. Laura Telerski for Transportation. This bill would permit motor vehicle and health care related businesses to scan, record, retain, or store, in electronic format, personal information from driver's licenses and non-driver's identification cards. The committee believes that there are reasonable concerns that allowing such action would be in conflict with Article 2-b of the New Hampshire Constitution which protects our privacy and personal information from government intrusion. The language that the information could be used for "healthcare business purposes" and "motor vehicle related business" was found to be too vague and could potentially allow for a wide range of use including hospitals, clinics, retail pharmacies, auto dealerships, service garages, banks that offer car loans, and auto parts stores. The bill allows a person to refuse the scanning of their license at medical facilities without consequence, but that safeguard was not in the section for motor vehicle related use. Finally, the committee was not convinced that the passage of this bill would significantly improve the existing process for patient identification and had no testimony on why it is needed for motor vehicle related business, and therefore recommends it be found inexpedient to legislate. **Vote 18-0.**

SB 389-FN, defining mobile service garages and relative to state vehicle inspections. **OUGHT TO PASS.**
Rep. Ted Gorski for Transportation. This bill allows mobile service garages, which currently service and repair vehicles, to conduct state vehicle inspections. Mobile service garages contain an automotive lift rated for 9,000 pounds, have internet connectivity, an unobstructed work area of at least 15 feet wide and 20 feet long,

and possess an insurance policy of at least $1,000,000. These garages are contracted at large employer sites so that employee vehicles can be serviced. It is a great convenience to New Hampshire citizens and allowing them to conduct state vehicle inspections is a benefit that is worth while. **Vote 18-0.**

SB 406, relative to driver's license reciprocity. **OUGHT TO PASS.**
Rep. George Sykes for Transportation. This is a bill introduced in a bipartisan fashion at the request of the NH Department of Safety (DOS). The bill directs the DOS to develop and adopt such rules as to have procedures for determining whether driver's education standards from other jurisdictions meets the state's minimum requirements. Furthermore, the bill authorizes the Director of the Division of Motor Vehicles to impose suspensions, revocations, or other limitations on a NH driver convicted in another compact state of the offenses found in NH statute in Article IV of RSA 263:77. **Vote 18-0.**

SB 449, relative to the retention of social security numbers by the division of motor vehicles. **INEXPEDIENT TO LEGISLATE.**
Rep. Gregory Hill for Transportation. Somewhat of a companion bill to SB 425 an election law bill that was just recently voted inexpedient to legislate in the House session. This bill removes the ability for a drivers license holder to require the Department of Motor Vehicles (DMV) to purge from their records the drivers license holder's entire social security number. The bill would require five social security digits to be retained. The principle objections indicated the total cost shown for this entire project at 11.5 million dollars and the fact that the new portal would incorporate voters personal consumer data into the program as a way of verifying a voter's eligibility. The Secretary of State is currently involved in the process of obtaining and developing specifications and technical requirements for a new voter registration system and, when asked, the Secretary of State indicated no additional benefit for the added social security numbers in the cross check program. The committee is very cognizant that we recently amended our constitution to protect resident privacy with a 81% approval. **Vote 18-0.**

WAYS AND MEANS

SB 313, (New Title) relative to the authority of the office of professional licensure and certification to establish fees. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Susan Almy for Ways and Means. The Office of Professional Licensure and Certification provides support services for dozens of diverse professional and occupational boards, commissions, and councils. As the numbers of such entities grew, so did administrative inefficiency. This has been solved by previous legislation which did not come to the Ways and Means Committee, that centralized parts of the processes of licensure; receipt and hearing of complaints; meetings; and receipt, expenditure, and accounting of funds. The office and its entities are funded by the membership fees specific to each entity, and in the past both the prior committee and the Ways and Means Committee approved and put most of the fees into statute. This bill came from the Senate creating a study committee to further improve the funding process, plus some minor rewording of statutes that still attribute fee-setting to the individual entities to comply with the new policy. The prior committee merged the first part into SB 330, a larger study committee of the office's structure. This left this bill as a housekeeping bill. The Ways and Means Committee discovered another set of fees that was omitted from this housecleaning, and the amendment simply makes them also comply with current policy. **Vote 17-0.**

SB 316-FN, relative to lucky 7 licenses. **OUGHT TO PASS.**
Rep. Patrick Abrami for Ways and Means. This bill permits games of chance facilities to offer Lucky 7 tickets without also conducting bingo. In addition, no charitable organization shall be licensed to sell Lucky 7 tickets for more than 10 days per month when selling tickets at a facility licensed under RSA 287-D. Lucky 7 tickets sold at said facilities may be sold at all hours for which the facility is licensed to operate. It was made clear by the Lottery Commission that this will only impact those with charitable gaming facility licensees that also have bingo/Lucky 7 licenses and will not impact bingo halls or fraternal halls that are also licensed to offer bingo/Lucky 7. In a separate provision of RSA 287-E:9, IV that called for all cash prizes from bingo and Lucky 7 over $500 or more to be paid by check was eliminated. This was replaced by language that said all prizes shall be paid in compliance with Internal Revenue Service W-2G requirements and all such required documentation shall be available for inspection by the Lottery Commission. These modernizations were fully supported by the committee. **Vote 17-0.**

SB 379-FN, (New Title) establishing the solid waste management fund and grant program. **OUGHT TO PASS.**
Rep. Patrick Abrami for Ways and Means. The purpose of this bill is to assist communities, businesses, and the general public with their efforts to improve solid waste reduction and diversion activities. This bill was unanimously approved by the policy committee and passed on the consent calendar. The Ways and Means Committee, as the second committee, was focused strictly on the creation of a fund. This bill establishes a state solid waste management fund to be administered by the Department of Environmental Services, and authorizes the department to solicit federal funds that meet the fund's purposes. The bill does not ask for any state appropriation. The committee had no objection to this fund being established and voted unanimously to support the creation of this fund and thus the bill. **Vote 16-0.**

WEDNESDAY, MAY 4
REGULAR CALENDAR

CHILDREN AND FAMILY LAW

SB 144-FN, relative to child care scholarships. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Jodi Nelson for the **Majority** of Children and Family Law. This bill establishes a child-care scholarship pilot program to provide enrollment-based reimbursement to childcare providers. The majority of the committee has some concerns with the bill as written. The billing is set up so that it should continue unless a child exceeds two weeks of consecutive absences from the program without notification to the provider regarding circumstances and agreed upon return date. This framework could allow for a child to be absent several times a week and still be enrolled in the program, causing unnecessary costs to the program and possibly preventing space for another child who is in need of care. **Vote 8-7.** Rep. Patrick Long for the **Minority** of Children and Family Law. This bill is a three month pilot program with a report due 9/1/22. Funding has already been alloted through the (Child Care and Development Fund) and American Rescue Plan Act. The report will address absentee rate about which the majority of the committee has concerns.

SB 326-FN, (New Title) relative to developing a plan to create the office of early childhood. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Josh Yokela for the **Majority** of Children and Family Law. The Council for Thriving Children is already formed and tasked by the Governor to make a plan for integrating services. We do not need additional legislation to empower them to do that work so this bill is not needed. **Vote 9-5.** Rep. Patrick Long for the **Minority** of Children and Family Law. Data shows that every initiative towards early childhood delivers benefits to the child. This bill develops a plan for the Office of Early Childhood and future legislation could adjust or accept the plan. Any initiative toward early childhood is imperative in developing a more comprehensive best practice plan for NH children.

SB 431-FN, relative to child support in cases with equal or approximately equal parenting schedules. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Josh Yokela for Children and Family Law. As amended, this bill increases funds attributed to the raising of a child. It also insures that the court is focused on the best interest of a child and does not limit the court by requiring additional considerations which may or may not be in the best interest of the child. **Vote 8-7.**

SB 457, establishing a committee to study nonprofit organizations contracting with the department of health and human services for children's services. **INEXPEDIENT TO LEGISLATE.**
Rep. Cody Belanger for Children and Family Law. It is the opinion of the majority of the committee that while this is an issue that should be considered, as the state could use providers, there is a better way to handle this. **Vote 8-7.**

COMMERCE AND CONSUMER AFFAIRS

SB 202-FN, prohibiting the sale of cosmetic products tested on animals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**
Rep. Dawn Johnson for the **Majority** of Commerce and Consumer Affairs. In its original form, this bill would only ban animal testing of cosmetic products and ingredients used in cosmetics. Besides being narrowly tailored to just cosmetic products and ingredients, it has a long list of exemptions, including soap. In its original form, the bill would make us all feel good about ourselves for having passed legislation, but in reality, we would not accomplish anything. There is only one cosmetic manufacturer in the state, and they already do not practice animal testing. In fact, most manufacturers of cosmetics are already getting away from animal testing, and their packaging even says so. With the industry already getting away from animal testing without a law, why pass a law? As amended, the bill accomplishes what we all say we desire - the prohibition of cruelty to animals in the name of industry. A puppy does not care whether it is perfume or fire retardant you are spraying in its face. The chimpanzee is not going to stop and ask you if what you are about to pour on its skin is suntan lotion or furniture polish. As the wise philosopher Paulus Terrius once said, "Cruelty is cruelty. Hurt is hurt." Passing the amended version of this bill will make the statement that NH will not stand for animal cruelty. **Vote 10-9.** Rep. Jane Beaulieu for the **Minority** of Commerce and Consumer Affairs. This bill, which would end the sale of animal-tested cosmetics in the state, gained overwhelming support in the other body (Senate), and for good reason. It has the backing of NH businesses and other stakeholders who understand the importance of a bright-line standard on a subject that involves human safety, animal welfare and intelligent business practice. The minority of the Commerce Committee support the original bill and do not support the bill as amended in committee.

SB 210, relative to the sale of manufactured housing parks. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Joyce Weston for the **Majority** of Commerce and Consumer Affairs. This bill clarifies the notification of sale provision required of the current owners of manufactured housing parks before a park is sold. It requires the NH Community Load Fund, or any organization assisting a tenants' association, to provide details of the sale proposal, including mortgage terms, rent to the homeowner, and any other costs or fees. This will help the residents become better informed about the terms and conditions of the sale and should promote greater voter participation. A form to request an absentee ballot will be included in the notification package. This bill also limits to $5 the joining fee to a tenants' association in order to vote. The bill does not change the current requirement of a simple majority to move forward with the sale, but we felt that the use of absentee ballots should increase participation in these important community decisions. **Vote 16-2.** Rep. Kristina Fargo for the **Minority** of Commerce and Consumer Affairs. The minority of the Commerce and Consumer Affairs Committee recognizes the value of improving communications related to the tenants' rights to notification prior to the sale or transfer of a manufactured housing park. The addition of a certified or hand-delivered letter detailing the agreed upon terms and fees as well as the ability to request an absentee vote are a big step forward. Also, capping the fee increases is also very beneficial. However, the minority objection to the bill is the definition of a "simple majority." In this bill the simple majority is only the majority of the members who are voting, either in person or by absentee vote. This could potentially result in the situation where a very small number of owners could make a significant financial decision on behalf of all of the owners within a manufactured housing park without their consent.

SB 319-FN, relative to vaccination status and wellness incentives. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Jeffrey Greeson for the **Majority** of Commerce and Consumer Affairs. The majority of the Commerce and Consumer Affairs Committee has determined that this bill should be found Inexpedient to Legislate because: 1) insurance companies can already offer incentives to promote a variety of health and wellness issues, if they so choose; therefore, this bill is unnecessary; 2) this bill does not protect against penalties for refusing an incentive or prohibit the use of negative incentives; and 3) this bill, while appearing to address vaccines in general, in truth, is only concerned with COVID vaccines; no one mentioned offering incentives for polio, MMR, or any other vaccines. The majority is not anti-vaccine. The majority believes that each person should be free to make his or her own medical decisions without fear of discrimination, reprisal, or retribution. As a final thought, we have reached a point where those who want to receive the COVID vaccine have done so, and those who have not, are not very likely to do so. It is time to respect each other's choices and move on. **Vote 11-8.** Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. This bill is enabling only and would allow a health carrier to provide a financial incentive to insured persons when voluntarily supplied with evidence the insured is currently fully vaccinated for COVID-19 at the time of enrollment. Too often our healthcare system is about sickness, and this would be a small incentive to encourage insureds to take the vaccine and reduce the risk of large hospitalization costs if someone became infected with COVID. Just as health carriers encourage their insureds to use a gym membership to stay in good shape to decrease the risk of disease, this would be similar. This pandemic has killed many thousands of people and many more have had huge medical expenses after infection. Anything an insurance carrier can do to reduce costs should be encouraged. This bill would sunset at the end of 2023.

SB 355-FN, requiring online marketplaces to disclose certain information to consumers. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**
Rep. Paul Terry for the **Majority** of Commerce and Consumer Affairs. The committee heard a broad range of testimony from affected parties, including the state's Department of Justice. The committee's majority did not find conclusive evidence that the action sought is justified at this time, there being a lack of other than anecdotal evidence to support online marketplaces needing to be required by law to increase protections that go beyond existing protections online marketplaces provide to customers who are dissatisfied with purchases made from high volume third party sellers and who believe such sellers and/or the online marketplace are unresponsive to requests for resolution. Additionally, were this bill to be enacted, the state's Department of Justice "indicate[d] the fiscal impact of the enforcement provision is indeterminable…[and the] the DOJ may need additional resources to fulfill its obligations." Finally, notwithstanding other states are considering similar legislation, the U.S. Congress is considering bipartisan sponsored legislation that could implement a standard national solution once a consensus has been achieved both on the validity and scope of the problem asserted. **Vote 10-9.**
Rep. Constance Van Houten for the **Minority** of Commerce and Consumer Affairs. This bill had no testimony in opposition at the Commerce Committee's hearing and came to the House bearing an amendment agreed upon by the interested parties and unanimous support of the other body. The bill is an attempt to help battle what retailers call "organized retail crime," crimes which involve stealing items in large quantities and selling the stolen goods online. This bill would require the online marketplace, if that marketplace handles the

financial transaction, to collect basic information that any legitimate business or brick-and-mortar store should have from high-volume sellers and verify that the information is genuine. Another challenge that this bill addresses is related to the online sale of counterfeit items, including counterfeit prescription drugs, which has become a dangerous trend that could be curtailed with the requirement for collection of verified information about high-volume sellers. This legislation could act as a deterrent to thieves or counterfeiters of goods and third-party sellers of such goods who seek to sell anonymously in online marketplaces. The legislation would also add a tool for law enforcement in identifying and prosecuting persons involved in high-volume online sales of stolen or counterfeit goods. Similar legislation has been enacted in three states, has passed both legislative bodies in three others, and has passed one legislative body in each of eight states, with more than a dozen states considering it. The minority of the Commerce Committee sees no down-side to passing this business-friendly, anti-crime legislation.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 294-FN, relative to the release of a defendant pending trial. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The committee has spent considerable time on proposals to update the four-year-old bail reform law. The basic premise of that law was that criminal defendants should not be held solely due to their financial ability to pay bail. That is a laudable change. One unintended byproduct of that 2018 change is that very few offenders are held before trial, including persons charged with serious crimes. Some suspects commit additional crimes while on bail, or refuse to abide by bail conditions and are then let out again and again. This bill addresses those unintended consequences by designating roughly a dozen serious crimes where someone cannot be bailed out by a bail commissioner, and instead must go before a judge to consider whether to grant bail. That bail hearing would be required within 72 hours during non-holiday or weekend periods. The bill also creates a framework to remand subjects who refuse to show up for court hearings or commit additional crimes while free on bail for another offense. This change is supported by our state's police chiefs, county attorneys and Attorney General's office. The committee considered multiple amendments that would improve the bill and address concerns raised by opponents. However, the bill became deadlocked due to some procedural concerns, thus bringing it to the floor without recommendation.

Rep. Casey Conley

Statement in support of Inexpedient to Legislate: We believe this is an omnibus bill that will cost taxpayers more than two million dollars per year, is likely unconstitutional, and applies a "one size fits all" approach to a system that is anything but. It is almost identical to SB 92, which the House tabled on a voice vote in January. It will cost the court system an estimated $2,000,000 per year, which the court system does not have. This is an unfunded mandate on our counties whose jails will be filled with defendants awaiting trial. Moreover, it greatly reduces the discretion that a judge has to decide bail based on the specific circumstances and charges pending against a person. The bill strives to send people who are presumed innocent to jail, regardless of their individual circumstances. The bill goes as far as detaining and incarcerating individuals charged with class B misdemeanors which do not carry jail time as a sentence. Pretrial detention risks a person losing their job, their housing, or even custody of their kids. This bill is also likely unconstitutional because of its use of presumptions that require the defendant to prove they shouldn't be held which could result in costly litigation. Most importantly, it does nothing to fix the problems with the criminal legal system that police departments are complaining about. The current statute already allows judges to detain without bail that this bill claims to target. Current statute also allows a mechanism for law enforcement and prosecutors to appeal bail decisions which the committee learned law enforcement rarely uses. The true complaint is about bail commissioners, not judges. There are significantly cheaper and more direct alternatives to solving that problem, like a magistrate system. It is worth noting that this entire debate occurs at a time when crime rates in New Hampshire are declining in all categories of crime. We continue to look for tweaks that will improve the bail system. This bill instead creates a host of new problems and price tags and should be opposed.

Rep. John Burt

SB 299-FN, relative to the penalty for escape. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. New Hampshire is one of only a few states where escape is a misdemeanor. The majority found that the danger to the public, law enforcement, other inmates, and the escapees themselves, both in attempting an escape and apprehending an escapee, warrants a felony level offense. We heard testimony that leaving the offense of escape as a misdemeanor also presents difficulties in apprehending escapees who are fleeing or have fled the state. Law enforcement is only permitted to pursue people across state lines for felony level offenses. Further, many states will not hold arrested people for rendition for misdemeanor offenses. The minority expressed concerns about people being convicted of a felony for escape if they were incarcerated for misdemeanor charges or if they "innocently" left home confinement over a short distance or small period of time. The majority found those arguments without merit. First, regardless of the offense for which one is incarcerated, escape is a new and unrelated offense, that as stated

above, brings a level of danger to everyone. This includes officers attempting to stop the escape, apprehending the escapee, the general public, and other inmates who could be unintentionally injured in a pursuit or use of force by officers attempting to stop the escape. Officers involved do not have the luxury of weighing the underlying offenses for which an inmate was incarcerated when attempting to stop or arrest an escapee. Most importantly, an escape is a demonstration of utter contempt for the rule of law and a civil society. It rejects responsibility for the offenses committed that led to incarceration and any attempt at rehabilitation. With regard to so called "innocent" violations of home or community confinement, these would be dealt with on a case by case basis and would likely be treated as a violation of the terms of the person's parole or confinement if they return to there before an attempt to apprehend them has been made. The discretion on how to deal with these cases is left to the prosecutors and the judicial system, where they rightly belong. It is not the role of the legislature to determine or prejudge the potential fact patterns in each individual case. We either deem behavior illegal or not and if so, what level the offense should be charged at after taking into account the impact of the offense on the general welfare, stability and security of society. In this case, the majority believes a felony level offense is just and proper for the good of society and the inmates themselves. Knowing an escape could add years to their incarceration as well as the negative effects of a felony conviction should make any reasonable person think twice about such activity. **Vote 14-4.**

SB 361-FN, requiring that bail commissioners be reimbursed for mileage traveled in the performance of their duties. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. Witness testimony from bail commissioners indicated that this attempt to assist them, would in fact complicate their current tax filing as well as raising other concerns of unintended consequences. The bail commissioners expressed concern that if they were called to bail multiple defendants, only the first would bear the cost of the mileage and they also indicated that they had doubts that the mileage would actually be paid in any event and requested that the bill be found inexpedient to legislate. **Vote 19-2.** Rep. John Bordenet for the **Minority** of Criminal Justice and Public Safety. This bill would allow bail commissioners to be reimbursed for mileage traveled in the performance of their duties. Bail commissioners testified against the bill because they are not being paid the fee they're now entitled. If the NH Court System does one day find the means to pay them this fee, this policy would give immediate payment for their well deserved compensation for mileage. In addition, this bill, if passed, will or may encourage a more suitable correction to the problem faced by our bail commissioners.

EDUCATION

SB 234, requiring student identification cards to include the National Suicide Prevention Lifeline. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Rick Ladd for Education. According to the National Alliance for Mental Illness, suicide is the second leading cause of death in young people aged 10-34. As stated by the Governor, "these worrying recent trends have only been exacerbated by the COVID-19 pandemic." This bill, as amended, is written to provide the resources to New Hampshire's students by requiring schools and post-secondary education who issue student identification cards to include the National Suicide Prevention Lifeline telephone number and the three-digit national emergency number, 988, that will be available to everyone across the United States starting on July 16, 2022. The lifeline provides 24/7, free and confidential support for people in distress, needed prevention, crisis resources, and best practices for professionals in the United States. States across the country have already taken this step, such as South Carolina, Arizona, Illinois, and California. This act shall be known as the Jason Dickey Suicide Prevention Act. There was a unanimous recommendation of the committee making the lifeline more accessible to our young people. **Vote 18-0.**

ENVIRONMENT AND AGRICULTURE

SB 367, relative to the regulatory status of advanced recycling and manufacturing facilities. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**
Rep. Howard Pearl for the **Majority** of Environment and Agriculture. This bill as amended encourages advanced recycling of plastics by creating a clear regulatory structure for the emerging industry. This bill appropriately regulates advanced recycling as manufacturing and codifies that all required state and federal laws to protect air, water, waste and land use be applied. NH Department of Environmental Services supports this bill and testified it gives them the needed authority to regulate, inspect and issue the required permits. Plastics are a versatile material that are used in many different applications by New Hampshire businesses and citizens. The US Environmental Protection Agency has recognized that reusing and recycling post-use materials conserves natural resources, reduces waste, prevents pollution, and serves as an economic driver in advancing new technologies that create jobs and new businesses. As we try to divert more plastics from landfills and incinerators, advanced recycling can help in reaching our established goals in NH. **Vote 9-7.**
Rep. Megan Murray for the **Minority** of Environment and Agriculture. The minority of the committee felt

that while the idea and concept of this bill had merit, there were serious concerns and would rather recommend interim study, as was yielded from the subcommittee work session by a vote of 4-3. There were many unanswered questions and some major environmental, constituent, and consumer assurance concerns, including around plastic feedstock source safety and traceability. Portions of the amended bill were not vetted by the Department of Environmental Services, and due to the complex nature of the bill itself, perhaps multiple committees needed to review it. The Federal EPA is also still underway in the study and formulation of safety and environmental regulations around several of these "advanced recycling" processes. This bill essentially regulates the re-melting of recovered solid feedstock plastics back into their chemical components to form a "liquid soup" for new plastics to be made from. The bill most certainly needed more work and due diligence to ensure proper safety and traceability in effluent, char, and feedstocks - as well as to address other aspects of the bill more clearly as they were not fully enumerated in order to ensure New Hampshire and its citizens were not placed in a position of having to deal with rejected feedstocks and potentiality, some quantities of rejected materials that have the potential be deemed hazardous waste. There were other environmental and food use related concerns that were not ameliorated. Additionally, there is a solid waste working group actively underway where they are working on the complex nature of waste.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 218, declaring October 13 as Metastatic Breast Cancer Awareness Day. **INEXPEDIENT TO LEGISLATE.**
Rep. Tony Lekas for Executive Departments and Administration. This bill is similar to many others that have come before the Executive Departments and Administration Committee (ED&A) looking to place in statute an important event or cause, many of which are already recognized nationally. The majority of the committee considers these types of bills to be ineffective because there are many of these types of events already in statute that are overlooked/unknown once the initial celebrations are completed. The committee believes that it would be more effective for citizens to organize events to raise awareness of this issue each year. They could also petition the Governor to issue a proclamation concerning the event as was done this year for Metastatic Breast Cancer Awareness Day.**Vote 12-5.**

SB 219, declaring the month of September as kinship care awareness month. **INEXPEDIENT TO LEGISLATE.**
Rep. Jennifer Rhodes for Executive Departments and Administration. This bill would have declared the month of September as kinship care awareness month. The majority of the committee agrees that it would be more effective to have a member of the public approach the Governor to promote an observance or proclamation for kinship awareness. The majority feels it is more likely to lose recognition if it becomes a law through legislation. This cause is likely to gain more public awareness through collaboration with media, town committees and, anyone that has a special interest in the subject. **Vote 11-6.**

SB 220, relative to establishing a committee to study licensure of mental health professionals. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Sallie Fellows for the **Majority** of Executive Departments and Administration. NH is in desperate need of more mental health professionals. We heard that many practitioners educated in NH get their first license in another state. The Office of Professional Licensure and Certification (OPLC) testified that an excessive number of these professionals are practicing under emergency licenses. There are five state boards that license about 20 mental health occupations (for example, psychiatrists, social workers and substance abuse counselors). The study committee will hear from the boards, state agencies and the health care community. It will review the requirements for each license, OPLC's application processing procedures, multi-state licensing compacts, and the best practices of other states. The objective is to increase our capacity to attract and retain enough mental health professionals to meet the needs of NH citizens. The committee will report their findings and recommendations, which may include areas in need of further study, by November 1, 2022. **Vote 13-4.**
Rep. Matthew Santonastaso for the **Minority** of Executive Departments and Administration. This bill establishes a committee to study licensure of mental health professionals. This is a yet another study committee bill related to the labor shortage universal across all industries. It is unlikely to produce a result that will be useful because the legislative findings part of the bill ignores that a labor shortage also exists outside of mental health services. Additionally, the topic is too broad for when the report is due November 1 a short time after the bill can become law.

SB 274, relative to governmental construction contracts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Jeffrey Goley for the **Majority** of Executive Departments and Administration. The majority cannot support this bill as it puts New Hampshire's ability to receive competitive grants for construction projects in jeopardy and may make fulfilling the conditions of certain grants impossible. This bill seeks to prospectively prohibit "project labor" or "community benefit" language in construction contracts using state monies. Testimony indicated that in the history of our state, there has never been a state contract with these provisions. The definition of government assisted project in this bill includes any project in an area subject

to RSA 79-E, the community revitalization tax relief incentive. This would include the economic opportunity zone in Manchester centered around the Notre Dame Bridge where the Advanced Regenerative Manufacturing Institute is currently located. The City of Manchester recently received $500 thousand dollars from the "Build Back Better Regional Challenge" program to plan and establish a cluster located within and around the city to grow the regenerative medicine industry by boosting production and distribution of regenerative tissues and organs. They are competing for phase 2 to receive up to $100 million dollars for a government assisted contract to construct a bio fabrication manufacturing facility and other items. On p. 21 of the "notice of funding opportunity executive summary" for this grant one of the requirements is the use of project labor agreements. Blocking this grant moving forward on ideological grounds would deprive New Hampshire of these funds and the local jobs they would generate and would not be in the public interest. This problem is not unique to this one grant. If this bill were to become law, New Hampshire DOT would likely be less able to access other competitive grants with similar requirements such as the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program (under the Infrastructure Investment and Jobs Act), the National Infrastructure Project Assistance grants program (Mega), the Nationally Significant Multimodal Freight and Highways Projects grants program (INFRA), and the Rural Surface Transportation Grant program (Rural). Lastly, some of the rules governing the awarding of infrastructure grants are still in the process of being written and it is premature and dangerous to pass this type of legislation now, without knowing the unintended consequences, especially when a consequence could be a burden on the New Hampshire taxpayer. For these reasons, the majority believes this bill should be found inexpedient to legislate. **Vote 12-7.** Rep. Tony Lekas for the **Minority** of Executive Departments and Administration. This bill would prohibit the requirement of labor agreements in state government and state government assisted construction contracts. It would not affect local contracts that were not supported by the state. To date no state contracts have required labor agreements. This bill would maintain what has been a practice which has worked well for the state and taxpayers for many years. Over 90% of the contractors in New Hampshire are not unionized. While those contractors would be able to bid on contracts that require labor agreements, in most cases they wouldn't because such contracts would require them to make fundamental and often costly changes to the way they do business, such as adopting different work rules, hiring practices, as well as restraining their ability to use their current employees on the project. In some cases these are employee owned firms that may not be able to use the owner employees on the project. This results in a reduced number of potential bidders and competition, which can lead to increased costs to the government and thus the taxpayers we represent.

SB 325, relative to local organization for emergency management and first responders. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Pearson for the **Majority** of Executive Departments and Administration. This bill clarifies who will carry the title of first responder during declared emergencies. This is being done to clarify existing statue in order for the state to be better reimbursed by the Federal Government. This is supported by the NH Department of Homeland Security. This bill in no way is intended to reclassify anyone in the state pension system. It also only applies to those that are carrying out emergency management functions as outlined in section V of the bill. **Vote 15-4.** Rep. Mark Alliegro for the **Minority** of Executive Departments and Administration. This bill purports to define first responders and includes first responders in the definition of emergency management and local organization for emergency management. However, "first responder" is already well defined (e.g. Merriam Webster Dictionary): "A person (such as a police officer or an EMT) who is among those responsible for going immediately to the scene of an accident or emergency to provide assistance." What this bill actually does is expand the definition of "first responder" to include many service providers downstream of the actual first response, whether their actions come into play hours or some indefinite period after the first response, and whether or not they are public employees. The ramifications of expanding definitions is beyond symbolic, because those expanded definitions subsequently impact salaries, benefits, promotions, training, organization, existing law, and other bills under consideration. As evidence of this conclusion, the very next bill to be considered on the committee agenda was entirely directed at "first responders". The committee minority warns against the continual expansion of definitions.

SB 330-FN, (New Title) establishing a committee to study and make recommendations relative to the office of professional licensure and certification and the licensure of professions under boards, councils, and commissions within the office; relative to the boxing and wrestling commission; and relative to the expiration of terms of the board of foresters members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne Schuett for Executive Departments and Administration. The original senate bill was requested by the Office of Professional Licensure and Certification (OPLC) to examine reciprocal license requirements. The Senate amended the bill to create a broader study committee to review interactions of OPLC with all of the boards, councils and commissions within their purview; added a provision for expiration of terms for the board of foresters and proposed relocating the boxing and wrestling commission within OPLC. The House amendment expands the study proposed by the Senate to add examination of funding for OPLC; deletes the boxing and wrestling commission which is more properly being dealt with in HB 1102. The legislative study

calls for one senator and House members from executive departments and administration, health human services and elderly affairs and a third, which we would recommend be from ways and means. The last section creates a statutory oversight committee for OPLC. The oversight committee will begin in January, 2023 to follow through any recommendations of the legislative study committee in section 2 and more generally analyze the division of duties between administration and the boards, councils, committees, and commissions in order to promote more productive and efficient interactions and recommend legislation deemed necessary to correct issues it identifies. The oversight committee would sunset after five years. **Vote 19-0.**

SB 333, relative to licensure of case management service providers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. Carol McGuire for the **Majority** of Executive Departments and Administration. This bill explicitly requires licensure of case management agencies for home and community based care, which have been licensed for almost 30 years. The committee amendment deletes the Senate amendment, which defines "case management agency" - but only for one of the six distinct types of case management agencies. The bill addresses the need for explicit licensing authority in one case, but leaves the others for later action. **Vote 18-1.** Rep. William Marsh for the **Minority** of Executive Departments and Administration. This bill establishes the licensure of case management service providers. Licensure is required under federal law and the Department of Health and Human Services (DHHS) is working with stakeholders to be in compliance with the law to provide conflict free case management by 8/23. The committee recognizes that compliance with section 6052 of the Deficit Reduction Act of 2005 has resulted in Medicaid no longer reimbursing for certain services which they formerly paid for. The minority amendment moves this licensure to RSA 151:2, the licensing statute for healthcare, along with numerous other providers. Lumping them with home health providers in RSA 151:2-b would confound the issue of the need to provide conflict free case management, especially in light of the single case manager provision of the 1915(c) waiver program. NH is currently required to implement a corrective action plan to separate case managers from providers by June 2023 and it is important to not confuse these roles. The definition only applies to the Medicaid program.

SB 358, establishing October 2022 as eczema awareness month. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Carol McGuire for the **Majority** of Executive Departments and Administration. This bill, with the amendment that totally replaces the original language, revises the Joint Legislative Committee on Administrative Rules to be 15 members, rather than 10, and divides them into three groups which each review a third of the rules. This has three significant advantages. First, the division structure means that the workload of each member is only 1/3 of that current, which will help with recruitment and retention. Members will be able to read more of the rules and study them more thoroughly. Second, increasing the size of the committee means that more members of the House will be aware of the rule-making process, and the scope and authority of rules. The committee hopes this will lead to more careful delegation of rulemaking authority and better understanding of rules. Finally, having more members from different backgrounds will enable the committee to understand the rules better, since they will have a broader understanding of the affected areas and more familiarity with the statutes involved. The staff performs yeoman's work in analyzing the compliance with legislative intent, but in some cases the intent is not obvious to them. In others, there are differences of opinion on what a statute implies, or conflicts between various statutes, and having the legislative members familiar with the context will be invaluable. This will not likely apply very often, but when it does, it will be important. **Vote 14-5.** Rep. Peter Schmidt for the **Minority** of Executive Departments and Administration. In this non-germane amendment to SB 358, the Executive Departments and Administration (ED&A) majority proposes a radical reworking of the administrative rules statute, which the committee minority cannot accept. We reject this undertaking for numerous reasons, both procedural and substantive, but most especially because the underlying principle of the joint legislative committee on administrative rules (JLCAR) is to act as a ministerial gatekeeper over such rules, based on their appropriateness to correctly implement the statutes enacted by the legislature, neither exceeding legislative authority, nor violating legislative intent. However, the minority believe the purpose of the amendment is to expand the JLCAR, creating three divisions so as to have greater policy expertise, which specifically contradicts and violates the non-policy function for which it was created. The policy decision has already been rendered by the enactment of the statute(s); it is now the executive branch's constitutional function to implement and carry out these laws. The JLCAR's sole responsibility and function is to ensure that there is no executive overreach or violation embedded in the administrative rules. It is not a policy committee to rehash the statutes. In addition, it is clear to the committee minority that the vetting process of this restructuring has been woefully inadequate, lacking analysis and clear understanding of the ramifications of the proposal as to staffing, committee membership, and general workability, to name but a few of the defects and deficiencies. Testimony challenging the fundamental premise of this restructuring and the purported need for it was ignored.

