



State of
New Hampshire

HOUSE RECORD

First Year of the 168th General Court

Calendar and Journal of the 2023 Session

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Friday, December 15, 2023

No. 49

Contains: Amendments; Committee Reports; House Deadlines; Meetings and Notices;
Revised Fiscal Notes.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet January 3rd, 2024 at 9:00 a.m. and January 4th, 2024 at 9:00 a.m. in Representatives Hall to act on retained bill reports.

Thank you to everyone who attended the Committees and Commissions training today and who stopped by the Office of Legislative Services for their Open House in State House Room 109.

This year's Annual Christmas party was a great opportunity for us to have much needed social time ahead of our busy 2024 legislative calendar. I hope you had a wonderful time catching up with colleagues and enjoying this festive time of year.

Continue to keep January 11, 2024, marked on your calendar as a possible Session day should we be unable to complete our business on the 3rd and 4th.

If you have content suggestions for our newsletter, please contact Jennifer Tramp, House Communications Director. We hope you find this new publication a valuable resource in keeping up with happenings at the State House complex.

As a reminder, State Offices will be closed on Monday, December 25th and Monday, January 1st.

Sherman A. Packard, Speaker of the House

NOTICE

There will be a Democratic Caucus on **Wednesday, January 3rd and Thursday, January 4th and Thursday, January 11th at 8:00 a.m.** in the State House Cafeteria.

Rep. Matt Wilhelm, Democratic Leader

NOTICE

The December 19th meeting of the chairs and vice chairs is cancelled. The next meeting of the chairs and vice chairs will be scheduled in January, to be announced.

Sherman A. Packard, Speaker of the House

NOTICE

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

CLOSES AT 3:00 p.m. ON:

Wednesday, December 20, 2023

Wednesday, December 27, 2023

Wednesday, January 3, 2024

AVAILABLE ON:

Friday, December 22, 2023

Friday, December 29, 2023

Friday, January 5, 2024

Paul C. Smith, Clerk of the House

2024 HOUSE DEADLINES

Second Year Session Deadlines

Friday, January 5, 2024

Thursday, February 15, 2024

Last day to introduce House Bills

Last day to report House Bills going to a second committee

Thursday, February 22, 2024	Last day to act on House Bills going to a second committee
Thursday, March 21, 2024	Last day to report House Bills not in a second committee
Thursday, March 28, 2024	Last day to act on House Bills not in a second committee
Thursday, April 4, 2024	Last day to report all House Bills
Thursday, April 11, 2024	CROSSOVER – Last day to act on all House Bills
Thursday, April 25, 2024	Last day to report Senate Bills going to a second committee
Thursday, May 2, 2024	Last day to act on Senate Bills going to a second committee
Thursday, May 16, 2024	Last day to report all Senate Bills
Thursday, May 23, 2024	Last day to act on all Senate Bills
Thursday, May 30, 2024	Last day to form committees of conference
Thursday, June 6, 2024	Last day to sign committee of conference reports (4:00 p.m.)
Thursday, June 13, 2024	Last day to act on committee of conference reports
Tuesday, September 3, 2024	First day for incumbents running for re-election to file LSRs with complete information
Friday, September 13, 2024	Last day prior to the General Election for incumbents running for re-election to file LSRs with complete information
Friday, October 25, 2024	Last day to file 2024 Interim Study reports
Wednesday, November 6, 2024	First day for all Representatives to file LSRs with complete information
Friday, November 22, 2024	Last day to file LSRs with complete information (4:00 p.m.)
	Ten-day signoff begins
Thursday, January 2, 2025	Last day to sign-off on all LSRs (12:00 p.m.)
Friday, January 24, 2025	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

WEDNESDAY, JANUARY 3 CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 120-FN-A, relative to the closure of the Sununu Youth Services Center and operation of a replacement secure facility. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for Children and Family Law. This bill was retained on the chance that other legislation regarding the Sununu Youth Services Center did not work out and a retained bill was needed to build upon. This bill was not needed. **Vote 16-0.**

HB 306, relative to prohibiting reunification therapy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Heather Raymond for Children and Family Law. The committee recommends that this bill ought to pass as amended as it protects both parents and children involved in custody cases by requiring that judges give due consideration toward selecting a counselor who is a participant in the parties' health insurance carriers as part of a parenting plan. This bill also prohibits judges from ordering family reunification programs and services for children that require certain harmful practices as a condition of participation, such as no-contact orders, transfer of custody, the use of threat or force, undue coercion, verbal or physical abuse or isolation from the child's community or supportive services. The committee unanimously agrees that this bill is in the best interest of children **Vote 16-0.**

HB 455-FN, relative to creating a new state cause of action and special findings for abused, neglected, and abandoned children seeking special immigrant juvenile status under federal law. **INEXPEDIENT TO LEGISLATE.**

Rep. Alicia Gregg for Children and Family Law. In accordance with the prime sponsor's request, the Children and Family Committee voted unanimously to find the bill Inexpedient to Legislate. This bill's intention was good, but doesn't entirely do what was originally intended. **Vote 16-0.**

HB 471-FN, relative to final disposition hearings in divorce proceedings. **INEXPEDIENT TO LEGISLATE.** Rep. Mark Pearson for Children and Family Law. While one can understand those wondering when their divorce case might come to closure, the bill demanded a closure date be set upon the issuance of temporary orders. First, the bill has an internal contradiction by saying in its final sentence, “the court may reschedule the final disposition hearing for just cause” when in the previous sentence, it required the court to schedule a final disposition. There was no language as to what defined “just cause.” Second, each case has its own issues and its own protagonists, and a judge may not know in advance when a realistic date for a final disposition might be. Third, the main problem in scheduling comes from an insufficient number of judges. While this was partially remedied in the budget now in effect, the state is still several judges short. **Vote 16-0.**

HB 499-FN, requiring the rules of evidence to apply in family court cases and relative to the admission of certain evidence in family court proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for Children and Family Law. While one can understand the purpose of the bill, especially when a litigant’s proffered piece of evidence was denied, the committee agreed that the bill as offered was not the best way forward. As proposed, the respondent is allowed to decide what should be admitted, not the judge. But what if the particular piece of evidence does not advance the case but unnecessarily stretches things out or if the probative value of a proffered piece of evidence is outweighed by unnecessarily negatively speaking of someone? For these reasons, the committee found the bill Inexpedient to Legislate. **Vote 16-0.**

HB 618-FN, relative to wage garnishment with child support payments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Candace Moulton for Children and Family Law. This bill enables the development of a form where the parties indicate their preferred forms of payment arrangement. The form also informs parties as to when garnishment will become mandatory, that any discrepancies in record keeping are their responsibility, and how to report missing payments. **Vote 14-0.**

SB 253, relative to parental access to a minor child’s medical records. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Petrigno for Children and Family Law. The committee finds that this legislation is unnecessary and recommends Inexpedient to Legislate since parents already have the right to access their minor child’s medical records under HIPPA. The issue of concern which precipitated this legislation is that such access is not available by way of the patient portal after the age of 12. This is not intentional, but rather the result of different portal software systems, which make it impossible to isolate certain information in accordance with federal and state laws. The matter can only be resolved if and when the technology advances accordingly. **Vote 16-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 73-FN, relative to the repair of home appliances. **REFER FOR INTERIM STUDY.**

Rep. Lisa Post for Commerce and Consumer Affairs. This bill requires that home appliance manufacturers make available to appliance owners and repair providers certain repair-related documentation, parts, and tools. Manuals can be downloaded in the event a hard copy was not received at the time of purchase and enforcement for non-New Hampshire manufactures would be impossible. **Vote 18-1.**

HB 86, relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. The intent of this bill is to keep NH state departments from using or purchasing communication, computer, network, video, software, or other components originating in China for the purposes of security. However, since the bill was submitted, it was found that the intent was covered by Governor Sununu’s Executive Order 2022-09 which contains a dynamic list of technologies and manufacturers which are prohibited from state networks and from installation on state issued devices including computers, tablets, and mobile phones. The federal government keeps a current detailed list of such devices and components and advises the state regularly. Additionally, the sponsor of the bill has had discussions with the Executive Branch Information Technology security team (IT). IT indicated they will work with the legislature in the coming year to craft language for a bill that will be more detailed reflecting the need to protect other branches of government without interfering in the current processes and procedures they have already developed pursuant to the Governor’s executive order. The legislation to be proposed will also make permanent the governor’s order and expand it to include all branches of state government. **Vote 19-0.**

HB 130, repealing the drug affordability board. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. This bill has been overcome by events. Based on agreement between the sponsor of the bill, the Finance Committee, and the already existing unfunded Prescription Drug Affordability Board (PDAB), funding for the PDAB was established in HB 2 (Chapter 79:394, Laws of 2023) to allow their work to continue. **Vote 19-0.**

HB 172, relative to investigating potential redundancies between the prescription drug affordability board and existing state agency programs regarding prescription drug cost data. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. This bill has been overcome by events. Based on agreement between the sponsor of the bill, the Finance Committee, and the already existing Prescription Drug Affordability Board, members have accepted the task of investigating redundancies as part of their work and as assigned by HB 2 (Chapter 79:399, Laws of 2023). **Vote 19-0.**

HB 173, relative to toilet facilities provided by restaurants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dick Thackston for Commerce and Consumer Affairs. This bill removes the requirement for restaurants or food establishments that are capable of seating 25 or more, or serve alcohol, to provide separate toilet rooms for each sex. At the hearing the committee was informed that the issue at hand was already addressed in the current adopted building codes. As amended, the bill repeals RSA 155:40 and RSA 155:41. **Vote 19-0.**

HB 178, relative to the enforcement of condominium liens for assessments. **INEXPEDIENT TO LEGISLATE.**

Rep. Christopher Herbert for Commerce and Consumer Affairs. This bill allows a condominium association to initiate a foreclosure proceeding in order to satisfy an outstanding lien for assessments. The committee had several problems with this bill. It would give the condo association ahead of any other liens on the property, and the committee was very uncomfortable that a lien could be placed by "neighbors." **Vote 19-0.**

HB 239, relative to condominium disclosure of financial information. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill provides for regular disclosure of the financial records of a condominium association to unit owners. The intent of the bill was to require condo associations to have audit returns on a regular basis. The committee felt that this was a very expensive mandate for all condominium associations. **Vote 19-0.**

HB 242-FN, relative to banning PFAS in food packaging. **REFER FOR INTERIM STUDY.**

Rep. Carry Spier for Commerce and Consumer Affairs. Since the drafting of this bill, the Northeast Waste Management Officials Organization (NEWMOA), whose members include Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, has developed model legislation that will best remove dangerous perfluoroalkyl and polyfluoroalkyl substances (PFAS) from entering our NH landfills (and ground water) by banning the use of those chemicals in consumer products considered to be the most serious contributors to the contamination. A new bill has been proposed (LSR 24-2805) which will address the combined issues taken up by this bill and HB 465 in a unified approach using the strategies proposed by the NEWMOA model. **Vote 19-0.**

HB 279-FN, increasing the penalty for on-premises licensees overserving alcohol. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill was introduced in memory of Elizabeth Croke of Merrimack, who at the age of 20 tragically lost her life in 2021 to an overserved, intoxicated driver. Currently, the maximum fine for a licensee that overserves is \$2,500 and the license suspension period is up to 10 days. This bill, as amended, would increase the maximum fine to \$7,500 and the suspension period up to 30 days along with requiring public notification stating the reason for the suspension. If the licensee's person(s) in charge, managers, security staff, servers and clerks have completed NH Liquor Commission (NHLC) training within 24 months before the date of the violation, then the first offense cannot exceed 15 days suspension. A second offense within 7 years of the first offense results in a 15 day up to 30 day suspension, and a third offense within 7 years of the second offense results in license revocation. The Governor of New Hampshire and the NHLC strongly support the bill. **Vote 19-0.**

HB 303-FN, relative to insurance coverage for pain management services. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill requires insurance coverage for pain management services. Since similar legislation is in the Committee on Health and Human Services and Elderly Affairs (HHS), the Commerce and Consumer Affairs Committee has decided to just hold on to this version until after the HHS committee has acted. **Vote 19-0.**

HB 319, establishing a committee to study an all-payer system of insurance for hospital services. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for Commerce and Consumer Affairs. This bill would establish a committee to study implementing an all-payer system for hospital and outpatient services in New Hampshire. While well-intentioned, transitioning to an all-payer system risks unintended consequences by disrupting the healthcare market. Public testimony raised concerns about government interference between doctors and patients, potential limits on care access, and questions over how the system would be funded. Caution is warranted before making significant changes to the complex healthcare system that could impact patient choices, increase costs, and hinder innovation. More incremental bipartisan solutions may better balance access, quality, and cost for Granite Staters without causing massive disruption. While the goals are laudable, the risks and unknowns outweigh the potential benefits of the proposed study committee and potentially drastic systemic changes. **Vote 18-1.**

HB 353-FN, establishing an interstate compact for universal healthcare. **INEXPEDIENT TO LEGISLATE.** Rep. Tim McGough for Commerce and Consumer Affairs. It is the intent of this act for an interstate health care compact to eventually become part of a nationwide system and this bill would be effective if enough neighboring states also participate. The proposed system could potentially allow for greater governmental interference between doctor and patient. The bill provided for no viable source of funding while creating a single-payer, socialized medicine system for health care in the state of New Hampshire and the committee feels this is not appropriate or timely legislation for health care consumers in our state. **Vote 18-1.**

HB 373-FN, relative to billing for ambulance services. **INEXPEDIENT TO LEGISLATE.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill has become unnecessary as the Commissioner of Insurance has convened a panel consisting of ambulance services and insurance providers who will work collaboratively on this issue. The consensus of this panel is that ambulance billing is not a legislative issue. **Vote 19-0.**

HB 383, relative to provider contract standards for pharmacy benefit managers. **INEXPEDIENT TO LEGISLATE.**

Rep. John Potucek for Commerce and Consumer Affairs. Relative to provider contract standards for pharmacy benefit managers (PBMs). This bill would require PBMs to inform the independent pharmacy which wholesale distributor has a lower price than where the independent pharmacist is acquiring the drug from. The subcommittee felt this should not be the responsibility of the PBMs and therefore it was recommended to the entire Commerce and Consumer Affairs Committee as Inexpedient to Legislate. **Vote 19-0.**

HB 414-FN, relative to health insurance coverage for preventative PFAS care. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Post for Commerce and Consumer Affairs. This bill would require that accident and health insurance coverage be provided for preventative PFAS care for individuals. The bill mandates that health insurance companies provide preventative PFAS care. The bill defines «preventative PFAS care» as medical treatment provided in accordance with the Center for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry guidelines for care of an individual with elevated levels of PFAS chemicals in their blood. The committee had trouble understanding the intent of the bill. However, under the Affordable Care Act, any new mandate must be funded by the state, so the committee recommends this bill be found Inexpedient to Legislate. **Vote 19-0.**

HB 465-FN, restricting use of perfluoroalkyl and polyfluoroalkyl substances in certain consumer products. **REFER FOR INTERIM STUDY.**

Rep. Carry Spier for Commerce and Consumer Affairs. Since the drafting of HB 465, the Northeast Waste Management Officials Organization (NEWMOA), whose members include Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, has developed model legislation that will best remove dangerous perfluoroalkyl and polyfluoroalkyl substances (PFAS) from entering our NH landfills (and ground water) by banning the use of those chemicals in consumer products considered to be the most serious contributors to the contamination. A new bill has been proposed (LSR 24-2805) which will address the combined issues taken up by HB 242 and this bill in a unified approach using the strategies proposed by the NEWMOA model. **Vote 19-0.**

HB 513-FN, relative to affordability and safety of clinician administered drugs. **REFER FOR INTERIM STUDY.**

Rep. Tim McGough for Commerce and Consumer Affairs. This bill is being recommended for Interim Study to allow additional time for the committee to prepare and recommend legislation for hospital pharmacy and medical billing practices that will help address the high cost of pharmaceuticals billed under medical coverage. **Vote 19-0.**

HB 544-FN, legalizing cannabis for retail sale. **REFER FOR INTERIM STUDY.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill delineates the process by which cannabis could be made available to NH citizens on a retail basis for non-medicinal purposes. The committee opted to continue discussion on this bill with new legislation proposed for 2024 and a Cannabis Commission report pending. **Vote 19-0.**

SB 64, establishing a study committee on resident-owned manufactured housing park disputes and oversight of resident-owned manufactured housing parks. **REFER FOR INTERIM STUDY.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill simply establishes a committee to explore ongoing issues in manufactured housing parks that have been disruptive to owners of homes in these communities. The bill will enable the committee to continue to seek out viable solutions for these individuals. **Vote 19-0.**

SB 82, relative to prompt payments for managed care. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Terry for Commerce and Consumer Affairs. As introduced and passed by the Senate, this bill was identified as: “an act relative to prompt payments for managed care.” As analyzed, the bill was represented as

“further[ing] the notice requirements for denial or pending claims made by health carriers subject to the managed care law.” However, after careful consideration that included an in depth presentation by the Insurance Department on the “Lifecycle of a Claim and the Regulation of Claims Handling,” the committee determined unanimously that the “one size fits all” remedy in view in this bill for the nonpayment of a disputed claim by a health carrier within forty-five days of receipt of additional information failed to consider and provide for a multiplicity of factors that could not in many cases be reasonably attributed solely to the health carrier. The committee believes a more informed and nuanced approach is indicated. Therefore, it would be inappropriate to hold health carriers solely responsible and liable for the actions or inactions of other parties involved in the claim process. **Vote 19-0.**

SB 180-FN, (New Title) relative to product labeling and information guide requirements for cannabis products and the prohibition of the sale of hemp products containing certain levels of THC. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill empowers the therapeutic cannabis medical oversight board to regulate and review the labels and educational materials of cannabis materials. This bill also prohibits the sale of hemp products containing certain amounts of THC. Some of the issues were dealt with through another bill that was passed in June of 2023. The primary issue of what to do with Delta 8 and 9 products will be dealt with by the Cannabis Commission. With the interim study recommendation, the Commerce Committee will review the results next year. **Vote 19-0.**

SB 198, directing the insurance department to conduct a cost study of providing coverage for certain reproductive health care. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Cole for Commerce and Consumer Affairs. The Commerce and Consumer Affairs Committee unanimously agreed that this study has already been done and given to this committee, and the bottom line was it would be extremely expensive. The reason is, under the requirements of the Affordable Care Act, the state would have to pay all individual and small group insurance which would require a very large fiscal note. Therefore, the committee recommends Inexpedient To Legislate. **Vote 19-0.**

SB 201, relative to resale of event tickets. **REFER FOR INTERIM STUDY.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill would add a civil penalty for the unauthorized resale of event tickets. This is a practice that is harmful to venues in our state, and the committee would like to continue to explore ways to curb this practice. **Vote 19-0.**

SB 235-FN, relative to services provided through a primary care behavioral health model. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill prohibits an insurer providing a health plan in this state with mental health and substance use disorder benefits from denying coverage on the sole basis that services are delivered through a primary care behavioral health model. The Insurance Department will be issuing a bulletin that will address this issue and was agreed to by both the health insurance companies and the mental health providers. With the interim study motion, the committee will review the results next year. **Vote 19-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 38-FN, relative to the conditions for release of a defendant pending trial. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. This bill makes a technical change to the law. In 2016 the legislature repealed minimum mandatory sentences for habitual offenders who were convicted of operating a motor vehicle after their ability to operate was suspended. Previously it carried a minimum of 1 to 5 years incarceration. At the time a sentence in the law allowed for the mandatory portion to be suspended by a judge under certain circumstances. When the minimum mandatory was removed, the part allowing the suspended sentences was not. The committee heard testimony from a county attorney that there was a least one judge who took the legislature leaving that part in the law to mean that they had not done away with minimum sentences entirely and felt that he had no discretion to suspend any sentence if one was imposed, unless the criteria mentioned above were met. This was not the intent of the legislature. The clear intent in repealing the minimum mandatory sentence was to return full discretion to the judiciary. This amendment was brought at the request of the county attorney. **Vote 20-0.**

HB 144-FN, restoring firearm ownership rights to ex-felons. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Stone for Criminal Justice and Public Safety. After hearing testimony in regards to this bill, the committee felt under current law, an individual could avail themselves to the annulment process, thus triggering the required due process to reinstate an individual's firearm rights by a court. Additionally, it was pointed out that there is no annulment mechanism for federal convictions. Federal and military convictions are not covered by New Hampshire courts. The sponsor did not appear at the subcommittee meeting or the executive session to answer inquiries. **Vote 20-0.**

HB 318-FN-A, eliminating bail commissioners, and relative to the release of a defendant pending trial and establishing new circuit court judge positions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. As amended, this bill makes changes to several issues. First, it requires the court to pay bail commissioners directly for the bail services they provide. The subcommittee heard testimony that many of our bail commissioners are paid for less than half of the bails they issue. One particular commissioner testified that he was owed over \$50,000.00 for bails he issued that the offenders never paid him for. In 2018, the Interbranch Criminal and Juvenile Justice Council did a study of our bail system and made recommendations for legislative fixes. This was one of them, but it was not addressed by the legislature at that time. This lack of payment for services rendered has caused many bail commissioners to resign or simply stop taking calls for bail. The committee heard that there is a significant shortage in bail commissioners, causing many people to wait for extended periods of time to be bailed and some even being effectively held without bail for the lack of a commissioner to bail them. The uncertainty related to being paid for their services is making it difficult to recruit new people to the job. This bill also increased the bail fee from \$40 to \$50. The bail fee has been \$40 for many years with no adjustments. The committee heard testimony that bail commissioners often drive many miles to perform their duties due to the shortage of commissioners and they are not compensated for mileage. It would be labor intensive for the courts to implement a tracking and mileage reimbursement system. The committee felt that increasing their base pay, while ensuring that they were actually paid, would both entice more people to take the position, thus requiring fewer long trips and help offset their mileage expenses. Additionally this bill mandates 16 hours of training for newly appointed bail commissioners and 8 hours of update training each year. The bill further instructs the court to arrange for and issue actual identification for bail commissioners. This was mandated in a previous law, but as it was not specific, the court sent bail commissioners PDF files and instructed them to print out their own identification that contained no photo and was made of regular printer paper. Finally, this bill requires law enforcement to notify a victim at least one hour prior to the release of an accused perpetrator on bail. The committee heard testimony that victims were often unaware that their offender had made bail and that the first they learned of it was when the offender showed up at their home. This small addition, will at least give victims an opportunity to get themselves and their families to safe place should they feel it necessary.

Vote 20-0.

HB 344-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. This bill would open up too many complications that have yet to be dealt with. People who live in housing subsidized by the federal government would be in violation of federal law by growing in their apartment buildings. The issue of cannabis legalization is a complex one, that is not to be dealt with by nibbling at one bit or the other. There is a commission studying the issue of legalization and we should leave this to them. A sponsor of this legislation has also requested this bill be found inexpedient to legislate. **Vote 17-3.**

HB 512-FN, exempting firearms manufactured in New Hampshire from federal laws and regulations. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Stone for Criminal Justice and Public Safety. After hearing testimony in regards to this bill, the prime sponsor requested the bill should be found inexpedient to legislate, and represented to the committee that this bill if passed would put firearm manufacturers in serious conflict between state and federal laws that would be detrimental for carrying out business. The committee concurred, and supported the subcommittee recommendation of inexpedient to legislate. **Vote 20-0.**

HB 593-FN, relative to the forfeiture of assets in connection with a drug offense. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. As amended, this bill creates a committee to study the process for forfeiture of items used in connection with drug offenses. The bill was originally a complex rewrite of our forfeiture statutes. The committee felt that it was too broad in that not all of it was appropriate for our committee. The sponsor had presented amendments to the bill that would have potentially fixed these issues, but we did not feel that would could give the bill a fair hearing given the time we had left, so we retained it for further work. During the subcommittee, the sponsor asked that it be made into a study committee for this term so that he could continue to work on the subject and flesh out how best to approach the issue from a legislative standpoint. **Vote 20-0.**

HB 653-FN, prohibiting personal recognizance bail for violent crimes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. This bill as amended retasks the existing Interbranch Criminal and Juvenile Justice Council with investigating and making legislative recommendations on the following issues: updating the courts IT systems to ensure that all courts within the state are connected to a single system that tracks cases, bail, warrants, and any other things the council finds necessary and

efficient. The committee heard testimony from numerous witness that it is extremely difficult to obtain information from the court system for both active cases and for research purposes. Even the legislature is unable to obtain reliable data to use when attempting to craft legislation related to the justice system. Some courts do have electronic systems and some do not. The council should investigate how they can all be linked and data can be made more available to all stakeholders. The council should investigate and propose a model for a state wide pretrial services program that the various counties could use. The committee heard testimony that some counties had excellent pretrial service programs that worked well and saved the counties money by being able to keep people in the community while they are awaiting trial. They are able to do this using a robust system connecting alleged offenders with substance abuse and mental health services, as well as pretrial supervision and monitoring. The committee heard testimony that this saved counties the cost of incarcerating these people, which is costly in and of itself, but extremely costly when an individual with extensive health issues is committed. The counties are responsible for the health of the people held in their jails and testimony revealed that, in some cases, this expense can run into the thousands per day for medication alone. They are unable, due to federal law, to bill Medicare for services when a person is incarcerated. The council should look at existing victim and witness advocacy programs in use throughout the state and determine if a more uniform system is necessary and if so recommend legislation. Victim and witness advocates assist victims of crime with many things, such as navigating the court process, preparing victim impact statements, obtaining protection orders, and finding assistance for housing and food when necessary and caused by virtue of their being the victim of a crime. This is especially true in cases involving domestic violence. **Vote 20-0.**

SB 252-FN, relative to release of a defendant pending trial. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. This bill as amended makes significant changes to our existing bail statutes by identifying a list of thirteen serious felonies that the committee felt should not be admitted to bail by a bail commissioner and instead should be heard by a judge or a magistrate. These crimes are homicide, 1st degree assault, 2nd degree assault, felony domestic violence, aggravated sexual assault, felonious sexual assault, kidnapping, felonious stalking, trafficking in persons, robbery, manufacture, possession and distribution of child pornography and computer pornography and, child exploitation. People who are accused of these crimes must be brought directly before the court when arrested during the week when the court is open the next day. Anyone arrested when the court will not be open the following day will be brought before a magistrate within 24 hours of their arrest for a determination on whether they should be released or held on the grounds of their being a danger to themselves or others, or that they are a flight risk. This bill also lowers the evidentiary standard of proof required to hold someone for dangerousness, from clear and convincing evidence to substantial evidence. The committee heard testimony that it was difficult to meet the clear and convincing evidence standard to show that someone might be dangerous, given that the hearing is within 24 hours of their initial arrest. The current clear and convincing evidence standard is often the level of proof required in civil cases that are decided after a hearing, with attorneys and time to prepare their case for argument. The bail issues in this case, are often argued by a police officer within the first 24 hours of the arrest. Armed with nothing but the facts supporting the arrest and the person's criminal record, police officers are ill prepared to reach such a high evidentiary standard and that has resulted in people who should have been held, having been released and going on to commit more crime and injuring people. To make an arrest, the standard is probable cause. The new proposed standard, substantial evidence, is more than probable cause but less than clear and convincing evidence. This adjustment will make it more likely that truly dangerous people will be held, while still ensuring that those that are not, will be released. In any event, the decision is temporary and both the accused and the state will be able to argue their case regarding further bail or detention in front of the judge at their next appearance. This bill also requires that anyone who has been arrested for a violation of a protective order, may only be released by a judge and then only with an electronic monitor to ensure that they remain the required distance from the victim in their case. The courts will notify the appropriate law enforcement agency when they become aware of a violation via the electronic monitor. Law enforcement does not have access to the entirety of the information collected by the monitor. They receive the notice of a violation, with the time and place of the violation and their current location, but if they wish to obtain any further information regarding a defendant's previous whereabouts, they must obtain a search warrant. Additionally this bill appropriates funds for the courts and the Department of Safety to implement a bail tracking system so that law enforcement will be aware if someone they encounter is on bail and what the conditions of that bail are. The committee heard testimony that currently it often takes a week or more for paperwork from a bail commissioner to make it to the court and be entered into a system where law enforcement can readily obtain it. Officers testified that they often only learn someone they are dealing with is already on bail from a previous arrest, when they discover the paperwork in the vehicle of the person they are in the process of booking for a new offense. This had resulted in people being admitted to further bail when they otherwise might not have been. **Vote 20-0.**

EDUCATION

HB 155, relative to the division of educator support and higher education and relative to surety indemnification for private postsecondary career schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill was submitted by the Department of Education (DOE) for the purpose of updating the Higher Education Commission. The New Hampshire Higher Education Commission is responsible for regulating and approving post-secondary institutions, both public and private. As amended, the bill enables the chancellor of the Community College System of New Hampshire, the chancellor of the University System of New Hampshire, and the commissioner of DOE to appoint a designee to the commission. The amendment further deleted, at the request of the department, all language relative to surety indemnification for private post-secondary career schools. **Vote 20-0.**

HB 352, relative to excused absences due to a student's mental or behavioral health. **INEXPEDIENT TO LEGISLATE.**

Rep. Mike Belcher for Education. This bill would have the effect of adding a new category of acceptable reasons for an excused absence from school for mental health reasons. However, there is nothing under existing law that prohibits this at this time, and testimony received was that this is standard practice already in schools – no specific reason or doctor's note is required for short-term absences. Further, the language would seem to require that schools and teachers be prohibited from requiring work, study, or tests missed during such mental health days from being made up, or from counting it against a student in the event it is not made up, raising even the absurd possibility that a student could miss an unlimited number of days, never accomplish the learning objectives, and yet pass the class and move on. **Vote 17-3.**

HB 623-FN, establishing a teacher candidate loan forgiveness program. **REFER FOR INTERIM STUDY.**

Rep. Mel Myler for Education. For the past two years, the joint Senate and House Committee to Study New Hampshire Teacher Shortages and Recruitment Incentives reviewed the various issues around the shortage of available teachers in New Hampshire. One of the issues the study committee identified was the student indebtedness from college loans. This is not an uncommon problem across the nation. The bill addressed the need to provide loan forgiveness for beginning teachers who work in rural and under-served schools. A similar bill is being considered by the Senate (SB 217). The committee determined that it would be best to deal with the Senate version and move this version to Interim Study. **Vote 18-2.**

HB 625-FN-LOCAL, relative to the calculation of average daily membership in attendance and average daily membership in residence for school districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This bill was basically a duplicate of HB 637, which was passed by the committee, making this bill unnecessary. **Vote 20-0.**

HB 627-FN, relative to local education improvement plans and disparities in education. **INEXPEDIENT TO LEGISLATE.**

Rep. Alicia Lekas for Education. This bill was meant to provide for accountability for the adequacy money provided by the state for education. It was taken basically word for word from an adequacy plan submitted by one party last term. But that party was not willing to pass it unless it was part of the whole plan. The other party would like to have accountability but was unwilling to fight for this bill given the makeup of the House. Therefore, it was agreed just to recommend the bill Inexpedient to Legislate and hope for some other form of accountability. **Vote 20-0.**

HB 637-FN, relative to the calculation of average daily membership in attendance for certain home educated pupils. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. Currently, a home school pupil may attend high school courses offered in grades 9-12, and for each instructional course the student is in attendance at the high school or public academy, the home school pupil shall count as an additional 0.15 grant payment from the department. This bill as amended extends this program to include academic courses in grades 7-12. **Vote 20-0.**

SB 25, repealing a requirement for a report on chartered public school payments. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This bill was a duplicate of HB 71, which was signed into law by the Governor, thus making this bill unnecessary. **Vote 20-0.**

SB 266, relative to the statewide education improvement and assessment program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. As introduced, this bill is a comprehensive, 24 page bill submitted by the Department of Education intended to modify and recodify education laws on the administration of and criteria for the statewide education improvement and assessment program, the criteria for an adequate education, accountability, and reporting that would impact RSA 193-C, RSA 193-E, RSA 193-H, and RSA 193-K. Due to the significant, comprehensive nature of the bill as introduced, Education Committee members and House

research personnel have provided extensive time and research in understanding the complexities and impacts of the legislation. After working with the department, the committee is moving forward with revised amending language submitted by the department that reflects necessary changes to RSA 193-C and RSA 193-H. These technical changes bring state statute into alignment with the Elementary and Secondary Education Act as amended by the Every Student Succeeds Act. **Vote 20-0.**

ELECTION LAW

HB 243, requiring the tabulation of votes in elections to be done in public. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Katelyn Kuttub for Election Law. This bill, as amended, requires that the tabulation of votes be done in public, just as the hand counting of ballots is currently done in public for elections. It further requires that for towns which use ballot counting machines, the long report tape be posted within 60 minutes of the last ballot being run through the machine. **Vote 19-1.**

HB 333-FN, relative to changing the date of the state primary election and adding a run-off election if necessary. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill moved the state primary date and created a runoff election. The committee used a separate bill to address the primary date. **Vote 20-0.**

HB 387, permitting election ballots to be viewed pursuant to a right to know request. **INEXPEDIENT TO LEGISLATE.**

Rep. Connie Lane for Election Law. This bill proposed allowing any voter to request a review of all ballots from any election pursuant to a right to know request under RSA 91-A. The original bill had many flaws, including omitting who was to pay for the review, limiting how many times a voter could request a review, outlining security for the ballots during the review process, not permitting ballot images to be reviewed in lieu of the actual ballots, and ignoring voters' rights to privacy regarding their ballot. Given the significant issues with the bill, the committee unanimously voted that the bill was Inexpedient to Legislate. **Vote 20-0.**

HB 395, relative to the voters' guide for constitutional amendments. **INEXPEDIENT TO LEGISLATE.**

Rep. Connie Lane for Election Law. This bill proposed having the explanation of constitutional amendment printed on the ballot with the constitutional amendment. While the committee agreed that there should be a better method for explaining proposed constitutional amendments to the voters, it was not able to agree upon whether it should be on the ballot and who should write the explanation. Due to the bipartisan support for the principle behind this bill, the committee plans to reconsider it in 2025. **Vote 20-0.**

HB 476, enabling the secretary of state to conduct a second recount after an election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ross Berry for Election Law.

This bill as amended requires the Secretary of State to conduct a second recount if the winner of the recount differs from those declared on election night. This ensures that recounts will be accurate and limit potential judicial proceedings in the event of an anomaly. The second recount, regardless of outcome, shall be the final recount. It is not expected to add significant burdens to the recount process as recounts change the outcome less than 20% of the time. **Vote 20-0.**

SB 156-FN, relative to voter registration and verification of voter identity. **INEXPEDIENT TO LEGISLATE.**

Rep. Katelyn Kuttub for Election Law. The committee voted against this bill for two main reasons, but differing reasons. Firstly, the bill aimed to update voter qualification and registration procedures, allowing election officials to utilize non-public information, including social media data, for identity verification. While one section mentioned voluntary data collection (RSA 654:7, V (a)), another part (RSA 654:12, III-a) lacked specificity on voluntariness, raising privacy concerns. Additionally, there was apprehension that the same non-public data used for verification could potentially lead to voter purging. Secondly, the proposed changes, such as removing identity and domicile affidavits any time, even on election day, prompted 10 committee members to vote against the bill, as it suggested significant alterations to the voter registration process. **Vote 20-0.**

SB 158, relative to absentee ballot outer envelopes. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill enabled pre-processing of absentee ballots. The committee was split on the rationale for the motion of Inexpedient to Legislate. Half of the committee had concerns about equal protections during the ballot curing process as well as the election integrity issues of handling ballots outside of the election day window. The other half of the committee were opposed to clerks verifying signatures on absentee ballots given the federal district court of New Hampshire's decision in 2018 that the signature matching process is "fundamentally flawed" and violated voters' rights to procedural due process. **Vote 20-0.**

ENVIRONMENT AND AGRICULTURE

HB 37, establishing a committee to study best practices for companion animal groomers. **INEXPEDIENT TO LEGISLATE.**

Rep. Judy Aron for Environment and Agriculture. Animal grooming safety is important and is a genuine concern, as is proper grooming for the health, well-being and overall comfort of our animal companions. Choosing the right animal groomer is crucial to keeping our beloved pets clean, healthy, and happy. This bill proposed establishing a legislative committee to study best practices for companion animal groomers. The bill came to us after an unfortunate incident in an animal groomer salon. Instead of setting up yet another legislative study committee, the House Environment and Agriculture committee discussed the issue, and with the approval of the bill sponsor we put together a "Consumer Guide to Choosing an Animal Groomer." The guide gives comprehensive information to pet owners about what to look for when choosing an animal groomer and provides links to other resources and organizations related to animal grooming. This guide is to be posted up on one or more of our state agency websites for the public to access. This was a better solution than instituting another study committee or creating more statutory legislation. **Vote 19-0.**

HB 122-FN, relative to microenterprise home kitchen operations. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Comtois for Environment and Agriculture. Although well-intentioned, this bill needed some work. The committee retained the bill to work on it, however the amendment brought forward was deemed non-germane as it created a new section of law. This amendment, we believe, would have addressed the original intent of the bill, but it was decided the best way forward would be recommend Inexpedient to Legislate on this bill and submit the amendment's language for legislative action in a new bill for 2024. **Vote 19-0.**

HB 326-FN, prohibiting the use of second generation anticoagulant rodenticides. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for Environment and Agriculture. This bill was submitted in response to evidence that predators and carrion eaters, including raptors, were suffering increased mortality because anti-coagulant rodenticides that rodents consume can cause secondary poisoning in animals that eat rodents who have consumed the rodenticides. We heard testimony that this was the case, but also heard testimony that, in the case of severe rat infestations, second generation anti-coagulant rodenticides (SGARs) are one of the few effective treatments. We retained the bill so that the Pesticide Control Board could form a study committee to investigate possible resolutions to the problem. Their report indicated that the federal Environmental Protection Agency is in the process of producing new rules that will substantially restrict the use of SGARs in order to protect wildlife. Because these rules are expected to go into effect in late 2023 or early 2024, it does not make sense to establish rules at the state level. Since this bill would have created state rules, it is inexpedient to legislate. **Vote 19-0.**

HB 493, eliminating the state meat inspection program. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for Environment and Agriculture. This bill was submitted at the request of the Department of Agriculture, Markets, and Foods. The state meat inspection program has never been active because it has never been funded and has never been approved by the US Department of Agriculture. The department wanted to remove it because it is inactive. There is currently, however, a study committee looking at possible ways of expanding access to slaughter for both amenable and non-amenable livestock species. It was felt that removing the slaughter statutes before the completion of the study would be premature. **Vote 19-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 105-FN-A, relative to the registration of medical spas. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill was an attempt to register medical spas due to the processes used in aesthetic procedures such chemical peels, injections, and fillers. An industry group objected to the bill and offered their assistance in improving the bill; the bill was retained. We were unable to complete this improvement during the bill's retention and recommend inexpedient to legislate until further information is attained. **Vote 18-0.**

HB 183-FN, relative to employment of retired firefighters at the fire academy. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Simon for Executive Departments and Administration. The intent of this bill is to exempt hours worked by retired group II permanent firefighters at the New Hampshire Fire Academy from counting toward their annual limitations on part-time employment. In 2022, only 88 retired firefighters worked part-time for participating NH employers. On average these firefighters only use 36% of their maximum available hours. The committee agreed that creating an exception in the New Hampshire Retirement System (NHRS) that would affect such a small number of employees was not only unnecessary, but it risked creating a work around whereby employers could avoid paying their necessary contributions toward the retirement systems unfunded liability. We did not feel that creating this precedent would be prudent. **Vote 19-0.**

HB 274, relative to the administrative rulemaking process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended, improves legislative oversight of the administrative rule making process. First, it requires the notice for a rule to be sent to all known stakeholders, not just licensees, and if implementing new legislation, to legislative leadership and the policy committees involved. This is the time that legislative involvement is the most crucial, to establish policy and intent. Then, if the Joint Legislative Committee on Administrative Rules (JLCAR) objects to a rule, without filing a joint resolution to halt it, the agency may adopt the rule but has the burden of proving its legitimacy. This bill provides that in this case, if the rule is found invalid in court, the agency shall pay the plaintiff's legal fees. **Vote 19-0.**

HB 428, relative to mental health practice. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for Executive Departments and Administration. The contents of this bill were included in SB 207 which was passed by the legislature and signed into law. As a result this bill is no longer needed. **Vote 19-0.**

HB 449-FN, relative to the calculation of group II retirement benefits in the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Simon for Executive Departments and Administration. This bill was retained by the committee as a placeholder in case we needed to address any insufficiencies in HB 436. HB 436 is currently retained in finance, and is now being reviewed by the retirement benefits commission. Since HB 436 has already passed the House once and is therefore further along in the legislative process, there is general agreement within the committee that it would be more efficient to address any recommendations made by the retirement commission by directly amending HB 436 as opposed to using HB 449 for this purpose. For this reason, the committee finds that HB 449 has become superfluous and should be found inexpedient to legislate. **Vote 19-0.**

HB 518, establishing a commission to study revisions to occupational regulation of pharmacists and pharmacies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill was retained in committee as a vehicle to address statutory clean up with HB 655 and HB 409 that put into statute changes in authority regarding fee setting and renewal and disciplinary procedures for the Office of Professional Licensure and Certification. The non-germane amendment, 2023-2426h, replaces the original bill in its entirety and brings statutes in harmony regarding these administrative tasks. **Vote 19-0.**

SB 106-FN, establishing an emerging professional certificate for child care programs. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill places in statute a program for a professional certificate for childcare for individuals who have graduated high school and completed an application to the Department of Health and Human Services (DHHS). The certificate requires education and training hours gained through New Hampshire career and technical education programs offered in New Hampshire high schools. The bill requires DHHS to adopt rules relative to accepting applications and issuing a certificate. **Vote 19-0.**

FINANCE

HB 91-FN-A, relative to privacy obligations of the department of health and human services. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen Mooney for Finance. This bill would have created a data privacy and information technology security governance board within the NH Department of Health and Human Services in order to oversee data privacy risk calculation and mitigation. The bill was necessary for conducting Privacy Impact Assessment (PIA) on each IT system prior to implementation to avoid breach risks. Two department employee positions would have been appropriated for these tasks. The language of this good bill is included in HB 2 (2023) sections 79:425-79:427 which was signed into law by the Governor on June 20, 2023. **Vote 25-0.**

HB 212-FN-A, appropriating funding for investigations, testing, and monitoring relative to per- and poly-fluoroalkyl substances. **INEXPEDIENT TO LEGISLATE.**

Rep. Gerald Griffin for Finance.

This bill was included in HB 2, sections 358-365 and is no longer needed. **Vote 25-0.**

HB 230-FN, directing the department of agriculture, markets, and food to employ an electronic data processing system for all registrations under its purview. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Finance. This bill was incorporated into the state budget and is no longer needed at this time. **Vote 25-0.**

HB 272-FN, increasing chartered public school per pupil funding. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Heath for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefore the original bill is not needed. **Vote 25-0.**

HB 276-FN-A, (New Title) establishing the cyanobacteria mitigation loan and grant fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Dan McGuire for Finance. This bill came to our committee with an unworkable request for the state to borrow \$25 million to give out grants and loans to municipalities, water systems and watershed associations dealing with cyanobacteria. It was included in the House-passed budget with an allocation of \$1, which in the final budget was changed to \$1 million. Therefore the bill is no longer necessary. **Vote 25-0.**

HB 282-FN-A, relative to including certain children and pregnant women in Medicaid and the children's health insurance program. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Jane Wallner for Finance. This bill waives the five year waiting period for Medicaid and CHIP coverage for children and pregnant women lawfully residing in the United States. Currently, 35 other states have waived this five year wait for lawful immigrants. The language of this bill is included in HB 2 (2023) section 79:412 which was signed into law by the Governor on June 20, 2023. **Vote 25-0.**

HB 300-FN, prohibiting the disposal of certain food waste. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen Ebel for Finance. This bill would prohibit the disposal of food waste by one-ton generators or more of food waste per week if there is a facility with adequate capacity to take the waste either by donation or composting within 20 miles. The legislation was included in the budget, and signed into law. Therefore, HB 300 is no longer necessary and the committee voted unanimously Inexpedient to Legislate. **Vote 25-0.**

HB 311-FN-A, making an appropriation to the department of environmental services for eligible wastewater projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Chuck Grassie for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HB 332-FN-A-LOCAL, relative to school building aid for eligible projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HB 347-FN, establishing a superior court land use review docket. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen Ebel for Finance. This bill would create a superior court land use docket. The legislation was included in the budget, as signed into law. Therefore, HB 347 is no longer necessary and the committee voted unanimously Inexpedient to Legislate. **Vote 25-0.**

HB 419-FN-A, relative to the math learning communities program of the community college system and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HB 420-FN-A, relative to the availability and funding for the dual and concurrent enrollment program by the community college system and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HB 462-FN-A, making an appropriation to the solid waste management fund and targeting food waste reduction and diversion. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen Ebel for Finance. This bill would appropriate funds to the solid waste management fund and amend the use of the fund to target food waste reduction and diversion. The legislation was included in the budget, as signed into law. Therefore, HB 462 is no longer necessary and the committee voted unanimously Inexpedient to Legislate. **Vote 25-0.**

HB 521-FN-A, relative to the department of education payment for placement for an episode of treatment. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HB 527-FN-A, relative to Medicaid reimbursement rates for certain assisted living facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen Mooney for Finance. This bill would increase Medicaid reimbursement rates for certain small assisted living facilities to the amount of \$115 per day from the current \$56.88 per day. HB 2 (2023) section 79:239 increased rates resulting in such facilities receiving approximately \$73-\$113 per day. HB 2 was signed into law by the Governor on June 20, 2023. **Vote 25-0.**

HB 529-FN-A-LOCAL, relative to additional aid grants for schools based on free and reduced price meals and fiscal capacity disparity. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HB 540-FN-LOCAL, relative to adequate education grant amounts for pupils receiving special education services. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HB 541-FN-A-LOCAL, relative to school building aid grants and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HB 542-FN-A, establishing an academic research and improvement performance data analyst in the department of education. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HB 560-FN-A, establishing a contact person notification program to assist law enforcement personnel who have contact with a person with mental or physical disabilities and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

HB 565-FN-A, relative to expanding Medicaid to include certain postpartum health care services. **INEXPEDIENT TO LEGISLATE.**

Rep. Mary Jane Wallner for Finance. This bill allows postpartum health care services within Medicaid for a full year, as opposed to the current six month period. The language of this bill is included in HB 2 (2023) section 79:421 which was signed into law by the Governor on June 20, 2023. **Vote 25-0.**

HB 571-FN-A, relative to the cost of living adjustments for certain group II retirees in the New Hampshire retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Jose Cambrils for Finance. This bill attempted to add a cost of living adjustment for certain group II retirees in the New Hampshire retirement system. The committee by a vote of 25-0 finds that this bill is Inexpedient to Legislate, as a provision for a one-time \$500 allowance was already passed in sections 368-370 of HB 2. **Vote 25-0.**

HB 614-FN, (New Title) making an appropriation to the department of health and human services to fund the Merrimack, New Hampshire Kidney Cancer Incidence Phase 3 Feasibility study. **INEXPEDIENT TO LEGISLATE.**

Rep. Maureen Mooney for Finance. This bill appropriates funding for a Phase 3 Feasibility study to determine the effects of PFAS causing kidney cancer in the Town of Merrimack. Only two New Hampshire communities in the past 10 years have risen to the level of a Phase 3 study indicating the severity of PFAS pollution on the human body. The language of this bill is included in HB 2 (2023) section 79:429 which was signed into law by the Governor on June 20, 2023. **Vote 25-0.**

HB 638-FN-LOCAL, relative to the extraordinary need grants to schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Tracy Emerick for Finance. The contents of this bill were incorporated in HB 2, both in the House version and in the Senate version and has been signed into law by the Governor. Therefor the original bill is not needed. **Vote 25-0.**

SB 128-FN, relative to payment for legal services for persons involuntarily admitted for mental health services. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Finance. This bill would provide payment for legal services for persons involuntarily admitted for mental health services. House Finance did not hear from our colleagues on the other side of the wall regarding this legislation and they did not include it in the state budget while they had the opportunity to amend and revise HB 1 and HB 2. The unanimous, bipartisan majority of House Finance supports Inexpedient to Legislate. **Vote 25-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 317, establishing a commission to study transitioning to a 2-tier waiver system for individuals eligible for disability services. **INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. In testimony, the Assistant Commissioner in charge of the Bureau of Developmental Services stated that there is no intention to begin any work on evaluation of a transition to a two-tiered waiver system for developmental disability services before 2026, at the earliest. Based upon that testimony, the committee believes this bill is no longer necessary. **Vote 20-0.**

HB 322, relative to establishing a committee to study the New Hampshire board of medicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Nagel for Health, Human Services and Elderly Affairs. It is recognized by the committee, based on testimony from a broad group of stakeholders, that there are a number of concerns about several issues pertaining to the New Hampshire Board of Medicine (the "Board") process. This bill would create a committee to provide legislative oversight of that process with a goal of improving transparency regarding complaints and the process of reporting complaints to the Board, while protecting physicians who are subject to inappropriate or inaccurate complaints. This issue was originally raised to the Department of Health and Human Services Oversight Committee, wherein complaints regarding a certain physician who was subject to multiple malpractice lawsuits in both Massachusetts and New Hampshire, were accessible on the Massachusetts website but not on the New Hampshire one. This was considered to be a concerning symptom of a more general process in need of review and repair in the interest of patients, physicians and health care facilities. The amendment to this bill changes the composition of the Board to improve this situation. **Vote 20-0.**

HB 329-FN, establishing an ALS (Amyotrophic Lateral Sclerosis) registry in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. James Murphy for Health, Human Services and Elderly Affairs. Amyotrophic Lateral Sclerosis (ALS) is neuro-degenerative disease which has devastating consequences for the patient and their family. A registry would help to better understand and treat many neuro-degenerative disorders. Attempts were made to either house the registry within the state or through NH's only academic medical center, Dartmouth Hitchcock Medical Center. However, for a number of reasons, it was felt that it would not be feasible at this time. Issues regarding confidentiality, legal ramifications, IT infrastructure and cost were all barriers to establishing a registry and therefore the committee voted unanimously to find the bill Inexpedient to Legislate at this time. **Vote 20-0.**

HB 378, requiring a health care provider to inform and offer to take and preserve blood and urine samples from a patient who may have been drugged or sexually assaulted. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The hearing process for this bill made clear that people involved in helping sexual assault survivors are not aware of the policies and procedures established by the Department of Justice (DOJ). The committee therefore supported an amendment which tasks the DOJ with creating, through rule-making, a summary document of the rights a survivor should know immediately after assault, and then requires distribution to those involved in caring for survivors and the survivors themselves. **Vote 20-0.**

HB 406-FN, relative to parental access to children's medical records. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim Kofalt for Health, Human Services and Elderly Affairs. This bill aims to increase parental access to their children's medical records. In fact, parents already have access to those records under HIPAA. The problem lies in the availability of such access via patient portals. When a patient reaches the age of 12, health care organizations are required under both state and federal law to protect certain confidential information, even from parents. Using the software currently available, access to information via patient portals is only available on an "all or nothing" basis. To remedy this, electronic medical records (EMR) vendors would first need to make changes to their software to enable a distinction between various medical procedures and treatments that are confidential for minors at various ages, versus those that are not. Given the absence of such capabilities, it is simply not practical for New Hampshire's health care providers to comply with the provisions in this bill at this time. **Vote 20-0.**