SB 382, (New Title) relative to licensure requirements for telehealth services and relative to licensure of physicians and physicians assistants through reciprocity agreements. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the **Majority** of Executive Departments and Administration. This bill clarifies that the site of service for medical services is the physical location of the patient. This is already provided for relative to compact states but not all states, specifically not Massachusetts, have adopted the compact. This is important when complications ensue as without this being clearly defined, it would be unclear which courts would resolve malpractice claims or which governing boards would impose discipline. If not clearly defined, providers could be subject to double jeopardy in such cases. Section 2 allows for reciprocity for non compact states. **Vote 13-6.** Rep. Matthew Santonastaso for the **Minority** of Executive Departments and Administration. This bill prohibits telehealth services to patients living in New Hampshire by out of state providers unless the provider has a New Hampshire license. We expect some providers might not bother to get licensed in New Hampshire with a small population relative to other states. Since telehealth services are already being provided to New Hampshire residents this would cut patients off from care. We believe that telehealth services will be a growing industry in the 21st century and we should work on how to make access to these services easier not prohibit them.

SB 397, (New Title) relative to the mental health counseling compact and the interstate compact for the placement of children. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for the **Majority** of Executive Departments and Administration. This bill as amended will enter New Hampshire in the telehealth mental health compact. New Hampshire will be the tenth state to do so and will be the state that enacts the compact. This compact will allow Granite Staters to have access to mental health practitioners and specialists. Currently NH is not involved with any mental health compact. This bill also brings forward two desperately needed modifications to the child and family placement compact of 1960, which the state is a part of. These modifications will assist in NH having better control and over site with the placement of NH children. The amendment removes the second part of the bill which is a new compact for the placement of children. The committee feels that under our rushed schedule, that it was not afforded the proper amount of time to do a deep dive on whether of not the state should leave the 1960 child compact and enter into a new compact. **Vote 16-3.** Rep. William Marsh for the **Minority** of Executive Departments and Administration. The first half of the bill adopts the mental health counseling compact and, because 9 states have adopted it previously, it would bring the compact immediately into effect. Data brought before the telehealth commission has shown delivery of mental health counseling by telemedicine has been extraordinarily effective. No show rates have dramatically declined. Services are available more widely. The interaction of providers with patients in their own homes has enabled counselors to identify and address the root causes of certain issues. The interstate compact for the placement of children would be updated from its 1960 version to its current version by the second half of the bill. Obviously it is a significantly more complex world regarding the placement of children than 60 years ago when the current version was drafted. This would come into effect when thirty five states have adopted the compact and is unlikely to occur imminently. The minority amendment would put into effect immediately a key part of the new compact requiring home visits for children placed into foster care across state lines. This may have prevented the widely publicized, suspected death of Harmony Montgomery. Governor Sununu wrote to the committee in support of this bill, and both Health Human Services & Elderly Affairs and Children and Family Law were consulted in our deliberations.

SB 450, relative to the prescription drug affordability board. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Tony Lekas for the **Majority** of Executive Departments and Administration. Earlier this year, this House dealt with a bill on a related topic and decided to send it to interim study. The majority recommends the same for this bill. In addition to making some minor changes this bill attempts to resolve a couple of the many issues the committee had regarding the prescription drug affordability board. Two of those changes are incompatible with each other. In addition the prescription drug affordability board was created by a Senate amendment to a 2020 House bill that the Senate turned into an omnibus bill that included at least 7 different topics. While the House concurred with the Senate version, this section of the bill had no public hearing in the House and was not considered by any House committee so the House did not have an opportunity to give this complicated bill proper consideration. It is also a concern that not only did the bill creating the prescription drug affordability board not get a hearing before the House finance committee even though it has significant financial implications, this bill did not contain a fiscal note and is not planned to be heard by House Finance or Ways and Means, even though it would create a highly paid position of Executive Director, make significant changes to fees, and would established a non lapsing fund. For these and other reasons the majority of the committee believes that this very complicated issue requires study by the House and any bill on this should be carefully reviewed through the entire legislative process. **Vote 10-9.** Rep. William Marsh for the **Minority** of Executive Departments and Administration. This bill makes necessary changes to current law requested by the Prescription Drug Affordability Board. Most important, it creates a non lapsing fund to collect the fees to pay the expenses of the Board. It also modifies the alternates to make quorum achievable. It changes the executive director to an unclassified position. It establishes an appeals process for decisions made by the board. The majority concern about excessive fees being collected is already addressed in existing law.

FINANCE

SB 227-FN, relative to death benefits for first responders who die from suicide. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Gerald Griffin for Finance. This bill includes suicide as a work-related cause of death for first responders and corrections officers. The amendment adds parole officers and certain other Class II employees. The Finance Committee heard testimony that suicide for members of this group was quite rare and that the overall impact of this bill would likely not result in a major financial burden to the state. **Vote 15-3.**

SB 267-FN-A, establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food. **OUGHT TO PASS WITH AMENDMENT.** Rep. Gerald Griffin for Finance. This bill establishes the position of upland invasive species program coordinator in the Department of Agriculture, Markets and Food. The bill also establishes the upland invasive species remediation program and fund and makes an appropriation to the upland invasive species remediation fund. This bill appropriates $150,000 for the reimbursement of municipalities for their purchases of herbicides. The amendment to the bill sets out method and timing of such reimbursements. The amendment also requires the department maintain an active invasive species remediation program of mechanical, cultural, biological and chemical controls to prevent the spread of invasive species. **Vote 21-0.**

SB 275, relative to the opioid abatement trust fund. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Keith Erf for Finance. This bill provides that disbursement from the opioid abatement trust fund shall be based on the most recent decennial census, revises the membership and duties of the opioid abatement advisory commission and adds other organizations to the list of those that can receive grants from the trust. The amendment does two things. It changes the newly added list item for public school programs to "public and non-public school programs." It allows the Governor to remove a non-legislative member from the commission for cause. **Vote 20-0.**

SB 303-FN, (Second New Title) relative to the reimbursement of sheriffs offices for prisoner custody and control. **OUGHT TO PASS.** Rep. Gerald Griffin for Finance. This bill requires the Judicial Branch to reimburse the sheriffs offices at a rate provided in the collective bargaining agreement applicable to per diem court security officers for court security and prisoner custody and control. The obligation to reimburse the sheriffs offices, for court security and prisoner custody and control, shifted in 2021 from the Department of Administrative Services to the Judicial Branch. Currently court security officers are paid at a rate provided in the collective bargaining agreement. This bill brings the reimbursement of sheriffs in line with that collective bargaining rate and should help with recruitment and retention of sheriff personnel. **Vote 21-0.**

SB 346-FN-A, requiring the department of environmental services to conduct feasibility and impact studies for the construction of a pier on Hampton Beach. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Bob Lynn for Finance. This bill requires the Hampton Beach area commission to study the feasibility and impacts of constructing and maintaining a pier directly south of Boar's Head in the Town of Hampton. The commission must report its findings and recommendations to the Speaker of the House, the President of the Senate, the Governor, and the state library by November 1, 2022. As amended, the bill appropriates $150,000 to the Department of Natural and Cultural Resources to be disbursed by that agency to the Hampton Beach area commission to fund the study. **Vote 20-0.**

SB 366-FN, requiring an audit of ballots cast in the 2022 primary and general election. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Maureen Mooney for the **Majority** of Finance. This bill came to Finance after a unanimous Ought to Pass recommendation from the House Election Law Committee, and full House adoption on the Consent Calendar. The bill is intended to test voting machine accuracy by authorizing the Secretary of State to conduct an audit of all AccuVote devices used in at least two voting districts in the 2022 state primary election. The Secretary of State shall randomly select not less than four voting districts for auditing that use the AccuVote devices at the 2022 state general election, unless the general election audits are foregone due to unresolved problems detected during the primary audits. High speed scanners are necessary to perform said audits at a one-time cost from the general fund of between $50,000 to $100,000. The majority of the committee believes this use of public funds is warranted to test machine accuracy and, increase more voter confidence. **Vote 12-9.** Rep. William Hatch for the **Minority** of Finance. This bill requires the Secretary of State to conduct an audit of a very small number of the AccuVote electronic counting devices used in the state 2022 primary and general elections for the stated purpose of increasing voter confidence in the vote count. This bill authorized the Secretary of State to spend up to $100,000 to purchase a high-speed scanner. For the primary election all machines used in two voting locations will be audited with the intent of identifying problems with the process used in the general election audit. If the Secretary of State finds problems and cannot resolve all problems found, he or she may elect to forego a further audit of the general election. If a general election audit is conducted, the secretary will select four locations at random for said audit. The minority disagreed with the majority that this expenditure will provide

much to add confidence to our vote count. As structured less than 1% to 2% of machines will be audited, (2 to 4 out of +/- 306 voting districts). In consideration of these factors the minority believes the $100,000 that would be expended has better uses elsewhere and urges members to vote against this measure.

SB 371-FN-A, making an appropriation to the lead paint hazard remediation fund. **OUGHT TO PASS.**
Rep. Gerald Griffin for Finance. This bill makes a $3 million appropriation to the lead paint hazard remediation fund administered by the Housing Finance Authority. The fund is used to provide interest free loans to the owners of rental units for lead paint remediation in order to protect the health of young children living in those rental units. The program has been a great success with more than 800 rental units completed to date. However, the initial appropriation has been used and most of it is now in the form of outstanding loans. This appropriation will allow the program to resume at a reasonable rate and protect many young children from the harmful effects of lead poisoning. **Vote 19-1.**

SB 376-FN, (New Title) relative to creating a board to review police incidents involving citizens affected by mental health issues. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Joseph Pitre for Finance. This bill as amended establishes a mental health incident review board for law enforcement. The purpose of the board is to analyze all mental health aspects in law enforcement interacting with distressed individuals and the use of deadly force. This bill gives a wide berth to an in-depth study of the problem. SB 376 encourages a mental health review board under the auspices of the law enforcement conduct review committee. This bill appropriates $1,100,000 for year ending 30 June 2023 to Police Standards and Training Council to support crisis intervention training (CIT) of law enforcement officers and the costs of training are included in this appropriation. **Vote 20-0.**

SB 381-FN-A, establishing an office of the advocate for special education. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Joseph Pitre for the **Majority** of Finance. This bill establishes the office of the advocate for special education who will be appointed by the Governor and approved by the Executive Council. The office will serve as a resource for disability related information and a source of information and referral regarding state and federal laws regarding special education, track metrics of the types of disagreements or complaints along with many other duties to serve the special education population. Having a stand alone advocate has been the goal of the special education community and passing this bill makes it a reality. **Vote 15-6.** Rep. Mary Jane Wallner for the **Minority** of Finance. The minority of the committee finds that SB 381 as amended recognizes the need to examine parental concerns regarding the special education process at the NH Department of Education (DOE). However, establishing the office of the Advocate for Special Education is not the solution. At a cost of $500,000 to establish such an office completely separate from the Office of the Child Advocate creates a redundancy of efforts that should be coordinated and not separate. In reality, this office will do little to enhance the resolution to the process already in place at the DOE. The minority believes that these efforts would be better spent coordinating with the DOE and school districts to determine why parents are so concerned with the current process that adhere to the current federal and state legislation and this bill is better suited for an Inexpedient to Legislate motion.

SB 394-FN, (New Title) relative to the definition of a child with a disability under special education laws and establishing a commission to study special education eligibility. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Mary Heath for Finance. This bill will change the definition of a "child with a disability" to include students through the school year in which they turn 21 until their 22nd birthday and will take effect upon passage bringing New Hampshire into compliance with the federal Individuals with Disabilities Act (IDEA). Furthermore, the bill as amended, upon application by a school district, the Department of Education (DOE) shall provide reimbursement for any such costs, which were not compensated for through other forms of state aid. To qualify for reimbursement, a school district shall have utilized any unexpended federal IDEA funds for fiscal year 2022 and any available IDEA American Rescue Plan Act (ARPA) funds. These payments shall be made to school districts under the payment schedule of special education aid under RSA 186-C:18. As amended, any unexpended funds for the biennium ending June 30, 2023 (special education aid) shall not lapse and shall be available to the department for the purpose of providing reimbursements to qualifying school districts. If such funds are insufficient to cover reimbursements, the Governor is authorized to draw a warrant from the education trust to satisfy the state's obligation for identified school district reimbursements. **Vote 20-1.**

SB 401-FN, (Third New Title) making appropriations to the department of transportation for local highway aid and to the body-worn and dashboard camera fund and permitting the department of transportation to operate dash cameras in fleet vehicles. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Karen Umberger for Finance. This bill allocates $36 million for the fiscal year ending June 30, 2022, for bridges. One half, $18,000,000 shall be distributed based on the municipality's share of the state's population as of July 1, 2021, and $18,000,000 based on total bridge deck area. It eliminates the 20% match for red listed bridges. The Department of Transportation indicated there will be additional dollars available to the communities to repair red listed bridges. Additionally, there is $30,000,000 for municipal roads that will be

distributed based on apportionment A distribution. There is appropriated $1,000,000 for body worn and dashboard camera fund. Additionally, we approved $4.1 million to repair the state owned Dixville-Colebrook Road. Construction will not commence until financing has been obtained for the redevelopment of the resort facility and property formerly known as the Balsams Grand Resort Hotel and for commencement of commercial operations. These funds will provide much needed funds to municipalities for bridge and road repair. **Vote 18-2.**

SB 407-FN, relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor. **OUGHT TO PASS.**
Rep. Keith Erf for Finance. This bill takes advantage of the American Rescue Plan Act provision allowing New Hampshire to extend Medicaid postpartum coverage for up to 12 months after birth to a narrow segment of women between 138% and 196% of the federal poverty level who currently only receive 60 days of coverage. This is a group of approximately 570 women that are expected to have about 25% utilization. Currently their income is too great to qualify for Medicaid or expanded Medicaid but without enough income to afford insurance coverage. The program extends the federal dollar match to this group for five years. The program sunsets when the federal program ends. The Finance Committee agrees with the bill as it came to us. **Vote 20-0.**

SB 412-FN-A, making an appropriation to the department of health and human services for nursing home reimbursement rates. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Jess Edwards for Finance. This bill corrects an inadvertent error, made in the budget. The legislature last spring, decided to increase nursing home rates by 5 percent as of July 1, 2021. Language inserted into HB 2 was interpreted at the time to require rates to be calculated based on a larger number of occupied beds than appropriate. The appropriation placed in the budget was only enough to raise rates and was insufficient to support the increase of 5 percent. SB 412-FN-A appropriates up to an additional $5 million of general funds as a contingency. If the contingency funds are not needed, they will lapse. **Vote 20-0.**

SB 416-FN, relative to behavioral health assessment and treatment for children in out-of-home placements. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Mary Jane Wallner for Finance. This bill requires a functional behavior assessment and a behavior intervention plan, if clinically indicated, for children in need of residential treatment due to problem behaviors. The amendment makes it clear that if a functional behavior assessment exists another one is not required for special education IEPs. This bill will take effect on January 1, 2024 and the cost of the assessments will be included in the next budget. **Vote 20-0.**

SB 417-FN, establishing an electric school bus pilot program. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass with Amendment: This bill establishes an electric school bus pilot program managed by the Department of Environmental Services (NHDES). As a pilot program NHDES and the Department of Energy will be studying all aspects of the electric bus program and report on the health benefits, financial costs, operating and maintenance costs and use of vehicle to grid technology. NHDES may allocate funding from the New Hampshire Volkswagen Mitigation Trust and may apply for, and accept, other federal funding for the purpose of funding and administering this program and shall not exclude a school or district from receiving grants from the public school infrastructure fund, established in RSA 198:15-y.

Rep. Mary Heath

Statement in support of Inexpedient to Legislate: The minority of the committee believes that there is no need for this pilot project, as it seems highly likely that there have been other localities around the country, including in areas with winter climates, which have experimented with electric school buses. We can obtain the information we need from these other localities. The Volkswagen Settlement monies proposed to fund this bill could be put to better use.

Rep. Bob Lynn

SB 418-FN, relative to verification of voter affidavits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Gerald Griffin for the **Majority** of Finance. This bill came to Finance after a vote in the full House of 180-154 in favor of Ought to Pass with Amendment. The bill only applies to those registering for the first time on election day without proof of his/her identity. The intention is to strengthen election integrity and improve the verification of voter identification and residency. The likely number of voters who may receive Affidavit Ballots may be far less than the 733 who voted statewide in the general 2020 election without proof of his/her identity. The majority of the committee believes that spending an estimated $48,000 in FY 2023, and $72,000 in FY 2025 is a reasonable amount to verify identity for same day voter registrants. **Vote 12-9.**
Rep. Mary Beth Walz for the **Minority** of Finance. The minority believes this is a troubled bill that should be sent to Interim Study. The creation of provisional ballots that cannot be counted until seven days after an election means elections may not be certified until a week after the polls closed. In a primary election the delay would make it impossible to mail ballots 45 days before the general election placing New Hampshire in violation of the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA). By passing this bill, we are

making it difficult, if not impossible, for members of our military stationed overseas, government employees stationed overseas, and US citizens residing overseas to return their ballots in time to be counted.
It requires the creation of provisional ballots that include a mark identifying the voter. New Hampshire's Constitution guarantees the right to a secret ballot. Marking ballots with a code that identifies the voter is a clear violation of a voter's constitutional right. We should not be abridging this sacred right. Furthermore, this violation will, no doubt, once again be challenged in the courts, costing the state millions of dollars in legal fees. The most recent challenge to SB 3 cost the state $4.2 million in legal fees and the equivalent of two years of full-time lawyers in our Department of Justice. The minority in the Finance Committee cannot support a bill that violates our state constitution and is most certainly going to be challenged in our courts. By changing the rules for same day voter registration SB 418 endangers the exemption New Hampshire enjoys from the National Voter Registration Act (NVRA). Compliance with NVRA would require a complete, radical, and expensive change to the way we register voters in New Hampshire. SB 418 is a classic example of a bill that has unintended consequences. Given that implementing this bill will abridge the constitutional rights of some of our citizens, will cause the state to violate two federal laws, and that violation of those federal laws could cost us millions of dollars in legal fees, the loss of federal dollars, and the possible high cost of revamping our voter registration system, the minority cannot support SB 418.

SB 420-FN-A-LOCAL, (New Title) establishing an extraordinary need grant for schools and relative to additional adequate education grant amounts for pupils receiving special education services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Karen Umberger for the **Majority** of Finance. This bill provides an extraordinary need grant for schools. It provides additional aid for school systems with equalized evaluation under $6 million. Each child who receives free and reduced lunch that are in theses school systems will receive additional dollars at a cost of $14.5 million. In order to receive these grants, the schools must provide an accountability pan to the Department of Education (DOE). As the bill came to the Finance Committee it also included additional funds for children receiving special education services, which was anticipated to cost over $29 million. The Finance Committee did not believe the Education Trust Fund could support both of these programs and, opted to remove the special education portion of the bill which passed the House in April. **Vote 14-6.** Rep. Leonard Turcotte for the **Minority** of Finance. This bill would create a new and additional layer of educational aide above and beyond all educational aide that currently exists. The "extraordinary need grants" would be apportioned based on an "equalized valuation per free and reduced-price meal pupils" (EVFRP) formula. Unfortunately, the majority of the fund allocation of $14.6 million in year one would end up being distributed to a few select cities. Two cities alone would receive 38% of the total. Five cities, when combined, would receive 51% of the $14.6 million allocation. On the other end of the scale, approximately 63% of the in our state would receive zero funds. The minority believes equity and fairness are not an integral part of this bill and therefore believe Ought to Pass is an inappropriate motion.

SB 422-FN, establishing an adult dental benefit under the state Medicaid program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Jess Edwards for the **Majority** of Finance. This is the companion bill to Medicaid Dental bill HB 103 that most recently passed the House 237-100. SB 422 is completely replaced by the amendment making it identical to the House passed version with three changes agreed to with the Senate. Prosthodontics are limited to removable. Co-pays aren't required for preventive services. Part of the Centene settlement ($2.4 million) is used to repay the Center for Medicaid Services for the overpayment to DHHS as a result of Centene's error (referred to as the Risk Corridor Calculation). **Vote 16-3.**
Rep. Bob Lynn for the **Minority** of Finance. The minority of the committee believes that this bill, which establishes yet another entitlement that will be in effect in perpetuity and will cost the taxpayers more and more in future years, should be voted Inexpedient to Legislate.

SB 430-FN-A, relative to health and human services. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Keith Erf for Finance. This is a multi-part bill that came from the Health and Human Services committee which removed a number of parts requiring more work. The Finance amendment makes changes to three sections and adds an additional section. The developmental disabilities pilot program section is amended to lapse any unspent funds as typically occurs. The section [deleting] would have eliminated the Medicaid Family Planning Services annual report and was deleted so that the joint legislative fiscal committee will continue to receive this report annually. DHHS requested that section 29 related to reviewing and investigating records of New Hampshire owned mental health care facilities be changed to include "Hampstead hospital or other state-owned facilities that provide child inpatient psychiatric treatment within the state mental health system" thereby allowing the department to begin commercial rate negotiations in advance of an anticipated transfer of the facility to the state and removed reference of the Philbrook Center. A section is added to include HB1044, relative to direct payment and membership-based health care facilities. This passed the House but was sent to interim study in the Senate. This allows health facilities accepting only direct, unreimbursed, payment from a patient to exclude other payment methods. **Vote 20-0.**

SB 438-FN-LOCAL, (New Title) establishing state procurement policies intended to promote the use of American materials. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Gerald Griffin for the **Majority** of Finance. This bill requires the use of American-made steel products in all public works projects where the state administers the contract and the contract involves at least $1,000,000 state dollars. The Finance Committee heard testimony from local NH steel fabricators on the uneven playing field they are forced to compete in, with foreign steel flowing through a heavily subsidized Canadian steel fabrication industry. We also agreed with their economic testimony about the positive aspects of keeping NH dollars at home and about the multiplier effects those dollars when they are spent locally. The committee also felt that a healthy steel industry is very important to our state and country from a national defense standpoint. **Vote 18-3.**
Rep. Leonard Turcotte for the **Minority** of Finance. This bill would require that any state construction project estimated to cost more than $1 million would require any steel used in the project to be made in the US. The minority sympathizes with the steel industry's predicament, but this is not the first, nor will it be the last, industry that finds itself in less than fair competition from foreign countries. We believe, however, that this is a matter best handled at the federal level. As stewards of taxpayer's money, we are required to spend that money as wisely and frugally as we would spend our own. While the cost differential between US and non-US steel is debatable since there are so many economic and regulatory issues involved, there can be no debate that there would indeed be increased costs to the taxpayers above what would exist in the free market. And then there is the "camel's head under the tent" issue, first we require the state to buy US steel, then what other products or services could be added to the list? This committee recently passed legislation to construct a $35 million legislative parking garage. How much will that garage now cost taxpayers?

SB 442-FN, relative to the suspension of a vehicle registration as a result of evading toll collection systems. **OUGHT TO PASS.**
Rep. Leonard Turcotte for Finance. Effective January 1, 2023, this bill would allow the Department of Safety to suspend an owner's vehicle ffective January 1, 2023, this bill would allow the Department of Safety to suspend an owner's vehicle registration privileges as a result of the vehicle having a significant outstanding balance of unpaid tolls and/or administrative fees. Once the delinquent account has been paid, those registration privileges would be reinstated. This also closes a couple of loopholes that have allowed those with unpaid tolls and/or fees to skirt the intent of the existing RSAs. There would be a small amount of money required to reprogram existing VISION computer systems. The committee believes that all who utilize our toll roads should be paying their fair share and this bill adds a means of ensuring that is accomplished. **Vote 20-0.**

SB 444-FN, relative to childhood adverse experiences treatment and prevention. **OUGHT TO PASS.**
Rep. Mary Jane Wallner for Finance. This bill provides for the appropriation of $100,000 for the Department of Health and Human Services (DHHS) to implement a five-year plan to build New Hampshire's workforce capacity to provide Child Parent Psychotherapy, in intervention model for children from birth to age 6, who have experienced traumatic events. $1,000,000 is also appropriated for DHHS to support family resource centers. The funding in this bill is anticipated to come from American Rescue Plan funds. **Vote 18-2.**

SB 445-FN, (New Title) relative to the broadband matching grant initiative. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Gerald Griffin for Finance. This bill appropriates $122,100,000 million of federal capital projects funds as authorized by the American Rescue Plan Act, to the Department of Business and Economic Affairs. The bill establishes a broadband matching grant initiative. Any broadband provider, political subdivision or communications district who apply shall be eligible for up to 75% of the total cost of the project. This initiative should jump start the state's goal of delivering broadband throughout the state. **Vote 19-1.**

SB 458-FN, relative to the Sununu youth services center and operation of a replacement secure facility. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Keith Erf for the **Majority** of Finance. The Finance Committee passed SB458 as amended by the Children and Family Law Committee with no changes. The bill includes a state operated 6 bed facility for youth who have committed serious violent crimes. It is anticipated that other youth needing residential care are provided that care in community based programs. The existing system of care is funded to provide these services. Funds for the design and construction of a new secure youth development facility are anticipated to come from discretionary funds appropriated in the American Rescue Plan Act of 2021. Cost of operating the facility will be included in the next state budget. **Vote 13-7.** Rep. Jess Edwards for the **Minority** of Finance. The Finance Committee did not modify the policy from Children and Family Law and passed it as is. A facility ranging from 12-18 kids to ensure operational flexibility is what is supported by historical data and trends. There has been no data-driven justification to build a replacement facility with only six beds. It is an aspirational capacity. The community-based services needed for any excess residents beyond the six do not currently meet the security requirements of a secure facility. As a consequence, SB 458 is a plan to not have a plan. It fails to inspire confidence in the department's ability to execute replacement operations while

ensuring public safety. The minority believes public safety has been given short shrift throughout the House processes this past year and we're leaving it to the Senate to fix the problem. For example, this bill completely eliminates the possibility of committing a non-violent juvenile to a secure facility for property crimes no matter how serious the crime, the extent of the damage, or the prior history of the minor.

SB 459-FN, relative to a health care facility workplace violence prevention program. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Sharon Nordgren for Finance. Concerns raised around safety of health care workers acting in their workplace capacity has brought this bill forward. The bill creates definitions of workplace violence and hostile words. It also requires health care facilities to implement and maintain a workplace violence prevention program. The NH Health care Workplace Safety Commission is established and will receive yearly reports from the health care facilities participating. The amendment removes state operated health care facilities, maintains the program and commission mandates but flips the enforcement from a fine-based coercive model to a public-informed system relying on market-based activism. Personal information has been prohibited in reporting unless part of a police report. The definition of "workplace violence" was repaired to maintain a distinction between violence and harsh words. **Vote 18-2.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 404-FN, establishing a supplemental nutrition assistance program. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Niki Kelsey for Health, Human Services and Elderly Affairs. The Supplemental Nutrition Assistance Program (SNAP) is a federal program that is the country's first line of defense against hunger and food insecurity. Currently, New Hampshire is 39th in the nation in SNAP participation. Up to 60% of eligible older adults and 1/3 of eligible children are not enrolled which is causing unnecessary hunger here in the state. This is widely expected to get worse as food inflation and shortages worsen. This bill authorizes the Department of Health and Human Services (DHHS) to develop a state outreach plan to promote access to eligible persons who can benefit from the SNAP program. DHHS shall give preference to the use of private and federal funds to cover the state's costs of implementation. Upon approval of the outreach plan by the US Department of Agriculture (USDA), DHHS shall partner with one or more non-profit organizations for the development and implementation of the plan within six months. Outreach will target marginalized citizens who currently are unaware of available benefits and are experiencing food insecurity. Finally, the outreach plan is revenue neutral due to federal funding and the fact that every dollar brought into the state, it is estimated, creates $1.50 in economic activity into our local communities. **Vote 17-4.**

JUDICIARY

SB 216, establishing a commission to study the landlord and tenant mediation program in circuit courts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill would establish a commission to study the landlord and tenant mediation program in circuit courts. The court is currently operating a pilot program for landlord and tenant mediation and reports outstanding success with a 68% favorable resolution pre-trial and an 88% favorable resolution post-trial. Positive reviews have been received from both tenants and landlords. With these results, the committee sees no need for further study or the creation of a commission and recommends this bill Inexpedient to Legislate. **Vote 11-9.** Rep. Charlotte DiLorenzo for the **Minority** of Judiciary. This bill would create a commission to study the landlord tenant mediation pilot program that has been ongoing in the circuit courts. The program was developed by the circuit courts to help landlords and tenants work through issues to avoid an eviction. Mediation is not mandatory and both the landlord and tenant must agree to mediation. The pilot program has been a great success and has kept 80% of tenants facing eviction in their homes. The study commission would provide the General Court and all relevant stakeholders with an appropriate venue to analyze the program, assess what has and has not worked and recommend changes going forward. The mediation approach is conciliatory rather than punitive and could lead to preservation of tenancy and prevent homelessness.

SB 217, relative to eviction notices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Michael Sylvia for the **Majority** of Judiciary. This bill would double the time for notice of eviction in some circumstances from 30 days to 60 days. The increase in notice would apply in cases where the rental unit would be renovated or sold. While it might seem to be helpful to some tenants, it would cause trouble in the rental market in general. There is an insufficient supply of rental housing in the state and this bill would create no new housing. In fact, the majority of the committee believes that it stands to reduce the supply of rental units by increasing already excessive burdens on property owners. The notice of eviction is not the eviction itself, but merely the beginning of a process. An owner of a property might not regain control of his or her property for 90 days after filing the eviction. One can easily imagine a building owner prefer-

ring to remove their property from the rental segment and turn the property into condominiums, possibly combining small units into fewer larger condos. This results in less housing and increased pressure on rental availability, and even higher rents. The path to more housing is through less regulation. **Vote 11-10.** Rep. Charlotte DiLorenzo for the **Minority** of Judiciary. This bill aims to amend current statute and require a landlord to give tenants a 60-day eviction notice when eviction occurs before the end of the lease due to the following circumstances: (1) the landlord desires to perform repairs to the dwelling unit which cannot safely be done while the tenant resides in the premises, or (2) the landlord desires to perform minor or substantial rehabilitation, or (3) the landlord desires to sell, upgrade, or convert the property to condominium conversion. There is an exception: only a 30-day notice is required when a "vacate the premises" order has been issued by an official board, agency, or authority with jurisdiction because the premises have been ruled unfit for human habitation and must be vacated. The minority disagrees this bill would serve to decrease the rental housing stock in New Hampshire. This bill provides a temporary safety net for tenants, giving them 60 days' notice to find a new home because the owner plans to temporarily remove the apartment from the housing market due to minor or substantial renovation, condominium conversion, or the sale of a property. Once completed, the apartment would return to the housing market most likely with a higher rent.

SB 222, permitting licensing boards to conduct remote meetings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill seeks to allow boards, commissions, and councils administered by the Office of Professional Licensure and Certification to hold totally remote meetings with notice and some means for the public to observe and participate. This bill requires no physical location, no identification of members participating remotely, no reason required for remote participation, and no other important safeguards. **Vote 11-10.** Rep. Rebecca McBeath for the **Minority** of Judiciary. This bill sets forth requirements for remote attendance and participation for numerous NH licensing board meetings. The minority believes that the need to meet the NH citizens' urgent request to continue the option of remote participation in public board meetings outweighs the majority's reluctance to move forward because of its desire to address the issue in a more comprehensive way.

SB 302-FN, establishing the personal privacy protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**
Rep. Mark McLean for the **Majority** of Judiciary. This bill prohibits public agencies and bodies from releasing information that identifies donors and volunteers of any 501(c) entity. The committee expressed broad support for the preservation of donor privacy, and the committee amendment addresses transparency concerns by preserving the power of the Attorney General to identify board members and directors in the execution of its normal investigative and auditory functions. **Vote 11-10.** Rep. Rebecca McBeath for the **Minority** of Judiciary. This bill eliminates the public's long standing right to obtain basic information on the donors and leadership of non-profit and charitable organizations. Adopting this bill breaches the contract for transparency entered into when tax-exempt status was initially granted to non-profit and charitable organizations. This bill was overwhelmingly opposed by those that testified at the public hearing, including the Office of the NH Attorney General, the NH Center for Nonprofits, and Open Democracy. Representatives from two state agencies expressed concerns that this bill may have unintended consequences on statutory responsibilities of auditing and federal certification requirements regarding funds awarded by the state to contractors.

SB 339, relative to meetings of boards and commissions in the department of safety. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. Louise Andrus for the **Majority** of Judiciary. This is one of several bills this year from boards or agencies requesting an exemption from the physical quorum requirement in RSA 91-A. The Preamble to the Right to Know Law is: "Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people." If the legislature eventually votes to allow an exemption from the physical quorum requirement, then there should be one standard which applies to all agencies and boards in the state. To accomplish this change, the legislature would need to review and revise the Right-to-Know law, 91-A, to consistently apply a quorum change to all public meetings. That will require answering the question: to what extent do we want to allow the public meetings to be conducted electronically? Not everyone has access to electronic communications. When someone is elected or appointed to a board or commission, whether at the town, city, county, or state level, the law is clear and they should be aware that there are quorum requirements and that generally meetings are to be held in person. The majority of the committee believes that we all work for the public, and until we adopt a comprehensive change to RSA 91-A, we need to keep the Right-to-Know Law intact. **Vote 11-10.** Rep. Diane Langley for the **Minority** of Judiciary. This bill, with amendment, would enable the Department of Safety to provide on-site and electronic access and oversight to a number of statewide committees, commissions, and boards that continue to contribute to the department's daily operation in a positive manner. The events of the last two years illustrated to the department the urgent need for government to be able to respond to the changing needs of its citizenry in a

timely, flexible manner. The minority presented an amendment that would enhance access and participation in government by offering citizens an option to attend committee, board, and commission meetings at either a physical or virtual location. The minority further developed the expectation member involvement would include a requirement that four members of the committee, board, or commission be physically present on-site at a predetermined meeting location for the duration of the meeting. The remaining members would be allowed to participate by choosing their virtual or physical site preference as dictated by their individual circumstance. The minority further identified in the amendment the Department of Safety's Rare Diseases Advisory Council members as the group that was identified during committee testimony as unable to attend meetings during the previous two years because of the department's current requirement of physical on-site presence. The minority feels allowing an option for individuals to participate in government based on what their abilities enable them to do permits a deeper level of involvement, understanding, and commitment to the department they agreed to serve.