HB 554-FN, relative to treatment alternatives to opioids. **REFER FOR INTERIM STUDY.**

Rep. David Nagel for Health, Human Services and Elderly Affairs. It is the belief of the committee, based on the review of the testimony of a broad variety of stakeholders, that this bill raises important issues. Specifically, one of the causes of the opioid crisis is a systemic lack of access to non-opioid, non-pharmacological and non-procedural treatments for the millions who suffer from acute, chronic and end-of-life pain. This bill seeks to remedy that problem, which is honorable and of great value. In the process of reviewing the bill however, multiple issues of concern arose, such as the issue of mandates to a relatively small group of insurers, licensure requirements of those providing the services, potential cost of these mandates, new requirements for physicians that are already in statute and in rules, and the inclusion of 2023, HB 303, which is in the Commerce

Committee, within the language of this bill. It was pointed out that a study group created by 2023, HB 66 is already looking at the issues raised by this bill in a multi-stakeholder group. The committee believed that the issues raised by the bill are important and could be addressed by the HB 66 committee with study and potential refinement of the bill. **Vote 20-0.**

HB 566-FN-A, relative to establishing a fund for child care workers and early childhood educators at state licensed child care centers. **INEXPEDIENT TO LEGISLATE.**

Rep. Gerri Cannon for Health, Human Services and Elderly Affairs. This bill would establish a child care workforce fund to finance recruitment and retention bonus grants for eligible New Hampshire child care employers at licensed child care centers. The committee determined the state budget already included funding for New Hampshire child care and passing this bill would duplicate what has already been approved by the House. **Vote 20-0.**

HB 580-FN, establishing a children's vision screening initiative within the state Medicaid program. **REFER FOR INTERIM STUDY.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The bill aimed, with good intentions, to create a vision screening program within the state Medicaid program. The requirement for a student who enters the public school system to have a comprehensive eye exam may need to apply to all students regardless of insurance. During committee hearings, the committee heard that best practice for well-child visits includes eye screenings and referrals to eye care professionals, when a health care provider finds issues. Because of these concerns, the committee supports future study to understand better which students need a comprehensive eye exam and if the requirement should apply to all students regardless of their insurance type. **Vote 20-0.**

HB 587-FN, relative to a New Hampshire first designation on the donor registry for anatomical gifts. **INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for Health, Human Services and Elderly Affairs. This bill sought to add a checkbox to the Division of Motor Vehicles (DMV) driver's license and non-driver's identification card application forms. The checkbox would indicate someone had registered with the DMV as an organ donor and wanted their organ donation to go to a New Hampshire resident before it went to someone from another state. The Health and Human Services and Elderly Affairs Committee (HHSEA) had initially retained this bill and formed a subcommittee to consider it further. The subcommittee asked for legal research to be done and it was determined this legislation would potentially create a conflict in state law between RSA 263:41 and RSA 291-A. There was also the likelihood of a conflict or a preemption by federal law. For these reasons, the assigned subcommittee and the full HHSEA Committee decided to vote this bill Inexpedient to Legislate. **Vote 20-0.**

HB 608-FN, establishing a pilot program to support the bureau of developmental services redesign. **REFER FOR INTERIM STUDY.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill was introduced prior to the change to direct billing for the developmental disabilities community. The transition has proven more difficult than forecasted by the Department of Health and Human Services and involved several additional changes, including electronic visit verification mandated by the federal government as well as optional systems changes. The committee believes it is prudent to refer this bill to Interim Study to stay involved in the process, as well as to guide legislative supports for this important community in the next biennium. **Vote 20-0.**

SB 236, establishing a committee to study nonprofit organizations contracting with the department of health and human services for children's services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Wayne MacDonald for Health, Human Services and Elderly Affairs. This bill establishes a committee to study nonprofit organizations contracting with the Department of Health and Human Services for children's services regarding insurance coverage. The House Health and Human Services and Elderly Affairs Committee (HHSEA) decided that it needed further consideration and, after the initial hearings, retained the bill and formed a subcommittee to further address the issue. The subcommittee heard from representatives from the New Hampshire Department of Insurance, who spoke favorably about the bill and stated that a study committee would have merit. Further, such a study committee and the possible insurance benefits it could yield would benefit vulnerable children, who very much need them. For these reasons, both the subcommittee and the full HHSEA Committee have voted unanimously Ought to Pass as Amended. **Vote 20-0.**

JUDICIARY

HB 149-FN, relative to the handling of requests made under the right-to-know law. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. The Judiciary Committee felt that this bill was just not needed, at least not now. The bill would establish periodic reporting requirements for government bodies that do not respond promptly to a right to know request. However, given that recently the legislature created a Right to Know

Ombudsman, the committee felt that there needed to be more time for the ombudsman to take care of some of the conflicts that may result from right to know requests being denied or not being acknowledged or responded to promptly before any further legislative action is taken on the matter. **Vote 19-0.**

HB 362-FN, relative to complaint procedures in cases before the commission for human rights. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Smith for Judiciary. This bill provided that only the complainant can remove a case from the state Commission for Human Rights to court. A version of this legislation has been considered by the House Judiciary Committee in several successive terms. There is agreement that the specific change proposed in the bill might indeed have merit. However, in hearings on this bill and its predecessors, it became clear that there were a number of problems that interfered with the commission's ability to meet its legislative and regulatory obligations. These problems were significant enough that members of the House Judiciary Committee asked the Performance Audit and Oversight Committee to recommend that the Fiscal Committee approve a comprehensive performance audit of the commission. That was done and the Legislative Budget Assistant's Office is currently well into its work, with the hope that a report would be completed in the spring. Therefore, the committee concluded that it could not justify addressing one small component of the commission's operation, before knowing how this change might relate to the findings of the performance audit. The Judiciary Committee expects to review the audit findings as soon as they are released, and move to take such actions as are needed to support the commission's efforts to meet the needs of NH citizens. **Vote 19-1.**

HB 533-FN, relative to public school human rights complaints. **INEXPEDIENT TO LEGISLATE.**

Rep. Bob Lynn for Judiciary. As originally proposed, this bill would have authorized the Department of Education (DOE) to directly prosecute before the Human Rights Commission (HRC) complaints of civil rights act violations arising in the public school context. There were numerous problems with this bill, and even its main proponents agreed that a better resolution of DOE concerns was for it to work out a memorandum of understanding with the Department of Justice, which handles all other publicly-initiated cases before the HRC. An amendment to the bill was proposed which would have granted DOE subpoena power in certain cases. Although granting DOE subpoena power may be appropriate, this topic is now the subject of new proposed legislation that will be offered in the 2024 session. **Vote 20-0.**

HB 641-FN, relative to clearance inspections following identification of a lead exposure hazard. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. This bill would have permitted companies that provide lead inspection services to delay submitting such reports to state regulatory authorities until they are paid by the person who requested the inspection. Based on the evidence presented at the hearing, the committee felt that there was no need for the bill, as the problem of collecting payments appeared to be isolated to a single company. Moreover, there appears to be no reason why an inspection company that is concerned about being paid cannot collect all or most of its fees prior to performing the inspection. **Vote 20-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 82-FN, relative to employment protection for participants in the therapeutic cannabis program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. New Hampshire has instituted a medical marijuana program. Yet, because of the federal classification of cannabis, a patient in our program lacks protections that exist for other treatments involving other restricted drugs (e.g. properly prescribed opioids, barbiturates, etc.). In 2022, the NH Supreme Court ruled that such patients are protected under NH's Human Rights law: that employers must make reasonable accommodations for a worker's disability. As amended, this bill essentially puts into law the substance of that ruling. This will have two benefits for the state. Once enacted, disputes about unlawful discrimination can be brought before the Department of Labor for adjudication rather than requiring resolution via civil lawsuit. Secondly, if a dispute does wind up in court, this law will have a clarifying effect and will therefore limit the complexity of civil cases. In short, the rights of employees, as guaranteed by the NH Supreme Court, will be upheld while reducing the legal costs of doing so. **Vote 18-2.**

HB 182-FN, prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. This bill will allow firefighters and volunteer firefighters to stop at an emergency scene and provide services in their capacity as a firefighter or volunteer firefighter while on their way to a scheduled shift at their place of work. If they are late to their scheduled shift or unable to attend the shift they cannot be fired or reprimanded. The firefighter or volunteer firefighter must inform their employer as soon as possible when they know they will be late for their shift or unable to make their scheduled shift. The firefighter or volunteer firefighter will be required to submit

a statement signed by the chief or such fire department and certifying the time and date that the employee responded to and returned from the emergency. The employer is not required to compensate the employee for any time the employee failed to report to work. **Vote 19-1.**

LEGISLATIVE ADMINISTRATION

HB 157, relative to the joint committee on legislative facilities and sexual harassment policies. **REFER FOR INTERIM STUDY.**

Rep. Vanessa Sheehan for Legislative Administration. The body of this bill offered an alternative approach for the Joint Committee on Legislative Facilities to review and adopt sexual harassment policies and procedures. The committee felt additional care in the construct of the duties of the Joint Committee on Legislative Facilities was warranted and retained the bill for that purpose. The committee subsequently discovered that internally a group consisting of the General Court Chief Operating Officer and the attorneys for both the House and Senate had been working on developing best practices, adopted from research on other states legislatures, along these same lines and this group believes they shall offer a comprehensive approach to the subject matter early in the upcoming year. Rather than simply dispose of the pending legislation by recommending Inexpedient to Legislate, the committee unanimously recommends interim study as a better solution. **Vote 13-0.**

SB 28, relative to a portrait in the likeness of Rogers Johnson at the state house. **INEXPEDIENT TO LEGISLATE.**

Rep. Vanessa Sheehan for Legislative Administration. This bill is no longer needed as it was included in the budget that recently passed. **Vote 11-0.**

SB 84, (New Title) relative to legislative study committees and commissions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Vanessa Sheehan for Legislative Administration. The committee retained this bill principally to have a vehicle to repeal obsolete committees and commissions that we had anticipated arriving from the Special Committee on Commissions. The committee unanimously amended this bill, replacing all language of the original bill after the enacting clause. The amendment began by repealing the following task forces, study committees, and study commissions: Task force on Re-Establishing the Lawrence, MA to Manchester, NH and Concord to Lebanon Rail Service (Ch. 271, Laws of 2001); Advisory Committee on State Procurement (RSA 21-I:14-d); County-State Finance Commission; (RSA 28-B:1); Air Pollution Advisory Committee; (RSA 125-J:11); Committee to Study the Laws Relating to Condominium and Homeowners' Associations (RSA 356-B:70); and Commission on the Status of Health Coverage Markets for Individuals and Small Employers (RSA 404-J:1). The amendment also repeals a requirement that House and Senate committee services staff jointly prepare an annual index of all commissions. (RSA 14:49,II(e)). The requirement was repealed because new software changes allow anyone to print an index of desired commissions directly from the General Court website at any time. Additionally, the amendment repeals the John G. Winant Memorial Commission (RSA 4:9-1) and places the maintenance of that memorial in the hands of the Joint Legislative Historical Committee which handles all maintenance requirements of memorials and artifacts within the Statehouse complex. Finally, the amendment extends the reporting date to November 1, 2024 for a newly-established study committee on the Department of Environmental Services Appeals Process. **Vote 11-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 70, relative to residency requirements for deputy town clerks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Diane Pauer for Municipal and County Government. This bill as amended clarifies current statute relative to the residency requirements for deputy town clerks. Pursuant to RSA 669:6, a town clerk must have his/her domicile within the town, and RSA 41:18 requires that the deputy town clerk be qualified in the same manner as the town clerk. Thus, a deputy town clerk must likewise have his/her domicile within the town. Furthermore, statute designates that a deputy town clerk shall perform all the duties of the town clerk in case of his/her absence by sickness, resignation, or otherwise. Such duties include but are not limited to: maintenance of public records, recordkeeping and recording of vital records, registrations and licensing, as well as statutory duties in elections. It is important to note that state election law requires election officers to be domiciled within the town, one of which is the town clerk. Therefore, in the absence of a town clerk, a deputy town clerk must have his/her domicile within the town in order to legally perform the required duties in the election process. Lastly, the New Hampshire Secretary of State office maintains that due to the confidential nature of the responsibilities of a town clerk, both a town clerk and a deputy town clerk must be domiciled in the town that they serve. **Vote 19-1.**

HB 202, relative to property tax abatements. **OUGHT TO PASS.**

Rep. Diane Pauer for Municipal and County Government. This bill addresses an inequity in the current system of equalization used for property tax assessments and abatements, and is the product of a commission estab-

lished by 2022 HB 411 to study the equalization rate used for the calculation of a property tax abatement. Presently, two different equalization rates reported in two different years by the New Hampshire Department of Revenue Administration (DRA) are used, one for tax assessment purposes and another for tax appeal purposes. This bill establishes that the tax assessment equalization rate is used for both purposes, enacting a fair method to equalize market value for the purposes of calculating property tax abatements by the New Hampshire board of tax and land appeals, the superior court, and all cities, towns, and counties. In summary, this bill thereby corrects the current inequity in the tax appeal process by using the same equalization rate in assessments and appeals. **Vote 18-1.**

HB 270, relative to the election of Strafford county commissioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Len Turcotte for Municipal and County Government. The subject matter of this legislation was included within another bill that ultimately passed both the Senate and the House. It was then signed into law. This bill is no longer needed. **Vote 20-0.**

HB 433-FN, providing that property tax exemptions granted prior to a home sale shall not be applied to the new homeowner. **INEXPEDIENT TO LEGISLATE.**

Rep. Tim Cahill for Municipal and County Government. The prime sponsor requested the committee find the bill Inexpedient to Legislate. **Vote 20-0.**

HB 526-FN, regulating the use of temporary traffic control personnel. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Len Turcotte for Municipal and County Government. In 2015, a study committee recommended giving municipalities more control over the use of flaggers or police details on roads for maintenance/construction of roads. During the public hearing and executive session, some testified that their own municipalities currently determine the details, yet others believe they do not have that authority. This bill, as amended, can be considered somewhat enabling legislation, but above all clearly delineates the authority of municipalities regarding flaggers and police details on Class IV and V roads within their jurisdiction. **Vote 18-1.**

PUBLIC WORKS AND HIGHWAYS

HB 110, prohibiting the use of state funds for new passenger rail projects. **REFER FOR INTERIM STUDY.**

Rep. David Milz for Public Works and Highways. The committee was evenly split on this issue and felt that a matter of this importance required further detailed study. **Vote 18-0.**

HB 199, relative to making an appropriation to the Carroll, Strafford, and Coos county freight rail improvement projects. **INEXPEDIENT TO LEGISLATE.**

Rep. John Cloutier for Public Works and Highways. The unanimous committee majority agrees that this bill is no longer necessary because a similar appropriation was included as part of this year's biennial Capital Budget, House Bill 25. **Vote 18-0.**

HB 361, relative to Pease development authority board of directors. **INEXPEDIENT TO LEGISLATE.**

Rep. John Cloutier for Public Works and Highways. The unanimous committee majority had concerns about the bill's language. In any case, the bill's prime sponsor did not object to Inexpedient to Legislate. **Vote 18-0.**

HB 456-FN, relative to collecting road tolls on the output of separately metered electric vehicle chargers. **INEXPEDIENT TO LEGISLATE.**

Rep. David Milz for Public Works and Highways. The committee felt that at this time, there is no mechanism for electric utilities to provide any type of separate billing or recover any surcharge payable as a road toll. **Vote 18-0.**

HB 606-FN, requiring construction of state buildings or state-funded projects to contain electric vehicle (EV) charging infrastructure. **REFER FOR INTERIM STUDY.**

Rep. David Milz for Public Works and Highways. The committee felt that the bill as written had too many flaws. It did not cover who would be paying for actual electricity usage or whether state housing projects would have to be included. Furthermore, would older state buildings have to be retro-fitted and if so, what kind of time-line would be necessary. The bill attempted to provide an inadequate solution to a complex problem. **Vote 18-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 186, relative to waivers for alternative sewage disposal systems. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Vail for Resources, Recreation and Development. This bill would prevent a municipality from denying a waiver to the requirements for connection to a nearby sewer line, when the property owner has an approved septic system as described in RSA 147:8. The bill was filed to address runaway sewage disposal costs to the taxpayers of Grafton County. In the hearing, the committee learned that 25% of the county budget is earmarked for sewage disposal fees. The county commissioners and executive committee have been

unsuccessful in negotiating with their sewer company to bring this expense within reason. The committee learned from testimony from NH Department of Environmental Services that this bill would impact all NH's municipalities' established sewer ordinances, some in a negative way. NH Rivers Management Advisory Committee also opposes the bill, as nutrients from leach fields find their way into rivers and lakes, where they can and do fuel algae growth and cyanobacteria blooms. It is the committee's hope that the Grafton County officials are able to find relief in a non-legislative solution, and if not, file a bill in the future that addresses these concerns. **Vote 20-0.**

HB 398, relative to notice of PFAS and other groundwater contamination prior to the sale of real property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Will Darby for Resources, Recreation and Development. This bill adds a notification for PFAS (Per and polyfluorinated alkyl substances) to existing notifications for Radon, Arsenic and Lead on the Purchase and Sales Agreement for real estate transactions. The committee amendment clarifies the notification language, removes a disclosure requirement that was concerning to the NH Department of Environmental Services (NHDES) and Realtor stake holders, and amends the effective date to allow time for real estate form updates. Almost half of New Hampshire households get their water supply from a private well. PFAS, which both the NHDES and the U.S. Environmental Protection Agency (EPA) state may be harmful to human health, have been detected at elevated levels in wells in New Hampshire, predominantly, in southern New Hampshire. This bill ensures that all NH home buyers are adequately informed about associated risks related to PFAS in well water and the availability of testing and remediation options. **Vote 20-0.**

HB 472, relative to the placement of temporary seasonal docks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Resources, Recreation and Development. The original bill intended to protect nesting wildlife from threats posed by temporary seasonal docks by prohibiting exceptions to wetlands permits when the dock would be placed near a nesting areas. However an existing statute, RSA 212-A:2, already empowers the executive director of Fish and Game with the authority to restrict boat traffic when it threatens endangered wildlife in the earliest stages of life. The committee unanimously adopted an amendment to expand RSA 212-A:2 by including temporary seasonal docks and anchored seasonal platforms, giving the executive director authority to adopt and enforce rules to protect endangered wildlife. **Vote 20-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 159, relative to the default service rate for electricity. **INEXPEDIENT TO LEGISLATE.**

Rep. JD Bernardy for Science, Technology and Energy. This bill attempts to control the wide swings in the default service rate for electricity by implementing a maximum retail rate limited to a five-year rolling average of the retail rates in the New England region as posted by ISO New England. The committee believes this approach is unconstitutional as it could require utilities to provide electric service at rates below their actual cost. The committee agreed that there are better approaches to lessen the broad swings in electric rates as noticed in a May 2023 public utilities commission report, and as being studied in greater detail by the Department of Energy. A new bill to incorporate other potential solutions has been filed for 2024. **Vote 19-0.**

HB 175, relative to the state's energy consumption reduction goal. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeanine Notter for Science, Technology and Energy. This bill was requested by the Department of Energy but was objected to by the Department of Environmental Services. The term "fossil fuels" can be considered a misnomer for fuels that come from ancient life. They are "hydrocarbons," a term that describes the fuels more accurately. Not all hydrocarbons emit atmospheric gasses, such as carbon dioxide (CO₂), methane (CH₄), and water vapor (H₂) (also known as "greenhouse gases") at the same rate. This bill would have changed the term, "fossil fuel consumption," to "greenhouse gas emissions," but seemed to make little policy material difference. Therefore, the committee saw no reason to pass the bill and opted for Inexpedient to Legislate. **Vote 20-0.**

HB 176, relative to rules of the site evaluation committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Harrington for Science, Technology and Energy. During the executive session, it was determined that there were significant drafting errors in the bill. For that reason, the bill was voted Inexpedient to Legislate. **Vote 20-0.**

HB 509, relative to the phasing out of the minimum electric renewable portfolio standard. **REFER FOR INTERIM STUDY.**

Rep. Michael Harrington for Science, Technology and Energy. The future of the renewable portfolio standard remains ambiguous beyond 2025. Should it be retained or eliminated? How long does such a program need to be in place for it to be considered effective? What constitutes effectiveness for such programs? These kinds of questions need the further analysis that a referral for Interim Study provides. **Vote 20-0.**

HB 558-FN, relative to electric microgrids and electric grid resiliency. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Thomas for Science, Technology and Energy. The original bill would have set up authority and procedures for the adoption of electric microgrids. Upon much discussion, the majority felt an amendment to

direct the Department of Energy to open an investigatory docket and produce a report of their recommendations was a more prudent course of action. As a result, the committee adopted amendment 2023-2321h and recommends Ought to Pass with Amendment. **Vote 20-0.**

HB 616-FN, relative to administration of the New Hampshire's renewable portfolio standard. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Harrington for Science, Technology and Energy. HB 509, which also deals with the electric renewable portfolio standard, was voted to go to Interim Study. The issues in HB 616, such as the addition of nuclear electricity generation to the renewable portfolio standard, can be addressed in that review process so this bill is unnecessary. **Vote 20-0.**

HB 622-FN, repealing the energy efficiency and sustainable energy board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. With the repeal of the EESE Board by HB 281, effective October 7, 2023, HB 622 was no longer viable. The committee decided instead to create an amendment to add energy efficiency responsibilities to those already specified for the Department of Energy's grid modernization advisory group, which was created by legislation in 2022. **Vote 20-0.**

SPECIAL COMMITTEE ON CHILDCARE

SB 221, (New Title) establishing a study committee to examine day care access and affordability. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Special Committee on Childcare. This bill establishes a committee to address and examine issues relating to childcare in NH. The Special Committee greatly appreciated the bill, but the existence of the Special Committee accomplished the purpose of the bill and thus was not necessary. **Vote 10-0.**

TRANSPORTATION

HB 55-FN, relative to driver education. **REFER FOR INTERIM STUDY.**

Rep. John Sellers for Transportation. This bill requires further study due to changes in shortening the time it takes to train new driving instructors. This should reduce the wait time it takes now for a student to schedule driver education which has been a problem where students have waited 6 months or more and even had to drive further to join in a driver education class. It was also the view of some on the committee that parents should be able to train their child in driver education however, exactly what that training would look like is what needs further study. **Vote 18-0.**

HB 370-FN, relative to after market window tinting on motor vehicles for drivers with medical conditions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alvin See for Transportation. This amendment corrects a legislative oversight from two years ago regarding after market window tinting on the windshield and windows of the left and right of the driver. It is specific to medical condition waivers. **Vote 18-0.**

HB 537-FN, permitting vehicles to have front windshield tinting. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for Transportation. This bill was retained with the knowledge that the committee also retained HB 370. Both bills dealt with the amount of light transmittance due to window tint and windshield tinting via medical waiver. The subcommittee chose to amend HB 370 and addressed or exceeded the wishes of HB 537. **Vote 18-0.**

HB 646-FN, eliminating the vehicle inspection mandate for non-commercial vehicles. **REFER FOR INTERIM STUDY.**

Rep. Thomas Walsh for Transportation. The committee retained this bill as a vehicle to reform the vehicle inspection requirements. The deadline approached before work was complete. Interim study keeps the topic alive so the committee can use one of the similar bills introduced for next year to complete its work. **Vote 18-0.**

HB 650-FN, relative to prohibiting suspension of driver's licenses due to nonpayment of fines or fees. **REFER FOR INTERIM STUDY.**

Rep. Alvin See for Transportation. This bill may be appropriate if the conditions for suspension were more carefully written. As presented, a person with an unpaid fine for a driving infraction could not have their driving privileges suspended, the most direct reason for a suspension. Also consider that this would only punish New Hampshire drivers. Under reciprocity, we can only suggest to other states that they do so. **Vote 19-0.**

SB 13-FN, relative to recovery of search and rescue expenses. **INEXPEDIENT TO LEGISLATE.**

Rep. Ted Gorski for Transportation. This bill would require individuals, who needed to be rescued, to pay a portion of the costs if it was deemed that the individuals were negligent, such as not being properly prepared or dressed, in their actions. This bill would give authority to Fish and Game to suspend or revoke an individual's drivers license for non-payment. In testimony, it was stated that the amount of cases that Fish and

Game was in these situations were very minimal, there were seven in 2022. The committee felt that taking away an individual's license could impact their ability to pay and other avenues could be pursued to settle the bill. **Vote 16-2.**

WAYS AND MEANS

HB 15-FN, relative to the rate of the business enterprise tax. **REFER FOR INTERIM STUDY.**

Rep. Fred Plett for Ways and Means. While we believe that this bill has merit, the budget has already been determined. In the future we can consider a cut like this to the business enterprise tax given the state of finances at that time. **Vote 20-0.**

HB 60, camping fees for non-residents. **INEXPEDIENT TO LEGISLATE.**

Rep. Walter Spillsbury for Ways and Means. This bill proposes to authorize the Commissioner of the Department of Natural and Cultural Resources to adopt separate camping fees within the state park system for non-residents. The department testified in opposition to the bill. Their position is that they already have statutory authority to implement such a scheme if they believed it was sound policy, but that they have previously considered and rejected the concept. They currently operate self-sufficiently with operations in the black. They believe that implementing differential camping fees can be done as long as they are within a reasonable differential, and there are other states that have implemented them, including Massachusetts. But they have concluded that it is not worth alienating their valuable base of tourists and out-of-state visitors. It would also be within their authority to evaluate the merits of implementing priority booking. The committee concluded that a further grant of authority is unnecessary and that the department's judgment is sound, so the bill is not necessary. **Vote 20-0.**

HB 100-FN-A, to repeal the interest and dividends tax. **REFER FOR INTERIM STUDY.**

Rep. Walter Spillsbury for Ways and Means. This bill proposes to change the effective date of the repeal of the interest and dividends tax to January 1, 2024. Effectively, this bill is moot, as the phase-out of the interest and dividends tax that had been adopted in the 2021 budget bills has already been accelerated in this session's HB 2, enacted in June, 2023. The committee recommends Interim Study so that it can retain jurisdiction over the subject while monitoring the impact on revenues of the recent changes. **Vote 20-0.**

HB 133-FN, relative to repealing the communications services tax. **REFER FOR INTERIM STUDY.**

Rep. Jordan Ulery for Ways and Means. This bill has rather a complex relationship with the New Hampshire "fee for services" nature of paying for state services. Not entirely clear is the relationship between removal of this tax and increase to the cost to operate the E-911 system in the state. Additional review is needed. **Vote 20-0.**

HB 145, relative to the collection of sales taxes of foreign jurisdictions by New Hampshire businesses. **INEXPEDIENT TO LEGISLATE.**

Rep. Jordan Ulery for Ways and Means. When the *Wayfair* decision was decreed by the US Supreme Court, New Hampshire responded with a similar bill to this one. After long and exhaustive committee work, and under discussion with the Attorney General, a very different bill emerged. That bill was passed by the House and Senate and was signed by the Governor. Nearly all of the 45 sales tax states have made threshold modifications. Colorado and Louisiana have state constitutions which allow local sales taxes complicating this issue. Current NH law allows the New Hampshire Attorney General to intercede on behalf of NH businesses subject to cross-jurisdictional taxation. Thus, this bill is unnecessary at this time. **Vote 20-0.**

HB 192-FN, relative to the rate and exemptions of the interest and dividends tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Almy for Ways and Means. This bill was written to increase the exemptions in the Interest and Dividends Tax, which have not been increased for at least three decades, and restore the 46-year-old 5% tax rate. The failure to increase the exemptions with inflation trapped large numbers of the public into unnecessary reporting and required small payments of many who may have needed that money for food and shelter. However, the entire tax was eliminated in the state budget as of 12/31/24. A fully updated version of the tax with the tripled exemptions will be introduced in January, making this bill no longer necessary. **Vote 19-0.**

HB 220, establishing a committee to study the regulatory structure of charitable gaming. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for Ways and Means. A new commission to study the effect of recent changes made to charitable gaming laws, including the newly authorized historical horse races, has been established pursuant to the provisions of HB 2 (Ch. 79 Laws of 2023). The commission's final report is due by November 1, 2024. With the establishment of this new commission, the legislative study committee proposed in HB 220 is no longer needed. **Vote 20-0.**

HB 569-FN, relative to the state education property tax and the low and moderate income homeowners property tax relief program. **REFER FOR INTERIM STUDY.**

Rep. Richard Ames for Ways and Means. The core provisions of this bill would reform the statewide education property tax (SWEPT) by (1) substantially expanding upon its provision of relief from the tax for low- and moderate-income homeowners, (2) requiring remission by each municipality of all tax collected, net of 3% to cover local collections costs, to the state education trust fund for use in supporting the state's public education local aid funding program. In *Rand v. State of NH*, a pending NH superior court case, a ruling is expected within the next several months on the question of whether the current law allowance for retention of all SWEPT revenues at the local level violates constitutional tax rate uniformity and proportionality principles. Referral for Interim Study will enable the committee to consider judicial developments in the *Rand* case as it develops its final recommendations for legislative action on the core property tax and SWEPT reform constitutional issues addressed by this bill. **Vote 19-0.**

SB 191-FN, relative to road toll registration surcharges for electric vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Walter Spilsbury for Ways and Means. This bill proposes to establish a registration surcharge for electric vehicles. The purpose is to ensure that electric vehicles contribute to the cost of maintaining state highways. But language to do just that was incorporated into HB 2 and enacted as part of the budget adopted in June. Specifically, that language created an additional \$100 per annum fee for any battery electric vehicle and a \$50 fee for a plug-in hybrid electric vehicle. Thus, this bill is no longer needed. **Vote 20-0.**

WEDNESDAY, JANUARY 3 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 185-FN, relative to the determination of parental rights and responsibilities based on shared parenting and shared access to the child's records. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lorie Ball for the **Majority** of Children and Family Law. The Children and Family Law Committee retained this bill in hopes of addressing many questions and concerns regarding its wording. While the committee agrees with the intent and need for such a bill, it appears too much of the verbiage is still being debated and, as such, the bill is not ready to move forward in its entirety. However, after hearing witness testimony, and conferring with members who served on the Special Committee on the Family Division of Circuit Court, the majority of the committee agrees the amendment addresses one component of the bill that all can agree on. When considering parenting time with children, the words "frequent and continued contact" contained in RSA 461-A:2 is causing considerable angst within families by not assuring all judges are addressing similar matters in a similar fashion. Changing this verbiage to "approximately equal parenting time" will remove this ambiguity and assures NH families are afforded the same consideration regardless of the courthouse in which their case is heard. **Vote 9-7.**

Rep. Patrick Long for the **Minority** of Children and Family Law. This bill as amended changes language "frequent and continuing contact" to "approximately equal parenting time." The minority agrees that the language change will address a few complaints the committee has heard, however would increase conflict to the majority that settle on frequent and continuing contact.

HB 475, establishing a right to submit evidence and testimony in family court proceedings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Pearson for Children and Family Law. Requiring judges to accept every piece of evidence proffered takes appropriate, judicial, discretionary power away. By requiring a judge to give reasons as to why, when evidence is admitted or denied after an objection, the public is better assured that there are reasons for judicial actions. If a particular judge leans too far one way or the other in such rulings, having the reasons on record will help supervising judges bring corrective action to that particular judge, once again giving more confidence in the judicial system on the part of the public. This bill, as amended, accomplishes that. **Vote 16-0.**

HB 535-FN, requiring an attorney for a child who is the subject of a proceeding in a family court case. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Long for Children and Family Law. The Children and Family Law Committee retained this bill in hopes of addressing questions and concerns regarding its wording. During a work session, the committee collaborated with stakeholders to author acceptable language to meet the needs of a child who is the subject of a proceeding in a child protection case, including providing an attorney for such child. After much discussion, the working group agreed to author this amendment and recommend its passage to the Children and Family Law Committee. The committee agreed to this recommendation given the input and support from so many stakeholders. **Vote 15-1.**

COMMERCE AND CONSUMER AFFAIRS

HB 225-FN, relative to prohibiting the use of currency that could be detrimental to privacy rights. **REFER FOR INTERIM STUDY.**

Rep. Keith Ammon for Commerce and Consumer Affairs. This bill, if enacted, would prohibit the use of any currency in New Hampshire that could compromise privacy rights or restrict individual liberties, such as digital currencies that provide transaction details to the government, block lawful transactions, or expire. It would amend an existing law restricting the use of financial records and argues this follows principles behind the state's recent constitutional amendment enshrining privacy rights. The bill is intended to address the growing interest by governments around the world in central bank digital currencies (CBDCs). According to the Atlantic Council, 130 countries representing 98% of global GDP are exploring CBDCs. Nineteen of the G20 countries are now in the advanced stages of CBDC development, with nine piloting programs already. CBDCs could enable government surveillance of transactions, purchase restrictions, and the potential phasing out of cash. CBDCs could risk allowing unprecedented government visibility into and control over the finances of New Hampshire citizens. The rapid global exploration of CBDCs underscores the timeliness of this discussion. **Vote 14-5.**

HB 227, relative to fair access to financial services. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Susan Porcelli for the **Majority** of Commerce and Consumer Affairs. The purpose of this bill is to prohibit banks and financial institutions from engaging in discriminatory practices when providing financial services. The committee determined that further review and analysis is needed and therefore recommends referral for interim study. The committee will evaluate similar legislation passed in other states, review existing state and federal consumer protection laws to determine if they are adequate and sufficient, and discuss the amendment for this bill. **Vote 10-9.** Rep. Jared Sullivan for the **Minority** of Commerce and Consumer Affairs. The underlying bill would lead to massive government overreach of the banking sector. The proposed bill would literally dictate to banks what they can and cannot consider when making business loans. The bill would require banks to only consider “traditional” financial metrics and nothing else when issuing loans. This would standardize how all banks operate, taking away the freedom from banks who want to be innovative and try new strategies in the banking industry. The majority’s recommendation to refer the bill for Interim Study suggests there is a problem here worth studying, but the sponsors of this bill were unable to explain these problems or even provide tangible examples.

HB 645-FN, relative to the establishment of decentralized autonomous organizations as legal entities within the state. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for the **Majority** of Commerce and Consumer Affairs. Seventeen members of the Commerce Committee voted to support this bill, as amended, as a natural extension of New Hampshire’s reputation for enacting modern and effective laws to govern legal entities such as corporations, limited liability companies, and partnerships. The increasing use of blockchain technology has led to the emergence of new enterprises known as “Decentralized Autonomous Organizations” or “DAOs.” A DAO enables people to pursue coordinated projects using predefined rules (codified in software) deployed on public blockchain networks. In contrast to traditional legal entities, which typically involve delegation of authority to centralized management, a DAO allows participants to govern themselves directly over a decentralized computer network. Because DAOs are new, most states have not yet adopted legal entity statutes that reflect their unique structures. The bill, as amended, would clarify the legal status of DAOs by enabling DAOs to register with the Secretary of State on a public DAO registry, making New Hampshire one of the leaders in the United States in a manner that would attract positive economic activity and good jobs to our state. The bill instructs the Secretary of State to implement procedures for a DAO registry, including identifying a qualified person (such as the UNH InterOperability Lab) to serve as the technical administrator of the DAO registry. To give the Secretary of State sufficient time to perform these tasks, the bill would delay the effective date of the DAO registry until January 1, 2025. **Vote 17-2.** Rep. Christopher Herbert for the **Minority** of Commerce and Consumer Affairs. This is one of many parts of a concerted effort to create a cryptoecology in New Hampshire. The legislature has not been sufficiently educated on what this ecology is. The crypto environment nationally has caused many negative externalities, including fraud and literally billions of dollars in losses by shareholders. Many informed and famous investors consider this system as being unstable. Among them are Charles Munger and Warren Buffett, managers of Berkshire Hathaway, and James Dimon, CEO of JP Morgan Chase. Munger said cryptos will eventually become worthless while Buffett considers crypto to be nothing more than a gambling token. Dimon said buying crypto is like buying a pet rock. The majority believes crypto’s provenance is a money laundering tool for international illegal cabal profits and tax cheats’ money. Among the responsibilities of the Commerce Committee is to protect citizens from consumer fraud and the like. Crypto’s provenance and difficulties clearly show that this system should not be endorsed in any shape or form.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 113, relative to the physical fitness performance requirements for law enforcement officers. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill repeals the police standards and training council 3 year physical fitness requirement for certified law enforcement officers. The purpose of this bill is to improve recruitment and retention of law enforcement officers in addition to returning these employment standards to local control. Half the committee agreed with the following concerns: that we are losing the ability to recruit and retain both experienced officers from outside the state for employment after retirement as well as new officers. Officers are not paid to train and prepare for these tests and are unlikely to be covered under workman’s compensation should they get injured while training. New Hampshire is the only state in the country that has this requirement, and it only applies to law enforcement officers. Many police agencies in New Hampshire already have incentive based physical fitness testing. Finally, a major issue is that the outdated testing standard is tied to an officer’s certification and failing would make the officer ineligible to work in New Hampshire; essentially ending his career. We would rather see it returned to local control so each municipality can decide what is best for their law enforcement agency.

Rep. Dennis Mannion

Statement in support of Inexpedient to Legislate: This bill would repeal, in its entirety, physical fitness standards for law enforcement in our state. Being a police officer is a physically taxing job. In order to keep the community and colleagues in the force safe, one needs to be physically agile. The sponsors effort to solve the retention and recruitment crisis is a noble one, however there is no evidence to suggest that the standards in place are the cause of those crises. Police standards and training has the discretion to change the rules as they see fit. If the director finds there is an issue with the standards that needs to be addressed, he has the authority to do so. Opening this can of worms gives us a lot more complications to deal with. The NH Association of Chiefs of Police membership came out split and has declared neutrality on this bill. The members of the committee who voted inexpedient to legislate feel the legislature should not micromanage the rules of police standards and training. If someone fails the fitness test, they have opportunities to do it again.

Rep. Jonah Wheeler

HB 470-FN, relative to fentanyl test strips and other drug checking equipment. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the **Majority** of Criminal Justice and Public Safety. Legalizing fentanyl test strips and xylazine test strips in 2023 was a common-sense first step to reducing opioid overdose deaths. But to make a larger dent in the carnage being caused by fentanyl and other deadly drugs, additional steps are desperately needed to reduce the harm caused by other emerging dangers in New Hampshire's street drug supply. As amended, this bill would legalize the use of other types of test strips and drug checking equipment used to inform individuals of whether a substance they are considering to ingest has been adulterated by the presence of another synthetic opioid, a different controlled substance, or by an undisclosed chemical compound or contaminant. The advantage of this approach is the potential to react faster to emerging threats and save more lives. Rather than requiring the legislature to amend the statute every single time a new type of test comes along, the bill would allow agencies and organizations engaged in harm reduction activities to get new tests for emerging threats into the hands of users as quickly as possible to help them identify the presence of unwanted and harmful compounds. The bill also allows people testing their drugs to possess and transport an extremely small or "nominal amount," a maximum of 10 mg, of a controlled substance, but only in the context of legal drug checking activity. Possession of any amount of a drug remains a crime when it involves manufacturing, possessing with the intent to sell, or compounding. In addition, the bill adds necessary definitions for drug checking and harm reduction to our state's Controlled Drug Act; specifically exempts drug checking equipment from our drug paraphernalia law; and protects personnel delivering harm reduction services from prosecution for supplying, using, or distributing drug checking equipment or for possessing a nominal amount of a substance for the purpose of drug checking. Providing more options for our sons, daughters, and neighbors to safely and legally check drugs for unwanted substances is a critical part of reducing overdose deaths. The majority believe this is proactive legislation that can still help many and before it is too late for some. **Vote 12-8.** Rep. Jeffrey Tenczar for the **Minority** of Criminal Justice and Public Safety. The minority believes that this bill would send the wrong message at the worst possible time. It gives tacit approval of illegal drug use. It will give illicit drug users the false sense of security to continue to abuse those drugs by letting them believe that their supply has not been cut with other substances. No test can be 100 percent accurate, nor can it test for all possible substances. Furthermore, it will not tell them the potency of the drugs they are buying. The minority believes that this has the potential for what will in effect be, state sanctioned overdoses. This bill will likely also make prosecutions more difficult, as it sanctions possession of enough of the drug required to test. While well intentioned, the bill reveals what the minority believes, is a shocking misunderstanding of the drug use culture. The minority fears that this misunderstanding will lead to more death. The bill would allow legal possession of 10 mg of any illegal substance. 2 mg of fentanyl is a lethal dose. What's more disturbing, carfentanil, an elephant tranquilizer also in our drug supply, is 100 times more powerful than fentanyl. This bill would allow legal possession of 500 lethal doses of carfentanil. Carfentanil is often used to increase the potency of fentanyl and other drugs by drug dealers. Carfentanil is an extremely hazardous substance, where touching a grain of it with bare hands can cause an overdose death. Handling it requires hazmat protection and it is unclear if these testing groups possess this ability. HB 287 was just passed by both chambers and signed into law by the governor this year. That bill allows for fentanyl and xylazine testing equipment. This bill can be reintroduced if HB 287 does in fact show that it is helping to reduce overdoses and deaths but for now we should tread carefully and wait for the results.

SB 249-FN, relative to the release of a defendant pending trial. **OUGHT TO PASS WITH AMENDMENT.** Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. This bill, as amended, would establish magistrates that would assist with the bail hearings, issuing of warrants, and other functions of the court system. There will be at least fifteen magistrates, with at least one per county. In the case that an individual is arrested while the court is not open. The individual will go before a magistrate within 24 hours of arrest. Preventing people from being held for periods of up to 72 hours before they get a bail hearing. This does bill does not eliminate bail commissioners, however it allows for a more just bail system. **Vote 20-0.**

EDUCATION

HB 147, relative to membership of the advisory committee on the education of students with disabilities. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill intended to add a pediatrician to the State Advisory Committee on the Education of Students with Disabilities. This would require one additional parent or individual with disabilities since they must be in the majority. During the public hearing and in following work sessions, as well as from many emails, it became clear that this committee had become largely dysfunctional. It had grown quite a bit bigger than that mandated by the federal government and was unwieldy. They had trouble having sufficient parents show up to meetings, and blame was laid all around as to who was at fault and why things weren't working. We had many different amendments with different versions of the committee makeup. No one was satisfied. So finally, we decided to do a bare bones amendment going back to the mandatory federal makeup and adding the healthcare provider which specializes in working with children which the original bill sponsor requested. That amendment received a 10-10 vote, as did the Ought to Pass motion and the Interim Study motion. We don't feel we need to study this any longer as we already spent quite a bit of time on it. There is an audit in process which we hope will give advice regarding procedure, but we doubt they will make recommendations regarding the actual makeup of the committee. We would like to see the bare bones amendment passed so there are only 29 members on the committee. That is still a huge number, but better than 47. Committee meetings are public, so if anyone else wants to attend they can. We don't need to make them actual members.

Rep. Alicia Lekas

Statement in support of Refer for Interim Study: This bill revises the membership of the State Advisory Committee on the Education of Students with Disabilities (SAC). The SAC committee is required by federal law "for the purpose of providing policy guidance with regard to special education and related services for children with disabilities." From testimony, it is clear that the SAC committee requires significant support from the Department of Education to complete its mission. Many hours were spent drafting various amendments in an attempt to resolve issues while adhering to federal requirements. This bill, as written, may not comply with federal law. The Legislative Budget Assistant's Office is currently conducting a special education performance audit which includes evaluating the effectiveness of this committee. It is prudent to place this bill in Interim Study until the independent audit report is issued in spring 2024 so that all identified issues can be addressed in future legislation.

Rep. Peggy Balboni

HB 267, relative to criminal records checks in school employment. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Valerie McDonnell for the **Majority** of Education. The majority recognizes the need for school personnel to be thoroughly vetted in the interest of child safety. However, the majority disagrees on how to ensure all employees in the vicinity of children are checked. A portion of the majority does not believe existing law prohibits administration from negotiating more frequent background checks. However, other members of the majority believe union agreements would be eased with the passage of this bill. Moreover, the majority believes placing this bill in Interim Study would allow the critical issue to be investigated further. Additionally, the majority believes an Interim Study would allow for collaboration in drafting statutory language regarding collective bargaining agreements. **Vote 13-7.**

Rep. Glenn Cordelli for the **Minority** of Education. We have passed much legislation over the past several years related to background checks for school staff and volunteers who are around children. This bill fills a hole in the process. An employment background check is done when a district hires a new staff person. But what about future background checks? This bill clarifies that the district may enter union contract negotiations to perform re-occurring background checks. It was said that districts can already do this, but we heard in testimony from a superintendent that he tried and was told by the union that they would not enter into negotiations because there was nothing in law about more frequent background checks. The second reason is that statutory language is needed before the Federal Bureau of Investigation (FBI) would provide criminal history records to a district. The amendment further clarifies the intent of the bill.

HB 354, relative to chartered public school eligibility for state school building aid. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: The proponents of this bill believe allowing chartered public schools to apply for state building aid is long overdue. The existing application process puts charter schools at a disadvantage in maintaining facilities. The passage of this bill, as amended, resolves the issue and promotes a fair process for all forms of NH public schools. Additionally, enabling the application process does not ensure building projects will be funded. All applicants must complete an extensive process for consideration. As a result, an average of only two to three renovation projects are awarded funding each biennium. The recipients of funding demonstrate substantial need based on categorical criteria determined by

the NH Department of Education (NHDOE). Categories include safety, enrollment, etc. Therefore, chartered public schools would need to complete the same application and demonstrate the same need as traditional public schools. In other words, the passage of this bill as amended would give chartered public schools equal opportunity to resources to achieve the minimum standards for public school approval. Supporters believe this bill is a much needed step forward in securing successful student outcomes in all public school models, albeit traditional or charter. All children in approved public schools deserve our support! The state currently provides public school infrastructure (PSI) financial support for safety and security in all public schools. The same grant support as done through PSI grants should occur for charter public school building aid.

Rep. Valerie McDonnell

Statement in support of Refer for Interim Study: The bill allows charter schools to participate in the state's school building aid program. There was a moratorium on building aid grants from 2009 until 2020. Over that period of time, some school districts had no choice but to proceed with building projects without state grants, placing the full cost on local taxpayers. Other districts have recently submitted building aid grant applications totaling more than \$200 million. With just under \$50 million in grants available for school building projects over this biennium, it would take many years just to clear the projects being considered now by publicly-elected school boards. In contrast to public schools, charter schools are managed by private boards and have no fiduciary responsibility to taxpayers. Over the years, several charter schools have become bankrupt due to lack of students, poor management, and financial corruption. A vote for Interim Study recognizes that any changes to the state's school building aid program must be able to meet the needs of taxpayer-funded school districts and protect these taxpayer-funded grants from financial misuse and fraud.

Rep. David Luneau

HB 437-FN, relative to a reading assessment and intervention program. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Mel Myler for the **Majority** of Education. All members of the committee recognize that reading is fundamental to a student's success. This reading assessment and intervention program bill is large in its scope. Is it the legislature's role to dictate to school districts and its teachers a single approach to the teaching of reading or do we support the decision of the teaching of reading to the discretion of local school boards? Further, should we determine a particular style of the teaching of reading or do we continue to enable multiple approaches to the teaching of reading as determined by the readiness of a given student and the professional judgment of a teacher? These two and many other questions developed as the committee looked at learning to read options. The committee recognized that further study is needed to provide a broader review of the options available on the subject of the teaching of reading and support Interim Study to pursue further the understanding of this topic and the role of the legislature. **Vote 12-8.** Rep. Glenn Cordelli for the **Minority** of Education. Should we be satisfied that over half of our children are not proficient in reading? This bill is aimed at addressing that problem and moving districts to use of evidence-based instructional methods including phonics, decoding fluency, vocabulary, and comprehension. Evidence gathered over decades of research includes analyzing how the brain works when reading. Some districts do this now, but many are still using older, discredited methods. This bill would require screening of all students in Kindergarten through 3rd grade three times a year. If deficiencies are found, reading interventions would be required and parents would have to be notified and provided with suggestions on how they can help. Individual plans with benchmarks would be required to address the issues. And accountability – district and department annual reports on progress are required. And grants are directed to districts based on improvement plans. These evidence-based methods will be the standard. Local districts can choose their own curriculum and instructional materials. 32 states have passed similar legislation. Our Department of Education has funded training of over 3,000 educators and parents, but what about those teachers who walk back into a school still using the discredited methods? And what about the mental health of students struggling to read? Are we to let this continue? Now is the time for action to improve literacy in NH and provide for our future as well as our children's future.

HB 439-FN, relative to the duty to provide an education and contracts with private schools. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill updates a section of law missed when we passed legislation to provide special education services to students until they turn 22 years old – “21 inclusive.” Second, it repeals an unnecessary statute that was missed when we passed legislation to allow school districts to contract with public or any private school for grades they do not offer in their local district – town tuitioning. This was important as it removed the unconstitutional restriction against sending children to religious private schools. The section being repealed in this bill duplicates this town tuitioning provision and was not updated to remove the unconstitutional restriction.

Rep. Glenn Cordelli

Statement in support of Inexpedient to Legislate: The bill allows a school district to contract with a religious school to provide education to students when the district does not operate its own public schools. It fails to recognize that a religious education may not be appropriate for every student. Furthermore, the

state constitution prohibits the collection of tax dollars to pay for religious education. While another part of this bill is without objection, it's clearly not worth violating the separation of church and state and the state constitution.

Rep. David Luneau

HB 505-FN, relative to comprehensive mental health education in schools. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass: This bill adds mental health education to our public school health education curriculum. The indelible linkage between mental health and the ability to learn is well-established. The adverse impacts of the COVID pandemic, the opioid crisis and other substance use disorders, profound increases in student bullying behaviors, social media adverse impacts, and the housing crises all contribute to increased mental health disorders in teens. The members supporting Ought to Pass recognize that mental health education is a critical and essential component of an adequate education, just as we provide education on physical health conditions. This bill does not in any way provide diagnosis or treatment of mental health conditions in schools. It simply includes education on these disorders in the same way we inform students of cardiovascular disease risk factors and other physical health concerns. This legislation will help decrease the stigma around mental health and prepare our students to thrive. We heard vigorous testimony from students, experts in mental illness, and parents about the need to address mental health in curriculum.

Rep. Hope Damon

Statement in support of Refer for Interim Study: Mental health has been included in the minimum standards for public schools in all grades since 2003. The new minimum standards being released in 2024 will also include mental health. We currently have a significant issue with behavioral and mental health within our public schools. Adding mental health to statute will only codify what students have been learning for decades and will not address the issues currently being experienced by students and teachers. It is already known that the response to COVID-19 has been a contributing factor. A study is necessary to help determine if there are other factors that the legislature could address to help alleviate the problem for students, teachers, and administrators.