SB 344, (New Title) relative to the electronic participation requirements of meetings open to the public under the right to know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**
Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill adds a new section to RSA 91-A to allow bodies (except the General Court) to hold meetings with only a fourth of the body present at a physical location. Members could participate remotely only when "attendance is not reasonably practical" with the reason noted in the meeting minutes. Each remote member would have to be on video and electronic public access would be noticed and provided. If such electronic access were interrupted by the host, the meeting would be adjourned. The majority thinks requiring both audio and video for participation is beyond the capacity of much of NH, effectively denying this opportunity to many bodies. The adjournment requirement in case of technical problems could be extremely difficult as many boards meet with deadlines where postponement is virtually impossible. The majority also thinks the General Court should operate under the laws we create for others. **Vote 11-10.** Rep. Rebecca McBeath for the **Minority** of Judiciary. This bill was passed by the Senate on a bipartisan vote; establishing requirements for electronic participation in public meetings, specifically providing that the public have the opportunity to participate by video, telephone, and/or other electronic means. The minority's desire to address citizen's requests to provide an option for remote participation in public board meetings out -weighed the majority's reluctance to work to refine the Senate-proposed language. The minority supported a motion of Interim Study so that this issue could be discussed, deliberated, and a bipartisan proposal would be available for consideration by the house membership in 2023.

SB 388, relative to availability of information or records relating to the enhanced 911 system. **OUGHT TO PASS.**
Rep. Kurt Wuelper for Judiciary. This bill will give the Insurance Department access to Enhanced 911 (E-911) data "in connection with an ongoing criminal investigation." The committee feels it important to give the Insurance Department the information they need to pursue criminals without compromising the confidentiality of the E-911 data and recommends the bill Ought to Pass. The committee also agreed to support a floor amendment to narrow the scope of the information available to the Insurance Department to that relating to the nature and time of the call. **Vote 21-0.**

SB 392, (New Title) establishing a commission to study insanity and restoration of competency. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Troy Merner for the **Majority** of Judiciary. This bill proposes the formation of a commission comprised of legislators, members of the executive branch, and third parties to study insanity and restoration of competency. The majority of the committee agrees that the definition of insanity needs to be updated and that our state lacks a meaningful process to restore competency to stand trial. But the majority of the committee does not believe that a commission with over 20 members is necessary to accomplish these tasks. First, the definition of insanity and the standard for competency are two very different subjects. Second, the expertise needed to accomplish these studies is already available in the state agencies which address them. The majority of the committee does not see the need for a commission when what may be needed is a department proposal. **Vote 14-7.** Rep. Alexis Simpson for the **Minority** of Judiciary. The definition of "insanity" in our current statutes is antiquated at best and shameful at worst. In addition, we have no system for restoring competency to people who have been declared incompetent to stand trial. This commission would bring together all of the stakeholders who need to be on board to bring us up-to-date in the treatment of those suffering with mental illness who encounter the criminal justice system. With a 21st century definition of "insanity" and a program for restoring competency, the legislature would have a clear path forward to ensure due process and protect the rights of both the accused and their victims.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

SB 209, relative to electronic wage payments. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Cahill for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would remove the requirement that employers provide a paper check option for payment of wages. Those unable to use direct deposit to a bank account would have to be paid via payroll debit card. The bipartisan majority has concerns about employees who due to financial circumstances or personal preference, do not have bank accounts and would be reluctant to use payroll debt cards. Among the issues are security of personal information, privacy and fees. Balance inquiries and ATM withdrawals incur fees; stopping to buy a loaf of bread en route to the employer's bank can count as your one free withdrawal. Credit unions with much lower minimum balance requirements than banks, make direct deposit a better option for some. **Vote 14-7.** Rep. Leonard Turcotte for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill was an attempt to revise the law that defines what means can be used by employers to pay employees. The bill as sent over by the Senate was heavily amended before it reached the House Labor Committee. A majority of the committee felt the amended bill made employers responsible for technology hiccups that were not any of their doing. There was a reduction in the ways employers could pay their employees which the majority thought was not necessary. The minority attempted to amend the bill in order to bring the bill back in line with what was originally proposed by the Senate. The final bill with the amendment unfortunately did not pass so the minority was unable to bring the bill back to the Senate where the entire statute could be simplified.

SB 345, relative to youth employment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Brian Seaworth for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority recommends passage of this legislation which addresses three areas of youth employment law; areas which tend to be confusing and difficult for employers. The first section would allow youth, age 14 and 15, to work in restaurant areas where alcohol might be present where they could perform non-serving duties; a change supported by the liquor commission. The second removes a tiered weekly limit on work hours for 16-17 year-olds, specifying variable hours-per-week depending on days in school. The bill simplifies the law so employers can understand their obligations. The third section repeals the night work statute, a law that restricts overtime in certain circumstances. Night work confuses employers, employees, and parents alike. In the original Senate version, the repeal was accompanied by the creation of a new law which would impose hour limits on teen workers, depending on the day of the week. The majority amendment removes this newly-created and ill-defined requirement leaving only the repeal. **Vote 11-10.** Rep. Janice Schmidt for the **Minority** of Labor, Industrial and Rehabilitative Services. Labor law, like much of our law in NH, has been in place for generations and quite often we find parts that have been amended until they are so complex that they no longer are easy to understand or follow. In this bill businesses have asked for clarification and the minority of our committee offered several amendments to help to pare down one complexity - the rules around youth night employment. Our intent was to make them clear and readable while keeping protections in place. The majority instead felt the best method to achieve simplification was to completely remove any reference to youth night work in our RSAs. We believe that this move will open up our students to later hours and longer days, and will pressure young employees to place work above school. We object to this amendment and so firmly believe that this bill should be found Inexpedient to Legislate.

SB 377-FN, (New Title) relative to the eligibility of certain injuries of state troopers for workers' compensation. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**
Rep. Lino Avellani for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill tries to expand the definition of workers' compensation for state police, in certain circumstances. The majority believes it needs further clarification and possibly to be expanded to cover other segments of NH law enforcement. **Vote 12-9.** Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill is intended to provide prima facia qualifications for NH State Troopers who are injured while driving a state police cruiser while in uniform. The committee received testimony that a trooper who is en route to an extra duty detail such as a road construction site is not deemed to be on duty until the trooper arrives at the duty site. The minority feels that this is an issue worth addressing immediately. The majority suggested that other law enforcement personnel may also benefit from this treatment, but not having any indication that it is necessary, Interim Study was suggested to find out if an expanded provision might be appropriate. The minority feels that expansion might be accomplished through new legislation in the next session.

MUNICIPAL AND COUNTY GOVERNMENT

SB 239-FN, relative to noncompliance with municipal audit requirements. **OUGHT TO PASS.**
Rep. Richard Lascelles for Municipal and County Government. The majority of the committee agreed with the sponsors of the bill on the need for the Department of Revenue Administration to have the power to penalize municipalities and counties who do not complete required audits. Current law has no teeth and certain towns have repeatedly ignored requirements for audits. **Vote 18-0.**

SB 245, establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Latha Mangipudi for the **Majority** of Municipal and County Government. This bill addresses inconsistencies regarding municipal solid waste in communities in NH particularly in high density housing complexes. Addressing municipal solid waste across NH has become important due to a significant increase in solid waste and issues related to landfills and ground water pollution across our state. This very focused study committee will look at inconsistencies that exist currently between developers and municipalities to address "taxation without representation" which has not become common practice in NH. Not only will it be able to look at inconsistencies, it may also shed light on good practices that may exist in communities that could be adopted. This committee will be able to report their findings to solve the puzzle of solid waste management in our state. This study committee will address very specific issues in a short period of time so that an important larger solution can be derived for municipal solid waste. **Vote 10-9.** Rep. Richard Tripp for the **Minority** of Municipal and County Government. This bill would establish a committee to study agreements between developers of condominium units and municipalities regarding municipal trash removal fees. The goal of the committee would be to examine the agreements and determine why fees are paid for services not rendered. The catalyst for this bill was in Hampton where the condominium developer agreed to pay the municipality trash pickup fees even though this service was also being paid through the condominium association's property taxes. It was mentioned several times during the hearing that what the developer and municipal agreement entailed is unknown and the proposed committee would permit this to be determined and therefore lead to a resolution. This is not the minority's opinion. The minority believes this to be a local issue between the condominium association and the municipality and something best resolved between the two parties. Approving this committee would open Pandora's box and lead to future committees attempting to solve problems in which the state has no involvement.

SB 246, relative to qualified private communities. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Tony Piemonte for the **Majority** of Municipal and County Government. This bill would have established a new chapter for qualified private communities. A qualified private community would consist of a community trust or other trust device, condominium association, homeowners association, road association, or council of co-owners, wherein the cost of maintaining roads, streets, water and sewer infrastructure, and providing essential services is paid for by a not-for-profit entity consisting exclusively of unit owners within the community. One of the main issues is the disclosure of the purchase agreement. For example, the roads are shared and used by all members in that community, the roads were created less than the normal width to lower the price of a house lot and also the house. To introduce legislation to have a developer put money into escrow to maintain that road would just drive the price of the house and a lot significantly higher. With the shortage of affordable housing, the committee felt that this would raise the prices in New Hampshire and make them less affordable. **Vote 10-9.** Rep. Laurel Stavis for the **Minority** of Municipal and County Government. This bill is a good first attempt to study an issue that has not yet received the legislative attention it needs. By requiring developers to build private roads that meet municipality standards or deposit funds into escrow to provide for their repair while developments are still building their capital reserves, this bill would reveal this and a number of unresolved issues. Among them the fact that there is no New Hampshire law that recognizes what this bill describes as "Qualified Private Communities." Title XXXI, Section 356-B, the Condominium Act, does not address homeowners associations, among other types of developments. As such, it provides no guidance for the bylaws and covenants that HOA Boards of Directors are required to create. Building necessary capital reserves for road repairs is one of the most fundamental responsibilities of such boards, yet it is often the most controversial. Absent state law on the subject, boards and the homeowners they represent have no recognition of their status or protection from violations. This bill would provide basic infrastructure expectations and requirements, and would be an excellent starting point for a larger discussion.

SB 329, establishing a commission to study barriers to housing development in New Hampshire, including workforce and middle-income housing. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**
Rep. Richard Tripp for the **Majority** of Municipal and County Government. In recent years, there have been multiple attempts to promote workforce and middle income housing that have failed for one reason or another. This study commission seeks to identify a solution which includes a free market solution to housing shortages which are acceptable to local land use boards. The amendment adds language from HB 1194 relative to the procedure for overriding a local tax cap, which passed the House earlier this session. **Vote 10-8.** Rep. Laurel Stavis for the **Minority** of Municipal and County Government. In a motion to introduce a technically germane but philosophically inappropriate amendment to this bill, the state was denied a key opportunity to study the barriers to housing that so many of our citizens fall victim to every day. In tacking on a further examination of municipal budget processes, already discussed and passed in this House, to a simple bill to

establish a commission to study the insuperable barriers most people are encountering with respect to their basic human right to shelter and housing, the majority of the committee subverted the purpose and intent of this bill and threatened to yet again delay any rational discussion of why so many of our citizens find themselves without a place to call home. The commission proposed in this bill has never been more necessary than it is now. Our citizens, and the businesses that employ them, have never implored us more urgently to study and address these issues, and the majority of the committee has refused to heed their calls. Government, in its purest form, exists to provide safety and security for the people it represents.

SB 400-FN, relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for the **Majority** of Municipal and County Government. The majority of the Municipal and County Government committee agree with the sponsors of the bill of the need for the state to address the housing crisis that currently exists in New Hampshire. The intent of the bill is to encourage municipalities to put into place procedures and incentives for the development of housing that is affordable to a greater percentage of the workforce. In addition, the bill as amended limits the authority of town health officers and adopts school district budget caps. **Vote 10-8.**

Rep. Ivy Vann for the **Minority** of Municipal and County Government. The minority supported the original bill as it arrived in committee but opposes this bill as amended. The bill was intended to provide a set of tools allowing local jurisdictions to increase the supply of workforce housing by streamlining application processes, providing training for our volunteer planning and zoning boards, and requiring that workforce housing be afforded the same incentives as housing for the elderly. The bill as amended first directly damages the bill and decreases the likelihood of new workforce housing by adding a clause which states that no jurisdiction can be required to allow workforce housing where municipal water and sewer in not already present. This means that towns which have no water and sewer can outright deny all applications for workforce housing of any kind: and that towns which have water and sewer can deny applications even when the developer is willing to extend water and sewer. The amended bill also includes several sections which have nothing to do with housing of any kind. We see clauses restricting the work of public health officers, something that has been extensively debated in several other bills and has no place in a bill about creating more workforce housing. We also see clauses having to do with tax caps for school districts. We are deeply regretful that a bill which had a great deal of public support and which was intended to address our housing crisis, something that we know is an enormous problem for the citizens and businesses of New Hampshire, has been so amended as to render it insupportable.

RESOURCES, RECREATION AND DEVELOPMENT

SB 258-FN-LOCAL, relative to the graves of African Americans alive during the period of American enslavement. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Gregg Hough for the **Majority** of Resources, Recreation and Development. It was the opinion of the bipartisan majority of the committee that this bill had too many issues that need to be addressed. One such issue is having a private non-profit organization be named and defined as the “descendant community” in the statute itself. This could give that organization governmental-type control and oversight over all aspects of the processes involved in the discovery, restoration and/or preservation of relics, grave sites, and the remains of African Americans from the period of enslavement. Also, there are numerous statutes that already address what this bill seeks to accomplish - making it unclear that sections of this bill are even necessary. Unfortunately, the only testimony the committee heard was the prime sponsor’s and an additional state representative. Absent was testimony from the New Hampshire Division of Cultural Resources or other resources capable of assisting the committee in understanding the existing rules, practices and procedures and to improve them by the application of the changes proposed in the bill. Toward this end, the bipartisan majority agreed that it is of great importance to preserve the national and state heritage of our citizens, thus recommending this bill for interim study as to make sure these issues and concerns are remedied and that a fitting path to preserving our cherished history be found. **Vote 13-8.** Rep. Bruce Cohen for the **Minority** of Resources, Recreation and Development. It is the minority’s belief that this bill is ready to become law in its current form, and needs to be passed for immediate action. The valuable contributions of African Americans during the enslavement period to New Hampshire’s growth and heritage includes those who were not here on their own free will, runaways from other states and freed slaves that migrated to New Hampshire. All of these people’s remains deserve respect and human dignity. Many of their grave sites have been neglected or are only being recently found with their identities unknown. This bill requires that a gravesite not be disturbed or moved without consultation with descendants of the person. If the person is unidentified, consultation would be made with the descendent community or the Black Heritage Trail of NH, an independent, nonpartisan and nonprofit organization which raises awareness for NH’s black history. This bill amends current law and assures proper recognition and dignity is given to these individuals’ remains.

SCIENCE, TECHNOLOGY AND ENERGY

SB 259, relative to the definition of "municipal host" for purposes of limited electrical energy producers. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**
Rep. JD Bernardy for the **Majority** of Science, Technology and Energy. This bill expands the definition of a "political subdivision" found in HB 315, passed last session, to also include "the State of New Hampshire, or any housing authority, or quasi-public entity, or the Pease Development Authority." Quasi-public entities are not defined in the bill. The bill creates the possibility of extensively increasing the amount of net metering and associated cost-shifting, hence further study is in order. **Vote 14-7.**
Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. This is a very simple bill that broadens opportunities for the state of New Hampshire, the Pease Development Authority, and housing authorities to benefit from the cost-savings associated with net-metering that arose out of last year's HB 2 (Ch. 91, Laws of 2021). An amendment will be available that would eliminate an inconsistency in the bill's wording regarding "political entities" and which resolves any ambiguity concerning "quasi-public entities" which was included to encompass the UNH and community colleges.

SB 263, establishing the New Hampshire youth environmental education and conservation council. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**
Rep. Fred Plett for the **Majority** of Science, Technology and Energy. This bill would have established a New Hampshire Youth Environmental Education and Conservation Council. While aspirational, it is not necessary through government action to create such a council. It can be created entirely voluntarily. Furthermore, there already exists a NH Legislative Youth Advisory Council, embodied in RSA 19-K:1, that has existed since 2006, and which can, if it chooses, delve into environmental and conservation activities, rendering this bill superfluous. **Vote 11-9.** Rep. Jacqueline Cali-Pitts for the **Minority** of Science, Technology and Energy. This bill would give more opportunity to participate in government on a specific subject. The insights of youth are very important to decision making and the future of our state. Environment is a complex subject, and all points of view should be and are welcome.

SB 269-FN, (New Title) establishing a commission to study energy saving weatherization programs. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**
Rep. Jose Cambrils for the **Majority** of Science, Technology and Energy. This bill attempts to establish a commission to study energy saving weatherization programs. During testimony on the bill, there were concerns regarding the unbalanced member make-up of the commission. There were also concerns about reducing the contractor "pre-qualifications" and what that meant, and the cost associated with administering that process. Additionally, the policy direction to explore expanding the "fiscal participation" of propane and oil users in New Hampshire needs to be better understood given the all-time high energy prices that our citizens are currently paying. **Vote 12-9.**
Rep. Peter Somssich for the **Minority** of Science, Technology and Energy. The minority is convinced that weatherization and insulation of residences and businesses is the first step to make a building more energy efficient and save energy dollars. Any building that is not properly insulated will not significantly benefit from even the newest and most efficient heating or cooling system. Most of New England's housing stock, including business facilities, were built decades ago and suffer from the consequences of less efficient building codes. Likewise, our state's weatherization programs for residences and businesses have not been updated for many years and don't include measures such as replacing single pane windows with more efficient double and triple pane replacements. This bill is urgently needed to make progress in all of these areas, including considering a more all-inclusive approach to funding that is fairer and more effective for NH residents. The bill does not propose any new changes, but only creates a commission to evaluate and make proposals in the future for a more enhanced and sustainable weatherization program. Instead of ignoring these issues, we need to move ahead with this critical initiative that will save our state millions of dollars from wasted energy.

SB 271, relative to the Burgess BioPower facility. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Michael Vose for Science, Technology and Energy. This bill seeks to address issues concerning the wood-burning electricity generation plant in Berlin. Known today as Burgess BioPower, this plant back in 2010, at the urging of the Governor, signed a purchase power agreement (PPA) with PSNH, now Eversource. The PPA called for the utility to buy at over market prices the electricity and the renewable energy certificates (RECs) produced by the plant. The utility would then sell the electricity on the ISO-NE grid and recover its power and REC losses from ratepayers. The PUC approved the PPA with the stipulation that ratepayers' losses be capped at $100 million, after which Burgess would start repaying the over-market costs. In 2018, the company anticipated the near arrival of the cap and requested legislative relief, claiming that it could not afford to begin repayment. The Governor signed SB 577 (Ch. 340, Laws of 2018) to provide a three-year reprieve from repayment, and the PUC implemented the plan by calling for any amounts over the previous cap of $100 million to be accumulated by a Cumulative Reduction Factor (CRF). It further directed that the plant would repay any CRF accumulation in the year following the end of the three-year suspension. The

CRF amount in November of 2022, when the in-place suspension ends, will be $58 million. The plant now requests, via this bill, that the $58 million be forgiven and that the plant continue to operate under the PPA. The Department of Energy and the Office of the Consumer Advocate oppose this plan because it risks further over-market costs and hurts Eversource ratepayers. As amended by the House, this bill will extend the cap for one full year to November of 2023 and require the plant to open its books for a detailed investigation by the Department of Energy. The committee agreement to extend the suspension of the operation of the cap likewise extends Eversource's ability to recover any additional costs during this extension. Combined, these measures will help to inform a more permanent solution to this problem in a future legislative session. **Vote 20-2.**

SB 424-FN, relative to renewable energy and natural gas. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Lewicke for the **Majority** of Science, Technology and Energy. This bill would be under Public Utilities Commission (PUC) regulation. There is no risk to the ratepayers or taxpayers, and any experience either positive or negative will be informative as New Hampshire energy moves toward the future. **Vote 15-5.** Rep. Lucius Parshall for the **Minority** of Science, Technology and Energy. Renewable Natural Gas (RNG) is a case of greenwashing. The minority believes masks the potential hazards while providing consumers and legislators some degree of plausibility. What we are speaking of is methane. This bill is not addressing methane production through anaerobic digestion technology. This is what we see on pig farms and what is burned off in our landfills. There are currently 317 small systems using this technology in the United States, several being in New England, but none in New Hampshire. This bill is addressing methane production through biomass thermal gasification: agricultural and forest harvests are turned into syngas, which can be further refined into methane. There are currently no commercial-scale thermal gasification plants in the United States that convert biomass into methane. When we look at sources of environmental methane, the main contributor continues to be agriculture at 36%. This is followed, not by landfills at 19%, but rather oil and natural gas systems that contribute 31% of our methane emissions. Basically, the energy industry leaks as much methane through their handling of natural gas as is produced by agriculture, and far more than is produced by landfills. There is also the economic cost factor. A million BTUs of methane gas costs $3. The estimated cost for the same amount of manufactured methane is about 6 times that, at $18. Even with the diminishing quantity of existing natural gas driving prices upwards, clearly using thermal gasification to produce methane is not a viable cost alternative. Given a best case scenario, we cannot expect to meet more than 20% of our gas needs with thermal gasification, making it an enormous losing proposition.

SB 448-FN, (New Title) relative to energy reduction by state agencies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. JD Bernardy for the **Majority** of Science, Technology and Energy. This bill focuses on the purchase, operation, and maintenance of state-owned vehicles. It requires that all vehicle purchases and leases be "zero emission" by 2025 if "feasible, practicable, and cost-effective." Yet the standard of "feasible, practicable, and cost-effective" is inconsistently applied if managed by the Department of Administrative Services or other state agencies. It presumes that electric vehicles are the most economic, operationally efficient, and environmentally clean – no proof is provided. It ignores the fact that NH is electric capacity limited during the peak power demands of winter cold snaps or summer high heat days, thus likely limiting charging capability at those times. It does not consider the environmental discharges by the multiple electric power plants supplying the charging power, only the "zero emissions" by the electric vehicles. Finally, no legislation is required for any state agency to make a decision regarding what are the most practical and cost-effective vehicles for their use. **Vote 12-10.** Rep. Jacqueline Chretien for the **Minority** of Science, Technology and Energy. This bill provides a critical framework for energy efficiency of state assets. Specifically, this bill provides the language necessary to support the transition of state vehicle fleets to low- or no-emissions vehicles and enables the state fleet manager to plan and develop electric vehicle supply equipment sites for state vehicles, which is also an essential component of the state's grid modernization strategy. The bill also provides language ensuring that energy efficiency is considered as a significant criterion in decisions about construction, renovation, and acquisition of state-owned or leased buildings. The minority believes that, especially due to recent increases and volatility in energy costs, prioritizing energy efficiency and reducing our reliance on out-of-state energy sources is an important cost-savings policy for state agencies and taxpayers.

SPECIAL COMMITTEE ON REDISTRICTING

SB 200, relative to the election of district commissioners in Haverhill. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Ross Berry for the **Majority** of Special Committee on Redistricting. This bill as amended proposes a federal congressional map for our state that meets all the legal and constitutional requirements of the US Constitution and the New Hampshire Constitution. The initial and clear requirement for congressional districts is a low population deviation - one person, one vote. With a population deviation of 4.5/5.5 people,

this bill presents a map with the lowest population deviation of any publicly presented map. The majority of the committee found it prudent to prioritize New Hampshire's economic communities and county lines over preserving the current map which splits over half of the counties and only preserves one economic community. The majority amendment keeps 8 out of 10 counties together and keeps every economic community together. The committee heard from the public that they wanted a competitive map and this map would have produced an electoral outcome in 2020 where the winner would have prevailed by 50.05%. The current map has produced the same party outcome 90% of the time and does not represent the diverse political views of the state. The majority of the committee rejected the minority amendment for the higher population deviation, the splitting of counties, the failure to recognize any economic community other then the seacoast, and the lack of competitiveness. The map presented by the majority meets all requirements and furthers the interests of the entire state. **Vote 8-7.** Rep. Paul Bergeron for the **Minority** of Special Committee on Redistricting. During the redistricting process, the Special Committee on Redistricting held listening sessions in all 10 counties and conducted a number of public hearings on redistricting proposals. At no time did members of the committee hear calls for the congressional districts to undergo radical changes. According to the 2020 Census, the population of the existing first congressional district is 17,945 people larger than the Second Congressional District. Amendment 2022-1736h proposes moving the town of Hampstead, and its population of 8,998 residents, from the first congressional district to the second. The resulting population difference is just 51 people between the two districts; a minuscule deviation of .000037%. One of the great strengths of the New Hampshire political system is that in the New Hampshire House and Senate, the executive council, and the governorship, voters are able to decide every two years whether to keep an incumbent in office or make a change. Under this proposal, the districts would remain competitive. In the last 86 elections in the second congressional district, Republicans have won 71 times and Democrats have won 15 times. In the first congressional district, the seat changed hands in six of the last eight elections, with incumbents losing in five of those races. The minority believes that the focus of redistricting should be on the voter and not be used to benefit one party or candidate over another. The filing period for declarations of candidacy for this year's state primary and general elections begins in less than 30 days. Unlike the majority proposal, the minority amendment would ensure that every announced candidate for New Hampshire's U.S. Congressional Districts will continue to reside within the districts in which they announced their candidacy and in which they have been campaigning. Every candidate should be able to approach an election on a level playing field. The majority on the committee proposes tilting that playing field. The minority amendment protects the rights of all New Hampshire voters and candidates to have a fair opportunity to color our state red, blue, or purple.

TRANSPORTATION

SB 447-FN, establishing the electric vehicle and infrastructure fund. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass: This bill is a bill introduced in a bipartisan fashion. The bill established an electric vehicle and infrastructure fund within the NH Department of Transportation. Its intent was to further enhance NH efforts in applying for additional funds to develop infrastructure. It has become increasingly evident that electric vehicle adoption continues to grow throughout the country. Major manufacturers including General Motors, Ford, Blue Bird School buses, and Cummins diesel, to name a few, are adding more models every year including, passenger vehicles, light and heavy duty trucks, and buses. UPS will be purchasing their first ten all electric aircraft for their delivery systems in 2024. It is vital that New Hampshire not fall behind in the adoption of these new technologies. Further discussions with the Department of Transportation identified an important technical issue. As funding for this kind of infrastructure will come from multiple sources, at the department's suggestion, a floor amendment will be offered to change the focus of the bill from establishing a fund to the acceptance and utilization of various sources of funding, as well as developing public and or private entities for the construction of this infrastructure. The bill further requires the Commissioner of the Department of Transportation to report annually on the progress being attained.

Rep. George Sykes

Statement in support of Inexpedient to Legislate: This bill would establish an electric vehicle infrastructure fund to be filled by state, federal, and grant monies. The electric vehicle charging stations infrastructure commission completed its work in November of 2020. The plans and recommendations are still being rolled out with funding from the Volkswagen Environmental Mitigation Trust Funds, which are administered by the office of strategic initiatives. Supporters of an inexpedient to legislate motion believe that it would be more prudent to wait for results from that parallel effort before committing more funds to an expansion. An additional concern is that the bill makes the department of transportation the gatekeeper of the funds, and the scope includes "Construction of electric vehicle charging infrastructure on commercial private property in New Hampshire." The supporters of inexpedient to legislate do not believe that this private enterprise should be subsidized. We also do not believe that the department of transportation is the right agency to administer funds for business development. This should remain with the office of strategic initiatives.

Rep. Steven Smith

WAYS AND MEANS

SB 318-FN, extending the hours in which games of chance may be conducted. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Fred Doucette for the **Majority** of Ways and Means. This bill extends the hours that games of chance can be offered by six hours daily (three hours in the morning and three hours at night). The Lottery Commission assumes, based on the gaming demand and cost of labor, only a select number of locations will choose to operate for the full amount of the extended hours. The Lottery Commission states inspection and audit of these facilities will not be substantially impacted by this change as the monitoring of the extended hours can be accomplished by flexing the time of the existing audit staff as necessary, therefore, the commission does not expect that this bill will have an impact on state expenditures. The state of New Hampshire's successful charitable gaming model generates more than $16 million per year for over 500 NH charities. In addition, approximately another $5 million annually is raised for education. The majority of the committee believe this change will help New Hampshire facilities better compete with the 24 hour per day facilities in our neighboring states. **Vote 14-8.**

Rep. Susan Almy for the **Minority** of Ways and Means. This bill intrudes on existing local control rights on behalf of a single type of establishment. It enables new expanded hours of operation for games of chance, allowing facilities to open three hours earlier at 8:00 a.m., and to operate three hours later, until 4:00 a.m. the next day. Local control over hours of operation for situational reasons has long been allowed. But the bill includes no provision authorizing local communities to set any limits on this new expanded period of operation. Some of the current facilities are located next to residential neighborhoods and/or in municipalities that do not revise site plans upon change of use. If the bill passes as is, some host communities will likely be unable to address the concerns of nearby residents, and winter snow removal from municipal parking may be almost impossible. The minority amendment simply continues the right of local communities to regulate expanded hours of operation to fit local circumstances.

SB 343, (New Title) establishing a committee to study room occupancy tax revenues and fees and the formula for distribution to municipalities. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for Ways and Means. This bill was a study commission bill to look at the issue of changing the meals and rooms tax revenue sharing formula based on where revenue is collected, as well as opening the door to allow municipalities to create a new tax for room rentals. The majority of the committee felt this opened the door for all state shared taxes, like the gas tax, business taxes, tobacco tax, liquor and other revenues to be subject to where the taxes are raised versus a population-based equitable share. **Vote 17-5.**

SB 435-FN, relative to the net operating loss carryover under the business profits tax. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for the **Majority** of Ways and Means. This bill modifies the net operating loss deduction (NOLD) under the business profits tax (BPT). It changes the NOLD from being apportioned twice (double apportionment) to a single apportionment in the year the NOLD is generated. The bill eliminates the outdated reference to the Internal Revenue Code (IRC) in effect on December 31, 1996 so the IRC aligns with the BPT statute (the BPT statute contains the IRC in effect on December 31, 2018). The change in removing the IRC date would cap the utilization of NOLDs to 80% of taxable income as a result; it would also cap the BPT taxable income to 80%. This bill cleans up the state tax code changing a reference from a 1996 tax code reference to a 2018 updated tax code reference and fixes an issue called double apportionment where businesses are being disadvantaged for being multi-state entities. The Business and Industry Association supports this position. **Vote 21-1.** Rep. Thomas Schamberg for the **Minority** of Ways and Means. The minority believes that the effect and potential impact of passage of this bill upon New Hampshire's approximately 70,000 small businesses and their owners that employ over 300,000 employees, creates a financial disadvantage that can further affect small business survival in New Hampshire communities. All NH tax policy should be fair and on a level playing field. The net operating loss deduction (NOLD), that exists at 100% under the current law, is good for the small business owner who can fully recover their losses, especially from the past two years of COVID-19 restrictions, before reporting any taxable income. This bill would cap the usage of this NOLD annually at 80% of taxable income and cause a negative effect on small businesses' thin margin of profitability. While this bill has a part that fixes the double apportionment problem which the minority can accept as a fix for big businesses, the small businesses that do not apportion income gain receive no benefit from the apportionment fix section. The minority stressed to the Ways and Means Committee that without data from the state's change to market based sourcing and the new single sales factor that begins for year 2022, NH should not be enacting tax changes in a vacuum. The minority proposed that a temporary solution to protect New Hampshire's small businesses would be to decouple from the federal 80% cap of the NOLD or adopt both the 80% cap plus an indefinite carry forward period to protect NH small businesses until data can be analyzed and compared by the DRA in years 2025 thru 2026.

COMMITTEE MEETINGS

FRIDAY, APRIL 29

COMMISSION TO STUDY THE EQUALIZATION RATE USED FOR THE CALCULATION OF A PROPERTY TAX ABATEMENT (RSA 76:20-a), DRA 109 Pleasant Street Concord, NH

10:30 a.m. Regular meeting.

MONDAY, MAY 2

NEW HAMPSHIRE OPIOID ABATEMENT ADVISORY COMMISSION (RSA 126-A:85), DHHS Brown Auditorium 129 Pleasant St. Concord NH 03301

1:00 p.m. Regular meeting. Join Zoom Meeting;
https://nh-dhhs.zoom.us/j/3031726939?pwd=ckNDcmNyM1VJdGtsWWlDd2hCWlJVUT09
Meeting ID: 303 172 6939 Passcode: 810055

FRIDAY, MAY 6

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

2:00 p.m. Environmental Subcommittee meeting.
This meeting will take place by remote conference. To listen in please follow the instructions below:
Please register for HB 737 Environmental Subcommittee Meeting on May 6, 2022 2:00 PM EST at:
https://attendee.gotowebinar.com/register/711002915265085711
After registering, you will receive a confirmation email containing information about joining the webinar.
The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: Amy.E.Rousseau@DES.NH.gov.
You may also call Amy Rousseau at 603-848-1372.

STATE HEALTH ASSESSMENT AND STATE HEALTH IMPROVEMENT PLAN ADVISORY COUNCIL (RSA 126-A:88), UNH Law School, 2 White St, Room 282, Concord, NH 03301

9:30 a.m. Regular meeting.

MONDAY, MAY 9

COMMISSION TO STUDY GRANDFAMILIES IN NEW HAMPSHIRE (RSA 170-G:17-b), Room 100, SH

1:00 p.m. Regular meeting.

TUESDAY, MAY 10

JOINT LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 212, LOB

10:00 a.m. Regular meeting.

WAYS AND MEANS, Room 202-204, LOB

10:00 a.m. Revenue Estimates.

WEDNESDAY, MAY 11

WAYS AND MEANS, Room 202-204, LOB

10:00 a.m. Revenue Estimates.