Rep. Kristin Noble

HB 553, relative to school district information on personnel salaries. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass with Amendment: This bill is about transparency. It requires school districts to post on their website a list of all position titles and the annual or hourly salary. It also requires the listing of central office staff which is already reported (form A12D) annually to the Department of Education. Why is this posting needed? Although some districts make this information available, not all do. This information should be readily available to the public. It should also be very interesting for teachers, many of whom are underpaid, to see their salaries compared to neighboring district salaries but also to see their salaries compared to the salaries of administrators in their district.

Rep. Glenn Cordelli

Statement in support of Inexpedient to Legislate: Half of the Education Committee felt that this bill is unnecessary and a drain on administrative time that could be better used in areas related to school services. The information that this bill requires local school districts to post is available and easily found on the Department of Education website and can be requested from local School Administrative Units. These committee members believe proponents of the bill seemed to want the information posted to pit educators against administrators during salary negotiations and to identify and call out diversity, equity, inclusion, and justice administrators. This bill does not do anything to improve education.

Rep. Patricia Cornell

HB 577-FN-LOCAL, relative to state aid for special education pupils. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass: This bill changes the limit for school district liability for special education costs from 3.5 times the state average expenditure per pupil to 1.5 times. The proposed amendment will remove the option to prorate state payment to districts. Currently, state and federal governments pay less than 20% of special education costs. Students with special needs and disabilities, who are almost 20% of the student population, have a federally protected right to a free and appropriate public education without being seen as a financial burden to their local communities. In 2022, the average cost for a NH student without an individualized education program (IEP) was \$16,127. The cost, on average, per special education student was \$44,488, or an additional average cost of \$28,361. The state and federal contributions were only 18.6% of that additional cost for special education, with the state portion being just 7% or \$3,136 per student. Under the current statutes, State Special Education Aid, also known as Catastrophic Aid, reimburses local school districts the following year for special education expenses over 3.5 times the state average or \$75,369. The amount appropriated is not sufficient, so the actual payments to local districts are pro-rated. Catastrophic aid accounts for only 3.7% of special education funding. There are dramatic and unpredictable changes in special education spending and enrollment. In 2022, 26 of the 162 public school districts in NH had special education expenditures that, after adequacy grants, still exceeded 25% of their total budget. Small, regional,

cooperative and larger city schools are all represented in that 25%. Clearly, we must address the woefully insufficient state support of special education to relieve the inequitable and unpredictable challenges of special education funding throughout the state. Every community will benefit from this legislation.

Rep. Hope Damon

Statement in support of Refer for Interim Study: This bill attempts to resolve costs associated with special education aid by limiting the school district liability for special education costs from 3.5 times the state average to 1.5 times. In accordance with the special education formula, a local district must pay the 3.5 times the amount, or approximately \$70,000, before receiving any state funding support. This is a huge burden on any district; however, in order to resolve the issue of funding for special education services, there is need to assess more than the special education aid funding formula. For starters, the federal government has backed away from its initial intent of supporting special education costs at the 40% level. In respect to New Hampshire, federal support has since dropped to a level of slightly less than 10%. Second, differentiated aid allocates a singular amount of \$2,142 per pupil having an individualized education program (IEP). All IEPs are not the same. There are 13 separate IEP categories that require different levels of service and funding support. Any review to reconsider strategies to best support the funding of special education services associated with both differentiated aid and special education aid should be accomplished by a thorough, comprehensive study. The Department of Education states this bill's impact on state expenditures and local district revenue is indeterminable as the number of students that could qualify each year cannot be determined at this time. It should also be noted this program (special education aid) contains a statutory proration mechanism and total aid paid to districts is adjusted based on amounts appropriated. Reducing the 3.5 time amount to 1.5 will not result in districts receiving additional special education dollars unless the legislature appropriates a significant increase amount for special education aid. Currently, approximately 25 to 30 percent of the state's total education budget is directed to special education. Interim Study is needed.

Rep. Rick Ladd

HB 628-FN, requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill, as amended, is a bill that would require federal criminal background checks for all employees and designated volunteers at non-public schools and other educational services that accept taxpayer resourced, public funding. As amended, this bill does not apply to traditional, in-home schooling. Under current law, non-public schools and educational entities that provide instructional services may, but are not required to, obtain criminal background checks on all employees. Only public schools and charter schools are required by law to acquire comprehensive, federal criminal background checks on all employees and designated volunteers that include specific areas like domestic abuse, child abuse, child pornography, and sexual assault. Non-government checks used by educational services and non-public schools are often internet searches by a third party. The state has a compelling interest in ensuring the safety of all children. This bill will require, within the state's expanded educational opportunities, the same public school requirements for criminal background checks designed to help protect children from grievous harm and abuse.

Rep. Linda Tanner

Statement in support of Inexpedient to Legislate: This bill requires background checks for employees and volunteers of any non-public school, education service provider, or home education program that accepts students receiving Education Freedom Accounts (EFA). Though non-public schools are currently not required by statute to perform background checks, they are already doing them due to accreditation requirements, policy requirements, or insurance requirements. These background checks are the same record checks performed by public schools. Home education program requirements in the bill are contradictory. If a parent accepts EFA funds, the original bill required a parent to have a background check for educating their own child. The amendment seems to exclude parents, but not others, such as a music teacher or parents in a cooperative. This bill is unworkable. Individuals cannot get Federal Bureau of Investigation (FBI) background checks like public schools and records can only be sent to a state agency. This bill is unenforceable. Who would monitor compliance? This effort to protect children is already done by non-public schools and unworkable for home education parents.

Rep. Margaret Drye

HB 651, authorizing the department of education and local school districts to contract with transportation network companies to provide school transportation services. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. David Luneau for the **Majority** of Education. The bill allows a school district to contract with a private company for the purposes of transporting students to and from school and related activities using personal passenger vehicles. As introduced, the bill would do this through transportation network companies such as Uber and Lyft. An amendment was offered that would allow any company to provide this service. Vehicles would be subject to the normal state inspection for passenger cars. Additional safety inspections could be

conducted but are optional and funds are not appropriated for such purposes. Parental notification is not required. There was no testimony on the amendment. **Vote 11-9.** Rep. Glenn Cordelli for the **Minority** of Education. This bill, as amended, would allow for a new type of school transport vehicle. These would be a passenger vehicle used by an employee or subcontractor to transport school children. It is not intended to replace the yellow school buses, but would be used in situations where a transportation need arose suddenly or just one or two children needed transportation. Companies that offer these services operate in many states and typically are used for transportation of foster children in a new placement, homeless children, or children with special needs. This service will fill a need at less cost to the district. Companies offering this service would be required to comply with all Department of Safety rules for transporting children and Department of Education background check requirements.

SB 151-FN, relative to mental health education. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: Mental illnesses are acute or chronic conditions that affect an individual's emotional, psychological, and social well-being, and often their behavior. These conditions include depression, anxiety, substance use disorder, schizophrenia, and mood or personality disorders, among others. This bill originated by request of the Governor's Youth Advisory Council. It passed the Senate on a voice vote. The committee heard poignant testimony from teens who did not receive mental health education. Recognizing that: 15.8% of NH youth suffered from at least one major depressive episode in the past year, suicide is the second leading cause of death in teens with alarming increases from 2019 to 2021 in all suicide-related indicators, 23% of NH teens report being bullied in the past year, substance use disorder impacts some 20% of teens, and the rise in bullying is widely reported – it is clear that our teens need knowledge of mental health conditions and basic mental health first aid tools. This bill does not in any way provide diagnosis or treatment of mental health conditions in schools. It simply includes education on these disorders in the same way we inform students of cardiovascular disease risk factors and other physical health concerns. This legislation will help decrease the stigma around mental health that impacts so many, from students to veterans. With this knowledge, all are safer and have more opportunity to thrive in life.

Rep. Hope Damon

Statement in support of Inexpedient to Legislate: This bill expands the adequate education standards to include mental health education and provides rulemaking authority to the Department of Education to accommodate this change. The majority recognizes the importance of safe and healthy choices and coping strategies, recognizing risk factors and warning signs of mental disorders, including how to engage school resources in support of students needing help. Health and wellness is already established in RSA 193-E:2-a, the substantive educational content and program for an adequate education, and as a component of health and wellness, the State Board of Education has approved academic standards and curriculum guidelines for the instruction of mental health at the elementary, middle, and high school levels. The mental health section of health and wellness addresses positive self-image, emotional health, interpersonal relationships and communication, and resources and support. Within the health education guidelines, mental health services are provided to improve students' mental, emotional, and social health. Service provided by counselors and psychologists contribute not only to the health of students, but also to the health of the school environment. New Hampshire's Multi-Tiered System of Supports for Behavioral Health and Wellness (MTSS-B) framework is also a comprehensive system of social, emotional, and behavioral supports to promote student wellness and improve engagement in learning. In addition, Ed 306.40 (Health Education Program) requires that each school health education program provide instruction in key content areas of which mental health is one. Mental health of students is directly aligned with academic and social growth. It is extremely important that this topic and the challenges facing students be taken seriously and that collaborative solutions are sought. Mental health is already a component within the state board approved curriculum and is currently identified in adequacy within the content area of health and wellness education.

Rep. Rick Ladd

SB 218-FN-A, establishing an early educator professional development grant. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: Teacher shortages are prevalent throughout the state. This bill is an attempt to support and interest more candidates to apply for teaching jobs with an added benefit of orientation, peer support, or a mentor. This bill will assist teachers who are in their first three years in education, new to a district, or new in their educator role. Professional development will be aligned with the district's master professional development plan. The Department of Education will provide a professional development grant program for the activities and to enhance the opportunities for professional growth of new teacher candidates. Teacher retention is a primary goal.

Rep. Corinne Cascadden

Statement in support of Inexpedient to Legislate: This bill would establish a grant for early, beginning, or relocating educators in a mentorship capacity. This bill does not, however, appropriate the funds for establishing such a grant program which was estimated at over half a million dollars per year, and would require the addition of 1/3 personnel at the Department of Education to administer. Further, this bill implicates federal

Title II funds, which would require the full expenditure of state funds before federal funds would become available, thereby likely leaving federal funds on the table. Testimony received by the committee suggested the items the bill seeks to address are already standard practice in NH schools. No analysis or statistics were brought to the committee to demonstrate the necessity of this program, nor was the purpose it was to achieve entirely clear. The House Education Committee, as well as other committees, have undertaken significant study of teacher preparation, attracting, and retention issues, and many recommendations have been and are being entertained that appear far more tailored to these issues than this bill; including benefits packages, bonuses, and school disciplinary procedures.

Rep. Mike Belcher

ELECTION LAW

HB 115, relative to changing the date of the state primary election. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for the **Majority** of Election Law. This bill, as amended, moves the state primary election to the 3rd Tuesday in August. For the 2024 election, this is the only month that will work. There are 16 other states that have their primary in August, one less than June dates. The 3rd Tuesday in August is at least one week prior to school starting. Voters that will be on vacation can file for an absentee ballot. The current date in September has problems trying to agree with current federal laws. There is a 45-day federal requirement between the primary and the election. Ballots have to be printed and mailed for absentee voting. By moving the date it gives more time between the primary and election day for recounts, military voting and affidavit ballots. Filing for office stays the same and happens in June. **Vote 13-7.** Rep. Jason Osborne for the **Minority** of Election Law. The minority believes moving the primary date into August would have a chilling effect on parents, as many of them are on vacation the week before school starts. As parents are one of the largest users of public service, namely the school systems, limiting their participation was not a move the minority was willing to make. The minority prefers June which would allow for parents to more fully participate and to balance the existing periods of time between filing and the primary. There are also concerns about non-airconditioned buildings being used as voting locations in August, as the average temperature in August is 8-10 degrees higher than the current September date and 4-6 degrees higher than in June. This could pose safety concerns as well as further burdening the towns with an additional voting location expense. Finally, there is no urgency to move the current date this cycle as the 45-day window will not be an issue for 2024.

HB 116-FN, relative to fees and primary petitions required for primary ballot election access. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ross Berry for Election Law. As amended, this bill removes the \$2.00 filing fee for state representatives. It was determined that the town/city clerk lose money processing the \$2.00 transaction by the time they account for the money, issue a receipt, and turn the funds over to the town/city treasurer. No other offices are affected by the bill as amended. **Vote 16-4.**

HB 345-FN, enabling ranked-choice voting for state party primary elections and municipal elections. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Qualey for the **Majority** of Election Law. The legitimacy of our various governments (local, state, and federal) depends on having the consent of the governed. The founders expressed this necessity in the Declaration of Independence as a self-evident truth that a government's "just powers derive from the consent of the governed." The purpose of our election system is to ensure that this consent exists. Our elections fulfill this purpose by accurately assessing the will of the people in such a way that the people's confidence and trust in the validity of election outcomes is rigorously preserved by means of transparent and impartial election processes which produce an unambiguous winner in a timely fashion. This bill establishes procedures for ranked-choice voting (RCV) and allows state parties and municipalities to opt into such procedures. Transparency requires that our election processes are readily understandable by the public. Our current plurality method of determining an election outcome selects the candidate (or proposition) which receives the most votes as the winner (i.e., "most votes wins"). The public can verify the reported outcomes by taking a moment to simply compare the vote totals for the candidates. The RCV method of determining election requires 4 pages to describe (142 lines of text) of which a page and a half (50 lines of text) is a list of 17 new definitions. Under an RCV process, verifying reported outcomes for themselves will require members of the public to understand a complicated calculation which will only become more complicated as the number of candidates and seats in a particular election increases. This change from our current plurality method would constitute a very substantial decrease in the transparency of our election process and thus lead to a serious decline in voter confidence. An additional defect of the RCV approach is the damage it will do to the impartiality of election systems. Impartiality requires that our elections treat all candidates equally without treating any candidate or category of candidate more favorably than any other. Proponents of RCV explicitly state that this method will reward "candidates who reach beyond their base." RCV proponents also claim that, as a benefit of their

method, there will be a decrease in a so-called “spoiler effect.” This refers to RCV reducing the electoral (and, therefore political) influence of low-vote candidates. It is the role of voters to “reward” candidates for their style of campaigning or reduce their political influence, not the role of the election system itself. That this particular bill includes an “opt-in” for municipalities is also a defect in the RCV approach. All voters in every municipality have a right to expect the same degree of transparency and impartiality in their elections. That this bill would create two classes of voter depending on where they live is a direct violation of the principle that all voters have the same rights and must be treated accordingly. Given the numerous defects in the RCV election system proposed by this bill which, if implemented, would severely damage the public’s trust and confidence in our elections, it is requested that the motion of Inexpedient to Legislate be supported. **Vote 12-8.** Rep. Heath Howard for the **Minority** of Election Law. Supporters believe that this bill allows for the self-determination of municipalities and political parties. Some municipalities in NH effectively have run-off elections in their municipal elections. The use of ranked-choice voting could save them a lot of time and money, with better turnout. But, because we are a Dillon’s Rule state, they cannot do so unless we pass HB 345 in order to enable municipalities to make that choice for themselves. Some municipalities will choose to opt-in; some won’t; it should be up to them and their voters. Ranked-choice voting works. If no candidate reaches 50% of the total vote, then the candidate with the least 1st choice votes has their supporters’ ballots count towards the remaining candidates, and it continues until a winner is declared. For multi-seat races, the percentage needed to win drops to $1/(x+1)$, or in a 3-seat race 25% because if 3 candidates have 25% or more of the vote no other candidate can compete.

HB 350, relative to ranked-choice voting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Qualey for the **Majority** of Election Law. The legitimacy of our various governments (local, state, and federal) depends on having the consent of the governed. The founders expressed this necessity in the Declaration of Independence as a self-evident truth that a government’s “just powers derive from the consent of the governed.” The purpose of our election system is to ensure that this consent exists. Our elections fulfill this purpose by accurately assessing the will of the people in such a way that the people’s confidence and trust in the validity of election outcomes is rigorously preserved by means of transparent and impartial election processes which produce an unambiguous winner in a timely fashion. This bill establishes procedures for ranked-choice voting (RCV) for federal and state offices and mandates the use of this method in elections for such offices. It also allows state parties and municipalities to opt in to such procedures. Transparency requires that our election processes are readily understandable by the public. Our current plurality method of determining an election outcome selects the candidate (or proposition) which receives the most votes as the winner (i.e., “most votes wins”). The public can verify the reported outcomes by taking a moment to simply compare the vote totals for the candidates. In order to describe the RCV method of determining election winners, this bill requires 4 pages (142 lines of text), of which a page and a half (50 lines of text) is a list of 17 new definitions. Under an RCV process, verifying reported outcomes for themselves will require members of the public to understand a complicated calculation which will only become more complicated as the number of candidates and seats in a particular election increases. This change from our current plurality method would constitute a very substantial decrease in the transparency of our election process and thus lead to a serious decline in voter confidence. An additional defect of the RCV approach is the damage it will do to the impartiality of election systems. Impartiality requires that our elections treat all candidates equally without treating any candidate or category of candidate more favorably than any other. Proponents of RCV explicitly state that this method will reward “candidates who reach beyond their base.” RCV proponents also claim that, as a benefit of their method, there will be a decrease in a so-called “spoiler effect.” This refers to RCV reducing the electoral (and, therefore political) influence of low-vote candidates. It is the role of voters to “reward” candidates for their style of campaigning or to reduce their political influence, not the role of the election system itself. Given the numerous defects in the RCV election system proposed by this bill which, if implemented, would severely damage the public’s trust and confidence in our elections, it is requested that the motion of Inexpedient to Legislate be supported. **Vote 14-6.** Rep. Joan Hamblet for the **Minority** of Election Law. This bill would establish ranked-choice voting (RCV) for federal and state offices for primary and general elections. RCV is a method of casting and tabulating votes in which voters rank candidates in order of choice and tabulation proceeds in rounds, similar to an instant runoff. RCV requires that a candidate must receive over 50% of the votes to win, and, therefore, it ensures that no candidate can win with a small percentage of votes. It is fully constitutional and better represents the will of the voters than the “first-past-the-post” system we use now. Supporters of ranked-choice voting understand that it is a more democratic way of voting. An amendment that would limit RCV to just state party primaries was defeated in committee.

HB 447-FN, relative to the purchase of election equipment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ross Berry for Election Law. This bill allocates federal Help America Vote Act (HAVA) funds to towns for the purchase of new voting equipment. The Ballot Law Commission has approved new equipment to replace the aging Accuvote machines, and many municipalities will be looking to convert to the new systems. Two

prevailing thoughts emerged from the committee for passage. The first is that the HAVA funds are expressly intended to alleviate the financial burden placed on towns for conducting elections. The second is that the current HAVA fund is not managed in a way that ensures its longevity; instead of slowly draining it down, it is prudent to expend it given the advent of the newly approved voting machines. Concerns were also raised that the fund is under the sole discretion of the Secretary of State, potentially constituting a government slush fund with the potential for future abuse. **Vote 19-1.**

HB 463-FN, relative to the establishment of an election information portal. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Connie Lane for the **Majority** of Election Law. This bill, as amended, directs the Secretary of State to develop in consultation with the city and town clerks and supervisors of the checklist, an online election law portal, which will make registration easier for citizens of New Hampshire, especially those with disabilities and active-duty members of the armed forces. The amendment protects election security by not allowing affidavits for online registration to prove identification, age, or domicile. Federal law allows an affidavit for citizenship under a 2021 lawsuit regarding voter registration in the U.S. District Court for D.C. The House passed an election law portal bill in 2023, but it was killed in committee of conference. This bill is substantially like the 2023 bill, except for the affidavit restrictions. **Vote 16-4.** Rep. Clayton Wood for the **Minority** of Election Law. Although this bill is meant to make the voter application process more accessible to complete a new voter application, to request an absentee ballot, or to request changes to the voter registration database, it does not do much to maintain voter confidence. There are concerns by many voters that too many changes have already been made to the voting process that have eliminated much of the needed oversight. Many voters feel that opening the application process to the Internet is another way to expand fraud and decrease the overall security of personal voter information. Through his study, Secretary of State Scanlan knows that voter confidence has already been stressed by the changes implemented since the COVID-19 pandemic to make registration easier. We should look for ways to increase oversight and protect the integrity of the voting process.

ENVIRONMENT AND AGRICULTURE

HB 369, establishing a task force to provide energy relief on farms. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for the **Majority** of Environment and Agriculture. This bill, as submitted, proposed establishing a task force to assist farmers in accessing federal funding to transition to sustainable energy generation and to investigate further policies that would improve farm energy infrastructure and reduce costs. The committee felt that a task force was not the most effective mechanism. The amendment creates the Farm Energy Systems and Infrastructure Design Program in the Department of Agriculture, Markets, and Food. Through this program, the department will contract with UNH Cooperative Extension to advise farmers on energy system improvements, farm technology improvements, resources for making those improvements, available funding sources, and resources for accessing those funds. The bill requests a \$100,000 appropriation for staff and resources. It is likely that federal grants could cover up to half of this expense. **Vote 10-9.** Rep. Kevin Verville for the **Minority** of Environment and Agriculture. This bill, while well intentioned, is too narrowly defined. The definition of “farm” is particularly narrow, disallowing participation of small or new farms. Further, the program is only for farms, and no other entities, or citizens. This program could be provided now without standalone legislation, and therefore should be proposed during the next state budget cycle. This program is also duplicative of services already available via other vendors, and state/county agencies. In fact, this bill merely expands services already available at the state and county level. If the desire is to expand already existing services, then that should go through the standard state budgeting process. For that reason, the minority recommends a motion of Inexpedient to Legislate.

HB 602-FN, relative to landfill siting. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kelley Potenza for the **Majority** of Environment and Agriculture. The bipartisan majority felt that this bill, as amended, addressed a critical piece that has been absent from the landfill application permitting process in NH. A two-step process for new landfill applications is a standard procedure throughout the country and is supported by the Department of Environmental Services (DES). This fixes the problem of the industry approaching DES with their “permitting ideas” in an off-the-record fashion before submitting an application, which puts the agency in a very uncomfortable position. Having a preliminary application process, put in place by passing this legislation, will prevent those situations from happening further. By requiring an initial application, early identification of unsuitable sites can be identified and eliminated from consideration (without prejudice) early. This helps avoid investing time and resources in a site that will ultimately be deemed unsuitable for a landfill, saving both the applicant and agency valuable resources. Overall, a two-step process for new landfill applications helps to ensure a more robust and comprehensive proposal evaluation, leading to better decision-making, reduced environmental and public health risks, and increased public trust in the

landfill approval process. **Vote 13-6.** Rep. Kevin Verville for the **Minority** of Environment and Agriculture. This bill, while well-intentioned, is not needed. The Department of Environmental Services is already updating NH landfill siting rules, which are expected to be completed by next summer (2024). This bill, if passed, could delay the current rule making process for up to another year. This presents the possibility of an unnecessary delay in that process. In fact, everything listed in this bill could already be incorporated into the new proposed rules without being specified in the applicable law. For that reason, this bill is unnecessary and would likely delay the current process and the minority recommends a motion of Inexpedient to Legislate.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 559-FN, establishing a state retirement plan group for new state employee members of the retirement system. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill, as amended, proposes the creation of a new Group III in the New Hampshire Retirement system (NHRS). This new group would be comprised of newly hired state employees that are presently in Group I, and would change their retirement plan from the current defined benefit plan to a defined contribution plan. This bill does not affect the retirement plans of firefighters, police officers, correctional officers, local employees, or members of the state education system. Those on the committee that recommend ought to pass do so for several reasons: immediate vestment, portability, greater return potential, higher state contribution levels, flexibility to continuing working for the state full time while accessing retirement funds, and increased ability to pass retirement funds on to beneficiaries. First, whereas the proposed defined contribution plan would make employer contributions available to the employee right away, employees of the current defined benefit plan will never see a penny of their employer's contributions unless they work for the employer for 10 years. Since a large majority of state employees do not work for the state long enough to reach the 10-year vestment mark, most employees in this group never receive a retirement benefit for the work they have done. Furthermore, for those employees who do reach vestment, and who can start drawing benefits at age 65, the state uses the employee's lifetime contributions to fund the retirement annuity first. Therefore, an employee won't realize any benefit from their retirement plan, other than receiving back the interest free money they themselves have been contributed for years, until they are 69 years old. Conversely, this bill would put all retirement funds into the possession of the employee on day one, and would also allow employees to take their retirement fund with them whenever they stop working for the state by simply rolling their account over into a new retirement fund. Because the structure of this proposed retirement plan is far less complex, the door is opened to doubling the employer's contribution level, thereby more than doubling the potential benefit for the employee. Unlike the current plan which restricts a retired employee from accessing their retirement benefits if they continue to work full time for an employer in the NHRS, the proposed legislation would allow a retired employee to continue working full time while having complete access to their retirement funds. Finally, the current retirement plan limits potential beneficiaries to people who are listed by the employee at the time of retirement. For every person that is listed as a beneficiary, the employee takes a cut in their yearly benefit. This bill allows employees to transfer funds to beneficiaries at death with total flexibility.

Rep. Matthew Simon

Statement in support of Inexpedient to Legislate: This bill creates a third tier for all new employees of the New Hampshire Retirement System (NHRS) and would allow employees to take their contributions with them should they leave their employment since there would be no vesting period. The minority position states that this type of plan not only leaves the burden on the employee for investment and growth in a retirement fund, which is a private institution, but would leave the state retirement fund in a constant re-evaluation based on less money and less members. A deferred retirement plan is an important benefit for public employees. Privatizing retirement funds leads to the absence professional management, high annual fees, and the lower pre-tax contribution available to individuals. Furthermore, a commission was established to address the NH retirement fund based on a non-partisan approach that brought all the stakeholders to the table. The resolution determined by this commission is the one that should be supported.