FRIDAY, MAY 13

COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a), Room 000, REMOTE

10:00 a.m. Regular meeting.
This meeting will take place by remote conference. To listen in please follow the instructions below:
Please register for HB 737 Commission Meeting on May 13, 2022 10:00 AM EST at:
https://attendee.gotowebinar.com/rt/5746796955811836429

After registering, you will receive a confirmation email containing information about joining the webinar. You also may join the meeting by phone:
Call in Number: 1 (415) 930-5321 Access Code: 613-661-216 Webinar ID: 754-269-779
The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: Amy.E.Rousseau@DES.NH.gov. You may also call Amy Rousseau at 603-848-1372.

COMMISSION TO STUDY THE INCIDENCE OF POST-TRAUMATIC STRESS DISORDER IN FIRST RESPONDERS AND WHETHER SUCH DISORDER SHOULD BE COVERED UNDER WORKERS' COMPENSATION (RSA 281-A:17-d), NH Fire Academy 98 Smokey Bear Blvd Classroom 2 Concord, NH 03301

10:00 a.m. Regular meeting.

LONG-TERM SEACOAST COMMISSION ON DRINKING WATER (RSA 485-F:6), NHDES Portsmouth Regional Office Room A Pease International Tradeport 222 International Dr.,Suite 175, Portsmouth, NH 03801

2:00 p.m. Regular meeting.

FRIDAY, MAY 20

ADMINISTRATIVE RULES (RSA 541-A:2), Room 306-308, LOB

9:00 a.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Room 210-211, LOB

10:00 a.m. Regular meeting.

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1), Room 206-208, LOB

10:00 a.m. Regular meeting.

NEW HAMPSHIRE RARE DISEASE ADVISORY COUNCIL (RSA 126-A:79), DHHS Health Training Room 3rd Floor 29 Hazen Drive Concord, NH 03301

3:00 p.m. Regular meeting. Join Zoom Meeting
https://nh-dhhs.zoom.us/j/3947758509?pwd=ekp1cjBacVRrTXA2dGlMSW1YL1NYZz09
Meeting ID: 394 775 8509 Passcode: MCH

NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2), NH DOT, Room 114, 7 Hazen Drive Concord, NH

9:00 a.m. Regular meeting.

OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 21-V:10), Room 100, SH

8:00 a.m. Regular meeting.

MONDAY, MAY 23

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201-203, LOB

10:15 a.m. Regular meeting.

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1), Room 201-203, LOB

9:30 a.m. Regular meeting.

NEW HAMPSHIRE CANADIAN TRADE COUNCIL (RSA 12-O:22), Room 100, SH

1:00 p.m. Regular meeting.

NEW HAMPSHIRE PRESCRIPTION DRUG AFFORDABILITY BOARD (RSA 126-BB:2), Brown Building Auditorium, Health and Human Services, 129 Pleasant St., Concord, NH 03301

10:00 a.m. Regular meeting. Please see Board the website for additional information regarding this meeting: https://www.dhhs.nh.gov/ombp/medicaid/nhpdab/index.htm

OFFICIAL NOTICES

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Rockingham County Executive Committee Meeting, **Friday, May 6, 2022, 9:30 a.m**., Hilton Auditorium, Rockingham County Nursing Home, Brentwood, NH. The purpose of the meeting is to conduct the third quarter budget review and vote to recommend Elected Officials Salaries and Benefits for the next term of office commencing January 2023. **Executive Committee Members must attend in person.** Social distancing and masks are required. Limited In-Person Access: Please contact Cheryl Hurley, Delegation Coordinator, at

603-679-9369, if you are planning on in-person attendance.To access the meeting by audio, please following the instructions below: Dial 888-788-0099 (US Toll Free) Enter the Meeting ID: 571-325-5541# Note: Participant IDs will not be provided for this meeting, simply press # to continue. Enter the Meeting Password: 312900. The following email address will be monitored throughout the meetings by someone who can alert the committee to any issues: rbernier@co.rockingham.nh.us.

Rep. David A. Welch, Clerk

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Rockingham County Convention Meeting, **Monday, May 23, 2022, 6:00 p.m**., Hilton Auditorium, Rockingham County Nursing Home, Brentwood, NH.
The purpose of the meeting is to vote Elected Officials Salaries and Benefits for the next term of office commencing January 2023. Delegation Members must attend in person. Social distancing and masks are required. Limited In-Person Access: Please contact Cheryl Hurley, Delegation Coordinator, at 603-679-9369, if you are planning on in-person attendance. To access the meeting by audio, please following the instructions below:Dial one of the following numbers: 888-788-0099 (US Toll Free) Enter the Meeting ID: 571-325-5541# Note: Participant IDs will not be provided for this meeting, simply press # to continue. Enter the Meeting Password: 312900 The following email address will be monitored throughout the meetings by someone who can alert the committee to any issues: rbernier@co.rockingham.nh.us.

Rep. David A. Welch, Clerk

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MEMBERS' NOTICES

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

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The NH Legislative Cancer Caucus will hold a virtual meeting on **May 2, 2022 at 1:00 p.m.** This meeting will include a presentation from the American Cancer Society on developments in the use of biomarkers and impacts on health equity. You can access the meeting by using this link: Click here to join the meeting
Or call in (audio only) +1 917-727-7985,,277222344# Phone Conference ID: 277 222 344#

Rep. Bill Boyd

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The University of New Hampshire is bringing back University Day on the State House lawn on **Thursday, May 5 from 11:00 a.m. to 1:00 p.m.** Enjoy a BBQ lunch provided by UNH's award-winning dining services and explore a range of exhibits and demonstrations led by world-renowned researchers, students, faculty and staff. Please join us to learn more about how education, outreach and engagement programs at your state research university benefit New Hampshire.

Rep. Marjorie Smith

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Associated Builders and Contractors of NH and VT, the voice of the merit shop in the construction industry, is inviting all House members and State House staff to a "Coffee, Croissants and Contractors" event at the State House café on **Thursday, May 5th from 8:00 -10:00 am.** Stop by for a coffee and a croissant before House session and learn about the launch of our successful Carpentry Apprenticeship Program at the Manchester Community College. We look forward to seeing you at this event!

Rep. William Infantine

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Walmart cordially invites all legislators and staff to their annual legislative lunch in the State House cafeteria on **Thursday, May 12** during the session lunch break. Please note this is a change from the originally scheduled day.

Rep. Steven Smith

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In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Association cordially invites you to attend the 30th Annual New Hampshire Fallen Law Enforcement Officers Memorial Ceremony, to honor the Law Enforcement Officers throughout the state of New Hampshire who have made the ultimate sacrifice and died in the line of duty while protecting the citizens of the state. The ceremony will be held on **Friday, May 20, 2022**, beginning promptly at **10:00 a.m.**, at the Memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Please do not hesitate to contact Colonel Kevin Jordan at the New Hampshire Fish and Game Department at 603-271-3128 should you have any questions.

Speaker Packard

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REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB102, HB103, HB347, HB355, HB591, HB611, HB620, HB624, HB1064, HB1130, HB1228, HB1235, HB1237, HB1288, HB1318, HB1335, HB1423, HB1423, HB1456, HB 1469, HB1496, HB1521, HB1526, HB1531, HB1535, HB1540, HB1547, HB1586, HB1587, HB1598, HB1604, HB1608, HB1621, HB1622, HB1628, HB1629, HB1632, HB1635, HB1642, HB1647, HB1661, HB1665, HB1677, HB1681, HB1682, SB59, SB92, SB160, SB202, SB226, SB267, SB278, SB294, SB301, SB303, SB324, SB326, SB340, SB346, SB355, SB363, SB366, SB376, SB383, SB385, SB394, SB400, SB401, SB402, SB405, SB407, SB418, SB422, SB423, SB427, SB429, SB430, SB435, SB438, SB452, SB460.

Paul C. Smith, Clerk of the House

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitor Center offers the following schedule of schools and other groups visiting the State House. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule books for the school year and subject to changes.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director

Margaret Waterhouse, Public Information Administrator

DATE	***TIME***	***GROUP***	***#/GRADE***
April 29	10:00	Grantham Village School	48/4
May 2	9:00/10:15	Hudson Memorial School	60/8
May 3	9:30	The Well School – Peterborough	16/4
May 3	10:30	Milton Elementary School	42/4
May 4	10:00	Swasey Central School – Brentwood	49/4
May 5	10:00	Trinity Christian School – Keene	10/4
May 5	10:00	Piermont Village School	23/3-6
May 6	10:00	The Founders Academy	50/MS
May 9	9:30	Chester Academy	50/4
May 9	10:00	Henry Moore School – Candia	30/4
May 10	10:00/12:00	Bernice A. Ray School – Hanover	84/4
May 10	9:00	St. John Regional School – Concord	23/4
May 11	10:00	Greenland Central School	48/4
May 11	10:00	Mt. St. Mary Academy – Manchester	26/4&5
May 12	9:45	St. Charles School – Rochester	17/4
May 12	10:15 *2 tours	Moharimet School- Madbury	75/4
May 13	10:00/11:00	Rindge Memorial School	55/4
May 13	9:15	Nottingham School	46/4
May 13	1:00	Bowman Place at Olde Bedford	12/Srs
May 16	10:30	Jaffrey Grade School	38/4
May 16	9:30	Conway Elementary School	35/4
May 17	9:30	Gonic Elementary School	40/4
May 17	9:45	Maple Ave. Elementary School-Claremont	50/4
May 17	10:30	Jennie D. Blake Elementary – Hill	28/4-6
May 18	9:00	St. Francis of Assisi School – Litchfield	50/4
May 18	10:00	Village Questers Group	20/adults

DATE	*TIME*	*GROUP*	*#/GRADE*
May 18	10:00/11:00	Epping Elementary School	80/4
May 19	9:00	New Found Regional HS	25/HS
May 19	9:45/10:45	Inter-Lakes Elementary School – Meredith	75/4
May 20	10:15/11:30	Auburn Village School	80/4
May 23	9:45/11:00	Horne Street School – Dover	95/4
May 23	10:00	PRENDA – Londonderry	11/3-5
May 23	9:00	Mount Zion Christian School	18/4
May 24	9:30	Wilkins Elementary School – Amherst	50/4
May 24	9:30	New Durham School	40/4&5
May 25	9:30/11:00	Wilkins Elementary School – Amherst	90/4
May 25	12:30 *2 tours	Abbot-Downing School – Concord	70/4
May 26	9:45	Strafford School	50/4
May 26	11:00	Winnisquam Regional Agricultural Center FFA	15/HS
May 26	10:30	Marlborough School	22/4
May 27	9:30	Florence Rideout Elementary – Wilton	38/4
May 27	11:00	Bristol Elementary School	45/4
May 31	9:15	Russell Elementary School	17/4&5
May 31	10:00	Mont Vernon Village School	34/4
May 31	11:00	Atkinson Academy	50/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to SB 200

(2022-1702h)

Proposed by the Majority of the Special Committee on Redistricting – r

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

AN ACT apportioning congressional districts.

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

1 U.S. Representative Districts. RSA 662:1 is repealed and reenacted to read as follows:

662:1 U.S. Representative Districts. The state is divided into 2 districts for the choosing of representatives in the congress of the United States. Each district may elect one representative. The districts shall be constituted as follows:

I. The first district is constituted of:

(a) The counties of:

(1) Belknap.

(2) Merrimack.

(b) In the county of Hillsborough, the towns and city of:

(1) Bedford.

(2) Deering.

(3) Francestown.

(4) Goffstown.

(5) Hillsborough.

(6) Hudson.

(7) Litchfield.

(8) Manchester.

(9) Merrimack.

(10) New Boston.

(11) Pelham.

(12) Weare.

(c) In the county of Rockingham, the towns of:

(1) Atkinson.

(2) Auburn.

(3) Brentwood.

(4) Candia.

(5) Chester.

(6) Danville.

(7) Deerfield.

(8) Derry.

(9) East Kingston.
(10) Epping.
(11) Fremont.
(12) Hampstead.
(13) Kensington.
(14) Kingston.
(15) Londonderry.
(16) Newton.
(17) Northwood.
(18) Nottingham.
(19) Plaistow.
(20) Raymond.
(21) Salem.
(22) Sandown.
(23) South Hampton.
(24 Windham.

II. The second district is constituted of:

(a) The counties of:
(1) Carroll.
(2) Cheshire.
(3) Coos.
(4) Grafton.
(5) Strafford.
(6) Sullivan.

(b) In the county of Hillsborough, the towns and city of:
(1) Amherst.
(2) Antrim.
(3) Bennington.
(4) Brookline.
(5) Greenfield.
(6) Greenville.
(7) Hancock.
(8) Hollis.
(9) Lyndeborough.
(10) Mason.
(11) Milford.
(12) Mont Vernon.
(13) Nashua.
(14) New Ipswich.
(15) Peterborough.
(16) Sharon.
(17) Temple.
(18) Wilton.
(19) Windsor.

(c) In the county of Rockingham, the towns and city of:
(1) Exeter.
(2) Greenland.
(3) Hampton.
(4) Hampton Falls.
(5) New Castle.
(6) Newfields.
(7) Newington.
(8) Newmarket.
(9) North Hampton.
(10) Portsmouth.
(11) Rye.
(12) Seabrook.
(13) Stratham.

2 Application. This act shall in no way disqualify any person from any elective office to which he or she was elected prior to the effective date of this act.

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

2022-1702h

AMENDED ANALYSIS

This bill establishes new United States House of Representative districts in accordance with the latest federal decennial census.

Amendment to SB 200
(2022-1736h)
Proposed by Minority of the Special Committee on Redistricting – r

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

AN ACT apportioning congressional districts.

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

1 U.S. Representative Districts. RSA 662:1 is repealed and reenacted to read as follows:

662:1 U.S. Representative Districts. The state is divided into 2 districts for the choosing of representatives in the congress of the United States. Each district may elect one representative. The districts shall be constituted as follows:

I. The first district is constituted of:

(a) The counties of:
(1) Carroll, and
(2) Strafford; and

(b) In the county of Belknap, the towns and city of:
(1) Alton,
(2) Barnstead,
(3) Belmont,
(4) Gilford,
(5) Gilmanton,
(6) Laconia,
(7) Meredith,
(8) New Hampton,
(9) Sanbornton, and
(10) Tilton; and

(c) In the county of Grafton, the town of:
(1) Campton; and

(d) In the county of Hillsborough, the towns and city of:
(1) Bedford,
(2) Goffstown,
(3) Manchester, and
(4) Merrimack; and

(e) In the county of Merrimack, the town of:
(1) Hooksett; and

(f) In the county of Rockingham, the towns and city of:
(1) Auburn,
(2) Brentwood,
(3) Candia,
(4) Chester,
(5) Danville,
(6) Derry,
(7) East Kingston,
(8) Epping, students over age 21 to age 22
(9) Exeter,
(10) Fremont,
(11) Greenland,
(12) Hampton,
(13) Hampton Falls,
(14) Kensington,
(15) Kingston,
(16) Londonderry,
(17) New Castle,
(18) Newfields,
(19) Newington,
(20) Newmarket,
(21) Newton,

(22) North Hampton,
(23) Nottingham,
(24) Plaistow,
(25) Portsmouth,
(26) Raymond,
(27) Rye,
(28) Sandown,
(29) Seabrook,
(30) South Hampton, and
(31) Stratham.

II. The second district is constituted of:

(a) The counties of:
(1) Cheshire,
(2) Coos, and
(3) Sullivan; and

(b) In the county of Belknap, the town of:
(1) Center Harbor; and

(c) In the county of Grafton, the towns, city, and unincorporated place of:
(1) Alexandria,
(2) Ashland,
(3) Bath,
(4) Benton,
(5) Bethlehem,
(6) Bridgewater,
(7) Bristol,
(8) Canaan,
(9) Dorchester,
(10) Easton,
(11) Ellsworth,
(12) Enfield,
(13) Franconia,
(14) Grafton,
(15) Groton,
(16) Hanover,
(17) Haverhill,
(18) Hebron,
(19) Holderness,
(20) Landaff,
(21) Lebanon,
(22) Lincoln,
(23) Lisbon,
(24) Littleton,
(25) Livermore,
(26) Lyman,
(27) Lyme,
(28) Monroe,
(29) Orange,
(30) Orford,
(31) Piermont,
(32) Plymouth,
(33) Rumney,
(34) Sugar Hill,
(35) Thornton,
(36) Warren,
(37) Waterville Valley,
(38) Wentworth, and
(39) Woodstock; and

(d) In the county of Hillsborough, the towns and city of:
(1) Amherst,
(2) Antrim,
(3) Bennington,

(4) Brookline,
(5) Deering,
(6) Francestown,
(7) Greenfield,
(8) Greenville,
(9) Hancock,
(10) Hillsborough,
(11) Hollis,
(12) Hudson,
(13) Litchfield,
(14) Lyndeborough,
(15) Mason,
(16) Milford,
(17) Mont Vernon,
(18) Nashua,
(19) New Boston,
(20) New Ipswich,
(21) Pelham,
(22) Peterborough,
(23) Sharon,
(24) Temple,
(25) Weare,
(26) Wilton,
(27) Windsor; and

(e) In the county of Merrimack, the towns and cities of:
(1) Allenstown,
(2) Andover,
(3) Boscawen,
(4) Bow,
(5) Bradford,
(6) Canterbury,
(7) Chichester,
(8) Concord,
(9) Danbury,
(10) Dunbarton,
(11) Epsom,
(12) Franklin,
(13) Henniker,
(14) Hill,
(15) Hopkinton,
(16) Loudon,
(17) Newbury,
(18) New London,
(19) Northfield,
(20) Pembroke,
(21) Pittsfield,
(22) Salisbury,
(23) Sutton,
(24) Warner,
(25) Webster, and
(26) Wilmot; and

(f) In the county of Rockingham, the towns of:
(1) Atkinson,
(2) Deerfield,
(3) Hampstead,
(4) Northwood,
(5) Salem; and
(6) Windham.

2 Application. This act shall in no way disqualify any person from any elective office to which he or she was elected prior to the effective date of this act.

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

2022-1736h
AMENDED ANALYSIS

This bill establishes new United States House of Representative districts in accordance with the latest federal decennial census.

Amendment to SB 202-FN
(2022-1858h)
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 prohibiting the sale of products tested on animals.

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

1 New Chapter; Prohibition on Animal Testing. Amend RSA by inserting after chapter 359-S the following new chapter:

CHAPTER 359-T
PROHIBITING SALE OF PRODUCTS USED IN ANIMAL TESTING

359-T:1 Prohibition on the Sale or Offer for Sale of Products Tested on Animals.

I. No manufacturer shall sell or offer for sale in this state any product if such product was developed or manufactured using animal testing that was conducted or contracted for by the manufacturer, or any supplier of the manufacturer.

II. Paragraph I shall not apply to the following forms of animal testing:

(a) Testing conducted outside of the United States and in order to comply with a requirement of a foreign regulatory authority; provided that no evidence derived from the testing was relied upon to substantiate the safety of the ingredient or product being sold by the manufacturer in New Hampshire.

(b) Testing conducted for any product or product ingredient subject to regulation under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. section 301 et seq.; or

(c) Testing requested, required, or conducted by a federal or state regulatory authority and each of the following apply:

(1) There is no non-animal alternative method or strategy recognized by any federal or state agency or the Organization for Economic Co-operation and Development to test the safety of the product ingredient or non-functional constituent; and

(2) The product ingredient or nonfunctional constituent poses a risk of causing a specific human health problem that is substantiated and the need to conduct animal testing is justified and supported by a detailed research protocol proposed as the basis for the evaluation of the ingredient or nonfunctional constituent; and

(3) The ingredient or nonfunctional constituent is in wide use and cannot be replaced by another ingredient capable of performing a similar function.

III. This section shall not apply to the following:

(a) A pharmaceutical or medical product.

(b) A retailer in the state of New Hampshire.

IV. No political subdivision of the state shall establish or continue any prohibition on or relating to animal testing that is not identical to the prohibitions set forth in this section.

359-T:3 Penalties. Notwithstanding RSA 651:2, a manufacturer that sells or offers for sale a product in violation of this chapter shall be guilty of a violation punishable by a fine of not more than $5,000 for the first day of such violation, and an additional fine of $1,000 for each day that the violation continues.

359-T:4 Severability. If any provision of this chapter is held invalid, or if its application to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application.

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

2022-1858h
AMENDED ANALYSIS

This bill prohibits the sale of products tested on animals.

Amendment to SB 204
(2022-1347h)
Proposed by the Committee on Commerce and Consumer Affairs – c

Amend RSA 404-H:5, IX(b) as amended by section 1 of the bill by replacing it with the following:

(b) ***"Covered claim" includes obligations that arose through the issuance of an insurance policy by a member insurer, which are later allocated, transferred, assumed by, or otherwise made the sole responsibility of a member or non-member insurer if:***

(1) There are no remaining obligations of the original member insurer after the transfer; and

(2) The insurer that assumed the member's coverage obligations becomes insolvent and goes into liquidation proceedings.

Amendment to SB 206

(2022-1349h)

Proposed by the Committee on Commerce and Consumer Affairs – c

Amend the bill by replacing all after section 2 with the following:

3 Repeal. The following are repealed:

I. RSA 415-C:1, III(b)(2), relative to the definition of consumer guaranty contracts as it relates to prepaid legal services contracts.

II. RSA 415-C:1, XI, relative to the definition of prepaid legal services contract.

4 Insurance Department; Investigations, Enforcement; Rulemaking Regarding Privileged Communications. Amend RSA 400-A:16, III(c) to read as follows:

(c) The commissioner may disclose to an insured or claimant who has filed a complaint against an insurer, a copy of the insurance company's letter to the department in response to the complaint. The commissioner shall adopt rules, pursuant to RSA 541-A, ***as may be necessary,*** to identify those documents obtained from the company during the course of the investigation of the insured's or claimant's complaint that may be disclosed upon request to assist the insured or claimant in understanding the basis for the department's actions related to the investigation. The commissioner shall not disclose to an insured or claimant any information that would interfere with any civil, criminal, or administrative enforcement proceeding.

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

2022-1349h

AMENDED ANALYSIS

This bill excludes prepaid legal services contracts from the definition of "consumer guaranty contract" and prohibits certain consumer guaranty contract acts and terms. This bill also revises the rulemaking authority of the commissioner of the department of insurance regarding privileged communications.

This bill is a request of the insurance department.

Amendment to SB 209

(2022-1634h)

Proposed by the Minority of the Committee on Labor, Industrial and Rehabilitative Services – r

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

1 Labor; Weekly Wages; Electronic Payment. Amend RSA 275:43, I-II to read as follows:

I. Every employer shall pay all wages due to employees within 8 days after the expiration of the work week if the employee is paid on a weekly basis, or within 15 days after the expiration of the work week if the employee is paid on a biweekly basis, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph IV or IV-a(a), on regular paydays designated in advance by the employer and at no cost to the employee:

(a) In lawful money of the United States;

(b) By electronic fund transfer;

(c) By direct deposit [~~with written authorization of the employee~~] to banks of the employee's choice;

(d) By a payroll card provided that the employer shall provide to the employee at least one free means to withdraw up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution or other location convenient to the place of employment. None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee; or

(e) With checks on a financial institution convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; provided, however, that [~~if an employer elects to pay employees as specified in subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified in subparagraph (e), and further provided that~~] all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

II. If an employer offers its employees the option of receiving wages by a payroll card, the employer shall:

(a) Provide to the employee written disclosure in plain language of all the employee's wage payment options. The written disclosure shall state the terms and conditions of the payroll card account option, including, but not limited to, the requirements set forth in this section and a complete itemized list of all known

fees that may be deducted from the employee's payroll card account by the employer or card issuer. The disclosure shall also state whether third parties may assess transaction fees in addition to the fees assessed by the employee's payroll card issuer or issuers. In no event shall the employer provide payment of wages to a payroll card that has an expiration date, unless the employer agrees to provide a replacement payroll card before the expiration date at no cost to the employee.

(b) Initiate payment of wages to an employee by electronic fund transfer to a payroll card account only after the employee has [~~voluntarily consented in writing to that method of payment. Consent to payment of wages by electronic fund transfer to a payroll card account shall not be a condition of hire or of continued employment. The written consent signed by the employee shall include the terms and conditions of the payroll card account option~~] ***failed to provide bank information to enable direct deposit as specified in subparagraph I(c) within 14 calendar days of the employer's request. An employer that wishes to offer only electronic wage payment under subparagraphs I(c)-(d) shall advise employees that failure to provide bank information shall result in wage payments via payroll card.***

(c) Provide written notice of any change to any of the terms and conditions of the payroll card or payroll card account, including but not limited to an itemized list of all fees that may have changed, and obtain written assent from the employee that the employee voluntarily consents to receive wages to a payroll card or payroll card account subject to the changes. The employer shall be responsible for any increase in fees charged to the employee before the employer provides written notice of such changes to the employee.

(d) Provide the employee the option to discontinue receipt of wages by a payroll card or payroll card account***, and instead to receive wages via direct deposit,*** at any time, without penalty to the employee.

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

Amendment to SB 227-FN

(2022-1330h)

Proposed by the Committee on Finance – r

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

AN ACT relative to death benefits of police officers to include corrections officers, probation-parole officers, and correctional line personnel, and including death from suicide.

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

1 Death Benefit for Police Officer or Firefighter Killed in Line of Duty; Corrections Personnel. Amend RSA 21-I:29-a, I(g) to read as follows:

(g) "Police officer" means***:***

(1) Any law enforcement officer with the power of arrest, including auxiliary, intermittent, special, part-time, or reserve police officers, or sheriffs and their deputies who are employed by a city, town, village district, county, or precinct within the state of New Hampshire[~~,~~]**.**

(2) Police officers employed by the university system of New Hampshire[~~,~~]**.**

(3) Court security officers and bailiffs[~~,and~~]**.**

(4) Corrections officers, probation-parole officers, and correctional line personnel meeting the definition of permanent policemen under RSA 100-A:1, VII.

(5) Any state law enforcement officer employed by the state of New Hampshire who has power of arrest as determined by state law.

2 Killed in the Line of Duty; Suicide Included. Amend RSA 21-I:29-a, I(f) to read as follows:

(f) "Killed in the line of duty" means a death***, including suicide,*** of a police officer, firefighter, emergency medical technician, or rescue squad member while in the performance of his or her duties as a result of incident, accident, or violence causing death or injuries which are the direct or proximate cause of death. ***Death by suicide shall be considered a work related cause of death.*** "Incident" shall include any death that is determined to be occupationally related by the worker's compensation insurance carrier, a self-insured worker's compensation plan, or by the labor commissioner for workers' compensation purposes pursuant to RSA 281-A.

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

2022-1330h

AMENDED ANALYSIS

This bill adds death by suicide under the definition of "killed in the line of duty" when considering eligibility for death benefits of police officers. The bill also includes corrections officers, probation-parole officers and correctional line personnel to persons eligible for the death benefits.

Amendment to SB 233-FN

(2022-1638h)

Proposed by the Committee on Education – c

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect 90 days after its passage.

Amendment to SB 234
(2022-1801h)
Proposed by the Committee on Education – r

Amend the bill by inserting after the enacting clause the following new section and renumbering the original sections 1-3 to read as 2-4, respectively:

1 Short Title. This act shall be known as the Jason Dickey Suicide Prevention Act.

Amend RSA 193-J:2-a, IV as inserted by section 2 of the bill by replacing it with the following:

IV. The National Suicide Prevention Lifeline shall be labeled on student identification cards and include the telephone number: National Suicide Prevention Lifeline 1-800-273-8255 or 988.

Amendment to SB 236
(2022-0734h)
Proposed by the Committee on Education – c

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

AN ACT establishing a committee to study New Hampshire teacher shortages and recruitment incentives, and relative to defining secondary school grades for teacher loan forgiveness programs.

Amend the bill by replacing all after section 5 with the following:

6 Definition of Schools; Secondary School Grades; Teacher Loan Forgiveness Programs. Amend RSA 189:25 to read as follows:

189:25 Elementary School. An elementary school is any school approved by the state board of education in which the subjects taught are those prescribed by the state board for the grades kindergarten through 8 of the public schools. However, a separate organization consisting of grades 7 through 9, or any grouping of these grades, may be recognized as a junior high school and so approved by the board. Also a separate organization consisting of grades 4 through 8 or any grouping of these grades may be recognized as a middle school and so approved by the state board. Any elementary school may include a kindergarten program which, if it is provided, shall precede the other elementary grades. ***Provided, however, that for the purpose of eligibility for state or federal teacher loan forgiveness programs, teachers of grades 7 through 12 shall be considered teachers of secondary school.***

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

2022-0734h

AMENDED ANALYSIS

This bill establishes a committee to study New Hampshire teacher shortages and recruitment incentives. This bill also provides that teachers of grades 7-12 shall be considered secondary school teachers for purposes of teacher loan forgiveness programs.

Amendment to SB 238
(2022-1765h)
Proposed by the Committee on Education– c

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Special Education Services; Chartered Public Schools. Amend RSA 194-B:5 by inserting after paragraph VII the following new paragraph:

VIII.(a) A chartered public school and a school district of residence for one or more students of the chartered public school shall enter into a memorandum of understanding (MOU) to ensure compliance with state and federal law for providing special education services.

(b) The department of education shall develop and provide chartered public schools and school districts with a model MOU document to use as a guide.

(c) Prior to the start of each school year, the chartered public school and the school district shall review and update the MOU to ensure compliance with state and federal law and responsibilities to provide services in accordance with individualized education plans.

2022-1765h

AMENDED ANALYSIS

This bill requires a chartered public school to enter into a memorandum of understanding (MOU) with a school district of residence for a student attending the chartered public school concerning special education services.

Amendment to SB 245
(2022-1452h)
Proposed by the Majority of the Committee on Municipal and County Government – r

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

AN ACT establishing a committee to study agreements between developers and municipalities on municipal waste removal fees paid by condominium owners and renters.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study agreements between developers and municipalities on municipal waste removal fees paid by condominium owners and renters.

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall examine issues regarding agreements with developers and municipalities the result of which is that condominium owners and renters are paying municipal fees to cover waste removal services without receiving the benefit.

2022-1452h

AMENDED ANALYSIS

This bill establishes a committee to study agreements between developers and municipalities on municipal waste removal fees paid by condominium owners and renters.

Amendment to SB 259

(2022-1359h)

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

Amend the bill by replacing section 1 with the following:

1 Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

II-c. "Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. [~~A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021.~~] A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means ***the state of New Hampshire or*** any city, town, county, school district, chartered public school, village district, school administrative unit, ***housing authority, or quasi-public entity, the Pease development authority,*** or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

Amendment to SB 261

(2022-1399h)

Proposed by the Committee on Science, Technology and Energy – c

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

2 New Paragraph; Net Energy Metering; Alternative Net Metering Tariff. Amend RSA 362-A:9 by inserting after paragraph V the following new paragraph:

V-a. A customer-generator subject to the alternative net metering tariff adopted by the commission in order 26,029 issued on June 23, 2017, and subsequent orders issued thereafter in docket DE 16-576, may elect to receive a payment from the distribution utility either on an annual basis in an amount equal to the accrued monetary bill credit balance that exceeds $100 as of the end of the March billing period, or on a quarterly basis in an amount equal to the amount of the accrued monetary bill credit balance that exceeds $25 as of the end of the most recent billing period preceding such quarterly payment. The costs reasonably incurred by a utility pursuant to this paragraph shall be recoverable.

2022-1399h

AMENDED ANALYSIS

This bill requires utilities to pay a customer-generator at least quarterly for the customer-generator's excess generation, if the customer-generator has elected the payment option. The bill also provides for payment to customer-generators under the alternative net metering tariff.

Amendment to SB 262

(2022-1631h)

Proposed by the Committee on Science, Technology and Energy – c

Amend the bill by deleting sections 1-5 and renumbering the original sections 6-10 to read as 1-5, respectively.

Amend the bill by replacing section 1 with the following:

1 Net Energy Metering; Group Host Requirements. Amend RSA 362-A:9, XIV(a) to read as follows:

XIV.(a) A customer-generator may elect to become a group host for the purpose of reducing or otherwise controlling the energy costs of a group of customers who are not customer-generators***, except that a political subdivision, as defined in RSA 362-A:1-a, II-c, or the owner of a facility described in RSA 362-A:9, XX, that is a customer-generator, may participate as a group member***. The group of customers shall be located within the service territory of the same electric distribution utility as the host. The host shall provide

a list of the group members to the commission and the electric distribution utility and shall certify that all members of the group have executed an agreement with the host regarding the utilization of kilowatt hours produced by the eligible facility and that the total historic annual load of the group members together with the host exceeds the projected annual output of the host's facility. The department shall verify that these group requirements have been met and shall register the group host. The department shall establish the process for registering hosts, including periodic re-registration, and the process by which changes in membership are allowed and administered. Net metering tariffs under this section shall not be made available to a customer-generator group host until such host is registered by the department.

2022-1631h

AMENDED ANALYSIS

This bill allows net metering group host customers to include political subdivision and hydroelectric customer-generators, requires electric utilities to publish on their websites a hosting capacity map, and requires the department of energy to investigate and report on customer-generator interconnection procedures.

Amendment to SB 267-FN-A
(2022-1779h)
Proposed by the Committee on Finance – r

Amend RSA 430:58, I(d) and (e) as inserted by section 1 of the bill by replacing them with the following:

(d) Maintain an active upland invasive species program that includes a combination of mechanical, cultural, biological, and chemical controls for the purpose of preventing and inhibiting the spread of invasive species.

(e) Subsidize the purchase of herbicides by municipalities, when funding is available. Municipalities shall provide the coordinator with copies of invoices paid by them no later than November 1 of each year. Based on the invoices received, the coordinator shall, if necessary, distribute reimbursements on a pro-rata basis and make payments to such municipalities no later than December 15.

Amendment to SB 270
(2022-1444h)
Proposed by the Committee on Science, Technology and Energy – c

Amend the bill by replacing section 1 with the following:

1 Net Energy Metering; Community Solar Program. RSA 362-A:9, XIV(d) and (e) are repealed and reenacted to read as follows:

(d) The electric distribution utilities shall establish a list of potential low-moderate income residential customers who qualify to benefit from the low-moderate income community solar addition. This list shall consist of residents who have enrolled in or are on the waitlist for the state Electric Assistance Program.

(e) Within 90 days of the effective date of this subparagraph, the department of energy shall develop a process by which community solar developers can apply for designation as a community solar project. Such projects designate their production for the benefit of households on the list required in subparagraph (d). Such projects will qualify for the low-moderate income solar addition as established in subparagraph (c) and shall specify the amount of on-bill credit they can offer to low-moderate income homeowners. Annually, the number of projects designated as low-moderate income community solar shall not exceed a total nameplate capacity rating of 6 megawatts in the aggregate. If more than 6 megawatts of projects apply for designation, the department of energy shall select the projects that offer the largest on-bill credit.

(f) Each year, the department of energy, in consultation with the electric distribution utilities, shall select a means by which to enroll households as off-takers for these low-moderate income community solar projects. Customers shall be enrolled on an opt-out basis, notified by mail of their enrollment, and informed of the details of the project from which they are receiving credit. Once enrolled, such customers shall receive on-bill credits until such time as they no longer qualify for the Electric Assistance Program, or until they opt out from receiving credits.

(g) All reasonable and prudently-incurred costs incurred by the electric distribution utilities related to this program, including but not limited to, costs of implementation, billing, and administrative activities, shall not be borne by the utilities, but shall be recovered from customers.

(h) Utility owned projects that are designated as community solar projects shall not count against the limitation on the maximum allowed distributed energy resources as established by RSA 374-G:4.

(i) Nothing in this chapter shall preclude low-moderate income solar community projects from enrolling customers through any other method besides the process described in subparagraphs (d)-(f). A description of any alternative method used shall be filed with department of energy.

(j) The department is authorized to petition the commission to assess fines against, revoke the registration of, and prohibit from doing business in the state, any group host which violates the requirements of this paragraph and rules adopted for this paragraph pursuant to paragraph X. The commission is authorized to grant or deny such petitions.

Amendment to SB 271
(2022-1788h)
Proposed by the Committee on Science, Technology and Energy – r

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

1 Burgess BioPower Plant. 2018, 340:1-2 are repealed and reenacted to read as follows:

340:1 Findings.

I. The general court finds that the continued operation of the Burgess BioPower plant in Berlin: (a) is desirable to the energy infrastructure of the state of New Hampshire; (b) is a source of indigenously-sourced, reliable baseload power that contributes to regional fuel security and reliability of the regional electricity grid; (c) is important for the attainment of renewable energy portfolio standard goals of fuel diversity, capacity, sustainability and energy independence; (d) is significant to the continued health of New Hampshire's forests; (e) provides valuable support to the timber industry; and (f) is a contributor of jobs and to the economy of both the North Country and the state as a whole.

340:2 Public Utilities Commission; Proceedings; Authority to Amend Prior Orders. Notwithstanding any other provision of the law to the contrary, the public utilities commission shall reopen its Docket DE 10-195 and forthwith revise its Order No. 25,213 and its Order No. 26,198 and Order No. 26,333 in the following manner:

I. Further Suspension of Operation of Cap. The public utilities commission shall amend its Order No. 25,213 and its Order No. 26,198 and Order No. 26,333 issued in Docket DE 10-195 to extend the suspension of the operation of the cap on the cumulative reduction factor as set forth on page 97 of Order No. 25,213 for an additional period of one year from the date the operation of the cap would have otherwise taken effect under Order No. 25,213 and Order No. 26,198 and Order No. 26,333.

II. The Burgess BioPower plant and its affiliates shall, upon request therefor, make its and their capital and operating cost and profit and loss records available to the department of energy for investigation and audit, any of which records may be exempt from public disclosure under RSA 91-A:5, IV if reasonably so designated by the plant. All such records shall also be made available to the Office of the Consumer Advocate. The department of energy shall conduct an investigation and audit of the plant's costs and revenues and submit a report thereon to the house science, technology, and energy committee and to the senate energy and natural resources committee on or before December 31, 2022.

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

Amendment to SB 272
(2022-1490h)
Proposed by the Committee on Commerce and Consumer Affairs – c

Amend the bill by replacing section 3 with the following:

3 Duties.

I. The committee shall study:

(a) Moving the public deposit pool from under the banking department's oversight to the treasury;

(b) How other states handle their pool; and

(c) The public deposit investment pool's advisory board's responsibilities, board representation of entities utilizing the pool, and rate of return.

II. The committee may solicit input from other entities of its choosing.

Amendment to SB 275
(2022-1831h)
Proposed by the Committee on Finance – r

Amend the bill by replacing section 3 with the following:

3 New Subparagraphs; New Hampshire Opioid Abatement Advisory Commission; Duties. Amend RSA 126-A:86, I(b) by inserting after subparagraph (14) the following new subparagraphs:

(15) Support evidence-based prevention programs and services, including efforts to promote healthy, drug-free lifestyles, reduce isolation, build skills and confidence, and facilitate community-based prevention efforts.

(16) Support for public and non-public school programs and services for students with OUD and any co-occurring SUD/MH issues or who have been affected by OUD and any co-occurring SUD/MH issues within their family.

Amend the bill by replacing section 5 with the following:

5 New Hampshire Abatement Advisory Commission Membership; Terms; Reference Change. Amend RSA 126-A:85, III to read as follows:

III. Members appointed under subparagraphs (n) through [~~(v)~~] ***(w)*** shall be appointed for staggered 2-year terms. Members appointed under subparagraphs (a) through (m) shall serve a term coterminous with their term in office. The advisory commission shall elect a chairperson every year with no person serving as chairperson for more than 2 consecutive one-year terms. ***The governor may remove any non-legislative member, with cause.***

2022-1831h
AMENDED ANALYSIS

This bill provides that disbursement from the opioid abatement trust fund shall be based on the most recent decennial census. The bill also revises the membership and duties of the opioid abatement advisory commission.

Amendment to SB 277-FN
(2022-1773h)
Proposed by the Committee on Executive Departments and Administration – c

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

1 Office of Professional Licensure and Certification; Emergency Licenses Converted. RSA 310-A:1-i is repealed and reenacted to read as follows:

310-A:1-i Emergency Licenses Process. Notwithstanding any other law to the contrary, the office of professional licensure and certification may issue emergency licenses to the following applicants:

I. Any medical provider previously licensed in New Hampshire in the last 3 years whose license is no longer active, subject to the following:

(a) The medical provider's license was in good standing prior to being placed in inactive or lapsed status.

(b) A medical provider shall be required to present evidence that they are current with continuing education pursuant to the applicable statute as a condition of licensure.

II. Any medical provider previously licensed to practice in another jurisdiction within the last 3 years whose license is no longer active, subject to the following:

(a) The medical provider's license was in good standing in another United States jurisdiction prior to being placed in inactive or lapsed status; and

(b) The medical provider presents evidence to the office of professional licensure and certification that the medical provider was licensed and in good standing immediately prior to the change in licensure status.

(c) A medical provider shall be required to present evidence that they are current with continuing education pursuant to the applicable statute as a condition of licensure.

III. Any fellow enrolled in a New Hampshire program accredited by the Accreditation Council for Graduate Medical Education to practice within the fellow's core specialty, subject to the following:

(a) The fellow is American Board of Medical Specialties (ABMS) or American Osteopathic Association (AOA) board-eligible or certified in the core specialty.

(b) The fellow is appointed to the medical staff at a sponsoring institution and will engage in practice consistent with the policies and procedures of the sponsoring institution and its participating sites.

(c) The time spent in core specialty service is limited to 20 percent of the fellow's annual education time in any academic year.

(d) A fellow seeking to practice under this paragraph shall provide the office of professional licensure and certification with appropriate evidence that the required qualifications have been met.

IV. Senior nursing students, who are scheduled to graduate within 5 months from the date of application, from a board of nursing approved registered nursing or practical nursing program, subject to the following:

(a) The individual is employed by, or providing health care services at the direction of, a licensed health care facility or a licensed health care provider.

(b) The individual is directly supervised while providing health care services.

(c) The health care services are being provided in response to the COVID-19 pandemic.

V. Any provider seeking an emergency license under this section shall submit his or her request on a form adopted by the office of professional licensure and certification for such purpose.

VI. In this section, an applicant in good standing shall include medical providers who are subject to non-disciplinary conditions, but shall not include medical providers whose licenses have been revoked, canceled, surrendered, suspended, denied, or subject to disciplinary restrictions.

VII. A license issued pursuant to this section on or before January 31, 2022 shall be converted to a permanent, single state license as of the effective date of this section. For the purpose of license renewal, the date of original license issuance shall be used.

VIII. Emergency licenses issued during the COVID-19 pandemic pursuant to the governor's executive order 2020-04 on or before January 31, 2022 shall not be deemed to have lapsed upon expiration of the state of emergency and shall be converted to a permanent license under this section on the effective date of this section.

IX. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

X. The office of professional licensure and certification may issue guidance relative to the emergency licensing process established in this section, which may include guidance concerning the appropriate supervision of nursing students. Any guidance shall be posted on the board's website.

2 Emergency or Temporary Health Care Licenses. Amend 2021, 121:8 to read as follows:

121:8 Emergency or Temporary Healthcare [~~Licensees~~] ***Licenses***. Healthcare workers issued emergency or temporary licenses during the COVID-19 pandemic ***on or before January 31, 2022***, including but not limited to those recruited for youth camps, organized recreation, and community-sponsored recreation, and who meet the requirements for such licensure, shall be allowed to continue in their professional capacity for so long as the emergency or temporary license remains valid. The office of professional licensure and certification shall continue to offer and issue emergency or temporary licenses for healthcare workers; provided that any emergency or temporary licenses issued during the COVID-19 pandemic or in response to conditions occurring immediately thereafter shall expire no later than [~~January 31, 2022~~] ***June 30, 2023***.

3 Repeal. RSA 310-A:1-i, relative to the emergency license process, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect June 30, 2023.

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

2022-1773h

AMENDED ANALYSIS

This bill extends the expiration date for the emergency licensing process and the emergency or temporary licensing of health care workers enacted in SB155-FN (2021), converts the temporary or emergency licenses issued to permanent licenses, and extends the repeal dates of those provisions.

Amendment to SB 281

(2022-1335h)

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

Amend the bill by replacing section 1 with the following:

1 New Section; Nursing Home Policies Regarding Notice of Vacancy. Amend RSA 151 by inserting after section 25-a the following new section:

151:25-b Nursing Home Policies Regarding Notice of Vacancy. A public or private nursing home or assisted living facility, for which residents are paying out of pocket, shall not enforce a 30-day notice of vacancy policy in the event of the resident's death. The nursing home or assisted living facility shall be entitled to rent and fees for not more than 10 days from the date of the resident's death. If there is personal property to remove that impedes the reuse of the room, the 10-day period shall not begin until after the family, estate, or responsible party has removed the deceased person's personal property. If the room is occupied by a new resident before the expiration of the 10-day period, rent and fees for the 10-day period shall be prorated from the date of such occupancy and returned to the family, estate, or other responsible party.

2022-1335h

AMENDED ANALYSIS

This bill prohibits a private nursing home or assisted living facility from enforcing a 30-day notice of vacancy policy in the event of a resident's death.

Amendment to SB 282

(2022-1596h)

Proposed by the Committee on Executive Departments and Administration – c

Amend the bill by replacing sections 4 and 5 with the following:

4 License Issuance; Certification. RSA 328-G:9, II is repealed and reenacted to read as follows:

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

(a) Has reached the age of majority.

(b) Has current, active NCCAOM certification, or prior NCCAOM certification with documentation of continuing education pursuant to paragraph X of this section, or equivalent certification approved by the board through examination or Credentials Documentation Review.

(c) Has paid the required license application fee and filed the board approved licensure application.

(d) Is of good professional character.

(e)(1) Has earned a baccalaureate, registered nurse, or physician's assistant degree from an accredited institution, and has a current, valid license to practice acupuncture from another state whose requirements are substantially equal to or exceed the requirements of RSA 328-G:9, II; or

(2) Has successfully completed a post-secondary acupuncture college program which is approved by the Accreditation Commission for Acupuncture and Herbal Medicine ("ACAHM"), including its successors or predecessors**,** or the board; 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. RSA 328-G:9, X is repealed and reenacted 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 continuing education units at approved institutions or as approved by the board in accordance with rules adopted by the board. Maintaining continuous NCCAOM certification shall fulfill the continuing education requirement.

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

7 Acupuncture; Findings and Purpose; Definitions. Amend RSA 328-G:1 and RSA 328-G:2 to read as follows:

328-G:1 Findings and Purpose.

I. The general court finds that a significant number of New Hampshire residents choose acupuncture and [~~oriental~~] ***Asian*** medicine to be part of their health care needs and declares that acupuncture and [~~oriental~~] ***Asian*** medicine form a distinct health care profession that affects the public health, safety, and welfare and provides freedom of choice in health care.

II. The purpose of this chapter is:

(a) To provide standards for the licensing and regulation of acupuncturists in order to protect the public health, safety, and welfare.

(b) To ensure that acupuncture and [~~oriental~~] ***Asian*** medical therapies practiced by qualified persons are available to the people of New Hampshire.

(c) To provide a means of identifying qualified acupuncturists.

328-G:2 Definitions.

In this chapter:

I. "Acupuncture" means primarily the insertion of needles through the skin at certain points on the body, with or without the application of electric current and/or heat, for the purpose of promoting health and balance as defined by the principles of [~~oriental~~] ***Asian*** medicine.

II. "Acupuncturist" means a person licensed to practice acupuncture as defined in this chapter, and whose license is in good standing.

III. "Board" means the board of acupuncture licensing established under RSA 328-G:3.

IV. "Cupping" means a therapeutic method of [~~oriental~~] ***Asian*** medicine that utilizes a partial vacuum created in a glass dome or cup that is then applied to a particular area of the body.

V. "Moxibustion" means the thermal stimulation of acupuncture points or specific body areas by utilizing the burning of the dried form of the herb, Artemisia Vulgaris; the heat may be applied on or above specific points or areas or on the acupuncture needle itself.

VI. [~~"ACAOM"~~] ***"ACAHM"*** means the Accreditation Commission for Acupuncture and [~~Oriental~~] ***Herbal*** Medicine***, including its predecessors and successors***.

VII. "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine***, including its predecessors and successors***.

VIII. "[~~Oriental~~] ***Asian*** medicine" means the distinct system of health care that diagnoses and treats illness, injury, pain, or other conditions by controlling and regulating the flow and balance of energy to restore and maintain health.

IX. "Acupuncture detoxification," also known as acu-detox, means the treatment by means of the insertion of acupuncture needles in a combination of points on the ear.

X. "Acupuncture detoxification specialist," known as an ADS, means an individual certified by the board to practice acupuncture detoxification in this state.

XI. "NADA" means the National Acupuncture Detoxification Association***, including its predecessors and successors***.

XII. "NADA training" means the standardized auricular acupuncture protocol developed by NADA that is in effect on July 1, 2017.

8 Acupuncture; Scope of Practice. Amend RSA 328-G:10, I to read as follows:

I. Under this chapter the scope of practice of acupuncture shall include the allied techniques and modalities of [~~oriental~~] ***Asian*** medicine, both traditional and modern. The scope of practice shall include: diagnostic procedures; electrical and magnetic stimulation; moxibustion and other forms of heat therapy; cupping and scraping techniques; dietary, nutritional, and herbal therapies; lifestyle counseling; acupressure; and massage.

9 Contingency. If HB 1192 of the 2022 regular legislative session becomes law, then this act shall take effect at 12:01 a.m. on the effective date of HB 1192. If HB 1192 does not become law, then sections 1-8 of this act shall take effect 60 days after passage of this act.

10 Effective Date.

I. Sections 1-8 of this act shall take effect as provided in section 9 of this act.

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

Amendment to SB 285
(2022-1376h)
Proposed by the Committee on Commerce and Consumer Affairs – c

Amend RSA 415-I:5, III(c)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) Is competent, trustworthy, financially responsible, or of good personal and business reputation.

Amendment to SB 301-FN-LOCAL
(2022-1526h)
Proposed by the Committee on Judiciary – c

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

AN ACT establishing the office of the right to know ombudsman and making an appropriation therefor.

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

1 Statement of Intent. The purpose of this act is to provide the public with a simpler, less expensive, and faster alternative process to resolve complaints under RSA 91-A.

2 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:

91-A:7 Violation.

I. Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court [~~or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. Subject to objection by either party, all documents filed with the petition and any response thereto shall be considered as evidence by the court. All documents submitted shall be provided to the opposing party prior to a hearing on the merits. When any justice shall find that time probably is of the essence, he or she may order notice by any reasonable means, and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter~~].

II. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint with the ombudsman under RSA 91-A:7-a and in accordance with RSA 91-A:7-b.

III. A person's decision to petition the superior court forecloses the ability to file a complaint with the ombudsman pursuant to RSA 91-A:7-b.

IV. A person's decision to file a complaint with the ombudsman forecloses the ability to petition the superior court until the ombudsman issues a final ruling or the deadline for such a ruling has passed.

3 New Sections; Office of the Ombudsman; Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new sections:

91-A:7-a Office Established. There is hereby established the office of the right-to-know ombudsman to be administratively attached to the department of state under RSA 21-G:10. The ombudsman shall be appointed by the governor and council and shall have the following minimum qualifications:

I. Be a member of the New Hampshire bar.

II. Have a minimum of 5 years full-time practice of law in any jurisdiction.

III. Be experienced with and knowledgeable of the provisions of this chapter and all New Hampshire laws regarding right-to-know.

IV. Annually, complete a minimum of 3 hours of continuing legal education courses or other training relevant to the provisions of this chapter.

91-A:7-b Complaint Process.

I. Any party aggrieved by a violation of this chapter shall have the option to either petition the superior court or file a signed, written complaint, along with a $25 fee, with the office of the ombudsman, established under RSA 91-A:7-a. The ombudsman shall have the discretion to waive the $25 fee upon a finding of inability to pay. Any signed, written complaint filed with the ombudsman shall attach, if applicable, the request served on the public agency or official and the written response of the public agency or official. The complaint shall be deemed sufficient if it states facts constituting a violation of this chapter.

II. Once a complaint has been filed and provided by the ombudsman to the public body or public agency, the public body or public agency shall have 20 calendar days to submit an acknowledgment of the complaint and an answer to the complaint, which shall include applicable law and, if applicable, a justification for any refusal to or delay in producing the requested information, access to meetings, or otherwise comply with the provisions of this chapter. This 20-day deadline may be reasonably extended by the ombudsman for good cause.

III. In reviewing complaints, the ombudsman shall be authorized to:

(a) Compel timely delivery of records within a period not less than 14 days or more than 30 days unless an expedited hearing is warranted, regardless of medium and format, and conduct a confidential in-camera review of records where the ombudsman concludes that it is necessary and appropriate under the law.

(b) Compel interviews with the parties.

(c) Order attendance at hearings within a reasonable time if the ombudsman determines that a hearing is necessary. Such hearings shall be open subject to the provisions of RSA 91-A.

(d) Issue findings in writing to all parties.

(e) Order a public body or public agency to disclose requested records within a reasonable time, provide access to meetings, or otherwise comply with the provisions of this chapter, subject to appeal.

(f) Make any finding and order any other remedy to the same extent as provided by the court under RSA 91-A:8.

IV. The ombudsman may draw negative inferences from a party's failure to participate and comply with orders during the review process.

V. The ombudsman shall determine whether there have been any violations of this chapter and issue a ruling within 30 calendar days following the deadline for receipt of the parties' submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner where necessary.

VI. The ombudsman shall, where necessary and appropriate under the law, access governmental records in camera that a public body or public agency believes are exempt in order to make a ruling concerning whether the public body or public agency shall release the records or portions thereof to the public. The ombudsman shall maintain the confidentiality of records provided to the ombudsman by a public body or public agency under this section and shall return the records to the public body or public agency when the ombudsman's review is complete. All records submitted to the ombudsman for review shall be exempt from the public disclosure provisions of RSA 91-A during such review.

VII. Nothing in this section shall affect the ability of a person to seek relief in superior court under RSA 91-A:7, I in lieu of this process.

91-A:7-c Appeal and Enforcement.

I. Any party may appeal the ombudsman's final ruling to the superior court by filing a notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is issued. The ombudsman's ruling shall be attached to the document initiating the appeal, admitted as a full exhibit by the superior court, considered by the judge during deliberations, and specifically addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a superior court from staying an ombudsman's decision pending appeal to the superior court.

II. A superior court appeal of the ombudsman's ruling shall review the ruling de novo.

III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the deadline has passed, follow up with all parties, as required, to verify compliance with rulings issued.

IV. The ombudsman's final rulings which are not appealed may be registered in the superior court as judgments and enforceable through contempt of court. If such action is necessary to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the noncompliant public body or public agency.

91-A:7-d Rulemaking. The ombudsman shall adopt rules pursuant to RSA 541-A relative to:

I. Establishing procedures to streamline the process of resolving complaints under this chapter.

II. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-A:7-c.

4 Appropriation; Applicability.

I. The amount necessary to pay for the position of ombudsman established in RSA 91-A:7-a as inserted by section 3 of this act is hereby appropriated to the department of state for the biennium ending June 30, 2023. This appropriation shall be nonlapsing and is in addition to any other funds appropriated to the department of state. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The governor and council are authorized to search, nominate, and confirm the ombudsman to have the confirmed nominee available to assume the duties of the ombudsman position on July 1, 2022.

5 Right-to-Know; Violation; Effective July 1, 2025. Amend RSA 91-A:7 to read as follows:

91-A:7 Violation.

[I.] Any person aggrieved by a violation of this chapter may petition the superior court for injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings under this chapter high priority on the court calendar. Such a petitioner may appear with or without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court ***or any justice thereof. Thereupon the clerk of court or any justice shall order service by copy of the petition on the person or persons charged. Subject to objection by either party, all documents filed with the petition and any response thereto shall be considered as evidence by the court. All documents submitted shall be provided to the opposing party prior to a hearing on the merits. When any justice shall find that time probably is of the es-***

sence, he or she may order notice by any reasonable means, and he or she shall have authority to issue an order ex parte when he or she shall reasonably deem such an order necessary to insure compliance with the provisions of this chapter.

~~[II. In lieu of the procedure under paragraph I, an aggrieved person may file a complaint with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-c.~~

~~III. A person's decision to petition the superior court forecloses the ability to file a complaint with the ombudsman pursuant to RSA 91-A:7-c.~~

~~IV. A person's decision to file a complaint with the ombudsman forecloses the ability to petition the superior court until the ombudsman issues a final ruling or the deadline for such a ruling has passed.]~~

6 Prospective Repeal. RSA 91-A:7-a through 91-A:7-d, relative to the office of the ombudsman, complaint process, appeal and enforcement, and rulemaking, is repealed.

7 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. Sections 5 and 6 of this act shall take effect July 1, 2025.

III. The remainder of this act shall take effect July 1, 2022.

2022-1526h

AMENDED ANALYSIS

This bill establishes procedures to streamline the resolution of complaints under RSA 91-A. This bill establishes the office of the right-to-know ombudsman. This bill also establishes an alternative process to resolve right-to-know complaints.

Amendment to SB 302-FN
(2022-1443h)
Proposed by the Majority of the Committee on Judiciary– r

Amend the introductory paragraph of RSA 91-C:1, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding any law and subject to RSA 91-C:2, a public agency or public body shall not:

Amend RSA 91-C:2 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. A public body or state agency with oversight function over public funds or a government grant program from requesting documentation sufficient to ensure public funds are expended in accordance with state or federal contract monitoring and audit requirements, given that the information accessed is limited to information related to public funds or government grant program funds.

Amend RSA 91-C:3, II as inserted by section 1 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d) A request by the attorney general for the identity of any director, officer, incorporator, or registered agent of a nonprofit organization, provided that information that directly identifies an individual as a donor of financial support to a nonprofit organization shall not be disclosed.

Amend RSA 91-C:3 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Nothing in this chapter shall apply to a request from the lottery commission pursuant to their authority under RSA 287-D or RSA 287-E for the purposes of licensing or regulation of charitable gaming activities.

Amend RSA 91-C:4 as inserted by section 1 of the bill by replacing it with the following:

91-C:4 Penalties.

I. A person alleging a violation of this chapter may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:

(a) A sum of money not less than $2,500 to compensate for injury or loss caused by each violation of this chapter; or

(b) For an intentional violation of this chapter, a sum of money not to exceed $7,500.

II. A court, in rendering a judgment in the action brought under this chapter, may award all or a portion of the costs of litigation, including reasonable attorneys and witness fees, to the complainant in the action if the court determines that the award is appropriate.

Amendment to SB 309
(2022-1710h)
Proposed by the Committee on Transportation – c

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Mutli-Use Decal Plates; Authorized Organizations. Amend RSA 261-B:9 by inserting after paragraph XVII the following new paragraph:

XVIII. The New Hampshire Towing Association.

2022-1710h

AMENDED ANALYSIS

This bill authorizes the New Hampshire Towing Association to issue decals for multi-use decal plates.

Amendment to SB 313

(2022-1791h)

Proposed by the Committee on Ways and Means – c

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

31 Septic System Evaluators; Rulemaking Authority. Amend RSA 310-A:207, I(c) to read as follows:

(c) The criteria for a license to be renewed or reinstated, including [~~late fees and~~] any requirements for continuing education.

32 References Amended; OPLC. Amend the following RSA sections by striking the words "established by the board" and replacing them with "established by the office of professional licensure and certification": RSA 310-A:18; RSA 310-A:44; RSA 310-A:130; RSA 310-A:152; and RSA 310-A:193.

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

Floor Amendment to SB 316

(2022-1889h)

Offered by Rep. Abrami

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Bingo and Lucky 7; Financial Reports and Inspections. Amend RSA 287-E:24, IV to read as follows:

IV. All expenses shall be paid by check or electronic funds transfers, [~~and~~] all cash prizes [~~of $500 or more shall be paid by check,~~] ***shall be paid in compliance with Internal Revenue Service W-2G requirements, and all such required documentation shall be available for inspection by the commission*** [~~and~~]**.** The charitable organization shall retain [~~cancelled checks~~] ***canceled checks or required documentation*** or bank produced facsimiles of [~~cancelled~~] ***canceled*** checks for the payment of expenses and checks or bank produced facsimiles of checks and receipts for the payment of prizes for a period of 2 years.

Amendment to SB 318-FN

(2022-1627h)

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

Amend the bill by replacing section 1 with the following:

1 Games of Chance; Operation of Games of Chance. Amend RSA 287-D:14, VII to read as follows:

VII. Games of chance may be conducted between the hours of [~~11:00~~] ***8:00*** a.m. and [~~1:00~~] ***4:00*** a.m. the following day***, provided that the hours in which a game of chance may be conducted may be further limited by a duly adopted municipal code, ordinance, bylaw, or regulation to a specified starting time between 8:00 a.m. and 11:00 a.m. and a specified ending time between 1:00 a.m. and 4:00 a.m. the following day***.

2022-1627h

AMENDED ANALYSIS

This bill authorizes games of chance to be conducted between the hours of 8:00 a.m. and 4:00 a.m. the following day, and authorizes towns and cities to specify certain times of operation.

Amendment to SB 321

(2022-1641h)

Proposed by the Committee on Science, Technology and Energy – c

Amend the bill by replacing section 3 with the following:

3 New Section; Limited Electrical Energy Producers Act; Authorization of Pilots. Amend RSA 362-A by inserting after section 2-a the following new section:

362-A:2-b. Authorization of Pilots.

I. In this section, the terms "capacity commitment period," "capacity supply obligation," "coincident peak demand," and "load-serving entity (LSE)" shall have the meanings as used by ISO New England, Inc. (ISO-NE).

II. The public utilities commission is authorized to approve one or more proposed pilots of the concepts expressed in this section through orders issued pursuant to adjudicated proceedings in which a pilot is proposed, without the need to adopt any administrative rules of general application for such pilots.

III. Before approving any pilots authorized in paragraph II, the commission shall open a docket to determine definitively whether any jurisdictional conflicts exist concerning the use of the distribution or transmission system, including a determination about whether the activities allowed by this chapter would require a utility to violate its transmission owners operators agreement or require a recalculation of any ISO-NE open access transmission tariffs, and whether such projects produce avoided transmission cost savings. Upon successful resolution of these questions, the commission may approve pilot projects.

IV. Pilot projects shall be subject to the following limits:

(a) Projects shall be limited to 2 megawatts in size.

(b) No more than one pilot shall be permitted for any utility.

(c) Pilot projects shall end no later than 10 years from their initiation.

(d) Each pilot project shall deliver a study three years after project initiation to report to the commission on the consumer benefits of the project.

V. The commission may waive any existing provisions of RSA 362-A:2-a, utility tariffs, or administrative rules in its authorization of any pilots approved pursuant to this section.

VI. If any pilot approved under this section terminates prior to December 31, 2040, any limited producer participating in such pilot may continue to be interconnected and take service as a customer-generator under RSA 362-A:9 pursuant to any net metering or group net metering tariff to which they would have otherwise been eligible at the start of the pilot absent participation in the pilot or any other available option under law or applicable tariffs in effect at the time of termination of the pilot.

VII. Each electric distribution utility may propose and participate in a pilot, in conjunction with a competitive electric power supplier or municipal or county aggregation, pursuant to RSA 53-E, operating as or in conjunction with a load-serving entity. The commission may approve provisions to cover incremental costs of the utility related to any such approved pilot.

VIII. If approved pursuant to this section, a limited producer of electrical energy may sell its produced electrical energy to one or more purchasers other than the franchise electric utility. Such purchasers may be any non-residential retail electricity customers located within the same New Hampshire electric distribution utility franchise area where the limited producer is located, or any electricity suppliers serving retail load within such area.

IX. Intrastate sales of electricity across the distribution grid under an approved pilot shall be facilitated and accounted for by load-serving entities that are either competitive electricity suppliers registered with the department under RSA 374-F:7, or municipal or county aggregations under RSA 53-E operating as or in conjunction with load-serving entities. Electric distribution utility provided default energy service shall not be required to facilitate, account for, or otherwise enable the participation of limited producers in sales of electricity or purchases of power from limited producers.

X. To participate in such intrastate sales of electricity over the distribution grid a limited producer must be equipped with a revenue grade interval meter that can accurately measure hourly imports from and exports to the distribution grid and report such meter data to the distribution utility for daily load settlement purposes. Exports to the distribution grid by a limited producer shall be accounted for as reductions or offsets to the load obligation of the load serving entity serving the limited producer for load settlement in the ISO New England wholesale electricity market.

XI.(a) The sponsors of a pilot, including the participating electric distribution utility, may petition the commission to determine, through an adjudicated proceeding, how credits for actual avoided transmission charges are to be made for exports to the distribution grid by limited producers during hours of coincident peak on which transmission costs are allocated to reduce the retail load measured at the point of interconnection between the distribution system under state jurisdiction and transmission facilities under federal jurisdiction. Said costs shall be allocated to the distribution utility as transmission network customer are reduced from what they otherwise would be absent the electricity exported to the distribution grid by the limited producer. Such credit shall be made pursuant to either subparagraph (b) or (c) as proposed and determined by the commission to be for the public good.

(b) Monthly transmission charges incurred by the distribution utility as the transmission network customer may be allocated to the load serving entity for payment by the LSE for all or part of the retail meters within its retail metering subdomain, under terms and conditions approved by the commission. Such allocation shall be made based on the share of the LSE's network load, or the share of its network load by participating meters, at the monthly hour of coincident peak demand on which the applicable monthly transmission charges are incurred in proportion to the utility's applicable total network load. In such an event, the customers within such LSE's metering subdomain shall no longer be subject to the distribution utility's transmission charges, after accounting for any prior period over or under collection of transmission costs, such that there is an equitable allocation of transmission costs accounting for applicable leads and lags in how such costs are incurred and paid for as determined by the commission.

(c) The limited producer or their load serving entity may receive credit or payment for actual avoided transmission charges based on measurement of exports to the distribution grid at the retail meter point without additional credit for avoided line and transformation losses in the distribution and transmission grids to provide some sharing of the benefit of reduced transmission charges with other ratepayers who do not participate in such intrastate electricity sales by limited producers. In such an event, the customers within such LSE's metering subdomain shall continue to the pay the utility's regular transmission charges from which such credits or payments shall be made.

XII. Purchasers of power from limited producers participating in the pilot shall pay for the delivery of such power through tariffs, charges, and rates that are generally applicable to the customer's rate class, except for default energy service charges if not applicable and transmission charges as they may be adjusted pursuant to this section.

XIII. To the extent that limited producers participating in the pilot are exporting power to distribution grid at the annual hour of coincident peak demand on which capacity supply obligations are incurred for any given capacity commitment period and such exports reduce overall capacity supply obligations from what they would otherwise be absent such exports to the grid, such reduced capacity supply obligations shall be assigned to the LSE serving such limited producers as approved by the commission. To the extent such exports to the grid are purchased by the LSE as an intrastate wholesale transaction the LSE may in turn prorate its reduced capacity supply obligation attributable to such exports to reduce the capacity tags for all meters served by it within its applicable meter subdomain at the time of the annual coincident peak demand for the applicable capacity commitment period. To the extent such exports to the grid are sold by the Limited Producer at retail to individual customers such reduced capacity supply obligations attributable to such exports may be assigned to reduce the capacity tags assigned to the meters of such customers, as determined by the LSE serving such customers at the time of the applicable annual hour of coincident peak demand for the applicable capacity commitment period. However, in no case shall the capacity tag assigned to any one retail meter, including that of the limited producer, be reduced below zero.

Amendment to SB 329

(2022-1828h)

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

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

AN ACT establishing a commission to study barriers to specific housing development in New Hampshire and establishing a procedure for overriding a local tax cap.

Amend RSA 674:61-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The commission shall study barriers to housing development in New Hampshire, including workforce and middle-income housing, manufactured housing, and 3-D printed houses.

Amend the bill by replacing all after section 2 with the following:

3 Municipal Budget Law; Method to Override Local Tax Cap. RSA 32:5-b, III is repealed and reenacted to read as follows:

III. The legislative body may override the cap by the usual procedures applicable to annual meetings of the legislative body, provided that: when a proposed appropriation will cause the amount of local taxes raised by the town or district to exceed the tax cap under paragraphs I and I-a or the total amount already raised and appropriated has caused the amount of local taxes raised by the town or district to exceed the tax cap under paragraphs I and I-a, voting on the appropriation question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. If a 3/5 majority or the super majority as determined under a charter pursuant to RSA 49-D of those voting on the question vote "yes," the appropriation is approved. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority or the super majority as determined under a charter pursuant to RSA 49-D.