Rep. Jaci Grote

HB 644-FN, relative to regulating barbers, cosmetologists, and estheticians. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for the **Majority** of Executive Departments and Administration. The amendment to this bill removes sections that were, in effect, included in HB 409 which was passed by the legislature and signed into law. As a result, these sections are no longer needed. This bill as amended would exempt certain niche beauty services from licensure requirements by making it legal to offer "blow-dry styling," which includes "shampooing, conditioning, drying, arranging, curling, straightening, or styling hair", makeup application, and eyebrow threading without having to have a New Hampshire cosmetology license. New Hampshire has greater training requirements for a license to do cosmetology than most other states. The large cost in time

and expense to get a license is a particular burden on those from low-socioeconomic status households and in particular those who are responsible for caring for children and older family members. To justify requiring a license for someone to earn a living there must be a clear threat to public health and safety. While the committee heard vague concerns about hypothetical safety problems, these services will not include any practice that involves chemical agents, such as hair coloring or permanents, and will also not include any haircuts or specialty tools that require advanced training. This lack of risk has been recognized by 40 other states and all of our neighboring states which have some of these exemptions. Concern was also raised that people providing these services may yield to requests from clients who want them to perform services that require a license. There is always a possibility that people may break the law. However, that should not justify prohibiting someone from lawfully earning a living in a way that does not seriously threaten public health and safety. The bill also would also exempt makeup application and similar cosmetic beauty services from licensure when offered for demonstration at a department store makeup counter, for example, or for theatrical, photographic, television and media appearances. Actors and other public figures involved in such appearances would be permitted to use their own service providers without requiring that they be licensed in New Hampshire for what might be a single appearance. **Vote 12-7.** Rep. Jaci Grote for the **Minority** of Executive Departments and Administration. This bill eliminates the licensing for shampoo and blow drying, makeup application and threading. The amendment removes booth licensing inside salons, often rented, as this was addressed in HB 409 earlier in the session. The minority position is that any service that requires hygiene, such as makeup application, should require basic training so that makeup and applicators are maintained in a hygienic manner to prevent cross-contamination and infections, allergic reactions and expired products are not used.

FINANCE

HB 436-FN-LOCAL, relative to group II retirement under transition provisions in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dan McGuire for Finance. This bill was originally a bill to improve the retirement plan for certain police and fire members. It strongly passed the House and was included in the House passed budget. It was substituted with a commission which studied the matter, and recommended a partial version of the bill. That recommendation will become a separate bill which will follow the normal process.

Another significant part of the House's budget that was removed was the \$50 million pay down of the retirement system's unfunded liability which was passed and tabled by the House as HB 50. The unfunded pension liability is the most significant debt of the state and its political subdivisions. It accrues at 6.75% interest. By paying it down a little sooner, future employer rates including those paid by municipalities, will be a little lower. The amendment completely replaces the bill. **Vote 17-8.**

HB 468-FN-A, making an appropriation to the department of education for an attorney to recodify education laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tracy Emerick for Finance. This bill needed a fiscal note or at least some verification that the \$100,000 was adequate to have some success updating the Department of Education laws to eliminate internal conflicts. Testimony was received so the bill received unanimous votes. **Vote 25-0.**

HB 546-FN-LOCAL, relative to the school building aid program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tracy Emerick for the **Majority** of Finance. This bill changes the calculation of available building aid. Currently \$50 million is budgeted for school building aid and debt service (the tail). This bill would exclude debt service in the calculation increasing the overall budget by over \$30 million. **Vote 13-12.**

Rep. Mary Heath for the **Minority** of Finance. NH Schools went through a ten-year moratorium on state building aid. The average age of most schools is about 70 years old. Populations across the state have shifted and there is a need to replace old, inefficient school buildings and build new structures that will meet the needs of the local community into the future. Many of New Hampshire's public school students are attending school in buildings that are outdated, and potentially unsafe. Unfortunately, the need for building aid in New Hampshire outweighs the current budget for the program. In the 2019 building aid survey, 115 different schools and 39 school districts reported having asbestos and/or lead in their buildings. Some of the findings from that report include: 33,160 (20%) NH students are in buildings that have not been updated in 35 years; 42% of New Hampshire's public school buildings were originally built before 1950; 67% of New Hampshire's public school buildings have been updated in some capacity in the last 35 years; asbestos and lead are found in 24% of New Hampshire's public schools. Several have not received building aid from the state in the past 15 years; the need for building aid in New Hampshire outweighs the budget allotted for building aid for the 2024-2025 biennium; New Hampshire's school systems rely heavily on the buildings that keep students sheltered, safe, and learning; many of New Hampshire's communities are not able to afford the vast number of updates, renovations, and construction projects needed to maintain the standards of their buildings. School building aid from the state is crucial to ensuring all students have access to safe and reliable school buildings. This

bill would assure that beginning upon passage, and every fiscal year thereafter, a minimum of \$50,000,000 per fiscal year, including any debt service payments owed in the fiscal year. Building aid shall be nonlapsing and continually appropriated. School building aid grants shall be funded from appropriations in the General Fund and/or the Education Trust Fund and no state bonds shall be authorized or issued for the purpose of funding such school building aid grants. This act would take effect upon its passage.

HB 601-FN-LOCAL, relative to state participation in the Medicaid direct certification program for free and reduced price school meals. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Daniel Popovici-Muller for the **Majority** of Finance. This bill would require the Department of Education to seek participation in Direct Certification with Medicaid. The advocates for this bill spoke of addressing student hunger, but the cost of providing meals to any affected students is negligible compared to the impact on the Education Trust Fund, recently estimated by the Committee to study SNAP and Medicaid changes on free or reduced meals in state education aid programs to be \$190.3 million over a biennium. When adjusting the current education funding formula this spring, we already considered students eligible for, but not enrolled in the Free and Reduced Meals program, resulting in a \$193 million increase in education spending, with a lot of that additional funding being targeted specifically to property poor towns. The funds needed for the education of economically disadvantaged children are already in the state budget - adopting this bill without changing the current education funding formula would lead to redundant, excessive spending. Parents' rights concerns have been raised around enrolling children in programs that their parents do not wish to be enrolled in, and privacy concerns exist around allowing private, personal data to be shared between state agencies without the consent of the affected citizens. We also received testimony that the federal government is not accepting applications into the program and has no clear plans to start accepting them, so we should not rush to pass this bill - the responsible course of action is to discuss such sweeping changes to education funding as part of the next budget cycle. For all of these reasons, the majority of the committee recommends this bill be found Inexpedient to Legislate. **Vote 13-12.** Rep. Mary Heath for the **Minority** of Finance. The minority finds that the rate of families reporting insufficient food access shot up by more than 10%. By this spring, estimates showed that more than half of Granite State households with children didn't have enough to eat. And in the most recent Census pulse survey conducted by NH Hunger Solutions, nearly 200,000 children in the state lived in households that lacked sufficient food. That's up by nearly 40,000 additional children. Under the pilot project the USDA Food and Nutrition Service will conduct additional demonstration projects to expand the evaluation of direct certification with Medicaid for both free and reduced price meal eligibility in the National School Lunch Program (NSLP) and School Breakfast Program (SBP). DC-M is the use of Medicaid data files to identify children eligible to receive meals through the NSLP and SBP at free or reduced price without need of application. State agencies that administer the NSLP and SBP may apply to participate in the demonstration project to conduct direct certification with Medicaid for both free and reduced price school meals for local education agencies (LEAs) statewide. Simply put, Medicaid Direct Certification (MDC) would greatly benefit NH children. The current process for school meal applications is cumbersome and undercounts the number of students eligible for free and reduced school meals and quite frankly, there are parents for whom the process is just too difficult or daunting. Medicaid Direct would reduce administrative costs related to these applications while also increasing funding vital to feeding our students. In these demonstration projects, direct certification using Medicaid data is limited to children who are members of households with income that does not exceed the following NSLP income standards: free school meal eligibility, 130 percent of the Federal Poverty Level (FPL) for the family size used by Medicaid; and reduced price school meal eligibility, 185 percent of the FPL for the family size used by Medicaid certification; the total number of states participating in the demonstration projects will now be 38.

HB 620-FN, (New Title) establishing a division of early learning in the department of education and relative to a pre-kindergarten pilot program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Tracy Emerick for the **Majority** of Finance. This bill reestablishes a failed federal program, Head Start. A reading of the Head Start website indicates that Head Start did not achieve intended outcomes, Head Start failed. Recreating a failed program is not a wise educational investment. **Vote 13-12.** Rep. Mary Heath for the **Minority** of Finance. The minority finds that NH is one of only six states that do not provide funding for early learning or some form of mixed delivery for 3 and 4 year old children. HB 620 establishes a division of early learning in the Department of Education and the bill requires the director of early learning to design, create, and administer a three-year high quality, community-based, mixed delivery public pre-kindergarten pilot program. There is a high level of interest in further developing the program but in fact HB 620 needs more study. The minority supports a motion for Interim Study continue this important work for NH's children.

SB 239-FN, (New Title) relative to the use of harm reduction services to treat alcohol and other substance misuse. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. J.R. Hoell for the **Majority** of Finance. This bill amends a commission serving in an advisory capacity to the governor and general court to include other drug misuse prevention and harm reduction. The bill

places in statute the establishment and administration of statewide access points for services and support, and expands the syringe services program, as well as addresses the criteria for physicians and physician assistants. The bill changes the prohibition on using state funds for “harm reduction” to permitting it. The majority of the committee voted to place the bill in interim study to further define critical terms namely “harm reduction,” “pain” and to establish criteria that considers the cumulative community effects of “harm reduction programs” rather than allow one-off projects to be funded without balance. **Vote 13-12.** Rep. Mary Jane Wallner for the **Minority** of Finance. This bill adds “harm reduction” services to the scope of the Governor’s Commission on Alcohol and Other Drug Abuse Prevention, Treatment, and Recovery under RSA 12-J. In addition, the bill codifies into statute the existing Doorways program which provides integrated drug and alcohol misuse information, referral, and treatment services. It also amends the syringe service programs under RSA 318-B:43 with a specific list of eligible activities with respect to the syringe service program, and defines the terms “drug checking” and “drug checking equipment” so that drug content can be verified using test strips to reduce the harm of ingestion of unintended substances such as fentanyl and xylazine. In addition, it specifies three credit hours of continuing education for physicians in the area of pain management and substance misuse disorders while at the same time clarifying that care for patients with chronic pain or those in hospice or palliative care should not be negatively impacted. While there was initial concern by some that the definition of “harm reduction” was too broad, a bipartisan effort resulted in a floor amendment which narrowed and better defined what harm reduction measures were allowed during the bill’s first vote in the House. That amendment (2023-1861) was adopted by a vote of 359-18 and was followed by a vote of OTPA by a voice vote.

SB 263-FN, extending the New Hampshire granite advantage health care program and reestablishing the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Maureen Mooney for the **Majority** of Finance. Medicaid Expansion is already law. This bill would now eliminate the seven-year sunset provision of the Granite Advantage Health Care Program (a/k/a Medicaid) and make it permanent. After negotiation and debate, a settlement was adopted by the NH House on a voice vote to renew the Granite Advantage Health Care Program for seven years as part of HB 2 (2023) in section 79:405. HB 2 (2023) was signed into law by the Governor on June 20, 2023. The majority of the committee believes that seven years is sufficient for a renewal period of a state contract of this magnitude. Renewing indefinitely is not the fiscally responsible action considering the unpredictable changes in policies and rates that may occur by the federal government over time. Therefore, the majority of the committee agrees that the issue of renewal was sufficiently resolved in the state budget, and therefore this bill should be Inexpedient to Legislate. **Vote 13-12.** Rep. Mary Jane Wallner for the **Minority** of Finance. The minority believes that SB 263, which permanently extends the Granite Advantage Health Care Program, ought to pass. For the past eight years, Medicaid Expansion has provided primary care, preventive services, and specialty care to low income residents, contributing to a healthier workforce while reducing uncompensated care costs and insurance rates in the individual market. SB 263 received strong support from the business and medical community upon its introduction in the Senate and passed that body on a unanimous bipartisan vote. The House voted 193-166 to pass this legislation on May 18 and it was subsequently referred to the Finance Committee and retained. Following its retention in House Finance, a seven year extension of Granite Advantage was enacted as part of HB 2. Therefore, the fiscal impact of this legislation is already accounted for in the state budget. The minority believes that SB 263 is sound policy and should again pass the House. While the seven year extension enacted in HB 2 provides short-term stability by enabling the state to negotiate five-year contracts with managed care organizations, it does not provide the long term stability required to meet the medical needs of Granite Staters. Removing the sunset would allow providers to build the infrastructure and attract the workforce necessary to meet our state’s needs, improving quality of care for everyone. SB 263 ought to pass.

SB 267-FN, (New Title) requiring the commissioner of the department of environmental services to consider “cumulative impacts analysis” in rules and statutes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Sweeney for the **Majority** of Finance. This bill would require the Department of Environmental Services (DES) to hire a dedicated staffer to review and plan for the development of appropriate definitions and standards as it relates to cumulative impact and prepare a report to the legislature on this “cumulative impacts analysis.” This was a Senate Bill that our colleagues on the other side of the wall did not see fit to include in the budget once they had the budget in their chamber that was open to amendment and revision. The majority of House Finance felt that the additional hiring of a state employee after the budget process and while vacancies have yet to be filled in DES constitutes a misuse of taxpayer funds, and supports Inexpedient to Legislate. **Vote 13-12.** Rep. Karen Ebel for the **Minority** of Finance. This bill would create a Department of Environmental Services (DES) position to review the issue of cumulative impacts in permitting and to provide necessary guidance on developing related statutes, rules, scheduling and costs to the legislature. It does not authorize DES to take any independent action, but only to make recommendations

based on research to the legislature. DES does not now have the necessary expertise or available personnel to take on this vital analysis. SB 267 was unanimously recommended for passage by the House Environment and Agriculture Committee and passed the House with a strong bipartisan vote of 302 to 77. The cost for the new position over the next biennium is estimated by the department to be approximately \$250,000. This is a modest amount to protect the public health and is affordable given the current budgetary surplus. Under current DES rules, entities generating the polluting emissions or effluents are licensed individually. This siloed approach to permitting ignores harmful health and environmental effects of multiple pollutants released into the same area. For instance, and surprisingly, an area already suffering from air pollution can be subject even more from a permitted entity because the existing situation is not taken into account in permitting. Our state would benefit greatly from understanding better how to support public health in the face of ever-increasing environmental toxins.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 264-FN, relative to amendments and corrections to birth records. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: Currently, RSA 5-C:87, V allows transgender individuals to change the gender designation on their birth certificate by obtaining a court order. This is necessary, because the birth certificate is the document needed for all other documentation. The current process is burdensome and some NH judges are applying this statute inconsistently. This bill will simplify the process, by allowing the gender designation on the birth certificate to be changed upon receipt of a notarized statement from a licensed and qualified health care provider stating the gender of the individual going forward. Any subsequent changes to a birth certificate would require the current court order process.

Rep. Gerri Cannon

Statement in support of Inexpedient to Legislate: Birth certificates serve as documents of the facts of the conditions at birth. They are historical documents that generally should not be subject to change. In rare and extenuating circumstances, they can be changed, but this requires a review of the circumstances by a judge and a court order. This bill would allow a simple form to be filled out for a vital, historical document to be changed. It is already possible to change one's gender on a license with a simple form. Accuracy is important in vital records. Lowering the requirements so that it is easier to change one's gender than it is to change the parents on a birth certificate in adoptions is not the answer. If there are issues with the statutes that guide judges in making decisions as to whether to grant a change of gender on a birth certificate, those should indeed be addressed. Therefore, these members of the committee recommend this bill be found Inexpedient to Legislate.

Rep. Leah Cushman

HB 368-FN, relative to protections related to receiving gender-affirming health care or gender-affirming mental health care. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill protects families who are seeking transgender medical care and services currently provided in New Hampshire by protecting the privacy and confidentiality of their medical records from subpoena if these records could be the basis for civil or criminal suits in another state. The bill also protects our medical professionals from civil or criminal prosecution by another state when the medical professional is providing, in New Hampshire, treatment which is currently lawful under the laws of New Hampshire.

Rep. Gerri Cannon

Statement in support of Inexpedient to Legislate: During subcommittee meetings for this bill, concerns arose over the constitutionality of it, specifically referencing article 4, section 2 of the NH Constitution. The subcommittee initially voted 3-1 to send this bill to interim study for more research and work to be done, which then failed in executive session. There are many complex, legal issues that could arise if this bill is passed that haven't been investigated with fine detail. For example, consider if parental rights are terminated for one parent in another state, or if the parents are in the middle of a custody court case, and one parent decides to take the child to another state like ours for transition surgery (if this bill passed). What's going to be the legal follow up for that? If either one of the parents ends up suing in order to gain access to their child's medical information, then this bill would place in statute that they have no right to get any of that. Another concern was that NH is not currently a mecca for gender-affirming health care, which includes transition surgery. Down the road, what is NH's liability for minors who come here for transition surgery, then down the road, feel they made an error? Could they come back and sue our hospitals, providers, and the state for treatment they received as a minor? They could possibly be subpoenaed from out of state. If passed, this bill would make NH a sanctuary state for transitioners. We don't agree with making laws that would stop another state from enforcing their own laws, which this bill would do as well.

Rep. Lisa Mazur

HB 619-FN, prohibiting gender transition procedures for minors, relative to sex and gender in public schools, and relative to the definition of conversion therapy. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: As amended, this bill would require a person to reach the age of majority (18) before undergoing genital gender reassignment surgery for reasons other than injury, malignancy or other physical disease, or physical disorders of sexual development. Despite claims from providers that these procedures are well-researched, no evidence was presented to support this claim and a search of published data also failed to show that genital gender reassignment surgery before the age of 18 led to improved outcomes. In the absence of data to support this procedure for minors, some members of the committee recommend adoption of this amendment which dramatically narrows the scope of the original bill.

Rep. Erica Layon

Statement in support of Inexpedient to Legislate: As originally drafted, this bill is a very broad provision prohibiting virtually all gender affirming medical treatment for minors, restricting medical services for youth under the age of 18, including the use of puberty blocking hormones. In addition, it bans the use of public funds for gender transition care and prohibits private insurers from reimbursing any gender transition services for minors. These provisions interfere arbitrarily with a parent's right to seek appropriate medical care for their child, unreasonably restrict the practice of medicine by prohibiting medical practices which have been in use for years with respect to the treatment of transgender youth, and conflict with provisions of the Affordable Care Act. Secondly, this bill requires public schools to refer to all students by the gender and the name with which they were originally enrolled. It prohibits teaching about the use of pronouns other than the original ones, and places restrictions on teaching content related to gender fluidity or dysphoria. It restricts participation in school activities separated by gender strictly to the gender assigned at birth. The bill redefines conversion therapy, which is currently illegal for minors in New Hampshire, by lessening restrictions on this practice which is disfavored by the professional associations of most of the licensed medical or therapeutic professions. Those who oppose this bill disagree with many assertions in the statements of purpose, and recognize that lack of acceptance and lack of access to treatment for youth with gender dysphoria can lead to severe consequences, including depression and suicide and for that reason opposes adoption of this bill as originally introduced. An amendment discussed in committee would limit the scope of the bill by restricting gender reassignment surgery to individuals over the age of 18. This amendment, though less intrusive than the original bill, still limits the treatment options available to transgender youth, interferes with the rights of parents and with the patient-physician relationship, and legislates limits on medical care options for youth with special health care needs.

Rep. Gerri Cannon

JUDICIARY

HB 283, to limit application fees charged to prospective residential tenants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Katelyn Kuttub for Judiciary. This bill, as amended, requires landlords who collect a rental application fee to refund all but the landlord's actual out-of-pocket costs, including for credit reports, criminal background checks, and reasonable administrative costs, to applicants whose applications have been denied. While this bill won't have any effect on the majority of landlords, there has been an increase in people listing units, some of which they don't even own, for rent and collecting fees and never actually renting out the unit. This bill seeks to help stop this deceptive practice. The bill also provides that a landlord who violates this law is required to refund all monies collected from the applicant (without deduction for the landlord's costs) for application fees and also is responsible for court costs if the applicant must go to court to get his/her money back. **Vote 16-4.**

HB 314-FN, relative to the expectation of privacy in the collection and use of personal information. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for Judiciary. This bill applies to what the bill defines as "third-party providers of information and services." The definition is limited to providers of: telephone and other utility services, Internet service providers, cable television, streaming services, social media services, email services, banks and financial institutions, insurance companies, and credit card companies. The bill provides that individuals have a reasonable expectation of privacy in "personal information" (i.e., name, address, date of birth, social security number, telephone numbers, Internet addresses, location information, biographic identifiers, DNA/RNA data, and other unique personal identifiers); and it prohibits covered companies from disclosing such information to anyone, except in limited circumstances. Unless disclosure is specifically authorized by other law, disclosure is permitted only when (1) the individual consents; (2) the provider has reason to believe disclosure is necessary to detect or prevent a crime, fraud, or other malicious activity; (3) an emergency exists in which there is an immediate danger of death or serious injury, or substantial property damage if the information is not disclosed; or (4) the information is disclosed in response to a properly authorized request from a governmental body or pursuant to a court order. The bill establishes specific procedures that covered companies must utilize in order to obtain consent, which includes the requirement of an "opt in" system. When disclosure is made in response to a government request or demand for the private information, the bill calls for notice to

be provided to the individual whose information is to be disclosed unless the government agency demands that notice not be provided and has authority to make such demand. The bill does not allow private individuals to sue for violation of its provisions, but does allow the attorney general to bring suit for violations, and to collect the greater of actual damages or \$1,000 for each violation. The committee believes this bill reflects a balanced compromise of competing interests that will enhance the privacy rights of all New Hampshire citizens. **Vote 17-1.**

HB 396, relative to state recognition of biological sex. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: As amended, this bill acknowledges New Hampshire's fundamental commitment to treat all persons without discrimination and with equal respect and dignity. It also acknowledges the fact that there are certain circumstances in which recognition of biological sex may be necessary for the physical safety and privacy rights of an individual, especially when, but not limited to, minors. There are specific and limited situations where this may be the best practice. The three circumstances in which the bill permits biological sex to be utilized as a basis for classification are limited to (1) multiple use bathrooms, (2) athletic/sporting events of a kind where an advantage to biological males is recognized to exist, and (3) facilities where an individual is committed involuntarily. Even in these limited situations, the bill does not require classification based on biological sex; it merely allows for this to occur if the institution in question determines the same is necessary.

Rep. Kristine Perez

Statement in support of Inexpedient to Legislate: The bill proposes to amend state law regarding vital records to state that, regardless of what sex appears on an individual's official birth record, any public entity in the state of NH shall have the ability to treat individuals differently based on their "biological sex," noted as being either male or female. The bill, however, notably omits any practical definition of "biological sex" or how it shall be determined. There are several ways that one's sex is commonly described biologically, including one's gonadic features, chromosomal characteristics, hormonal levels, or based on a range of secondary sexual characteristics. While not even limiting the definition to these common options, the bill further ignores the fact that objectively ambiguous states exist within each of these noted potential definitions, and that these definitions can conflict with each other for a given individual at a given point. It also does not state at what point in life one's "biological sex" is determined, ignoring the fact that these factors can be altered over the course of a person's life, often through legal medical interventions. The lack of any clear definition of "biological gender" in the bill makes it unworkable in practice, leading to likely legal disputes, and inviting vastly different approaches and discrimination by public entities in its application.

Rep. Eric Turer

HB 652-FN, relative to nonpublic sessions under the right to know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for the **Majority** of Judiciary. This bill would amend one of the sections of the right to know law, RSA 91-A:3, II(c), that permits public bodies to go into non-public session if matters to be discussed would likely affect adversely the reputation of any person other than a member of the public body, unless such person requests an open meeting. The change would give the person who may be discussed in an adverse manner the right to 48 hours advance notice of the meeting, as well as the right to be present at the meeting, have counsel or a representative on hand, and be able to speak in his or her own behalf. The majority of the committee believes that there are many circumstances in which it is not only appropriate, but also may be urgently necessary, for public bodies to have discussions which may reflect adversely on someone without that person being notified that such discussion is to occur. An obvious example of this is the situation in which information is brought to the attention of a public body that someone with whom it interacts may have engaged in wrongdoing. In this situation, it may be essential that the public body have the authority to discuss the matter privately and undertake an investigation or make a referral to police without potentially frustrating the investigation by tipping its hand to the subject prematurely. A proposed amendment would limit the exception so as to require notice only when the public body was to take some action based on what was discussed in non-public session. But this amendment was offered at the last minute, lacked specificity as to the circumstances under which it would apply, and posed serious concerns of having significant unintended consequences. **Vote 16-4.** Rep. Kristine Perez for the **Minority** of Judiciary. This bill, as amended, with very specific limitations as to which individuals or groups might be eligible, will protect an individual's reputation from being adversely impacted by possible false accusations. It will allow an individual, if they wish, the right to be heard, speak on their behalf, and be part of a discussion of the claims made against them in a non-public session prior to any vote/action being taken. The purpose is to protect individual rights and reputation.

SB 255-FN, relative to the expectation of privacy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie Smith for Judiciary. While waiting for Congress to develop a national policy to address consumer rights and business obligations, 12 states have adopted bills that address these issues. This bill is one of two bills that the House Judiciary Committee developed, adhering where possible to approaches that parallel the

work of other states, trying to ease the burden of compliance while protecting consumers. Consumer rights issues include rights to access, to correct, to delete, to opt out, to portability, to opt out of sales to third parties, to opt in for sensitive data processing, and against automated decision making. Business obligations include opt-in default, notice/transparency requirement, risk assessments, prohibitions on discrimination if one exercises a right to privacy, and prohibiting collection of personal information except for a specific purpose. This bill provides information privacy protections for New Hampshire customers of most, but not all, larger companies selling goods and/or services and doing business in this state by allowing them to opt out of the companies' use of their personal information for marketing purposes, and by allowing them to look at, obtain a copy of, correct, and delete personal information held by the companies. The significant changes the committee adopted in the committee amendment to this bill include: providing privacy protections to more individuals by expanding the number of companies covered by the act. We did this by reducing the threshold of coverage from a company having 100,000 unique consumers in New Hampshire to 35,000 per year; and by reducing the threshold for data brokers from 25,000 to 10,000. We require procedural uniformity to make it easier for consumers to exercise their rights under the bill rather than allowing each company to establish its own procedures. This includes notifying individuals of their rights, permitting opting out of marketing programs, and requesting access to, changes in, or deletion of their personal data. **Vote 17-3.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 190-FN, relative to the duration of unemployment benefits. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William Infantine for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill would amend the duration of unemployment compensation benefits based on the NH unemployment rate. Similar laws were implemented in other states and resulted in a drop in the number of weeks a recipient stayed on unemployment. The committee thoroughly reviewed the bill and discussed its potential impact with current NH unemployment laws with NH Employment Security. There was a concern that this law would require a significant number of recalculations of the number of benefit weeks allowed for each recipient and that the time delay would not necessarily match the current economic conditions because of the lag time between calculations and a changing economy. NH has the lowest average duration of time where recipients remain on unemployment because of other requirements put upon recipients by NH law. For this reason, a majority of the committee felt the bill should be found Inexpedient to Legislate. **Vote 19-1.** Rep. Michael Granger for the **Minority** of Labor, Industrial and Rehabilitative Services. This legislation would serve as a fantastic means to test the efficiency of the existing unemployment insurance system by allocating funds based on the overall demand of the economy for workers. It would decrease the payout in times when unemployment is incredibly low, but increase the payout if unemployment is high. This is a more equitable and less exploitable way to provide unemployment insurance benefits, and solves problems related to what the minority believes are perverse incentives in the job market while also likely reducing the number of those who take advantage of the unemployment system when they should be working.

HB 232-FN, adopting section 1910 OSHA standards for public sector employees in New Hampshire. **WITH-OUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill addresses the Department of Labor's safety rules for public employers (the state and its subdivisions), which are due for an update. Public sector safety is, in New Hampshire, regulated at the state rather than the federal level. The subcommittee's proposed solution, to adopt a substantial section of the Occupational Safety and Health Administration (OSHA) regulations, has left some stakeholders concerned about the cost implications for cities, counties, and towns and the impact on property tax rates. Half of the committee members supported an alternative amendment 2023-2409h that would remove the explicit tie to OSHA and could limit the unfunded expense to our cities and towns. The amendment funds adequate staff to do a thorough updating of existing rules under the existing authority granted to the Department of Labor by this legislature.

Rep. Brian Seaworth

Statement in support of Ought to Pass with Amendment: Amendment 2023-2429h is a full replacement for the original bill. This amendment was developed in collaboration with the NH Department of Labor (NH DOL) and was passed in a 20 to 0 vote of committee. As amended, the bill will, over the course of the next three years, require that the NH DOL update its safety standards through the rulemaking process to be at least as effective as the Occupational Safety and Health Administration's (OSHA) standards found in 29 C.F.R. 1910 for public sector employers and employees. A side-by-side comparison of the OSHA standards with the NH DOL standards completed by the NH DOL staff indicates that our current NH DOL standards have many gaps and have not been updated in over 10 years. By updating the standards through rulemaking, the NH DOL will be able to simplify some of the language of the OSHA standards while making them as complete and as effective as the OSHA standards. In implementing the new standards, the NH DOL will be allowed to make common sense judgements in determining if public employers are engaging in safety practices that are at least as effective as

the updated standards. The commissioner will also have the authority to determine if some OSHA standards are inapplicable to NH public employers and not necessary to include in the updated DOL standards. The commissioner will further conduct an annual review of the standards and make recommendations to the legislature of any statutory amendments that might be necessary. Finally, the commissioner is authorized to establish up to six full-time labor inspector positions and one full-time support position to provide support and assistance to public employers as they navigate the implementation of the updated standards.

Rep. Brian Sullivan

LEGISLATIVE ADMINISTRATION

HB 301, relative to recusal by members of the general court for conflicts of interest. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Vanessa Sheehan for Legislative Administration. A bill similar to this one, HB 1368, came to Legislative Administration in 2022 with the prime sponsor being the chairman of the Legislative Ethics Committee. Legislative Administration interim studied that bill and recommended the concept for future legislation. This bill was retained and amended slightly by the committee principally to simplify the language therein describing the circumstances when recusal was appropriate. Testimony and research confirmed that NH is one of the few states that does not require recusal for financial conflicts of interest despite the fact that our Constitution (Part 2, Article 7) states “No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the Legislature; and upon due proof thereof, such member shall forfeit his seat in the Legislature.” In addition, the General Court has consistently adopted principles of public service (RSA 14-C:1) requiring “independent objective judgment in performing [a legislator’s] duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.” Under current law, the only option discussed in our ethics guidelines is disclosure when a legislator has a conflict. The prime sponsor testified that, as a citizen legislature, there will be times when a legislator has a financial or non-financial conflict and yet also has valuable inside information to share with fellow legislators and the amendment allows that through the procedure of disclosure; the legislator may testify and debate while being prohibited to vote in committee and on the House floor. The committee unanimously supported amending the legislation to raise the standard of integrity and the faith NH voters have in their elected officials. The legislation removes the safe harbor of voting when the benefit the conflicted legislator enjoys is shared by others outside the legislature. The amendment provides for recusal exceptions when the subject matter “concerns broad-based taxes or fees or is a construct of the state budget where the conflict might be a very small part of the overall scope of the work document.” The amendment removes a term called “special interest” which the committee felt was not needed and only served to add language. **Vote 13-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 313, relative to the reductions from the default budget for official ballot town meetings. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Maggiore for the **Majority** of Municipal and County Government. The majority of the committee opposes this bill as it would place new parameters around the calculation of the default budget based on a desire to have the default budget reflect spending, rather than base the default calculation on appropriations voters approve at the prior annual meeting. The default budget basically freezes the voter approved budget with adjustments made for voter approved bond issues, legal requirements, removing one-time appropriations and retaining contractual obligations, including salaries for current and posted positions. The proposed budget takes into account actual salary amounts needed in the ensuing budget. This is a self-correcting action that takes place when the new budget is created. Salaries and benefits for employee positions that are eliminated are no longer incurred and must be excluded from calculation of default. Any delta in unused salaries can lapse into fund balance to reduce taxes or to be spent at a future town meeting. **Vote 11-9.** Rep. Josh Yokela for the **Minority** of Municipal and County Government. Currently, a default budget can be higher if a new staff member accepts less pay than the placeholder or outgoing staff member cost, causing an artificially high default budget to keep the town running at the current staffing. The minority of the committee believes that default budgets should reflect the current municipal employee’s pay at the time the budget is finalized. This is what voters who choose to vote down a proposed budget expect. As amended, HB 313 would close this loophole which pads default budgets, along with removing any confusion that mid-year raises could be a “commitment” requiring the raise to be part of a default budget.

RESOURCES, RECREATION AND DEVELOPMENT

HB 194-FN, requiring the director of the division of archives and records management to compile and maintain a list of public monuments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rosemarie Rung for the **Majority** of Resources, Recreation and Development. The intent of this bill is to compile and maintain a list of monuments in the state, make this list available to the public through a website, and insure that the list is updated at least every ten years. However, the original bill directed this responsibility to be within the Division of Archives and Records Management, requiring them to fund additional staff. As amended, the responsibility falls appropriately with the Division of Historical Resources, who already have the necessary staff and expertise to manage historical content and work with local and regional historical organizations. This list is regarded by school and university faculty to be an important resource for social studies and history curricula. **Vote 13-7.** Rep. Robert Harb for the **Minority** of Resources, Recreation and Development. While the minority is not opposed to keeping a record of all monuments in the state, this bill is unnecessary and flawed. Basic definitions are missing. For instance, the bill requires a survey of all “monuments” but fails to define what a “monument” is. This can result in significant confusion and different interpretations. Testimony was received that without this bill a list of monuments can be collected from the cities and towns and that list posted on the website. The Director of Division of Historical Resources said, via email, that he could do it without additional funding. The minority believes this bill, as presented to the House, is not ready for passage. Again, the minority is supportive of the idea of the bill, but the text and content of the bill still needs work. Based upon the foregoing, the minority recommends Inexpedient to Legislate.

HB 434-FN, relative to flying drones in state parks. **INEXPEDIENT TO LEGISLATE.**

Rep. Will Darby for Resources, Recreation and Development. This bill seeks to allow drones (unmanned aerial systems - UAS) to take-off and land from NH State Parks, with a \$25 daily fee for commercial use, which is currently restricted by rule. Following the public hearing, the majority of the committee recommends this bill be found Inexpedient to Legislate. There are numerous concerns with this bill. The director of the division of parks and recreation testified about concerns for the general public’s enjoyment of the parks, and described an existing process of special use permits that allow commercial take-offs and landings of UAS in state parks. The Audubon Society also expressed concerns about the impact to wildlife due to disturbances by recreational UAS pilots, including abandonment of nests. And the Department of Transportation, Aeronautics listed several issues with the bill and expressed opposition due to technicalities, including the undefined use of the term drone, conflicts with FAA authority for airspace regulation and concern about charging for emergency landings. Overall, numerous problems exist with the bill which cannot be readily resolved with an amendment. **Vote 17-3.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 166, relative to the elimination of useful thermal energy from renewable energy classes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill would have eliminated biomass (wood) from receiving renewable energy certificates. The wood industry remains extremely important to the state for many jobs and for the health of our forests. Elimination of this class would only further damage an already struggling industry, not only in the North Country, but statewide. For these reasons, the majority of the committee felt this bill was not ready to be enacted and recommends Inexpedient to Legislate. **Vote 19-1.** Rep. Michael Harrington for the **Minority** of Science, Technology and Energy. This bill eliminates useful thermal energy from the state’s renewable energy classes. As the law now stands, electric ratepayers are forced to subsidize the heating costs of some facilities that use biomass as fuel. Using biomass for heating does not reduce the use of electricity and by requiring this subsidy, it raises electric rates for all. If subsidizing heat from biomass is desired, a new tax should be imposed and not have the subsidy hidden in electric rates. As these costs are not listed on electric bills, the overwhelming number of ratepayers have no idea that they are being forced to pay this subsidy.

HB 381, relative to the system benefits charge. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill would have inadvertently undone the progress made by 2022’s HB 549 that enabled control by the legislature of the Systems Benefits Charge. All sides agreed that this bill was not needed because its intent was already better covered by the enactment of HB 549 and recommended Inexpedient to Legislate. **Vote 19-1.**

HB 458, relative to participation in net energy metering by small hydroelectric generators. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tom Ploszaj for Science, Technology and Energy. This bill uses a non-germane amendment to reestablish the Commission to Study the Assessing of Power Generation, RSA 72:8-f, replacing two members of the House Science, Technology & Energy committee with two from the House Municipal and County Government committee. The amendment requires the reestablished commission to report its findings by November 1, 2024. **Vote 20-0.**

HB 609-FN, relative to energy facility siting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. HB 281 passed in 2023 made several important reforms to the site evaluation committee (SEC), including moving certificate monitoring and enforcement to

the Department of Energy. As amended by the committee, HB 609 makes several additional changes to the SEC, including: reduces the number of SEC members from 9 to 5; establishes a quorum of three members provided that one member of the three must be a non-public utilities commission member; allows the SEC chair to appoint a presiding officer for a proceeding; makes the SEC administrator a float employee of the Public Utilities Commission (PUC), with SEC duties taking preference over PUC duties (this change addresses funding concerns); modifies the public member appointment process; adds language about chairperson vs presiding officer; repeals and removes references to subcommittees; and deletes a no longer needed reference under the funding subparagraph. These changes will professionalize the SEC process and make it less time-consuming, less expensive, and less subject to the vagaries of member turnover. These reforms were vetted by a bipartisan subcommittee after three two-hour sessions and were recommended unanimously. **Vote 20-0.**

HB 631-FN, relative to electric utility smart meter gateway devices. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill would have required electric utilities to provide customers with the option to purchase smart meter gateway devices. The overriding question was why? Smart meters and gateway devices are separate devices. Of larger concern, the state's largest electric utility does not provide any support for such devices and has no direction to do so. To provide such support would require additional resources that would be borne by all ratepayers. Proponents admitted they were attempting to encourage the adoption of "demand response" into the electric billing cycle. While the purchase of these devices would be at the customer's choice and expense, the analogy that buying one would be like buying a computer with no software support made a good case against passage. For these reasons, the majority of the committee felt this bill was not ready and recommends Inexpedient to Legislate. **Vote 11-9.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 229-FN, relative to requiring an official declaration of war for the activation of the New Hampshire national guard. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The Defend the Guard Act requires Congress to formally declare war, pursuant to Art I Sec 8 of the U.S. Constitution, before the New Hampshire National Guard is sent to a combat zone. The bill does not limit training deployments nor does it conflict with the duty of the guard to repel invasion, quell insurrection, or support the execution of the laws of the land here at home. It solely prevents the Department of Defense from sending our neighbors and family members into armed conflict without Congress first doing its constitutionally-delegated duty--a duty which it has abdicated to the Executive Branch since the War Powers Resolution of 1973. The fiscal note mentions federal funding being at risk. However, this is not a real threat, as the usage of the uncertain phrase "at risk" versus a concrete statement such as "will lose" would indicate. We believe no member of Congress will sign their name to any appropriations bill that strips funding from the National Guard. This measure prompted an outpouring of supportive messages from countless veterans and non-veterans alike, along with numerous individuals who testified in support during both the public hearing and the subsequent work session. Many of those who testified were veterans of undeclared wars. Half the committee voted "ought to pass" in a bipartisan fashion.

Rep. Tom Mannion

Statement in support of Inexpedient to Legislate: This legislation could have a negative impact on our N.H. National Guard and the State of New Hampshire as well as on our active activity duty military. Under Title X of the U.S. Code, the Department of Defense provides the N.H. Air and Army National Guards with as much as two billion dollars a year in funding and material. This loss of funding could have an extremely detrimental effect on our National Guard, and indirectly, on the people of our state. This funding is used by the National Guard for the salaries of full-time staff, as well as for personnel assigned to active duty. It also provides funding for military equipment that could be used in times of war. However, some of this equipment is also used for the benefit of our citizens locally, i.e. during natural disasters, such as with floods. The guard also assists with emergency transportation of injured individuals in need of medical treatment, among other things. The federal government also pays for annual humanitarian training that our guard takes part in on the island of Cabo Verde, as well as in Central America. This legislation could abolish this type of "people to people" training. Our National Guard also continually cross-trains with our active duty Army and Air Force units which makes the Guard an important component of our national security and defense strategy teams. These important functions, and more, could be jeopardized by the passage of this bill. The N.H. State Veterans Advisory Committee (SVAC), a state agency made of twenty citizens representing twenty difference veterans' organizations, voted unanimously to oppose this legislation.

Rep. Steve Shurtleff

TRANSPORTATION

HB 375-FN, relative to the licensure of nonresident aliens temporarily residing in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ted Gorski for the **Majority** of Transportation. The majority was very concerned with the limited vetting process. This bill relies on US citizenship and Immigration Services which are extremely overwhelmed. The bill's premise is simply applying for asylum and is proof of vetting. The reality is that the vetting process is extremely lacking in thoroughness. The majority felt that this bill could not ensure the safety of NH citizens.

Vote 11-8. Rep. George Sykes for the **Minority** of Transportation. This bill is a limited scope bill attempting to close the gap between when a person seeking asylum, who resides in NH, is required to obtain a driver's license, 60 days, and when he is able to obtain a driver's license, typically one year. After one year, the asylee would be given a work permit, and able to obtain a social security number. It is important to remember these folks are here legally in the United States.

HB 570, relative to Real ID compliant New Hampshire driver's licenses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Thomas Walsh for the **Majority** of Transportation. This bill seeks to adopt the minimal identity requirements allowed by the Real ID Act of 2005. It would allow anyone who came through a port of entry unannounced and received a report stating they are "lawfully present" to get a NH Drivers License without any verification or vetting. It would also recognize the mere act of applying for asylum as satisfactory for getting a NH Driver's License, also without any verification or vetting. The Real ID Act was adopted in the wake of 9/11 for increased security and identity vetting. The majority of the committee believes that adopting the minimums is contrary to that goal. **Vote 11-8.** Rep. George Sykes for the **Minority** of Transportation. This bill will bring New Hampshire into conformance with respect to eligibility under the Real ID Act of 2005. It further requires driver's license applicants to demonstrate both identity and New Hampshire residency.

WAYS AND MEANS

HB 121-FN, relative to worldwide combined reporting for unitary businesses under the business profits tax. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Walter Spillsbury for the **Majority** of Ways and Means. This bill would repeal the "water's edge" combined group provisions of the business profits tax statute and require "worldwide combined reporting" by any multi-national doing business within New Hampshire that also has operations outside the United States. Under current law, any corporation selling in New Hampshire is obligated to file a business profits tax return and, using the water's edge method, it must report all of its sales across the 50 states (i.e., to the water's edge) and then apply formulary apportionment using the newly adopted "single sales method" to determine the portion of its profit that is attributable to New Hampshire and thus subject to our business tax regime. In this fashion, the total activity reported to the state of New Hampshire coincides with the amounts reportable to the Internal Revenue Service (IRS) on the federal business tax returns, as the Internal Revenue Code (IRC) utilizes unitary filing on a nationwide basis, with "arm's-length" adjustments to reflect that fair market prices are applied to intra-affiliate transfers, so that it extends only to business activity within the United States. The business tax return filed with the IRS then becomes the take-off point for the preparation of New Hampshire business tax calculations. This bill would remove the water's edge limitation so that any multi-national operating in New Hampshire would be obligated to submit a tax return that reports all sales activity and profit earned worldwide, not just by that business entity, but by every affiliated business in its corporate chain, whether U.S. based or foreign based, both upstream and downstream, no matter how numerous, complex, far-flung, or different in its product. In doing so, it would position New Hampshire to inquire into business activities outside the United States that are currently beyond the reach of the IRC or the tax laws of other states. While a small number of states enacted worldwide combined reporting laws in the late 1970's and early 1980's (including New Hampshire, from 1981-86, though never fully enforced), they were short-lived as all had been repealed by the end of the 1980's. Since then, no state mandates worldwide combined reporting. This bill would make New Hampshire's business tax regime a lone outlier. The argument advanced by proponents of this broadly sweeping tax scheme is that multi-national corporations may have the opportunity to mis-use the legitimate accounting tool of "transfer pricing" to illegitimately shift profits to a lower taxed jurisdiction somewhere else in the world. Transfer pricing is a necessary and even required tool for distributing across a corporate enterprise the cost burdens of shared resources or assets, which might include intangibles (such as license fees or royalties for patented goods or processes or for proprietary assets like recipes or formulas) or services (such as payments for brand development or marketing services) or materials and components. The question raised by this bill is whether the practice of transfer pricing between affiliated entities is deployed for tax advantage to a degree that is significant enough to be regarded as "abusive" and have a material impact on New Hampshire's tax revenue or on our local businesses' competitive health, and further whether this over-broad approach is a reasonable way to deal with the perceived problem. This, it turns out, is a very complicated question, without any readily available data to make sound estimates. Due to its complexity, we enacted HB 102 in the 2022 session to convene a Commission on Worldwide Combined Reporting for Unitary Businesses under the Business Profits Tax. That commission of seven members issued

its elaborate 16-page report on November 1, 2023, with the support of six of its seven members, and recommended expressly that the worldwide combined reporting method not be adopted and that HB 121-FN be voted Inexpedient to Legislate. Any member with the interest is encouraged to read the commission's report. It is with the benefit of that report and its reasoning in hand that the majority of Ways and Means reaches the conclusion that this bill is ill-advised. It would create a disconnect with the Internal Revenue Code and with business tax practices of all other states; it would present a huge burden on our multi-national business profits tax filers, whether U.S. or foreign based, including reconciling divergent accounting and tax filing regimes from around the world, as well as data gathering and compilation, currency conversion and translation hurdles; it would vastly compound the Department of Revenue Administration's audit and enforcement challenges, including a need for additional expert staff and training; it would represent a disincentive to doing business and further investing in this state with potential negative impact on our economy and jobs environment; and it would generally detract from policies already in place that were designed to ensure that New Hampshire is regarded as an attractive place to establish and grow businesses. This bill offers unknown and unquantifiable potential for benefit offset by almost certain negative ramifications. One must wonder why New Hampshire would want to impose on multi-national businesses a tax scheme that has been debated for the last 50 years but that the federal government has been totally unwilling to adopt and risk getting itself into a morass of adverse international relations problems for it. The federal government has participated in a variety of thorny initiatives in the international community that would address or mitigate the perceived problem, some already adopted in 2017. But, unless and until the United States takes the matter further, it would not be constructive for New Hampshire to go it alone. In short, this bill represents very unwise tax policy. **Vote 10-9.** Rep. Thomas Schamberg for the **Minority** of Ways and Means. In their unanimous *Caterpillar* decision, the New Hampshire Supreme Court stated: "We point out that the water's edge method was adopted for the benefit of foreign businesses. In 1986, the legislature adopted the water's edge method, 'eliminating overseas business organizations from subjection to [the business profits tax].'" They benefit because they are allowed to employ the arm's length separate accounting method that is flawed and facilitates profit shifting to offshore tax havens. These are profits that are not returned to the United States or New Hampshire for taxation. Under the water's edge method, US-based multinationals also shift profits offshore, but those foreign profits are returned, repatriated, when dividends or royalties are paid up to the US parent company and/or returned via the federal global intangible low-taxed income (GILTI) provisions. The present playing field is not level and places US-based corporations at a competitive disadvantage. Current NH law creates a two-tier system that advantages foreign companies at the expense of domestic ones. This is both a legal and moral issue. Treating domestic and foreign companies differently with regard to taxation is unconstitutional. The foreign company's competitive advantage, by its very nature, has the tendency to erode trust in the equity of our government and thus in the government itself. The recent final report of the Commission on Worldwide Combined Reporting, dated November 1, 2023, reported that moving to worldwide combined reporting would not be constitutionally barred, that transfer pricing exists, transfer pricing and profit shifting exists, but at unknown levels and amounts, and that transfer pricing may create an unlevel playing field. This bill, as amended, would end the unconstitutional, anti-democratic, anti-free-market, and immoral competitive disadvantage facing domestic business owners and the almost nine out of ten New Hampshire citizens they employ. This legislation would finally eliminate the water's edge provision benefiting foreign companies, and by adopting the worldwide combined reporting, it would put every business- domestic and foreign- on the same level playing field.

HB 450-FN, relative to removing the net operating loss deduction limit on taxable income under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Walter Spillsbury for Ways and Means. This bill removes the taxable income limitation on the calculation of net operating loss deduction (NOLD) under section 172 of the federal Internal Revenue Code (IRC) that is currently in effect for New Hampshire's Business Profits Tax (BPT) purposes. It is customary to allow a business that generates a tax loss in one year to carry forward that loss to subsequent years as a deduction against taxable income in those future tax years. Under our BPT, New Hampshire has traditionally allowed 100% of those loss carry-forwards, subject to a limitation of 10 years and \$10 million. A limit of 80% became law recently for taxable years ending on or after December 31, 2022. Effectively, the 2017 federal Tax Cuts and Jobs Act (TCJA), which reduced the NOLD from 100% to 80% (as part of a grand bargain that included reduction of the business tax rate from a maximum of 36% to 21%) coupled with New Hampshire legislation adopted in the 2021-22 session providing that BPT taxpayers shall utilize the IRC in effect on December 31, 2018, imported that limit into current law. This bill decouples the NOLD limitations from that of the IRC, thus restoring a business' opportunity to take 100% of its losses in subsequent years (though still subject to the 10 year and \$10 million limits). The Department of Revenue Administration's Fiscal Note indicated that this bill will result in an "indeterminable decrease" in BPT revenues, but presented a static analysis suggesting that the decrease might be under \$1.5 million in the first year, rising to about \$5-6 million per year thereafter. In testimony, the DRA's representative explained that the NOLD helps smooth cyclicity of BPT

revenue streams and of business cash flow burdens. The committee amendment clarifies that the bill applies to all businesses and is not restricted to C-corporations. It also adjusts the effective date to July 1, 2024 with applicability to all taxable periods ending on or after December 31, 2024. The committee determined unanimously that removing the 80% limitation, in combination with leaving the 10-year and \$10 million limitations in place, represents a sound and balanced business tax policy for New Hampshire. **Vote 19-0.**

HB 494-FN, relative to fees collected under the New Hampshire fertilizer law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Almy for Ways and Means. This bill as proposed created a new dedicated fund, but there is an existing dedicated fund, which according to fund documents, should be doing the same work of testing soil additives such as fertilizer and lime and commercial animal food. The fund has not tested with sufficient frequency to guarantee product safety and efficacy to farmers and pet owners alike, and its purposes are found only in the state's compendium of dedicated funds. As amended, two small related fees, totaling \$385,000 yearly, will be transferred from the general fund to this fund to cover the needed expansion of product testing. A one-time remaining \$1.25 million surplus over expenses sitting in the fund will be used to bring the department programs into the digital age, to free up technical staff to better serve farmers and the public. The bill also renames the fund in the dedicated funds listing and agricultural law as the agricultural products regulatory fund and brings its purposes from the compendium into our law. **Vote 19-0.**

SB 112-FN, relative to pari-mutuel pools and historic horse racing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Fred Doucette for Ways and Means. This bill, as amended, repeals the current law that allows charitable gaming operators to charge charities rent. The ability to charge rent was first allowed by the old pari-mutuel commission when HB 1744 of 2006 was adopted. At that time, the maximum bet was \$2 by statute. Subsequently, the legislature added a provision to RSA 287-D to allow rent but limited the amount to fair market value. Over the years, the maximum bet amount has been increased through legislative action to the point that revenue at charity gaming rooms is at a level where a rental charge is outdated. The gaming operators testified in favor of this change and charities who benefit from charitable gaming also support it. This provision will increase charity revenue significantly. The bill, as amended, also repeals the current requirement that 75% of employees at race tracks must be NH residents. There are no race tracks left in NH as greyhound racing was abolished by the legislature years ago and Rockingham Park is no more. The provision regarding employees is obsolete as well as the requirement that race tracks file an annual audited financial report. That requirement is repealed by this bill. Lottery testified that they support repealing that requirement as it is no longer needed. Another section of the bill extends the limitation on eligible rooms that can be licensed to offer Historic Horse Racing (HHR). If no action is taken on this issue, the current limitation expires on July 1, 2024. This bill repeals that expiration, but does allow any applicant already in the process to continue to be considered for an HHR license. Any applicant currently in the process is eligible but still has to meet the criteria to be granted a license. There are currently 14 eligible rooms for HHR in NH. Lottery testified that there are five additional applicants going through the process that potentially could receive a license under this section. The bill also repeals the sunset of simulcast racing which has been allowed since the 1930's. The sunset provision has been moved many times over the years and is really no longer needed. **Vote 18-1.**

SB 190-FN, relative to advanced deposit account wagering. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Fred Doucette for the **Majority** of Ways and Means. It is the opinion of the majority of the Ways and Means Committee that this legislative proposal warrants reconsideration at a later date, particularly in light of potential significant pending litigation. Consequently, it is the consensus that pursuing any action other than deeming this legislation Inexpedient to Legislate is not advisable. **Vote 15-4.** Rep. Susan Almy for the **Minority** of Ways and Means. For many decades since the days of telephone betting on live horse races, there have been businesses that take in remote bets from all over the country and pay out winnings. They also accept deposits of money that their gamblers can use to pay losses and take in winnings, similar to a bank. There is a federal law to enable this, and only about two-thirds of applicable states have bothered to create in-state law also. Without a NH law, we forego a small amount of revenue from NH patrons and the ability to help them if they feel cheated. One provider, Churchill Downs, applied to Lottery for a charitable gaming license last year, and in the subsequent review the Attorney General and the Lottery decided the advance deposit wagering accounts were in a gray area that needed fixing. Lottery helped write this bill, and both they and the Attorney General's office support it. Because of the review, Churchill Downs suspended its remote betting until the law would be fixed, but most others have not. Testimony to the committee was that the providers owe the state for decades of back fees which would add up to a significant but not huge sum. But the state constitution in Part 1, Article 23 states that a new law cannot be applied retroactively. A vote to kill this bill also tells the Lottery they cannot regulate this area of on-going in-state gambling. Therefore, the minority believes that this bill needs more study to decide how best to move forward.