(a) For warrant articles proposing bonds, notes, or other multi-year expenditures, only the first year estimated costs shall be used in counting appropriations for the tax cap under paragraphs I and I-a.

(b) When using the official ballot form of meeting under RSA 40:13, if the warrant article for the operating budget results in appropriations exceeding the tax cap under paragraphs I and I-a and receives less than 3/5 majority "yes" vote, the adopted operating budget shall be reduced by appropriations already raised to remain compliant with the tax cap under paragraphs I and I-a.

(c) School districts that have adopted the school administrative unit (SAU) alternative budget procedure under RSA 194-C:9-b shall place the warrant article for the SAU budget at the beginning of school district warrant, immediately after any warrant articles proposing bonds or notes. For school districts using a traditional meeting and when the outcome of the SAU budget vote is pending on balloting from the other school districts in the SAU, the higher of the school district's assigned portion of the proposed SAU budget or the school district's assigned portion of the adjusted SAU budget shall be assumed as raised and appropriated for the purpose of determining when the override provisions under paragraph III apply.

4 Effective Date.

I. Section 2 of this act shall take effect November 1, 2022.

II. Section 3 of this act shall take effect 60 days after its passage.

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

2022-1828h

AMENDED ANALYSIS

This bill establishes a commission to study barriers to specific housing development in New Hampshire. The bill also establishes a procedure for overriding a local tax cap.

Amendment to SB 330-FN

(2022-1732h)

Proposed by the Committee on Executive Departments and Administration– r

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

AN ACT establishing a committee to study and make recommendations relative to the office of professional licensure and certification and the licensure of professions under boards, councils, and commissions within the office and relative to the expiration of terms of the board of foresters members.

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

1 Findings. The general court finds that:

I. New Hampshire has a workforce shortage.

II. New Hampshire competes with neighboring states to attract qualified members for its workforce.

III. Licensure requirements and licensure processes may impact the overall workforce in New Hampshire.

2 Committee Established.

I. There is established a committee to study and make recommendations relative to the office of professional licensure and certification and the licensure of professions under boards, councils, and commissions within the office.

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

(a) Three members of the house of representatives, at least one of whom shall be from the executive departments and administration committee and one shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

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

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

IV. The committee shall:

(a) Review the structure of occupational licensing and regulation in this state, including the relationship between the office and the boards, councils, and commissions within the office and make recommendations, as necessary, regarding changes to the current structure.

(b) Review the licensure processes of the office of professional licensure and certification and the boards, councils, and commissions within the office, including how the statutory and regulatory framework may impact the timely and efficient licensure of qualified applicants.

(c) Identify and make recommendations for increasing portability of licensure for qualified professionals from other states.

(d) Explore licensure barriers to attracting qualified professionals to New Hampshire.

(e) If necessary, make recommendations for changes to licensure and procedures regarding licensure of professions within the office, including how such criteria relates to requirements in neighboring states.

(f) Seek input from state agencies and boards, councils, and commissions within the office, stakeholders, and any other person or entity the committee deems relevant to its study.

(g) Review the funding sources, fee-setting authority, and fees of the office and the boards, councils, and commissions, within the office and make recommendations, if any, regarding changes to the current statutory framework.

(h) Identify and make recommendations for changes to funding occupational licensing in New Hampshire, if any.

(i) If necessary, make recommendations for changes to the allocation of shared costs among the boards, councils, and commissions within the office.

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

VI. The committee shall submit a final report of 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, 2022.

3 Board of Foresters; Members. Amend RSA 310-A:100, III to read as follows:

III. Members shall be appointed for 5-year terms, except that no more than [~~one~~] ***2*** appointed member's term may expire in any one calendar year. Appointments for terms of less than 5 years may be made in order to comply with this limitation. No appointed member shall be eligible to serve more than 2 full consecutive

terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the member shall serve until a successor is qualified and appointed. The successor's term shall be 5 years from the date of expiration of the predecessor's appointment, regardless of the date of the successor's appointment. Vacancies occurring prior to the expiration of a specific term shall be filled by appointment for the unexpired term. A board member may be removed for cause by the governor and council under RSA 4:1.

4 New Section; Oversight Committee; Establishment; Purpose. Amend RSA 310-A by inserting after section 1-n the following new section:

310-A:1-o Oversight Committee; Establishment; Purpose.

I. There shall be an oversight committee for the office of professional licensure and certification (OPLC) consisting of the following members:

(a) Three members of the house executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the president of the senate.

II. Membership on the oversight committee shall be for the duration of the biennium and shall be coterminous with membership in the general court. The first meeting of the committee shall be called by the first-named house member. The committee shall elect a chair from among the members at the first meeting of each biennium. Meetings shall be called as needed, but at least quarterly. The members of the committee shall receive mileage at the legislative rate when performing the duties of the committee. Three members of the committee shall constitute a quorum.

III. The committee shall provide legislative oversight and informational meetings on the policies and rules of the office as brought to its attention by office personnel, legislators, members of the boards, councils, committees, and commissions overseen by OPLC, and members of the professions under the jurisdiction of OPLC. The committee's work shall include analyzing the division of duties between administration and the boards, councils, committees, and commissions in order to promote more productive and efficient interactions.

IV. The oversight committee shall recommend legislation deemed necessary to correct issues it identifies.

5 Repeal. RSA 310-A:1-o, relative to oversight committee for the office of professional licensure and certification, is repealed.

6 Effective Date.

I. Section 4 of this act shall take effect January 1, 2023.

II. Section 5 of this act shall take effect January 1, 2028.

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

2022-1732h

AMENDED ANALYSIS

This bill establishes a committee to study and make recommendations relative to the office of professional licensure and certification, and the licensure of professions under boards, councils, and commissions within the office. This bill also creates a statutory oversight committee for the office of professional licensure and certification which shall be effective for 5 years.

Floor Amendment to SB 330
(2022-1863h)
Offered by Rep. Abrami

Amend paragraph II(a) of section 2 of the bill by replacing it with the following:

(a) Five members of the house of representatives, 2 of whom shall be from the executive departments and administration committee, 2 of whom shall be from the ways and means committee, and one of whom shall be from the health, human services and elderly affairs committee, appointed by the speaker of the house of representatives.

Amendment to SB 333
(2022-1694h)
Proposed by the Majority of the Committee on Executive Departments and Administration – r

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

2022-1694h

AMENDED ANALYSIS

This bill regulates case management services providers as a type of home health care provider under RSA 151:2-b.

Amendment to SB 333
(2022-1771h)
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 New Subparagraph; Residential Care and Health Facility Licensing; Case Management Services Provider. Amend RSA 151:2, I by inserting after subparagraph (f) the following new subparagraph:

(g) As used in the Medicaid program, a case management services provider, which is an entity or organization engaged in arranging services furnished to assist individuals, who reside in a community setting or are transitioning to a community setting, in gaining access to needed medical, social, educational, and other services. Case management activities shall not include activities which constitute the direct delivery of other services.

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

2022-1771h

AMENDED ANALYSIS

This bill defines and requires licensure of case management service providers.

Amendment to SB 339
(2022-1542h)
Proposed by the Minority of the Committee on Judiciary – r

Amend RSA 91-A:2, III(b)(3)-(4) as inserted by section 1 of the bill by replacing them with the following:

(3) The emergency medical services medical control board of the department of safety as established in RSA 153-A:5;

(4) The trauma medical review committee of the department of safety as established in RSA 153-A:8; and

(5) The New Hampshire rare disease advisory council of the department of health and human services as established in RSA 126-A:79.

Amend the introductory paragraph for RSA 91-A:2, III(c) as inserted by section 1 of the bill by replacing it with the following:

(c) The boards and commissions exempt in subparagraph (b) shall publish the minutes of their meetings on the applicable department website and also shall:

Amend RSA 91-A:2, III(c)(4) as inserted by section 1 of the bill by replacing it with the following:

(4) Provide a physical location for the meeting, where members who can attend in person will attend in person, while virtual access shall be provided to those who are unable to travel, as well as the public, and where a minimum of one quarter of a board or commission membership shall be required to be at the physical location; and

Amendment to SB 345
(2022-1607h)
Proposed by the Majority of the Committee on Labor, Industrial and Rehabilitative Services – r

Amend the bill by replacing section 3 with the following:

3 Repeal. The following are repealed:

I. RSA 276-A:13, relative night work by youths.

II. RSA 276-A:14, relative to special agreement between employers and employees.

Floor Amendment to SB 345
(2022-1705h)
Offered by Rep. Sullivan

Amend the bill by replacing sections 2 and 3 with the following:

2 Youth Employment Law; Prohibitions. Amend RSA 276-A:4, VI to read as follows:

VI.[~~(a)~~] In any employer's predetermined designated work week [~~during which school is in session for 5 days~~], no youth 16 or 17 years of age who is duly enrolled in school shall work [~~more than 6 consecutive days or~~] more than [~~30~~] ***35*** hours [~~during that work~~] ***per*** week.

[~~(b) In any employer's predetermined designated work week during which school is in session for 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 40-1/4hours in that work week.~~

~~(c) In any employer's predetermined designated work week during which school is in session for more than one but less than 4 days, no youth 16 or 17 years of age who is duly enrolled in school shall work more than 6 consecutive days or more than 48 hours in that work week.~~]

3 Youth Employment Law; Night Work. RSA 276-A:13 is repealed and reenacted to read as follows:

276-A:13 Night Work. No youth shall be permitted to work later than 9:00 p.m. on any day when the day following is a school day, or later than 12:00 a.m. on any other day.

Amendment to SB 346
(2022-1830h)
Proposed by the Committee on Finance – r

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

AN ACT relative to a feasibility and impact study for the construction of a pier on Hampton Beach.

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of $150,000 for the fiscal year ending June 30, 2023, is hereby appropriated to department of natural and cultural resources and shall be disbursed to the Hampton Beach area commission for the feasibility study relative to building a pier in the town of Hampton. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment to SB 350
(2022-1636h)
Proposed by the Committee on Education – c

Amend RSA 21-N:9, II(s)(3) as inserted by section 1 of the bill by replacing it with the following:

(3) The establishment and implementation of a secure system for accessing findings of abuse for individuals on the central registry pursuant to RSA 169-C:35, ***and other states' central registries upon approval of a memorandum of understanding by the governor and council,*** and

2022-1636h

AMENDED ANALYSIS

This bill requires the department of education to adopt rules for conducting a check of educational personnel applicants using the National Association of State Directors of Teacher Education and Certification (NASDTEC) database and for the secure system for accessing findings of abuse for individuals on the central registry. This bill also amends the authority to adopt rules relative to licensing standards for certain education personnel.

Amendment to SB 353
(2022-1755h)
Proposed by the Committee on Education – c

Amend RSA 186:60, I(b) and (c) as inserted by section 1 of the bill by replacing them with the following:

(b) 9 members[~~representing~~] ***including at least 2*** classroom teachers ***who reside in New Hampshire*** [~~or~~]***, at least 2*** education specialists ***who reside in New Hampshire***, [~~or both~~] ***and at least 2 instructional specialists who reside in New Hampshire***;

(c) 9 members [~~representing higher education and education administration~~] ***employed by a New Hampshire community college, state university, community college system of New Hampshire, or university system of New Hampshire, including at least 3 full-time teaching faculty and 3 higher education administrators***; and

2022-1755h

AMENDED ANALYSIS

This bill clarifies the criteria for persons who may be appointed to the professional standards board, allows for 3 consecutive terms of appointees, and requires reports to be maintained for 25 years.

Amendment to SB 354
(2022-1346h)
Proposed by the Committee on Commerce and Consumer Affairs– c

Amend the introductory paragraph of RSA 402-B:12 as amended by section 1 of the bill by replacing it with the following:

402-B:12 [~~Suspension,~~] ***License Denial, Nonrenewal, or*** Revocation [~~or Fine~~]. The commissioner may for good cause shown, after notice and hearing, ***deny,*** suspend***,*** or revoke the insurance claims adjuster's license of any holder or subject him ***or her*** to an administrative fine not to exceed $2,500 ***per violation or any combination of actions***. Such hearing may be held by the commissioner or any person designated by him ***or her***. Any person aggrieved by said action of the commissioner or refused a license or renewal of the same by him may appeal in accordance with the provisions of RSA 541. ***Good cause includes, but is not limited to, the following:***

Amendment to SB 357-FN
(2022-1625h)
Proposed by the Committee on Executive Departments and Administration – c

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

2 New Section; Mental Health Training for Law Enforcement Officers. Amend RSA 106-L by inserting after section 7 the following new section:

106-L:7-a Mental Health Training for Law Enforcement Officers.

I. No person shall assume their role as a law enforcement officer or dispatcher unless such person has satisfactorily completed mental health training focusing on post-traumatic stress from a program developed

and delivered by the New Hampshire police standards and training council. Subsequent to initial training, all law enforcement officers and dispatchers shall successfully complete annual online training. No current officer shall be required to attend in person training at the academy.

II. Mental health training focusing on post-traumatic stress disorder shall be made available annually to any law enforcement officers after their retirement.

3 New Section; Mental Health Training for Fire Services and Emergency Medical Services Personnel. Amend RSA 21-P by inserting after section 12-f the following new section:

21-P:12-g Mental Health Training for First Responders.

I. No person shall assume their role as fire service personnel, fire service dispatcher or emergency medical services personnel unless such person has satisfactorily completed mental health training focusing on post-traumatic stress from a program developed and delivered by the division of fire standards and training and emergency medical services. Subsequent to initial training, all fire service, fire service dispatcher, or emergency medical services personnel shall successfully complete annual online training. No current personnel shall be required to attend in person training at the academy.

II. Mental health training focusing on post-traumatic stress disorder shall be made available annually to all fire service or emergency medical services personnel after their retirement.

4 New Section; Mental Health Training for Corrections Officers. Amend RSA 21-H by inserting after section 15 the following new section:

21-H:16 Mental Health Training for Corrections Officers. No person shall assume their role as a corrections officer unless such person has satisfactorily completed mental health training focusing on post-traumatic stress from a program developed and delivered by the New Hampshire police standards and training council. Subsequent to initial training, all corrections officers shall successfully complete annual online training. No current corrections officer shall be required to attend in person training at the academy.

5 Repeal. RSA 281-A:17-e, relative to the commission to study incidence of PTSD in first responders, is repealed.

6 Effective Date.

I. Section 5 of this act shall take effect November 1, 2023.

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

Amendment to SB 358
(2022-1645h)

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

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

AN ACT relative to the joint legislative committee on administrative rules.

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

1 Administrative Procedure Act; Definitions; Committee. Amend RSA 541-A:1, III to read as follows:

III. "Committee" means the joint legislative committee on administrative rules***, as well as the divisions of said committee***, unless the context clearly indicates otherwise.

III-a. "Entire committee" shall mean the entirety of the appointed regular members of the joint legislative committee on administrative rules.

2 Administrative Procedure Act; Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:2, I and II to read as follows:

I. There is hereby created a joint legislative committee to be known as the joint legislative committee on administrative rules. The committee shall be composed of [~~10~~] ***15*** members of the general court and [~~10~~] ***15*** alternates to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: [~~5~~] ***9*** members of the house of representatives, appointed by the speaker of the house in consultation with the minority leader, not more than [~~3~~] ***5*** of whom shall be from the same party; [~~5~~] ***6*** members of the senate, appointed by the senate president in consultation with the minority leader, not more than [~~3~~] ***4*** of whom shall be from the same party; [~~5~~] ***9*** alternate members of the house of representatives appointed by the speaker of the house in consultation with the minority leader, not more than [~~3~~] ***5*** of whom shall be from the same party; and [~~5~~] ***6*** alternate members of the senate, appointed by the senate president in consultation with the minority leader, not more than [~~3~~] ***4*** of whom shall be from the same party. If a member of the committee is unable, for any reason, to attend a meeting or a portion of a meeting of the committee, the chair shall designate an alternate member to serve regardless of the number of other senators or representatives who attend the meeting. The committee shall elect a chair and a vice-chair from among its members, provided that the chair shall rotate biennially between the house and senate members.

II. The joint legislative committee on administrative rules shall ***be divided into 3 divisions, each consisting of 2 senators and 3 members of the house, with an equal number of alternates. A quorum of a division shall be 3 members. Each division shall meet separately to conduct its business, and have the authority of the full committee, except that a joint resolution resulting from a final ob-***

jection shall be approved by the entire committee. Each division shall meet at least once each month and more often as necessary for the prompt discharge of its duties. The director of legislative services shall provide services to the committee. The joint legislative committee on administrative rules shall adopt rules to govern its operation and organization. [~~A quorum of the committee shall consist of 6 members.~~] Members of the committee shall be entitled to legislative mileage as provided to members for attendance at sessions of the general court.

3 Administrative Procedures Act; Review by the Joint Legislative Committee on Administrative Rules; Entire Committee for Final Objection Required. Amend RSA 541-A:13, VII to read as follows:

VII.(a) The provisions of this paragraph may be used by the ***entire*** committee as an alternative to or in addition to the final objection procedure employed by the committee in paragraph V.

(b) If an agency responds to a preliminary or revised objection but the basis for objection has not been removed or the response creates a new basis for objection, the ***entire*** committee may, within 50 days from the date on which the objection response was due and by majority vote of the entire committee, recommend legislative action through sponsorship of a joint resolution to implement its recommendation. Such vote shall prevent the rule from being adopted and filed by the agency for the period of time specified in subparagraph VII(c).

(c) If the ***entire*** committee votes to sponsor a joint resolution pursuant to subparagraph VII(b), the joint resolution shall be introduced in the house of representatives or senate within 20 business days of such vote when the general court is in session and 20 business days of the start of the following legislative session if such vote occurs when the general court is not in session. If a joint resolution is not introduced within this time frame, the agency may adopt the rule. If a joint resolution is introduced within this time frame, the agency shall be prevented from adopting and filing such rule until final legislative action is taken on the resolution or the passage of 90 consecutive calendar days during which the general court shall have been in session, whichever occurs first. The 90 calendar day period shall commence on the date such joint resolution has been introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such joint resolution has been introduced, then the agency shall be prevented from adopting and filing such rule until 90 calendar days, beginning with the next session of the general court, have passed.

(d) The provisions of this paragraph shall apply to only the specific portion of the agency's rule identified in the joint resolution. The provisions of this paragraph shall not prevent an agency from adopting and filing the remainder of the rules in the final proposal under RSA 541-A while the ***entire*** committee pursues legislative action under this paragraph, nor shall it prevent the committee from also voting to enter a final objection pursuant to paragraph V.

(e) Nothing in this section shall prevent the general court from introducing legislation which addresses any matter included in a joint resolution introduced under the provisions of this section.

(f) Notwithstanding any house or senate rules to the contrary, a joint resolution which the ***entire*** committee votes to sponsor under subparagraph VII(b) may be introduced at any time during the legislative session. It shall be subject to the same rules as any other bill introduced at the beginning of the legislative session.

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

2022-1645h

AMENDED ANALYSIS

This bill increases the number of members and alternate members on the joint legislative committee on administrative rules, as well as establishes three equal divisions within the committee and specify that a final objection shall only be entered into by the entirety of the regular members on the committee.

Amendment to SB 367

(2022-1764h)

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 Legislative Findings and Purpose. The general court finds that:

I. New Hampshire is committed to a clean environment and protection of its natural resources. The United States Environmental Protection Agency has recognized that reusing and recycling post-use materials conserves natural resources, reduces waste, prevents pollution, reduces greenhouse gasses contributing to climate change and serves as an important economic driver, helping to create jobs and tax revenue.

II. The purpose of this act is to facilitate recycling of greater amounts and more types of plastics by ensuring that advanced plastic recycling technologies in New Hampshire protect the public health and safety by being appropriately regulated as manufacturers under New Hampshire's applicable statutes and departmental rules relative to air, water, waste, and land use. Furthermore, such facilities will comply with all applicable federal statutes, including but not limited to the Clean Air Act, the Clean Water Act, and Environmental Protection Agency rules governing hazardous waste.

2 New Paragraphs; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph I the following new paragraphs:

I-a. "Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstock chemicals, and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. The recycled products produced at advanced recycling facilities include monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings. For the purposes of this chapter, the products of advanced recycling shall not include hydrocarbons which are marketed, sold, or used as fuel for energy. For the purposes of this chapter, "advanced recycling" shall not be considered solid waste management, solid waste processing, waste processing, treatment, incineration, or combustion.

I-b. "Advanced recycling facility" means a facility that receives, stores, and converts post-use polymers and recovered feedstock it receives using advanced recycling. An advanced recycling facility shall be considered a manufacturing facility. For the purpose of this chapter, "advanced recycling facility" shall not include a facility, solid waste facility, solid waste management facility, waste management facility, processing/treatment facility, solid waste collection, storage, and transfer facility, processing facility, treatment facility, or an incinerator.

3 Solid Waste Management; Definition of Certified Waste-Derived Product. Amend RSA 149-M:4, II-a to read as follows:

II-a. "Certified waste-derived product" means a constituent of solid waste which is no longer regulated as a solid waste when certified by the department to be recyclable for its original use or alternate uses and which poses no greater risk to the environment, public health, and safety than exists by producing, distributing, using, or disposing comparable products which are not waste-derived. ***Products derived from advanced recycling shall not be considered waste-derived products or require certification as waste-derived products.***

4 New Paragraph; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph V the following new paragraph:

V-a. "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers, oligomers, plastic or chemical feedstocks, or other basic raw materials.

5 New Paragraph; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph IX-a the following new paragraph:

IX-b. "Gasification" means a manufacturing process through which recovered feedstocks are heated and converted into synthesis gas in an oxygen-deficient atmosphere and the mixture is converted into valuable raw materials.

6 New Paragraphs; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph XV the following new paragraphs:

XV-a. "Post-use polymer" means a plastic to which all of the following apply:

(a) The plastic is derived from industrial, commercial, agricultural, or domestic activities.

(b) The plastic is not mixed with solid waste or hazardous waste.

(c) The plastic's use or intended use is as a feedstock for mechanical or chemical recycling.

(d) The plastic has been sorted from solid waste and other regulated waste but may contain residual amounts of solid waste such as organic material and incidental contaminants or impurities such as paper labels and metal rings.

XV-b. "Post-use polymer aggregator" means a facility which collects, sorts, and cleans plastic waste suitable for advance recycling and provides the feedstock to mechanical or advanced recycling facilities. The feedstock shall meet the definition of post-use polymer. Recovered feedstock aggregators shall be permitted under rules adopted by the department.

7 New Paragraphs; Solid Waste Management; Definitions. Amend RSA 149-M:4 by inserting after paragraph XVIII the following new paragraphs:

XVIII-a. "Pyrolysis" means a manufacturing process through which synthetic and/or biological polymers are heated in the absence of oxygen, sometimes in the presence of catalysts, until thermally decomposed and are then cooled and condensed. The resulting chemicals, when separated from wastes, can provide raw materials for the production of plastics, lubricants, waxes, and other industrially useful chemicals.

XVIII-b. "Recovered feedstock" means one or more of the following materials that has been processed so it may be used as feedstock in an advanced recycling facility:

(a) Post-use polymers.

(b) Materials which the United States Environmental Protection agency has determined are feedstocks for advanced recycling and not solid waste.

(c) Recovered feedstock does not include unprocessed solid waste.

8 Solid Waste Management; Definitions. Amend RSA 149-M:4, XXII to read as follows:

XXII. "Solid waste" means any matter consisting of putrescible material, refuse, residue from an air pollution control facility, and other discarded or abandoned material. It includes solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. For purposes of this chapter, it does not include hazardous waste as defined in RSA 147-A:2; solid or dissolved materials in irrigation return flows; cut or uprooted tree stumps buried on-site with local approval if

required, provided that such burial locations are not located within 75 feet of any drinking water supply; municipal and industrial discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended; source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended; [~~or~~] septage or sludge as defined in RSA 485-A:2, IX-a and XI-a***; or post-use polymers and recovered feedstocks converted at an advanced recycling facility or held at such facility prior to conversion; or post-use polymers produced by a permitted post-use polymer aggregator.***

9 New Paragraph; Solid Waste Management; Definition. Amend RSA 149-M:4 by inserting after paragraph XXII the following new paragraph:

XXII-a. "Solvolysis" means a manufacturing process through which post-use polymers are purified with the aid of solvents, while heated at low temperatures and/or pressurized to make useful products, allowing additives and contaminants to be removed. The products of solvolysis include monomers, intermediates, and valuable chemicals and raw materials. The process includes but is not limited to hydrolysis, amylolysis, ammonolysis, methanolysis, and glycolysis.

10 New Subdivision; Solid Waste Management; Regulation of Advanced Recycling. Amend RSA 149-M by inserting after section 61 the following new subdivision:

Regulation of Advanced Recycling

149-M:62 Regulation of Advanced Recycling.

I. The department shall regulate advanced recycling facilities as manufacturing facilities. An advanced recycling facility and the products and by-products of advanced recycling shall be subject to applicable statutes and departmental rules relative to air, water, waste, and land use. The department may enter and inspect any advanced recycling facility to determine whether storage of materials prior to advanced recycling is a nuisance or poses a threat to the environment. The department may utilize its enforcement authorities under RSA 149-M:15 to require abatement of the nuisance or threat if found. The department may enter and inspect any advanced recycling facility to ensure compliance with all applicable statutes and departmental rules relative to air, water, waste, and land use and take any enforcement actions necessary.

II. Products of advanced recycling shall not be considered "waste-derived products" or "refuse-derived fuel" and shall not be subject to the provisions of this chapter and rules created under its authority relating to waste-derived products and refuse-derived fuel, including but limited to the certification provisions of department of environmental services rule Env-Sw 1500.

III. Advanced recycling facilities shall give priority to utilizing post-use polymers and recovered feedstocks generated within the state.

IV. Post use polymer used as recovered feedstock shall be received from post-use polymer aggregator permitted by the department.

149-M:63 Reporting for Waste Reduction Goals. For the purpose of reporting recycling rates, all advanced recycling facilities shall report the mass of post-use polymer processed, the mass of recycled product, the mass of residual material, and the mass of processed material used for fuel to the department. Recycled product shall not include any residual material, product used for fuel, or non-post-use-polymer feedstock converted to product.

149-M:64 Reporting of Wastes. The department shall adopt rules pursuant to RSA 541-A for the reporting of all emissions, hazardous waste, effluent, and solid waste generated by an advanced recycling facility.

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

Amendment to SB 368-FN

(2022-1780h)

Proposed by the Committee on Enviornment and Agriculture– c

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

AN ACT establishing the agricultural hearings officer revolving fund and relative to penalties for unlawfully transferring dogs, cats, and ferrets.

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

1 New Section; Revolving Fund for Agricultural Hearings Officers. Amend RSA 425 by inserting after section 11 the following new section:

425:11-a Revolving Fund for Agricultural Hearings Officers.

I. There is established within the department of agriculture, markets, and food a revolving fund for agricultural hearings officers. All fines collected by the department, except as provided in RSA 427:14, shall be deposited into the fund. The fund shall be nonlapsing and continually appropriated to the department to fund the department's adjudicative procedures, including, but not limited to, the costs associated with contracting with one or more hearing officers who shall be responsible for administering all aspects of the department's adjudicative procedure as directed by the commissioner. The amount withdrawn from the fund shall not exceed $75,000 in total each year. The department of agriculture, markets, and food shall every quarter forward any unpaid fines assessed in an adjudicative proceeding to the attorney general for collection in accordance with RSA 7:15-a.

II. At the end of each quarter of the fiscal year any balance in the fund in excess of $10,000 shall be deposited in the general fund.

2 New Subparagraph; Revolving Fund for Agricultural Hearings Officers. Amend RSA 6:12: II(b) by inserting after subparagraph (383) the following new subparagraph:

(384) Moneys deposited in the revolving fund for agricultural hearings officers under RSA 425:11-a.

3 Transfer of Birds and Animals; Penalty. Amend RSA 437:10, I to read as follows:

I. Any ***person who transfers ownership of a live dog, cat, or ferret without an official certificate of transfer or*** any pet vendor who transfers live animals or birds customarily used as household pets in this state without having a license to do so as required by this chapter shall be guilty of a misdemeanor ***and may be subject to an administrative fine levied by the commissioner, not to exceed $1,000 for each violation***.

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

2022-1780h

AMENDED ANALYSIS

This bill establishes the revolving fund for agricultural hearing officers.

This bill also requires a dog, cat, or ferret to be transferred with a health certificate, and establishes an administrative fine for violations.

Amendment to SB 376-FN

(2022-1728h)

Proposed by the Committee on Finance – r

Amend section 4 of the bill by replacing paragraph I with the following:

I. The committee shall study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of incidents involving law enforcement use of deadly force, and such non-lethal SWAT engagements, including regional SWAT teams, as the mental health incident review board may choose to review. The committee shall consider establishing the mental health incident review board under the auspices of a law enforcement conduct review committee similar to that established in HB 1682 of the 2022 regular legislative session.

Amend section 4 of the bill by deleting subparagraph II(o).

Amend the bill by replacing section 7 with the following:

7 Appropriation. The sum of $1,100,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the police standards and training council to support CIT training. Such funds shall be used to reimburse agencies for any overtime or backfill costs associated with the attendance of one officer who attends and successfully completes a police standards and training council recognized CIT training offered within the state, for any costs associated with the transportation, lodging, and meal expenses incurred by the agency during such CIT training, for the costs associated with police standards and training council hiring any outside vendor to deliver the CIT training, and to provide for and compensate a part-time program administrator at police standards and training to manage this program. The appropriation shall be in addition to any other funds appropriated to the police standards and training council and shall be nonlapsing. Applications, scheduling, and reimbursement of local police departments and sheriff offices shall be managed by the police standards and training council, which shall coordinate officer training with individual departments throughout the state. Departments with one or more previously CIT trained officers shall not be eligible for funds allocated under this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment to SB 381-FN-A

(2022-1857h)

Proposed by the Majority of the Committee on Finance – r

Amend the bill by inserting after section 1 the following and renumbering the original sections 2 and 3 to read as 4 and 5, respectively:

2 Office of the Child Advocate; Reference to Education Deleted. Amend RSA 21-V:2, II(c) to read as follows:

(c) Ensure that children placed in the care of the state or receiving services under the supervision of an agency in any public or private facility, receive humane and dignified treatment at all times, with full respect for the child's personal dignity, right to privacy, and right to adequate and appropriate healthcare [~~and education~~] in accordance with state and federal law.

3 Office of the Child Advocate; Access to Information and Facilities; Reference to Education Deleted. Amend RSA 21-V:4, I(a) to read as follows:

(a) All case records, all third party records, including the healthcare [~~and education~~] records of any child receiving services from an executive agency, and all records submitted to the courts.

Amendment to SB 383-FN
(2022-1684h)
Proposed by the Committee on Executive Departments and Administration – c

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

1 Violations and Penalties. Amend RSA 310-A:72 to read as follows:

310-A:72 Violations and Penalties.

I. Any person who shall practice or offer to practice land surveying in this state for others without being licensed in accordance with this subdivision, or any person presenting or attempting to use as one's own the license or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any board member in obtaining or attempting to obtain a license, or any person who shall falsely impersonate any other licensee of like or different name, or any person who shall attempt to use an expired or non-existent or revoked license or authorization, or any person who shall violate any of the provisions of this subdivision shall be guilty of a class [~~B~~] ***A*** misdemeanor if a natural person, or guilty of a felony if a business organization.

II. The board may investigate any actual, alleged, or suspected unlicensed activity and report the findings of such investigations to the attorney general for prosecution.

2 Nonresident Licensure. RSA 310-A:69, I is repealed and reenacted to read as follows:

I. The board may, upon application and payment of the required fee, issue a license as a licensed land surveyor to any person of any state, territory, or possession of the United States or of any country provided that:

(a) The applicant is registered or licensed in another state, territory, possession or country whose requirements are equal to, or greater than, the requirements of this state, and is in good standing with the registering or licensing body; and

(b) The applicant has met the requirements for licensure as set forth in RSA 310-A:63, I-II.

3 Repeal. RSA 310-A:63, III, relative to licensure of nonresident land surveyors, is repealed.

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

2022-1684h
AMENDED ANALYSIS

This bill provides for land surveying nonresident licensure and changes the penalties for unlicensed land surveyor practice.

Amendment to SB 390
(2022-1589h)
Proposed by the Committee on Health, Human Services and Elderly Affairs – c

Amend the bill by replacing sections 2-4 with the following:

2 New Paragraph; Telemedicine. Amend RSA 310-A:1-g by inserting after paragraph VI the following new paragraph:

VII. Nothing in this section shall limit a provider's ability to diagnose, assess, or treat an individual patient.

3 Pharmacists and Pharmacies; Definition of Practitioner-Patient Relationship. Amend RSA 318:1, XV-a to read as follows:

XV-a. "Practitioner-patient relationship" means a medical connection between a licensed practitioner and a patient that includes an in-person [~~or face-to-face 2-way real-time interactive communication~~] exam ***or an exam using telemedicine, as defined in RSA 310-A:1-g, I-b, provided the health care practitioner: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the health care practitioner's name, contact information, and the type of health occupation license held by the health care practitioner; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A health care practitioner shall complete or review*** a history, a diagnosis, a treatment plan appropriate for the practitioner's scope of practice, and documentation of all prescription drugs including name and dosage. A practitioner may prescribe for a patient whom the practitioner does not have a practitioner-patient relationship under the following circumstances: for a patient of another practitioner for whom the prescriber is taking call; for a patient examined by another New Hampshire licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment. The definition of a practitioner-patient relationship shall not apply to a practitioner licensed in another state who is consulting to a New Hampshire licensed practitioner with whom the patient has a relationship.

4 Physicians and Surgeons; Physician-Patient Relationship. Amend RSA 329:1-c to read as follows:

329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical connection between a licensed physician and a patient that includes an in-person [~~or face-to-face 2-way real-time interactive communication~~] exam ***or an exam using telemedicine, as defined in RSA 310-A:1-g, I-b, provided the***

physician: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the physician's name, contact information, and the type of health occupation license held by the physician; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A physician shall complete or review a history, a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have a physician-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by a physician assistant, nurse practitioner, or other licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment or when providing limited treatment to a family member in accordance with the American Medical Association Code of Medical Ethics. Prescribing drugs to individuals without a physician-patient relationship shall be unprofessional conduct subject to discipline under RSA 329:17, VI. The definition of a physician-patient relationship shall not apply to a physician licensed in another state who is consulting to a New Hampshire licensed physician with whom the patient has a relationship.

Amendment to SB 393

(2022-1654h)

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

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

1 New Section; Use of Restraints on Pregnant Women in County Correctional Custody. Amend RSA 623-C by inserting after section 1 the following new section:

623-C:1-a Use of Restraints on Pregnant Women in County Correctional Custody.

I. The use of restraints on pregnant women under county correctional custody shall be limited to absolute necessity only. The use of restraints shall be considered absolutely necessary only when there is evidence of imminent risk of escape or harm to the pregnant woman, her fetus or newborn, or others, and these risks cannot be managed by other reasonable means, including but not limited to, enhanced security measures in the area, or increased staffing.

II. Pregnant residents classified to a halfway house or transitional housing unit shall not be restrained. All other pregnant residents may be restrained only if absolutely necessary, and if deemed absolutely necessary, may be restrained as follows:

(a) In the first, second, and third trimester, front handcuffs only. If wrist restraints must be applied, they shall have a chain between the wrists and shall be applied in such a way that the pregnant woman may be able to protect herself and her fetus in the event of a forward fall (in front of her body. No belly chains, leg restraints, or ankle restraints shall be used under any circumstances. No additional restraints shall be used during transportation unless approved by the county correctional facility's chief medical officer after an individualized determination is made that there is an extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the resident or detainee, the staff of the county correctional facility, other residents or detainees, or the public; except that if the doctor, nurse or other health professional treating the resident or detainee requests that restraints not be used, the corrections officer accompanying the resident or detainee shall immediately remove all restraints unless the correctional officer can identify there is an extraordinary risk to the public and receives authorization from the superintendent of the county correctional facility or designee. This authorization shall be documented in an incident report which shall, at a minimum, contain the following:

(1) The rationale for use or conditions that led to the conclusion that restraints were necessary and specify whether and what kind of alternatives were tried/considered.

(2) The name of each person who reviewed these conditions and concluded that restraints were warranted.

(3) The type of restraints used and in what manner.

(4) How frequently the use of restraints was reevaluated and by whom and result of such reassessments.

(5) Change in conditions that led to the conclusion that restraints were no longer necessary.

(6) When restraints were removed.

(7) Length of time or total duration of restraint use.

(b) The life of the infant and or mother shall not be put at risk. Any additional restraint shall be the least restrictive possible.

III. Advance planning among members of the pregnant female's health care team, including on site, hospital-based, and corrections professionals shall be conducted before hospital admittance to prepare for any foreseen circumstances which may involve the use of restraint. During transportation for labor or delivery, after delivery, or while in postpartum recovery, a resident shall not be restrained, unless approved by the county correctional facility's chief medical officer after an individualized determination is made that there

is some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the resident or detainee. If the doctor, nurse, or other health professional treating the resident or detainee requests that restraints not be used, the corrections officer accompanying the resident or detainee shall immediately remove all restraints. Restraints, if previously authorized prior to the medical staff requiring them removed, may be reapplied once the medical professional determines the immediate threat to the mother or child has passed. Any additional restraint shall be the least restrictive possible and approval of such restraint shall be documented in writing with the reason for the restraint as required in subparagraph II(a). An incarcerated pregnant person in labor, delivery, and postpartum recovery shall be given the maximum level of privacy possible. If possible, any corrections officer present in the room should be of the same gender and shall stand in a place that grants as much privacy as possible. "Postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth. If restraints are used while the inmate is in labor or in the hospital during recovery after delivery, the superintendent of the county correctional facility shall make written findings as to the reasons why mechanical restraints were necessary to prevent escape or to ensure the safety of the inmate, medical, and correctional personnel, or the public.

2 New Section; Use of Restraints on Pregnant Women in State Correctional Custody. Amend RSA 623-C by inserting after section 2 the following new section:

623-C:2-a Use of Restraints on Pregnant Women in State Correctional Custody.

I. The use of restraints on pregnant women under state correctional custody shall be limited to absolute necessity only. The use of restraints shall be considered absolutely necessary only when there is evidence of imminent risk of escape or harm to the pregnant woman, her fetus or newborn, or others, and these risks cannot be managed by other reasonable means, including but not limited to, enhanced security measures in the area, or increased staffing.

II. Pregnant residents classified to a halfway house or transitional housing unit shall not be restrained. All other pregnant residents may be restrained only if absolutely necessary, and if deemed absolutely necessary, may be restrained as follows:

(a) In the first, second, and third trimester, front handcuffs only. If wrist restraints must be applied, they shall have a chain between the wrists and shall be applied in such a way that the pregnant woman may be able to protect herself and her fetus in the event of a forward fall (in front of her body. No belly chains, leg restraints, or ankle restraints shall be used under any circumstances. No additional restraints shall be used during transportation unless approved by the director of medical and forensic services after an individualized determination is made that there is an extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the resident or detainee, the staff of the state correctional facility, other residents or detainees, or the public; except that if the doctor, nurse or other health professional treating the resident or detainee requests that restraints not be used, the corrections officer accompanying the resident or detainee shall immediately remove all restraints unless the correctional officer can identify there is an extraordinary risk to the public and receives authorization from the warden of the correctional facility or designee. This authorization shall be documented in an incident report which shall, at a minimum, contain the following:

(1) The rationale for use or conditions that led to the conclusion that restraints were necessary and specify whether and what kind of alternatives were tried/considered.

(2) The name of each person who reviewed these conditions and concluded that restraints were warranted.

(3) The type of restraints used and in what manner.

(4) How frequently the use of restraints was reevaluated and by whom and result of such reassessments.

(5) Change in conditions that led to the conclusion that restraints were no longer necessary.

(6) When restraints were removed.

(7) Length of time or total duration of restraint use.

(b) The life of the infant and or mother shall not be put at risk. Any additional restraint shall be the least restrictive possible.

III. Advance planning among members of the pregnant female's health care team, including on site, hospital-based, and corrections professionals shall be conducted before hospital admittance to prepare for any foreseen circumstances which may involve the use of restraint. During transportation for labor or delivery, after delivery, or while in postpartum recovery, a resident shall not be restrained, unless approved by the director of medical and forensic services after an individualized determination is made that there is some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the resident or detainee. If the doctor, nurse, or other health professional treating the resident or detainee requests that restraints not be used, the corrections officer accompanying the resident or detainee shall immediately remove all restraints. Restraints, if previously authorized prior to the medical staff requiring them removed, may be reapplied once the medical professional determines the immediate threat to the

mother or child has passed. Any additional restraint shall be the least restrictive possible and approval of such restraint shall be documented in writing with the reason for the restraint as required in subparagraph II(a). An incarcerated pregnant person in labor, delivery, and postpartum recovery shall be given the maximum level of privacy possible. If possible, any corrections officer present in the room should be of the same gender and shall stand in a place that grants as much privacy as possible. "Postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth. If restraints are used while the inmate is in labor or in the hospital during recovery after delivery, the warden of the state correctional facility shall make written findings as to the reasons why mechanical restraints were necessary to prevent escape or to ensure the safety of the inmate, medical, and correctional personnel, or the public.

Amendment to SB 394 -FN

(2022-1770h)

Proposed by the Committee on Finance – r

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

AN ACT relative to the definition of a child with a disability under special education laws and providing funding for special education costs for students over age 21 to age 22.

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

2 Department of Education; Special Education; Students Age 21; Funding.

I. For the 2022-2023 school year, department of education shall be liable for all school district costs related to providing services to special education students over age 21 until their 22nd birthday. Upon application by a school district, the department shall provide reimbursement for any such costs, which were not otherwise compensated for through other forms of state education aid. To qualify for reimbursement, a school district shall have utilized any unexpended federal Individuals with Disabilities Education Act (IDEA) funds for the fiscal year 2022 and any available IDEA American Rescue Plan Act funds. Payments shall be made to school districts under the payment schedule of special education aid under RSA 186-C:18.

II. Notwithstanding any law to the contrary, any unexpended funds for biennium ending June 30, 2023, in account 06-56-56-560040-3043-629 (special education aid), shall not lapse and shall be made available to the department of education for the purpose of providing reimbursements under paragraph I. Any remaining unexpended funds after all reimbursements have been made shall be transferred to 06-56-56-562010-3015 (court ordered placements). If amounts available under this paragraph are insufficient to cover reimbursements approved under paragraph I, an amount equal to the shortfall is hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section.

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

2022-1770h

AMENDED ANALYSIS

This bill modifies the definition of "child with a disability" to include persons up to 21 years of age. The bill also provides for reimbursement from the department of education for special education costs for students over age 21 until their 22nd birthday and provides funding therefor.

Amendment to SB 395

(2022-1639h)

Proposed by the Committee on Science, Technology and Energy– c

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

AN ACT establishing the wireless development initiative and the wireless deployment grant fund.

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

1 Findings. The general court hereby finds that the COVID-19 pandemic has shown Internet access is not a luxury in a connected society and mobile connectivity for all New Hampshire residents is crucial for public safety, to enable remote work, telehealth services, education access, and for other purposes. The pandemic has also shown gaps in wireless coverage in many areas of New Hampshire and a critical need to eliminate those gaps. The need to eliminate those gaps in coverage is critical for individuals, our communities, and economic development in the state of New Hampshire. A grant program using a competitive award process is essential to a wireless infrastructure deployment initiative throughout New Hampshire. This fund would invest in capital assets designed directly to support work, education, safety, and health care-related services.

2 New Subdivision; Wireless Deployment Initiative and Grant Fund. Amend RSA 12-O by inserting after section 64 the following new subdivision:

Wireless Deployment Initiative and Grant Fund

12-O:65 Wireless Deployment Grant Initiative Established.

I. There is hereby established within the department of business and economic affairs a wireless deployment grant initiative, the purpose of which shall be to award grants to wireless providers in order to improve wireless connectivity within municipalities and across the state.

II. Eligible projects shall provide wireless infrastructure in areas unserved by or lacking consistent mobile wireless coverage.

III. Eligible projects shall be evaluated as part of a competitive process.

IV. Selected projects shall meet the needs of consumers with the lowest possible cost and highest possible functionality.

V. Projects under construction at the time of application shall be ineligible.

VI. Projects that have been awarded funding, but not yet built shall be ineligible. This includes projects for which a provider is already obligated to deploy wireless service pursuant to regulatory or other legally enforceable commitment.

VII. Funding shall be awarded for no more than one project in any proposed coverage area.

12-O:66 Program Guidelines; Rulemaking.

I. The department of business and economic affairs shall adopt rules under RSA 541-A, relative to grant application and distribution procedures for wireless initiatives pursuant to 12-O:65.

II. The rules shall, at a minimum, include the following:

(a) Establishment of a competitive grant process based on objective criteria, prioritizing areas unserved by or lacking consistent mobile wireless coverage.

(b) Establishment of a challenge process, with reasonable timelines, through which information may be provided to the state to ensure that funds are used to build projects in areas unserved by or lacking consistent mobile wireless coverage.

(c) A method to ensure an applicant's trade secrets, financial information, and proprietary information submitted as part of an application are exempt from disclosure under RSA 91-A.

(d) Establishment of a process that promotes wireless connectivity statewide.

(e) Establishment of a program or mechanisms to encourage adoption of wireless services.

III. Eligible costs for the program shall include, but are not limited to:

(a) Costs of construction and government permitting, installation, and operation of wireless network infrastructure, including but not limited to buildings, towers, digital devices, equipment, and fiber-optic lines.

(b) Upgrades to existing wireless network infrastructure.

(c) All other costs directly attributable to the construction project. In cases where a cost is shared with another ongoing project, shared costs shall be prorated.

(d) Planning costs related to network design and program eligibility.

(e) Awards pursuant to this subdivision shall be contingent on the issuance of necessary government permits.

IV. The department of business and economic affairs shall not, as a condition of an award of grant money, impose any requirement, rate regulation, or other term or condition of service that differs from the applicant's terms or conditions of service in its other service areas.

12-O:67 Wireless Deployment Grant Fund.

I. There is hereby established in the state treasury the wireless deployment grant fund. The fund shall be kept separate and distinct from all other funds and shall be nonlapsing and continually appropriated to the commissioner of the department of business and economic affairs for the purposes of this subdivision. In addition to state appropriations, the department may accept gifts, grants, and donations for deposit into the fund.

II. Federal funds received by the state for the purposes of expanding or improving Internet access or wireless connectivity may be credited to the wireless deployment grant fund.

12-O:68 Federal Law Supersedes. If any provision of this subdivision conflicts with any provision of funding guidance under federal law, the federal funding guidance shall supersede.

3 New Subparagraph; Application of Receipts; Wireless Deployment Grant Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (382) the following new subparagraph:

(383) Moneys credited to the wireless deployment grant fund established in RSA 12-O:67.

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

2022-1639h

AMENDED ANALYSIS

This bill establishes a wireless deployment grant initiative and fund in the department of business and economic affairs.

Amendment to SB 397

(2022-1725h)

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

Amend the bill by replacing all after section 4 with the following:

5 Contingency. Sections 3, 4, and 7 of this act, relative to the 2009 edition of the Interstate Compact for the Placement of Children, shall take effect on the date that the commissioner of the department of health and human services certifies to the director of the office of legislative services and the secretary of state that 35 compacting states, including New Hampshire, have enacted the 2009 edition of the Interstate Compact for the Placement of Children.

6 New Section; Interstate Compact on the Placement of Children; Placement of a Child with a Parent. Amend RSA 170-A by inserting after section 1 the following new section:

170-A:1-a Placement of a Child with a Parent. The provisions of this chapter shall not apply to the placement of a child with a parent, provided that:

I. The parent proves, to the satisfaction of a court, a substantial relationship with the child; and

II. The court makes a written finding that placement with the parent is in the best interests of the child.

7 Repeal. RSA 170-A:1-a, relative to the placement of a child with a parent under the interstate compact on the placement of children, is repealed.

8 Effective Date.

I. Sections 3, 4, and 7 of this act shall take effect as provided in section 5 of this act.

II. Section 6 of this act shall take effect upon its passage.

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

2022-1725h

AMENDED ANALYSIS

This bill:

I. Provides for the adoption of the mental health counseling compact.

II. Provides for the adoption of the 2009 edition of the interstate compact for the placement of children.

III. Exempts certain child placements from the interstate compact on the placement of children in RSA 170-A.

Amendment to SB 397
(2022-1759h)
Proposed by the Majority of the Committee on Executive Departments and Administration – r

Amend the bill by replacing all after section 2 with the following:

3 New Section; Interstate Compact on the Placement of Children; Placement of a Child with a Parent. Amend RSA 170-A by inserting after section 1 the following new section:

170-A:1-a Placement of a Child with a Parent. The provisions of this chapter shall not apply to the placement of a child with a parent, provided that:

I. The parent proves, to the satisfaction of a court, a substantial relationship with the child; and

II. The court makes a written finding that placement with the parent is in the best interests of the child.

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

2022-1759h

AMENDED ANALYSIS

This bill provides for the adoption of the mental health counseling compact and exempts certain child placements from the interstate compact on the placement of children under RSA 170-A.

Amendment to SB 400-FN
(2022-1848h)
Proposed by the Majority of the Committee on Municipal and County Government– r

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

AN ACT relative to training and procedures for zoning and planning boards; relative to financial investments and incentives for affordable housing development; limiting the authority for city council bylaws and ordinances and limiting the authority of town health officers; and relative to the adoption of school district budget caps.

Amend the bill by replacing all after section 3 with the following:

4 Planning and Zoning; Administrative and Enforcement Procedures; Issuance of Decision. Amend RSA 676:3, I to read as follows:

I. The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. ***The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.*** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

5 New Paragraph; Powers of Zoning Board of Adjustment. Amend RSA 674:33 by inserting after paragraph VII the following new paragraph:

VIII. Upon receipt of any application for action pursuant to this section, the zoning board of adjustment shall begin formal consideration and shall approve or disapprove such application within 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If a zoning board of adjustment determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension, the board may, in its discretion, deny the application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request for relief.

6 Workforce Housing: Definition. Amend RSA 674:58, IV to read as follows:

IV. "Workforce housing" means housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. "Workforce housing" also means rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, ***or are subject to age restrictions,*** shall not constitute workforce housing for the purposes of this subdivision.

7 Workforce Housing Opportunities; Water and Sewer Systems. Amend RSA 674:59, IV to read as follows:

IV. Paragraph I shall not be construed to require municipalities to allow workforce housing that does not meet reasonable standards or conditions of approval related to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection. ***Paragraph I shall also not be construed to require municipalities to allow workforce housing in any location not already served by both water and sewer systems owned or operated by a political subdivision, public utility, or other public water or sewer utility.***

8 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(c) to read as follows:

(c)(1) The board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of subparagraph (b), determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve as provided in subparagraph (i), or disapprove within 65 days, subject to extension or waiver as provided in subparagraph (f). In the case of a determination by the board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act to approve, conditionally approve, as provided in subparagraph (i), or disapprove. [~~Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days.~~] ***If the board determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension pursuant to subparagraph (f), the board may, in its discretion, deny the application without prejudice, in which case the applicant may resubmit the same or a substantially similar application.*** If the planning board does not act on the application within that [~~30-day~~] ***65-day*** time period, then [~~within 40 days of the issuance of the order,~~] the selectmen or city council shall certify on the applicant's application that the plat is approved pursuant to this paragraph[~~, unless within those 40 days the selectmen or city council has identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply~~]. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

(2) Failure of the selectmen or city council to [~~issue an order to the planning board under subparagraph (1), or to~~] certify approval of the plat upon the planning board's failure to [~~comply with the order,~~] ***act within the required time period*** shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application [~~if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances~~]. ***The superior court shall act upon such a petition within 30 days.*** If the court determines that the failure of the selectmen or the city council to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

9 Planning Board; Board's Procedures on Plats. Amend RSA 676:4, I(f) to read as follows:

(f) [~~The planning board may apply to the selectmen or city council for an extension not to exceed an additional 90 days before acting to approve or disapprove an application.~~] The applicant may waive the requirement for planning board action within the time periods specified in subparagraph (c) and consent to such extension as may be mutually agreeable.

10 Planning and Zoning; Rehearing and Appeal Procedures; Court Review. Amend RSA 677:15, IV-V to read as follows:

IV. [~~The court shall give any hearing under this section priority on the court calendar.~~] ***Whenever an appeal to the superior court is initiated under this section, the court shall give the appeal priority on its calendar. Within 10 days of the certified record being filed with the court, the court shall schedule a hearing to be held within 90 days unless extended by agreement of all parties or by motion. The appellant shall file an opening brief 60 days before the hearing. The appellee shall file a response brief 30 days before the hearing. The appellant may file a reply brief 15 days before the hearing. The court shall issue a decision within 60 days after the hearing, unless the court has received an extension from the chief justice of the superior court.***

V. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable. Costs shall not be allowed against the municipality unless it shall appear to the court that the planning board acted in bad faith or with malice in making the decision appealed from.

VI. Whenever an appeal to the supreme court is initiated after superior court review, the supreme court shall give the appeal priority on its calendar and shall issue a final decision within 90 days of the date upon which oral argument has been conducted.

11 Planning and Zoning; Rehearing and Appeal Procedures; Priority. RSA 677:5 is repealed and reenacted to read as follows:

677:5 Priority. Whenever an appeal to the superior court is initiated under RSA 677:4, the court shall give the appeal priority on its calendar. Within 10 days of the certified record being filed with the court, the court shall schedule a hearing to be held within 90 days unless extended by agreement of all parties or by motion. The appellant shall file an opening brief 60 days before the hearing. The appellee shall file a response brief 30 days before the hearing. The appellant may file a reply brief 15 days before the hearing. The court shall issue a decision within 60 days after the hearing, unless the court has received an extension from the chief justice of the superior court.

12 New Subdivision; Fee Shifting and Posting of Bond. Amend RSA 677 by inserting after section 19 the following new subdivision:

Fee Shifting and Posting of Bond

677:20 Fee Shifting and Posting of Bond.

I. Whenever an appeal to the superior court is initiated under this chapter, the court may in its discretion require the person or persons appealing to file a bond with sufficient surety for such a sum as shall be fixed by the court to indemnify and save harmless the person or persons in whose favor the decision was rendered from damages and costs which he or she may sustain in case the decision being appealed is affirmed.

II. In any appeal initiated under this chapter the court may, subject to the provisions of this paragraph or any other provision of law, award attorney's fees and costs to the prevailing party. Costs and attorney's fees shall not be allowed against a local land use board unless it shall appear to the court that the board, in making the decision from which the appeal arose, acted with gross negligence, in bad faith, or with malice. Costs and attorney's fees shall not be allowed against the party appealing from the decision of a local land use board unless it shall appear to the court that said party acted in bad faith or with malice in appealing to court.

13 Municipal Economic Development and Revitalization Districts; Definition of Public Use. Amend RSA 162-K:2, IX-a to read as follows:

IX-a. "Public use" means:

(a)(1) The possession, occupation, and enjoyment of real property by the general public or governmental entities[~~;~~] **.**

(2) The acquisition of any interest in real property necessary to the function of a public or private utility or common carrier either through deed of sale or lease[~~;~~] **.**

(3) The acquisition of real property to remove structures beyond repair, public nuisances, structures unfit for human habitation or use, and abandoned property when such structures or property constitute a menace to health and safety[~~; and~~] **.**

(4) Private use that occupies an incidental area within a public use; provided, that no real property shall be condemned solely for the purpose of facilitating such incidental private use.

(5) The acquisition of real property to construct housing units which meet the definition of workforce housing contained in RSA 674:58, IV, whether or not such construction results from private development or private commercial enterprise. The municipality shall not acquire property for this purpose through the powers of eminent domain.

(b) Except as provided in subparagraphs (a)(2)***,*** [~~and~~] (4)***, and (5)*** of this paragraph, public use shall not include the public benefits resulting from private economic development and private commercial enterprise, including increased tax revenues and increased employment opportunities.

14 Municipal Economic Development and Revitalization Districts; District Establishment and Development Programs; Authority to Acquire, Construct, and Promote Residential Development and Housing Stock. Amend RSA 162-K:6, III(h) and (i) to read as follows:

(h) Lease all or portions of basements, ground and second floors of the public buildings constructed in the district; [~~and~~]

(i) Negotiate the sale or lease of property for private development if the development is consistent with the development program for the district[~~.~~] ***; and***

(j) Acquire, construct, reconstruct, improve, alter, extend, operate, maintain or promote residential developments aimed at increasing the available housing stock within the municipality.

15 Community Revitalization Tax Relief; Duration of Tax Relief Period. Amend RSA 79-E:5, II to read as follows:

II. The governing body may, in its discretion, add up to an additional [~~2~~] ***4*** years of tax relief for a project that results in new residential units and up to [~~4~~] ***an additional 8*** years for a project that includes [~~affordable~~] housing ***that meets the definition of workforce housing in RSA 674:58, IV, and up to additional 8 years for a project that includes residential units located on the second story or higher of a building***.

16 Powers of City Councils; Bylaws and Ordinances; Limitations Added. Amend RSA 47:17, XV to read as follows:

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.

17 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.

18 New Sections; Municipal Budget Law; School District Budget Caps. Amend RSA 32 by inserting after section 5-c the following new sections:

32:5-d School District Budget Cap. Upon adoption under RSA 32:5-e, the following shall apply:

I. In a school district that has adopted this section, the total amount raised and appropriated for the fiscal year, as shown on the budget certified by the school board or the budget committee and posted with the warrant for the annual meeting pursuant to RSA 32:5, shall not exceed a specified dollar amount times the average daily membership of the school district as of October 1 of the year immediately preceding the proposed budget year as reported to the department of revenue administration plus an amount for an annual increase for inflation.

II. The annual increase for inflation shall be either a fixed percentage, including zero, or an inflation index published by the U.S. Bureau of Labor Statistics.

III. The legislative body may override the budget cap by the usual procedures applicable to annual school meetings of the legislative body, provided that when a proposed appropriation will cause the total amount

raised and appropriated to exceed the budget cap or the total amount already raised and appropriated has exceeded the budget cap, voting on the appropriation question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. If a 3/5 majority, or the supermajority as determined under a charter pursuant to RSA 49-D, of those voting on the question vote "yes," the appropriation is approved. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority or the supermajority as determined under a charter pursuant to RSA 49-D.

IV.(a) For warrant articles proposing bonds, notes, or other multi-year expenditures, only the first-year estimated costs shall be used in counting appropriations for the budget cap.

(b) When using the official ballot form of meeting under RSA 40:13, if the warrant article for the operating budget results in appropriations exceeding the budget cap and receives less than 3/5 majority "yes" vote, the adopted operating budget shall be reduced by appropriations already raised to remain compliant with the budget cap.

(c)(1) School districts that have adopted the school administrative unit (SAU) alternative budget procedure under RSA 194-C:9-b shall place the warrant article for the SAU budget at the beginning of school district warrant, immediately after any warrant articles proposing bonds or notes.

(2) For school districts using a traditional meeting and when the outcome of the SAU budget vote is pending on balloting from the other school districts, the higher of the school district's assigned portion of the proposed SAU budget or the school district's assigned portion of the adjusted SAU budget shall be assumed as raised and appropriated for the purpose of determining when the override provisions under paragraph III apply.

32:5-e Adoption of School District Budget Cap.

I. The provisions of RSA 32:5-d may be adopted by any school district in the state whose legislative body raises and appropriates funds through an annual meeting. A 3/5 majority of those voting on the question shall be required to adopt the provisions of RSA 32:5-d. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

II. The question shall be placed on the warrant of the annual or special meeting by the school board or by petition under the procedures set out in RSA 197:2 or 197:6.

III. A public hearing shall be held by the school board on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town school districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the district and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

IV. The wording of the question shall be: "Shall we adopt the provisions of RSA 32:5-d, and implement a budget cap whereby the school board (or budget committee) shall not submit a recommended budget that is higher than ___ dollars times the average daily membership of the school district as of October 1 of the year immediately preceding the proposed budget year plus a ___ annual increase for inflation. Requires a 3/5ths majority of the school district." Alternatively, if an inflation index is used, the wording of the question shall be: "Shall we adopt the provisions of RSA 32:5-d, and implement a budget cap whereby the school board (or budget committee) shall not submit a recommended budget that is higher than ___ dollars times the average daily membership of the school district as of October 1 of the year immediately preceding the proposed budget year plus an annual increase for inflation using (the index) published by the U.S. Bureau of Labor Statistics as of January 1. Requires a 3/5ths majority of the school district."

V. Voting on the question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question. If a 3/5 majority of those voting on the question vote "yes," RSA 32:5-d shall apply within the school district beginning with the following fiscal year and for all subsequent years until it is rescinded as provided in paragraph VI.

VI. Any school district which has adopted RSA 32:5-d may consider rescinding its action in the manner described in paragraphs I through V. The wording of the question shall be: "Shall we rescind the provisions of RSA 32:5-d, known as the school district budget cap, as adopted by the (school district) on (date of adoption), so that there will no longer be a school district budget cap limit on the amount raised and appropriated?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this section, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

19 Effective Date.

I. Sections 8, 10, and 11 of this act shall take effect January 1, 2023.

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

2022-1848h
AMENDED ANALYSIS

This bill:

I. Makes changes to the training and procedures for zoning and planning boards offered by the office of planning and development.

II. Creates incentives and establishes requirements for workforce housing and affordable housing development.

III. 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.

IV. Limits the authority of local health officers in making bylaws or ordinances relating to public health matters.

V. Establishes the requirements for and procedure for the adoption of a school district budget cap.

Amendment to SB 401-FN
(2022-1844h)
Proposed by the Committee on Finance – r

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

1 Department of Transportation; Municipal Bridges; Appropriation. There is hereby appropriated to the department of transportation the sum of $36,000,000 for the fiscal year ending June 30, 2022, which shall be nonlapsing and expended for municipal bridges by municipalities with existing bridges. One half of the funds ($18,000,000) shall be distributed to municipalities with municipally-owned bridges based on each municipality's total bridge deck area per department inventory, as of January 1, 2022. The other half of the funds ($18,000,000) shall be distributed to municipalities with municipally-owned bridges based on each municipality's share of total state population based on the office of planning and development's population estimate with each municipal population in proportion to the total population of the state as of July 1, 2021. The funds to be distributed under this section shall be in addition to all other state and federal aid specifically authorized by statute. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. No funds appropriated under this section shall be used to supplant locally budgeted and approved funds for bridge maintenance or construction. The funds appropriated in this section may be considered unanticipated money under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a political subdivision has adopted the provisions of RSA 31:95-b.

2 Department of Transportation; "Apportionment A" Distributions; Appropriation. There is hereby appropriated to the department of transportation the sum of $30,000,000 for the fiscal year ending June 30, 2022, which shall be nonlapsing and expended as additional "Apportionment A" distributions under RSA 235:23, I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. No funds appropriated under this section shall be used to supplant locally budgeted and approved funds for road maintenance or construction. The funds appropriated in this section may be considered unanticipated money under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a political subdivision has adopted the provisions of RSA 31:95-b.

3 Body-Worn and Dashboard Camera Fund; Appropriation. The sum of $1,000,000 for the fiscal year ending June 30, 2022, is hereby appropriated to the body-worn and dashboard camera fund established in RSA 105-D:3. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. The funds appropriated in this section may be considered unanticipated money though fiscal year 2023, under RSA 31:95-b, and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a political subdivision has adopted the provisions of RSA 31:95-b.

4 New Subparagraph; Highway Surveillance Prohibited; Exception for Dash Cameras in Fleet Vehicles. Amend RSA 236:130, III by inserting after subparagraph (g) the following new subparagraph:

(h) Is undertaken for safety and security by the department of transportation to operate dash cameras in its fleet. Except as otherwise provided, no video recording shall be stored longer than 3 business days. Any video recordings requested by the department of transportation or another legal entity, and retrieved prior to expiration of the 3 business days, shall be copied and retained by the department of transportation's transportation management center. The stored recording may only be used by the requesting party for a lawful purpose, including as evidence in a judicial or administrative proceeding.

5 Department of Transportation; Dixville-Colebrook Road Project. The department of transportation is authorized to proceed with the road project named Dixville-Colebrook, project number 40518, subject to the following contingencies:

I. The department of transportation shall not commence construction on project number 40518 until such time as all approvals necessary for the road project are received and financing is secured.

II. Financing must be sufficient for the redevelopment of the resort facility and property formerly known as "the balsams grand resort hotel" and for the commencement of commercial operations at the former resort facility.

III. Prior to construction of project number 40518, the towns and/or county shall execute an agreement with the department, agreeing to take ownership of the road with responsibility for continuing maintenance and repairs.

IV. Construction costs and other project costs associated with project number 40518 shall not exceed $4,100,000. The governor is authorized to draw a warrant for the necessary sum out of any money in the treasury not otherwise appropriated, for construction costs and other project expenses. The appropriation shall be non-lapsing. Project costs shall not be charged to the highway fund.

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

2022-1844h

AMENDED ANALYSIS

This bill:

I. Makes appropriations to the department of transportation for state bridge aid and municipal bridge aid.

II. Makes an appropriation to the body-worn and dashboard camera fund.

III. Permits the department of transportation to operate dash cameras in fleet vehicles.

IV. Authorizes the department of transportation to proceed with the Dixville-Colebrook road project if certain criteria are met and make an appropriation to the department of transportation for this purpose.

Amendment to SB 402-FN
(2022-1578h)
Proposed by the Committee on Finance – c

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

1 New Section; Homeland Security and Emergency Management; Disaster Relief Assistance for Municipalities. Amend RSA 21-P by inserting after section 37-c the following new section:

21-P:37-d Disaster Relief Assistance for Municipalities.

I. When the President of the United States declares an area a federal disaster area and a municipality has applied for federal emergency assistance from the Federal Emergency Management Administration (FEMA), the municipality may apply to the division of homeland security and emergency management for state aid in an amount not to exceed 50 percent of the non-federal share of projects eligible for costs relating to public assistance disaster grants and hazard mitigation grants. For approved applications, the division, with the approval of the fiscal committee of the general court, the governor, and the executive council, shall disburse aid to the municipality. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. This section shall apply to federal disasters declared on or after July 1, 2021.

III. The director of homeland security and emergency management shall administer aid under this section and may adopt administrative rules under RSA 541-A.

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

2022-1578h

AMENDED ANALYSIS

This bill allows the director of the division of homeland security and emergency management, with the approval of the fiscal committee, the governor, and the executive council, to disburse financial assistance to municipalities affected by federally-declared disasters in certain circumstances.

Amendment to SB 404-FN
(2022-1386h)
Proposed by the Committee on Health, Human Services and Elderly Affairs – r

Amend RSA 161:2, XIII-b(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Meet the criteria established by the Food and Nutrition Services Agency of the United States Department of Agriculture (USDA) for approval of state outreach plans. Upon approval of the outreach plan by USDA, the outreach plan shall be implemented within 6 months following the state's current procurement process set by the department of administrative services.

Amend RSA 161:2, XIII-b(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Submit the final state outreach plan to the Food and Nutrition Service of the USDA for approval on or before the USDA deadline for state fiscal year 2023, as well as annually or as required by USDA thereafter, and shall request any federal matching funds that may be available upon approval of the state outreach plan.

Amendment to SB 409
(2022-1546h)
Proposed by the Committee on Finance– c

Amend the bill by replacing section 1 with the following:

1 Homeland Security and Emergency Management; Exceptional Disaster Relief Loans; Modification of Circumstances. Amend RSA 21-P:37-c, II to read as follows:

II.(a) When the President of the United States declares an area a federal disaster area***, or the governor declares a state of emergency as defined in RSA 21-P:35, VIII,*** and a municipality has applied for federal emergency assistance from the Federal Emergency Management Administration (FEMA), the governor, with the approval of the executive council may approve a ***non-interest*** loan in the amount up to the anticipated assistance from FEMA***, as agreed upon by the division of homeland security and emergency management and the municipality,*** from funds not otherwise appropriated.

(b) In order to be eligible for an exceptional disaster relief loan, the per [~~occurance~~] ***incident*** cost of a municipality's critical disaster relief project or projects shall equal or exceed 25 percent of the amount raised by local property taxes in the municipality's [~~last~~] ***current*** annual budget.

(c) The municipality shall not knowingly request an exceptional disaster relief loan for costs that are not eligible for reimbursement under the FEMA public assistance program.

(d) Recipients of an exceptional disaster relief loan shall be responsible to repay the entire loan amount to the state. If the amount of FEMA assistance that a municipality receives is less than the exceptional disaster relief loan, the state treasurer, with the advice and consent of the governor and council, shall negotiate repayment terms of the difference.

(e) The municipality shall consider applying for available hazard mitigation grant funding administered by the division of homeland security and emergency management that would reduce the impact of future disasters on facilities that were repaired with exceptional disaster relief loan funds. Municipalities must demonstrate progress on the implementation of their hazard mitigation plan in order to be eligible for future assistance loans under this section for disasters affecting facilities where an exceptional disaster relief loan was previously granted.

Amendment to SB 412-FN-A
(2022-1582h)
Proposed by the Committee on Finance – r

Amend the bill by replacing section 1 with the following:

1 Department of Health and Human Services; Nursing Home Reimbursement Rates; Appropriation. The department of health and human services is hereby directed to establish new rates for nursing homes paid out of account 05-95-48-482010-2152. The average daily rate across all facilities shall be equal to no less than 105 percent of the average daily rate in effect as of June 30, 2021, and shall be retroactive to July 1, 2021. Should budgeted appropriations be insufficient to fund the revised rates, the commissioner of health and human services shall transmit a letter to the governor, senate president, and speaker of the house of representatives advising them of the need for additional funding. Contingent upon the transmittal of said letter, and for the biennium ending June 30, 2023, an amount not to exceed $5,000,000 shall be appropriated to the department for the purpose of funding the shortfall. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Any portion of said appropriation remaining unspent as of June 30, 2023 shall lapse to the general fund. The department may accept and expend matching federal funds without prior approval of the fiscal committee of the general court.

Amendment to SB 416-FN
(2022-1786h)
Proposed by the Committee on Finance – r

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Special Education; Individualized Education Programs; Functional Behavioral Assessment Required. Amend RSA 186-C:7 by inserting after paragraph III the following new paragraph:

IV. If a functional behavioral assessment exists for the student and if the IEP team has determined a positive intervention plan is appropriate after review of the functional behavioral assessment, the child's individualized education program shall include data from the functional behavioral assessment with recommendations and reference to a positive behavior intervention plan that is developed in addition to the IEP. Districts shall refer to 34 C.F.R. 530 in its entirety to determine their responsibilities for discipline procedures under IDEA.

Amendment to SB 418-FN
(2022-1870h)
Proposed by the Majority of the Committee on Finance – r

Amend RSA 659:23-a, II(b) as inserted by section 2 of the bill by replacing it with the following:

(b) An affidavit voter verification letter, in duplicate form, which lists all the documents required to qualify to vote in the state of New Hampshire. The authorized election official shall mark on both copies of the verification letter which qualifying documents were not provided, thereby necessitating voting by affidavit

ballot. One copy of the affidavit verification letter shall be given to the voter; the other copy shall be retained by the authorized election official. The voter shall be required to return their copy of the affidavit verification letter and a copy of any required documentation to the secretary of state in the provided prepaid U.S. Postal Service envelope within 7 days of the date of the election in order for the ballot to be certified.

Amendment to SB 419
(2022-1649h)
Proposed by the Committee on Health, Human Services and Elderly Affairs – c

Amend RSA 127:12, VII as inserted by section 1 of the bill by replacing it with the following:

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

Amend the bill by replacing section 3 with the following:

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.

Amendment to SB 420-FN-A-LOCAL
(2022-1761h)
Proposed by the Majority of the Committee on Finance – r

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

AN ACT establishing an extraordinary need grant for schools.

Amend RSA 198:40-f, IV as inserted by section 1 of the bill by replacing it with the following:

IV. In this section, "equalized valuation per pupil eligible to receive a free or reduced-price meal" means a municipality's equalized valuation, excluding properties subject to taxation under RSA 82 and equalized payments in lieu of taxes, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's kindergarten through grade 12 ADMR in the determination year eligible to receive a free or reduced-price meal.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

2022-1761h

AMENDED ANALYSIS

This bill establishes an extraordinary need grant for schools in addition to regular adequate education grants and relief grants.

Amendment to SB 421
(2022-1758h)
Proposed by the Committee on Education – c

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

1 Community College System; Career and Technical Education; Dual and Concurrent Enrollment Program; Payment. Amend RSA 188-E:27, III to read as follows:

III.(a) The state shall pay the current rate of concurrent enrollment tuition, which is established at $150 per course, to the CCSNH institution where a high school [~~or~~]***,*** career and technical education***, or non-residential nonpublic high school*** student [~~successfully completes~~] ***enrolls in*** the concurrent enrollment course.

(b) The state shall pay the current rate of dual enrollment tuition, which is established at 1/2 the regular cost of the course, to the CCSNH institution where a high school [~~or~~]***,*** career and technical education***, or non-residential nonpublic high school*** student [~~successfully completes~~] ***enrolls in*** a dual enrollment course and CCSNH shall accept such amount as full payment for course tuition.

2 Dual and Concurrent Enrollment Program; Participation. Amend RSA 188-E:28, I to read as follows:

I. The school board of each school district***, and the governing body of each institution in the case of non-residential, nonpublic schools which opt to participate,*** shall develop and adopt a policy permitting students residing in the district ***or in attendance at the nonpublic school*** who are in grade 10, 11 or 12 to participate in the dual and concurrent enrollment program. The policy shall, at a minimum, include compliance with measurable educational standards and criteria approved by CCSNH and that meet the same standard of quality and rigor as courses offered on campus by CCSNH. The policy shall also comply with the standards for accreditation and program development established by the National Alliance for Concurrent Enrollment Partnerships. The policy shall include, but not be limited to, student eligibility criteria, standards for course content, standards for faculty approval, program coordination and communication requirements, tuition and fees, textbooks and materials, course grading policy, data collection, maintenance, and security, revenue and expenditure reporting, and process for renewal of the agreement.

Amendment to SB 422-FN
(2022-1331h)
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) Removable 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) With the exception of diagnostic and preventive services, 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, the sum of $21,148,822 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. Of said sum:

I. The first $2,420,203 of funds received by the state shall be used by the department of health and human services to meet the financial requirements of completing the Medicaid Care Management SFY 20 Risk Corridor calculation.

II. The remaining $18,728,619 shall be used to fund the non-federal share of an adult dental benefit in the Medicaid program.

III. In the event an adult dental benefit in the Medicaid program is not implemented by June 30, 2023, the sum allocated under paragraph II shall be transferred as follows:

(a) 10 percent of the funds shall be transferred to the revenue stabilization reserve account pursuant to RSA 7:6-e, I; and

(b) The remainder of the funds shall be transferred to the general fund.

IV. The department of health and human services may accept and expend matching federal funds without prior approval of the fiscal committee of the general court.

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.

Floor Amendment to SB 429
(2022-1693h)
Offered by the Rep. Oxenham

Amend RSA 162-H:8-a, II(a)(5) as inserted by section 5 of the bill by replacing it with the following:

(5) $200 per megawatt, for renewable energy generation facilities.

Amendment to SB 430-FN-A
(2022-1883h)
Proposed by the Committee on Finance – r

Amend the bill by replacing section 3 with the following:

3 Department of Health and Human Services; Developmental Services; Pilot Program.

I. For the fiscal year ending June 30, 2023, the department of health and human services, division of long term supports and services, shall develop a pilot program to provide services for individuals with developmental disabilities, between 18 and 21 years of age, who are enrolled in school and determined eligible for developmental services that are not the responsibility of the local education agency, another state agency, or another division of the department. Participation in the pilot program plan shall be limited to not more than 20 eligible individuals. The selection of the eligible individuals shall be done in a transparent manner accessible by any interest party in the developmental disability community. The department may adopt rules under RSA 541-A relative to implementation and administration of the pilot program.

II. For purposes of the pilot program, the local education agency, all state agencies, and divisions of the department involved with an individual seeking services shall, with the consent of the individual or the individual's guardian, provide information to the area agency and participate in the individual's service planning. The area agency shall provide such information to the department.

III. In addition, the department shall use the information provided in accordance with paragraph II to make the final determination as to whether the services requested are the legal responsibility of the local education agency, another state agency, or another division of the department. All services provided through the pilot program shall be described in detail and provided to the interested parties identified in paragraph V. This requirement shall not be construed as authorization to report personally identifiable information of the program participants.

IV. For individuals deemed eligible pursuant to paragraph I, the time period between completion of the individual service agreement, pursuant to RSA 171-A:12, and the allocation by the department of the funds needed to perform the services required by the agreement shall not exceed 90 calendar days.

V. On or before February 1, 2023, the department shall provide a detailed report of the pilot program plan to the senate health and human services committee, the senate finance committee, the house children and family law committee, the house health, human services and elderly affairs committee, the house finance committee, the oversight committee on health and human services established in RSA 136-A:13, and the fiscal committee of the general court. The report shall include data on utilization, including the number of individuals seeking services in accordance with paragraph I, the number of individuals provided services as part of the pilot program, the types of specific services provided for each individual, the total cost of the services provided, and other relevant information necessary to assess the pilot program for statewide expansion as part of the state budget for the biennium ending June 30, 2025.

VI. If the department determines that all necessary coordination for the pilot program has been sufficiently completed, the department may make a request to the fiscal committee of the general court to begin implementation of the pilot program on an appropriate effective date. The pilot program shall not begin until approval by the fiscal committee of the general court.

VII. There is hereby appropriated to the department of health and human services the sum of $2,800,000, for the fiscal year ending June 30, 2023, for the purpose of implementing the pilot program plan or the pilot itself, for developmental services established in this section. Additionally, the department may accept and expend any applicable federal funds, and any gifts, grants, or donations that may be available for the purposes of the pilot program. In the event of any remaining funds not otherwise expended after reaching the cap of serving 20 eligible individuals under the pilot program, the department may allocate funding and provide services to additional eligible individuals. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 6 with the following:

6 New Sections; Recreation Camp Licensing; Confidentiality and Investigations. Amend RSA 170-E by inserting after 66 the following new sections:

170-E:67 Confidentiality and Investigations. The department may request and shall receive cooperation from other state agencies in connection with investigations and licensure. The department shall strictly observe the confidentiality requirements of the agency from which it receives information.

170-E:68 License Suspension, Revocation, or Denial. The department may suspend, revoke, or deny any license if the license holder:

I. Neglects or abuses children in his or her care;

II. Does not comply with this subdivision or the rules adopted under this subdivision relative to the health and safety of children;

III. Violates any provision of this subdivision, or is unable to meet and maintain standards adopted by the commissioner;

IV. Substantially or repeatedly violates any provisions of the license issued;

V. Furnishes or makes any misleading or any false statement or report to the department;

VI. Refuses or fails to submit any reports or to make available to the department any records required by it in making an investigation of the facility for licensing purposes;

VII. Refuses or fails to submit to an investigation or to the required visits by the department;

VIII. Refuses or fails to admit authorized representatives of the department at any time the camp is in operation for the purpose of investigation or visit;

IX. Fails to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for recreation camps as required under standards prescribed by rules adopted by the commissioner under RSA 541-A or as otherwise required by any law, rule, ordinance, or term of the license applicable to the location of such facility; or

X. Retaliates against an employee who in good faith reports a suspected violation of the provisions of this subdivision and rules adopted under it.

Amend the bill by replacing section 29 with the following:

29 Department of Health and Human Services; Office of Reimbursement; Duties. Amend RSA 126-A:34, I(a) to read as follows:

(a) Review and investigate all records of the New Hampshire hospital, [~~Laconia developmental services,~~] the secure psychiatric unit, the Glencliff home, and [~~the Anna Philbrook center~~] ***the Hampstead hospital or other state-owned facilities that provide child inpatient psychiatric treatment within the state mental health system***, relative to expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents or directors of such institutions, facilities, or programs as to the rates to be charged for the care, treatment, and maintenance of such patients, residents, or clients.

Amend the bill by replacing all after section 63 with the following:

64 Effective Date.

I. Sections 1-3, 6, 15, 16, 22, 28, 52, 53, and 55 of this act shall take effect July 1, 2022.

II. Sections 17 and 23 of this act shall take effect 60 days after its passage.

III. Sections 25-27 of this act shall take effect June 30, 2022.

IV. Sections 7, 8 and 62 of this act shall take effect January 1, 2023.

V. Sections 57-61 of this act shall take effect 30 days after its passage.

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

2022-1883h

AMENDED ANALYSIS

This bill:

1. Establishes a special fund for administration of opioid treatment programs.

2. Establishes a pilot program plan for individuals with developmental disabilities, requires approval of the fiscal committee for implementation of the program, and makes an appropriation for this purpose.

3. Revises the department's authority to recover unauthorized payments by the state.

4. Repeals certain reporting requirements.

5. Establishes investigatory procedures and licensing criteria for recreational camps.

6. Allows for alternative service of process under RSA 169-C when a child's parent cannot be located.

7. Creates a separate category of foster care license for kinship care homes.

8. Removes the requirement that the department charge premiums for medical assistance provided under MEAD and MOAD.

9. Allows the department to address the court in guardianship and spousal support cases involving Medicaid recipients or suspected victims of abuse or exploitation.

10. Directs the department to submit a Medicaid state plan amendment to allow certain family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants and makes an appropriation for this purpose.

11. Modifies the blood test requirement for purposes of lead paint poisoning prevention and control.

12. Clarifies the food service licensure exemption for recreational camps.

13. Revises certain department of health and human services employee position titles.

14. Provides shift differential payments to clinical staff at New Hampshire hospital and the Glencliff home and makes an appropriation for this purpose.

15. Establishes new positions for inpatient treatment of children's behavioral health.

16. Permits salary adjustments for recruitment or retention of classified clinical positions at New Hampshire hospital and the Glencliff home.

17. Removes references to the Anna Philbrook center, Laconia state school, and Laconia developmental services and inserts a reference to Hampstead hospital.

18. Increases the fee for certain child care employment eligibility cards.

19. Establishes requirements for the transfer or discharge of residents from certain child care agencies.

20. Makes an appropriation to the department of health and human services for hospital birthing services.

21. Permits consultation and follow up care via telehealth from out-of-state health care providers.

22. Removes the criminal background check requirement for designated caregivers in the therapeutic cannabis program and modifies the criminal background check requirement for alternative treatment center agents.

23. Changes the penalty for disclosure of confidential information in an abuse or neglect proceeding under RSA 169-C from a misdemeanor to a violation.

Amendment to SB 431-FN
(2022-1575h)
Proposed by the Committee on Children and Family Law – r

Amend the bill by replacing section 1 with the following:

1 New Section; Guidelines Adjustments in Cases of Equal or Approximately Equal Parenting Residential Responsibilities. Amend RSA 458-C by inserting after section 5 the following new section:

458-C:5-a Guidelines Adjustments in Cases of Equal or Approximately Equal Parenting Residential Responsibilities.

I. Equal or approximately equal parenting residential responsibilities in and of itself shall not eliminate the need for child support.

II. Any adjustment to the support amount in the guidelines due to equal or approximately equal parenting residential responsibilities shall be based on written findings by the court or by agreement of the parties that the adjustment is in the best interests of the child.

III. In ruling on requests for adjustments to the application of the child support guidelines because of equal or approximately equal parenting residential responsibilities, the court may consider whether the parties have agreed to the specific apportionment of variable expenses for the children and a specific procedure for implementing the apportionment.

IV. When child support is adjusted because of equal or approximately equal parenting residential responsibilities, the court shall allocate the cost of daycare, after school programs, vacation, and summer care, unless the parties have agreed to an allocation of these expenses.

V. Provided that the resulting support adjustment is in the best interest of the child, the court may determine support because of equal or approximately equal parenting residential responsibilities using the following method:

(a) Calculate the child support guidelines amount based on both party's incomes and applicable deductions;

(b) Determine the guidelines parental support obligation for each parent;

(c) Multiply the support obligation, as determined by subparagraph (b), by 120 percent to reach the approximately equal parenting support obligation of each parent, and

(d) Subtract the lower approximately equal parenting support obligation from the higher approximately equal parenting support obligation, as determined in subparagraph (c), to determine the net difference.

VI. If the net difference method is not in the best interests of the child, the court may order the child support guidelines amount or another amount that is in the best interests of the child.

VII. This section shall not apply to a valid child support order already in effect until the next scheduled review hearing, nor shall it constitute a substantial change in circumstances under RSA 458-C:7.

Amendment to SB445-FN
(2022-1537h)
Proposed by the Committee on Finance – r

Amend the bill by replacing section 2 with the following:

2 Broadband Matching Grant Initiative; Program Guidelines; Rulemaking. Amend RSA 12-O:62, II(b) to read as follows:

(b) Establishment of a challenge process, with reasonable timelines, through which information may be provided to the state to ensure that funds are not used to build projects in served areas or areas where construction has commenced. [~~Projects in planning, design, or terms negotiations, and not under construction as of January 1, 2021, shall be eligible for funding~~] ***For the purposes of this subdivision, construction has commenced when a provider initiates the make-ready process or begins construction of broadband infrastructure in the project area. A provider who successfully challenges an application's eligibility for funding because construction has commenced shall complete construction as soon as practical and without undue delay***.

Floor Amendment to SB447
(2022-1806h)
Offered by Rep. Sykes

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

AN ACT relative to electric vehicle infrastructure funding.

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

1 Transportation; Electric Vehicle Charging Stations; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 236:132 to read as follows:

Electric Vehicle Charging Stations ***and***
Electric Vehicle and Infrastructure Funds

2 New Section; Electric Vehicle Infrastructure Funding. Amend RSA 236 by inserting after section 134 the following new section:

236:135 Electric Vehicle Charging Station and Infrastructure Funds.

I. The commissioner of the department of transportation may accept federal appropriations and grants to support the construction of electric vehicle infrastructure, in addition to any state appropriations for such purpose. Funds may be distributed by the commissioner of the department of transportation in accordance with all federal or grant requirements for the following uses:

(a) Construction of electric vehicle charging infrastructure on New Hampshire transportation corridors, utilizing the plans developed by the department in consultation with the department of environmental services, the New Hampshire transportation council, and Drive Electric NH.

(b) Construction of electric vehicle charging infrastructure on commercial private property in New Hampshire, as the department of transportation works with private entities to construct the infrastructure, utilizing plans developed by the department of transportation, the department of environmental services, the New Hampshire transportation council, and Drive Electric NH.

(c) Construction of electric vehicle charging infrastructure for use by the department of transportation, and other state agencies, needed for electric vehicles used by state agencies.

II. The commissioner of the department of transportation may accept federal appropriations and grants to support the acquisition of electric vehicles. Funds may be distributed by the commissioner of the department of transportation in accordance with all federal or grant requirements for the following uses:

(a) Acquisition of electric vehicles for use by the department of transportation and other state agencies, utilizing plans developed by the department, the New Hampshire transportation council, and the department of environmental services.

(b) Acquisition of electric school buses in consultation with the department of environmental services.

(c) Acquisition of electric buses in consultation with local transit authorities.

III. The commissioner of the department of transportation may contract with private entities for the construction of electric vehicle charging infrastructure and selecting a contractor or contractors for the program, provided that all contracts shall be approved by the executive council. Services and contracts entered into under this paragraph shall be exempt from the requirements of RSA 228:107-115. If additional funds are received after the initial contract selection, the commissioner may revise the existing contracts, upon approval of the executive council, or issue a new request for proposals.

IV. The commissioner of the department of transportation shall report annually on the progress of the development of electric vehicle infrastructure in the state to the governor, the president of the senate, the speaker of the house of representatives, the chairperson of the senate transportation committee, the chairperson of the house transportation committee, the chairperson of the house public works and highways committees, and the New Hampshire transportation council.

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

2022-1806h

AMENDED ANALYSIS

This bill permits the commissioner of the department of transportation to accept federal appropriations and grants to support the construction of electric vehicle infrastructure.

Amendment to SB 459-FN
(2022-1871h)
Proposed by the Committee on Finance – r

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

1 New Subdivision; Workplace Violence Prevention Program. Amend RSA 151 by inserting after section 52 the following new subdivision:

Workplace Violence Prevention Program

151:53 Workplace Violence Prevention Program.

I. In this section:

(a) "Health facility" means an acute care, rehabilitation, psychiatric, or substance abuse treatment hospital, or an urgent care center licensed under RSA 151; provided that a facility with more than one physical location shall be considered a single health facility; and provided that "health facility" shall not include state-operated medical facilities, and voluntary compliance by a state-operated facility shall not subject such facility to the requirements of this section. The term "health facility" shall not include any non-hospital affiliated urgent care with less than 3 clinics in New Hampshire.

(b) "Workplace violence" means any act or threat of physical violence, harassment, intimidation, or other threatening behavior.

(c) "Hostile words" means aggressive and belligerent verbal abuse in which the recipient reasonably believes that the speaker intends to injure or create excessive stress, or in which the recipient suffers actual psychological trauma.

II. Except as provided in paragraph III, health facilities shall implement and maintain a workplace violence prevention program. Said program shall consider the size and complexity of the health facility and shall address the following topics, and others deemed appropriate by the health facility, the goal of which is to encourage participation and address prevention, recognition, response, and reporting of workplace violence:

(a) Policies and procedures to prevent and respond to workplace violence and hostile words.

(b) Appropriate training, education, and resources to employees based on their roles and responsibilities. Said training, education, and resources shall include:

(1) Education on what constitutes workplace violence and hostile words.

(2) Education on the roles and responsibilities of leadership, clinical staff, security personnel, if applicable, and external law enforcement.

(3) Training in de-escalation, nonphysical intervention skills, response to emergency incidents, and at the discretion of the health facility, physical intervention techniques.

(4) The reporting process for workplace violence and hostile words incidents.

(c) A process to report workplace violence and hostile words incidents internally and externally in order to analyze incidents and trends.

(d) A process for follow-up and to support victims and witnesses affected by workplace violence or hostile words, including information about available counseling.

(e) A process to conduct an annual facility-specific risk assessment, which shall:

(1) Examine all existing and potential workplace violence and hostile words risks, including environmental and patient-specific risk factors, the health facility's workplace violence and hostile words incidents, and how the program's policies and procedures, training, education, and environmental design reflect best practices and conform to applicable laws and regulations; and

(2) Be used to develop recommendations to reduce the risk of workplace violence and hostile words.

III. A health facility accredited by the Joint Commission on the accreditation of healthcare organizations may give proof of compliance with Joint Commission standards on workplace violence prevention to the health care workplace safety commission established in RSA 151-J, in lieu of paragraph II.

IV. The commissioner of the department of health and human services shall follow up on participation in the workplace violence prevention program so that participation status is proactively known and that this status is properly reported in the annual report described in RSA 151-J:7.

V. Each health facility shall prepare and submit to the health care workplace safety commission established in RSA 151-J an annual report containing all workplace violence and hostile words incidents reported to the health facility directed at an employee by a patient, coworker, supervisor, manager, or other individuals who have a personal relationship with a patient. The chair of the health and human services oversight committee, established in RSA 126-A:13, with the advice of the health care workplace safety commission, may recommend updates to New Hampshire statutes or recommend updates to the rules adopted for the implementation of this section. The commissioner of health and human services, in consultation with the health care workplace safety commission and the health and human services oversight committee, shall adopt rules pursuant to RSA 541-A deemed necessary for the implementation of this section in coordination with the department of health and human services, including a common reporting form.

VI.(a) The annual report required under paragraph V shall include but not be limited to, for each workplace violence or hostile words incident, a description of:

(1) The incident, including environmental and patient-specific risk factors present at the time of the incident, as well as the appropriate categorization of the incident as workplace violence and/or hostile words.

(2) The date, time, and location of the incident.

(3) The nature and extent of injuries to employees.

(4) A classification, but not any identifiable personal information, of each perpetrator who committed the violence, including whether the perpetrator was:

(A) A patient;

(B) An individual who has or is known to have had a personal relationship with a patient;

(C) A coworker, supervisor; or manager; or

(D) Any other appropriate classification.

(5) How the incident was abated, including any incident response and post-incident investigation.

(6) If the incident involves a patient, the patient's name or other similar identifier shall not be included in the report, provided that the report may include the patient's diagnosis code and whether or not behavioral health or disability were a factor.

(7) The percentage of employees that have participated in the workplace violence prevention program in the reporting year immediately preceding the incident. This percentage shall be an annual point in time percentage and is not intended to be a rolling number calculated upon each incident.

(b) The report shall preserve the reporting distinction between workplace violence and hostile words incidents. There shall not be any identifiable personal information included in any report unless contained within an attached police report or other official report of a governmental entity. No person or health care facility shall retaliate in any manner against any reporting individual acting in good faith, or otherwise discriminate against, a person, employee, or subordinate who exercises any rights under this section or rules adopted pursuant to this section, or by any policy or procedure promulgated under this section or RSA 151-J, including but not limited to reporting of a workplace violence or hostile words incident or otherwise providing notice to the health facility regarding the occupational health and safety of the employee or their fellow employees exposed to workplace violence or hostile words risk factors. Nothing in this section shall be construed to authorize an employee to refuse to discharge his or her ordinary and customary duties in the workplace.

VII. The commissioner of the department of health and human services shall be responsible for maintaining, in an easily navigable, searchable, distinct page on the department's website, a database to share information on the activities of the New Hampshire health care workplace safety commission. Topics included on the page shall include, but not be limited to:

(a) A listing of all health care facilities by name, with their business address included, which are subject to the provisions of the workplace violence prevention program.

(b) The participation status of each facility as active, inactive, or unknown.

(c) The dates of each meeting of the New Hampshire health care workplace safety commission.

(d) Annually, a press release shall be issued within 60 days of the end of the calendar year, highlighting the active participation of health care facilities and any major findings or recommendations.

VIII. Notwithstanding the requirements of this section, a health facility that is an urgent care center shall not be required to comply with this section before July 1, 2024.

2 New Chapter; New Hampshire Health Care Workplace Safety Commission. Amend RSA by inserting after chapter 151-I the following new chapter:

CHAPTER 151-J

NEW HAMPSHIRE HEALTH CARE WORKPLACE SAFETY COMMISSION

15I-J:1 Commission Established; Membership.

I. There is hereby established a commission to review and analyze health care workplace violence safety issues including, but not limited to, reports of workplace violence incidents and trends. The commission shall also support the development and implementation of health care workplace violence prevention programs, including training, and propose changes to improve the safety in health care workplace settings.

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

(1) One representative of each hospital in New Hampshire, licensed under RSA 151, appointed by the hospital.

(2) The chief executive officer of the New Hampshire hospital, or designee

(3) One representative of each non-hospital affiliated urgent care network of 3 or more clinics in New Hampshire, licensed under RSA 151, appointed by the urgent care network.

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

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

(6) The attorney general, or designee.

(7) Three members-at-large, one of whom shall be appointed by the speaker of the house of representatives, one of whom shall be appointed by the president of the senate, and one of whom shall be appointed by the governor.

(b) The governor may remove any member of the commission with cause.

151-J:2 Duties.

I. The commission shall:

(a) Review and analyze health care workplace violence safety issues including, but not limited to, reports of workplace violence incidents and trends.

(b) Support the development and implementation of health care workplace violence prevention programs, including training.

(c) Propose changes to health and human services oversight committee, established in RSA 126-A:13, and to the commissioner of the department of health and human services that will improve the safety of the health care workplace.

II. Sources of data for the duties described in paragraph I may include, but are not limited to, reviews and reports currently required by or submitted to state or national regulatory and accrediting organizations.

151-J:3 Chair; Vice-Chair. The members of the commission shall elect a chair and vice-chair from among the members at the first meeting. The terms of the chair and vice-chair shall be 2 years, with the initial term for the chair to be 3 years, and until successors are elected. The chair shall be responsible for the orderly proceedings of the commission meetings and for compliance with mandates of this chapter. The vice-chair shall serve in the absence of the chair.

151-J:4 Education. Each member of the commission shall be responsible for the dissemination of commission discussions to his or her institutions. All such information shall be disseminated through each participant's safety and security program in order to protect the confidentiality of all participants and patients involved in any incident or topic discussed.

151-J:5 Confidentiality.

I. All information, other than police reports, submitted to or collected by the commission, including, but not limited to, written, oral, and electronic information; records and proceedings of the commission, including, but not limited to, oral testimony and discussions, notes, minutes, summaries, analyses, and reports; and information disseminated by the commission or its members to hospitals and urgent care centers shall be confidential and privileged and shall be protected from direct or indirect means of discovery, subpoena, or admission into evidence in any judicial, administrative, or other type of proceeding. The provision of information to the commission and the dissemination of information by the commission shall not be deemed to void, waive, or impair in any manner the confidentiality protection of this section or which the information may have under any other law or regulation.

II. Information, documents, or records otherwise available from original sources shall not be construed as immune from discovery or use in any civil or administrative action merely because they were presented to the commission. Any person who supplies information to or testifies before the commission shall not be immune from discovery in any civil or administrative action because the information or testimony was presented to the commission, but such witness shall not be asked about and shall not provide information about his or her testimony before this commission or opinions formed by him or her as a result of commission participation.

III. Notwithstanding paragraph I, if a workplace violence incident involves a patient, the health care workplace safety commission and the health care quality and safety commission established in RSA 151-G may share information about the incident for the purpose of reviewing and analyzing incidents involving both a patient and an employee. Nevertheless, the principles of data minimization will be respected to include deidentification of any personally identifiable information.

151-J:6 Administration. The commission may delegate to the department of health and human services the functions of collecting, analyzing, and disseminating workplace violence information, organizing and convening meetings of the commission, and other substantive and administrative tasks as may be incident to these activities or directed by the commission. The activities of the department of health and human services and its employees or agents shall be subject to the same confidentiality provisions and data privacy as those that apply to the commission.

151-J:7 Reports. The commission shall annually report its findings and any recommendations which may include proposed legislation to the speaker of the house of representatives, the senate president, the governor, and the health and human services oversight committee established in RSA 126-A:13. Such report shall describe the activities of the commission, indicate the extent of each institution's participation, state the aggregate relative frequency of workplace violence incidents, the nature and extent of injuries, how incidents were responded to, and, to the extent possible, identify strategies for reducing workplace violence incidents. Any information about processes or outcomes provided pursuant to this section shall be aggregate data only and shall not reference individual incidents, patients, health care providers, or institutions.

151-J:8 Rulemaking. The commissioner of the department of health and human services, with the advice of members of the commission, shall adopt rules pursuant to RSA 541-A, to assure de-identification of all individuals and facilities involved in the incidents received.

151-J:9 Exemption; State Operated Medical Facilities. All medical facilities operated by the state of New Hampshire shall not be subject to the jurisdiction of the health care workplace safety commission established in this chapter.

3 New Hampshire Health Care Quality and Safety Commission. Amend the title of RSA 151-G to read as follows:

CHAPTER 151-G

NEW HAMPSHIRE HEALTH CARE QUALITY AND ***PATIENT*** SAFETY COMMISSION

4 Repeal. The following are repealed:

I. RSA 151:53, relative to the workplace violence prevention program.

II. RSA 151-J, relative to New Hampshire health care workplace safety commission.

5 Effective Date.
I. Section 4 of this act shall take effect March 1, 2034.
II. The remainder of this act shall take effect July 1, 2023.

SESSION DAY LOGISTICS
May 4th, 2022

PARKING
All legislators should park where they are assigned to park. Those with assigned street spaces should only park in the space assigned to them. Only those with assigned LOB garage spaces will be permitted to access the LOB garage. All others should park in the Storrs Street garage.

HEALTH SELF-SCREENING
Members are recommended to utilize the antigen self-tests provided by the General Court prior to attendance. Test kits were mailed in advance. To provide you with the timeliest results, the test should be administered as close to session day as possible. You do not need to report your results to the General Court. However, if your test is positive, please stay home and immediately follow NH DHHS guidelines for isolation.

All attendees are asked to screen themselves prior to arrival at the State House for fever, symptoms of COVID-19, and additional risk factors. See questions below for screening:
Do you have any symptoms of COVID-19 or fever of 100.4 degrees Fahrenheit or higher? The symptoms of COVID–19 can include:

> Fever, or feeling feverish; Respiratory symptoms such as runny nose, nasal congestion, sore throat, cough, or shortness of breath; General body symptoms such as muscle aches, chills, and severe fatigue; Gastrointestinal symptoms such as nausea, vomiting, or diarrhea; and Changes in a person's sense of taste or smell.

Do you share a household with someone who is suspected or confirmed to have COVID-19 in the prior 10 days and are unvaccinated?

Any Non-Member with a positive answer to any of the above questions is not to attend the House session. Any Member with a positive answer to the above questions are recommended not to attend the session..

MASKS USAGE AND AVAILABILITY
Members are recommended to wear face masks. There is no mask requirement anywhere in the State House complex. N-95 and regular disposable masks will be made available to Members in the anteroom.

PUBLIC AND PRESS ACCESS
The event will be live-streamed, and the link to watch the event live will be posted on the General Court website. The House Gallery will be open.

The platform located in the back part of the House Chamber is reserved for members of the press only. Please note, State House reporters will be accommodated first in case of space availability. Camera operators may use the end aisles to get close up photos, but may not be stationed there. Members of the press will not be allowed to set up on either end aisles or directly behind Members. No member of the press may interact with House Members on the Chamber floor.

HVAC/VENTILATION
The HVAC system in Representatives Hall was replaced and updated in 2019. It has an air exchange rate that meets or exceeds indoor air quality standards. It uses MERV-13 filtration. The General Court will supplement the HVAC system with portable HEPA/ UV-C air filtration units like those that are used in the Legislative Office Building. Additional portable units will be located in the anteroom.

ADDITIONAL MITIGATION EFFORTS
Hand sanitizer and disinfectant wipes will be stationed throughout the anteroom. Frequent hand hygiene is recommended especially after restroom use and before eating. Touchpoint disinfection will be employed throughout the day.

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Should there be any Americans with Disabilities Act (ADA) requests for accommodations specific to attendance in Representatives Hall, these should be submitted to the General Court's ADA representative in advance of the session. Requests can be emailed to Jennifer.Becker@leg.state.nh.us.