COMMITTEE MEETINGS

FRIDAY, DECEMBER 15

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

9:00 a.m. Regular meeting.

COMMISSION TO STUDY ENVIRONMENTALLY-TRIGGERED CHRONIC ILLNESS (RSA 126-A:73-a), Hampton Academy Community Room, 29 Academy Avenue, Hampton, NH

3:00 p.m. Regular meeting. Join Zoom:

<https://us06web.zoom.us/j/86117818803?pwd=cWRXdlgwQnQvc2ZRbkNOBhGhGc3M0dz09>

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

10:00 a.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND RECOVERY (RSA 12-J:1), State House, 107 North Main Street, Executive Council Chambers, Room 207, Concord, NH

9:30 a.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 205-207, LOB

1:00 p.m. Regular meeting.

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

9:30 a.m. Regular meeting.

STATE HEALTH ASSESSMENT AND STATE HEALTH IMPROVEMENT PLAN ADVISORY COUNCIL (RSA 126-A:88), UNH Law, Room 103, 2 White Street, Concord, NH

1:30 p.m. Regular meeting.

<https://unh.zoom.us/j/98011299433?pwd=Q0pzeXJwREcxMXE5YWE2WkM0SFRBZz09>

MONDAY, DECEMBER 18

NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R:2), National Guard Edward Cross Training Center, 722 Riverwood Drive, Pembroke, NH 03275

10:00 a.m. Regular meeting.

NEW HAMPSHIRE PRESCRIPTION DRUG AFFORDABILITY BOARD (RSA 126-BB:2), Brown Building, Room 468, 129 Pleasant St., Concord NH

9:30 a.m. Regular meeting.

NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a), New Hampshire Veterans Home, Town Hall, 139 Winter Street, Tilton 03276

9:00 a.m. Regular meeting.

THURSDAY, DECEMBER 21

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

9:00 a.m. Regular meeting.

TUESDAY, JANUARY 2

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), Edward Cross Training Center Facility, 722 Riverwood Drive, Pembroke, NH 03275

5:00 p.m. Regular meeting.

MONDAY, JANUARY 8

COMMISSION TO STUDY COMMUNITY IMPACTS OF THE SECURED YOUTH DEVELOPMENT CENTER (RSA 169-B:48), Room 100, SH

11:00 a.m. Subcommittee meeting.

WEDNESDAY, JANUARY 10

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306-308, LOB

10:00 a.m. Presentation by the LBA Audit Division on the Audit of Mental Health Licensing.

1:00 p.m. Administrative Rules Review subcommittee.

FRIDAY, JANUARY 12

COMMISSION TO STUDY THE DELIVERY OF PUBLIC HEALTH SERVICES THROUGH REGIONAL PUBLIC HEALTH NETWORKS (RSA 127:12), NH Fire Academy, 98 Smokey Bear Blvd, Concord

1:00 p.m. Regular meeting. Join Zoom: Meeting ID: 827 3125 2212 Passcode: 392939

<https://us02web.zoom.us/j/82731252212?pwd=Q3pvYncvcW55Zkg0ZVVNQW5USGlsZz09>

MONDAY, JANUARY 15

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), 2nd Floor Conference Room at the Department of Safety (33 Hazen Drive, Concord)

10:00 a.m. Regular meeting.

MONDAY, JANUARY 22

FINANCE - DIVISION III, Room 210-211, LOB

10:00 a.m. Informational meeting with the Department of Health and Human Services, on the subject of Temporary Assistance to Needy Families (TANF).

NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), NH Fish & Game, West Conference Room, 11 Hazen Drive, Concord, NH

2:00 p.m. Regular meeting.

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB 91, HB 272, HB 276, HB 282, HB 300, HB 345, HB 436, HB 439, HB 447, HB 449, HB 462, HB 463, HB 527, HB 533, HB 535, HB 537, HB 559, HB 560, HB 565, HB 566, HB 571, HB 606, HB 608, HB 614, HB 616, HB 618, HB 620, HB 622, HB 627, HB 628, HB 645, HB 652, SB 106, SB 151, SB 180, SB 235, SB 267.

OFFICIAL NOTICES

Notice is hereby given that a Public Hearing and Meeting of the **Strafford** County Legislative Delegation is scheduled to be held Wednesday, **December 20, 2023, 6:00 p.m.**, with a snow date of Thursday, December 21, 2023, 6:00 p.m. This meeting will require a physical quorum but will provide remote access for the public and will be held as noted in the superior courtroom II, second floor of the William A. Grimes justice and Administration Building, 259 County Farm Road, Dover, New Hampshire, to conduct the following business: presentation of new nursing home construction plans; public hearing for comments and questions on proposed new nursing home construction, issuance of bonds to fund new nursing home construction; questions and comments from public; close public hearing; open delegation meeting; approve minutes of October 5, 2023 public meeting; review construction plans for a new nursing home; and motion to approve the issuance of \$163,738,816 in bonds to fund new nursing home construction. Public access via zoom:

<https://us06web.zoom.us/j/89109736613?pwd=logcavavwbbycrkmn9ajfwfomx7uwbj.1>

Meeting ID: 891 0973 6613 Passcode: 550822 By Phone: +13052241968 Information and directions may be obtained in advance of the meeting by contacting the Strafford County Commissioners' Office at 603-516-7100.

Rep. Peter Schmidt, Chairman

MEMBERS' NOTICES

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

Fellow Legislators, over the last six years we've raised over \$11k for the neediest of people in Concord by kettle bell ringing with the Salvation Army. We're continuing the tradition for our 7th year and will ringing bell again on **Saturday, December 23rd, from 9:00 a.m. to 7:00 p.m.** in front of the State Liquor Store on Storrs Street in Concord. We need 2-4 people per hour to cover the kettle. If you have time, can you please

pick an hour time slot, find a fellow Rep or Senator to hang with and email and let us know which time slot you'll be covering. (The time flies when you are hanging with friends and the people are really receptive. We'll have Christmas Music playing. Dress warm and festive! Cheers!

Rep. Michael Moffett

Future In Sight of Concord, formerly known as the NH Association for the Blind, cordially invites all legislators and staff to join us for lunch on **Wednesday, January 3, 2024, from 11:30 a.m. to 1:30 p.m.**, in the State House café. The lunch will be an opportunity to learn how Future In Sight is the only private nonprofit organization in New Hampshire to supply a comprehensive range of statewide services to children, adults and elderly who are blind and visually impaired. Our members and clients will be available to share their experiences and provide information.

Rep. Tim Soucy

Representatives Alicia Gregg and Fred Plett invite all representatives to cookies and coffee in the State House cafeteria during lunch break on **January 4th**. Please come to the cafeteria and learn more about the Granite Bridge Legislative Alliance!

Reps. Alicia Gregg and Fred Plett

Stay Work Play New Hampshire will hold a Legislative Reception from **4:30 p.m. to 6:30 p.m., Thursday, January 4**, at The Barley House, 132 N. Main St., directly across from the State House. Bringing together legislators, young Granite Staters, and those who employ them, this casual networking event will give you the opportunity to meet your younger constituents and learn more about the issues affecting whether they might stay in, or leave, New Hampshire. Please RSVP to Kristina Lafiosca at kristina@stayworkplay.org or online at stayworkplay.org/legislative-reception.

Reps. Joe Alexander and Matthew Wilhelm

All Representatives and House staff are cordially invited to attend the "Welcome Back Legislators" reception hosted by the Business and Industry Association, New Hampshire's statewide chamber of commerce. The reception will take place at the Grappone Conference Center, 70 Constitution Ave Concord, NH on **Thursday, January 11th from 4:00 p.m. to 6:00 p.m.** The reception is complimentary to Representatives and staff, but the BIA is requesting advance registration to assist in planning for the event. RSVP to Carole Alfano at the BIA by email at calfano@biaofnh.com or by phone at (603 224-5388, ext. 102).

Reps. Jason Osborne and Matthew Wilhelm

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 38-FN (2023-2423h)

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

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

AN ACT relative to the penalty for and sentencing of habitual offenders.

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

1 Motor Vehicles; Habitual Offenders; Penalty. Amend RSA 262:23, I to read as follows:

I. It shall be unlawful for any person to drive any motor vehicle on the ways of this state while an order of the director or the court prohibiting such driving remains in effect. If any person found to be an habitual offender under the provisions of this chapter is convicted of driving a motor vehicle on the ways of this state while an order of the director or the court prohibiting such operation is in effect, he or she shall be guilty of a felony and sentenced, notwithstanding the provisions of RSA title LXII, to imprisonment for not more than 5 years. No case brought to enforce this chapter shall be continued for sentencing; ~~provided, however, that any sentence or part thereof imposed pursuant to this section may be suspended in cases in which the driving of a motor vehicle was necessitated by situations of apparent extreme emergency which required such operation to save life or limb~~. Any sentence of one year or less imposed pursuant to this paragraph shall be served in a county correctional facility. The sentencing court may order that any such offender may serve his

or her sentence under home confinement pursuant to RSA 651:19 based on the rules and regulations of the county correctional facility where the sentence is to be served, provided the offender first serves 14 consecutive days of imprisonment prior to eligibility for home confinement. Habitual offenders shall only be eligible for the home confinement program once per lifetime. Any sentence of more than one year imposed pursuant to this paragraph shall be served in the state prison.

2 Effective Date. This act shall take effect January 1, 2025.

2023-2423h

AMENDED ANALYSIS

This bill removes the authority to suspend the sentence of a habitual offender in cases in which operation of the motor vehicle was required due to an extreme emergency.

Amendment to HB 70

(2023-0071h)

Proposed by the Committee on Municipal and County Government – c

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

1 Town Officers; Deputy Town Clerk. Amend RSA 41:18 to read as follows:

41:18 Deputy Town Clerk. Each town may have a deputy town clerk who shall be qualified in the same manner as the town clerk, and who shall perform all the duties of the town clerk in case of his or her absence by sickness, resignation, or otherwise ~~[subject to the provisions of RSA 669:65]~~. A deputy town clerk appointed hereunder shall be appointed by the ~~[elected]~~ town clerk with the approval of the selectmen.

2 Town Clerk; Reference to Deputy Clerk Residency. Amend RSA 669:65 to read as follows:

669:65 Town Clerk. Vacancies in the office of town clerk shall be filled by appointment made by the selectmen, except in towns in which pursuant to RSA 41:18 the selectmen have previously ~~[appointed]~~ **approved an appointment of** a deputy town clerk, in which case the deputy shall serve as town clerk until the next annual town election~~[- unless the deputy does not have his or her domicile in the town, in which case the vacancy shall be filled by appointment made by the selectmen].~~

3 Effective Date. This act shall take effect January 1, 2024.

2023-0071h

AMENDED ANALYSIS

This bill removes reference to filling of vacancies for town clerk when the deputy town clerk does not have their domicile in the town.

Amendment to HB 82-FN

(2023-2405h)

Proposed by the Committee on Labor, Industrial and Rehabilitative Services – c

Amend the bill by replacing section 1 with the following:

1 New Section; Qualified Patient of New Hampshire's Therapeutic Cannabis Program. Amend RSA 275 by inserting after section 37-d the following new section:

275:37-e Qualified Patient of New Hampshire's Therapeutic Cannabis Program. Any individual who is a qualified patient of the New Hampshire therapeutic cannabis program under RSA 126-X and carries a current, valid registry identification card issued pursuant to RSA 126-X:4 is presumed to have a medical condition that constitutes a disability as defined by RSA 354-A:2, IV. An employer shall make reasonable accommodations for such individual unless the accommodation would impose an undue hardship on the employer's business. It shall be presumed that an employee being impaired by cannabis products while on duty is an undue hardship upon the employer.

Amendment to HB 115

(2023- 2270h)

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

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

1 Election of Officers and Delegates; Election Dates; State Primary Election. Amend RSA 653:8 to read as follows:

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

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

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

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

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

State of New Hampshire

County of _____ [ss].

City (Town) of _____

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

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

Print Voter's name

Voter's Signature

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

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

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

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

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

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

655:26 Examination and Rejection. The officer with whom primary petitions are filed shall immediately upon receipt thereof examine the same and ascertain whether they conform to the law. If found not to conform thereto or to be conflicting as provided in RSA 655:23, ~~[he]~~ **they** shall then endorse thereon the reason why such petition cannot be accepted and shall, within 24 hours, return the same to the candidate in whose behalf it was filed. In such case, the candidate may file supplementary petitions with the official, but not later than the third Wednesday in June.

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

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

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

2023-2270h

AMENDED ANALYSIS

This bill changes the date of the state primary election to the third Tuesday in August.

Amendment to HB 116-FN (2023- 2382h)

Proposed by the Committee on Election Law – r

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

AN ACT eliminating the fee to file as a candidate for the office of state representative.

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

1 Filing Fees and Signed Petitions. Amend RSA 655:19-c, I(f) to read as follows:

(f) For state representative, [§2] **\$0**.

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

2023-2382h

AMENDED ANALYSIS

This bill eliminates the filing fee for the office of state representative.

Amendment to HB 121-FN

(2023- 2442h)

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

Amend the bill by replacing sections 6 and 7 with the following:

6 Application. The provisions of this act shall apply for taxable periods beginning after December 31, 2024.

7 Effective Date. This act shall take effect July 1, 2024.

Floor Amendment to HB 121-FN

(2024-0005h)

Proposed by Rep. Schamberg – r

Amend the bill by replacing sections 6 and 7 with the following:

6 Application. The provisions of this act shall apply for taxable periods beginning after December 31, 2024.

7 Effective Date. This act shall take effect July 1, 2024.

Amendment to HB 147

(2023- 2456h)

Proposed by the Committee on Education – r

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

1 Advisory Committee on the Education of Students with Disabilities. RSA 186-C:3-b, II and III are repealed and reenacted to read as follows:

II. The committee shall be composed of individuals involved in, or concerned with, the education of children with disabilities. A majority of the committee membership shall be composed of individuals with disabilities or parents of children with disabilities. The committee membership shall be as follows:

(a) Fourteen individuals with disabilities or parents of children with disabilities (ages birth through 26), appointed by the governor.

(b) One individual with disabilities who may have received special education services and who may be a high school student, appointed by the governor.

(c) One teacher who is a special education teacher, appointed by the governor.

(d) One administrator of a public special education program, appointed by the governor.

(e) One representative of a private school approved for special education, appointed by the governor.

(f) One representative of a chartered public school, appointed by the governor.

(g) One individual representing children with disabilities who are home-schooled, appointed by the governor.

(h) One representative of an institution of higher education that prepares special education and related services personnel, appointed by the governor.

(i) One state and a local educational official who are responsible for performing activities under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. section 11431, et seq, appointed by the governor.

(j) One representative from the department of health and human services responsible for foster care, recommended by the commissioner of the department of health and human services and appointed by the governor.

(k) One representative of the department of health and human services involved in the financing or delivery of special education or related services to children with disabilities, recommended by the commissioner of the department of health and human services, and appointed by the governor.

(l) Representatives from the state juvenile and adult corrections agencies, both of whom are responsible for administering the provision of special education or special education and related services, appointed by the governor.

(m) One licensed health care provider who specializes in working with children.

(n) One representative of a vocational, community, or business organization concerned with the provision of transition services to children/students with disabilities, appointed by the governor.

(o) One non-voting state education official from the departments of education, appointed by the commissioner of education, to serve in a technical support role.

III.(a) Committee members shall be appointed to staggered 2-year terms, and members may succeed themselves.

- (b) A chairperson and a clerk shall be selected by a majority of the committee members on an annual basis.
2 Effective Date. This act shall take effect 60 days after its passage.

**Amendment to HB 155
(2023-2450h)**

Proposed by the Committee on Education – c

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

AN ACT relative to the higher education commission.

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

1 Department of Education; Division of Educator Support and Higher Education. Amend RSA 21-N:8-a, II to read as follows:

II.(a) There is hereby established a higher education commission which shall consist of the following members:

(1) The president of the university of New Hampshire, the president of Keene state college and the president of Plymouth state university.

(2) Two presidents from institutions within the community college system of New Hampshire, to be chosen by the board of trustees of the community college system.

(3) The chancellor of the university system of New Hampshire, *or designee*.

(4) The chancellor of the community college system of New Hampshire, *or designee*.

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

(6) Six representatives of the private 4-year colleges in New Hampshire appointed by the governor and council on recommendation by the New Hampshire College and University Council, with no more than one representative from any one college.

(7) ~~[One member to be appointed by the governor and council as a representative from a for-profit college or university not a member of the New Hampshire College and University Council.]~~

(8) Four members to be appointed by the governor and council who shall be residents of the state and of the lay public, having no official connection with any college, university, or private postsecondary career school as an employee, trustee, or member on a board of directors.

~~[(9)]~~ (8) Two members to be appointed by the governor and council, who shall be residents of the state and shall represent private postsecondary career schools.

(b) The terms of appointed members, except as otherwise indicated above, shall be for 5 years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term.

(c) Commission appointments shall be made in such a way as to preserve broad and equitable representation on the basis of gender, ethnicity, and socioeconomic groups in the state.

(d) The members of the commission shall serve without compensation, but may be reimbursed for actual travel and other expenses incurred in the performance of their duties on the commission from funds appropriated to the department of education specifically for this purpose.

(e) The commission shall:

(1) Regulate institutions of higher education pursuant to RSA 292:8-b through RSA 292:8-kk. The commission may accept accreditation by a recognized accrediting association in place of its own independent evaluation.

(2) Regulate private postsecondary career schools pursuant to RSA 188-G.

(3) Administer financial aid programs as provided in state and federal law for students attending higher education institutions, except as otherwise provided by law.

~~(4) [Apply for, accept, and expend state, federal, or other grants.]~~

~~(5)]~~ Oversee the functions of the Veterans Education Services as authorized by Congress.

~~[(6)]~~ (5) Establish and collect reasonable annual fees related to the performance of statutory duties.

~~[(7)]~~ (6) Enter into cooperative interstate or international agreements to further operating efficiencies, student access, and educational opportunities.

~~[(8)]~~ (7) Be the designee for the integrated postsecondary education data system as developed by the United States Department of Education.

~~[(9)]~~ (8) Adopt rules, pursuant to RSA 541-A relative to:

(A) Organization and operation of the higher education commission established in this section.

(B) Approval and regulation of institutions of higher education pursuant to RSA 292:8-b through RSA 292:8-kk.

(C) Approval and regulation of private postsecondary career schools pursuant to RSA 188-G.

(D) Administration of financial aid programs for institutions of higher education, except as otherwise provided by law.

(E) Establishment and collection of reasonable fees for functions performed by the division of higher education and the higher education commission as required in this section.

~~[(10)]~~ (9) Assume other responsibilities as may be provided in state or federal law.

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

2023-2450h
AMENDED ANALYSIS

This bill changes the membership of the higher education commission.

**Amendment to HB 173
(2023-2330h)**

Proposed by the Committee on Commerce and Consumer Affairs – c

Amend the bill by replacing section 1 with the following:

1 Repeal. The following are repealed:

- I. RSA 155:40, relative to the requirement to provide toilet facilities in restaurants.
- II. RSA 155:41, relative to the penalty for failure to provide such toilet facilities.

2023-2330h
AMENDED ANALYSIS

This bill removes the requirement that restaurants and other businesses that serve food to the public provide toilet facilities for patrons.

**Amendment to HB 182-FN
(2023-2404h)**

Proposed by the Committee on Labor, Industrial and Rehabilitative Services – c

Amend the bill by replacing section 1 with the following:

1 New Section; Protective Legislation; Discrimination in the Workplace; Volunteer Firefighters and Emergency Medical Technicians. Amend RSA 275 by inserting after section 41-d the following new section:

275:41-e Volunteer Firefighters and Emergency Medical Technicians.

I. No employer shall discharge or take any other disciplinary action against any employee by reason of failure of such employee to report for work at the commencement of such employee's regular working hours where the failure is due to the employee's responding, in his or her capacity as a volunteer member of a fire department or ambulance department, to an emergency they witness or come upon while en route to a place of employment; provided, however, that no such employer shall be required to compensate any such employee for any period of such employee's normal working hours during which for such reason the employee fails to report for work and at the request of an employer shall submit a statement signed by the chief of such fire department or ambulance department certifying the date and time such employee responded to and returned from the emergency. Such employee shall inform his or her employer or immediate supervisor of the reasons for the failure to report.

II. As used in this section, "volunteer member" shall mean a volunteer, call, reserve, or permanent-intermittent firefighter or emergency medical technician, but shall not include any person who received compensation for over 975 hours of services rendered in such capacity over the preceding 6-month period.

III. Any employee who is terminated or against whom any disciplinary action is taken in violation of the provisions of this section shall be immediately reinstated to such employee's former position without reduction of pay, seniority, or other benefits, and shall receive any lost pay or other benefits during any period for which such termination or other disciplinary action was in effect.

IV. An action to enforce the provisions of this section shall be commenced within one year of the date of the alleged violation, in the superior court within any county wherein the action occurred or wherein the employer resides or transacts business.

**Amendment to HB 185-FN
(2023- 2378h)**

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

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

AN ACT relative to the determination of parental rights and responsibilities based on shared parenting.

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

1 Parental Rights and Responsibilities; Statement of Purpose. Amend RSA 461-A:2, I(a) to read as follows:

(a) Support ~~[frequent and continuing contact]~~ ***approximately equal parenting time*** between each child and both parents.

2 Determination of Parental Rights and Responsibilities; Best Interest. Amend RSA 461-A:6, I-a to read as follows:

I-a. If the court concludes that ~~[frequent and continuing contact]~~ ***approximately equal parenting time*** between each child and both parents is not in the best interest of the child, the court shall make findings supporting its order.

3 Effective Date. This act shall take effect January 1, 2025.

2023-2378h

AMENDED ANALYSIS

This bill provides that it is a state policy to support approximately equal parenting time between a child and parent unless such an arrangement is clearly detrimental to the child. The bill also provides that if the court concludes that approximately equal parenting time is not in the best interest of the child, the court shall make findings supporting its order.

**Amendment to HB 194-FN
(2023- 0037h)**

Proposed by the Majority of the Committee on Resources, Recreation and Development – r

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

AN ACT requiring the director of the division of historical resources to compile and maintain a list of public monuments.

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

1 Division of Historical Resources; Duties of Director. Amend RSA 12-A:10-1 to read as follows:

12-A:10-1 Division of Historical Resources; Director.

(a) There is hereby established within the department the division of historical resources, which shall also be known as the state historic preservation office, under the supervision of an unclassified director of historical resources. The director of historical resources shall be responsible for administering the state historic preservation program in accordance with RSA 227-C.

(b) Once every 10 years, the director of the division of historical resources shall work with local communities throughout the state to compile a survey of all monuments in the state maintained by local or state authorities, including physical markers of a historical event, individual, group of individuals, or geographical sites of historical or cultural significance, maintain such list, and make such survey available to the public through the division's Internet site or web page, as well as to the department of education to be made available to educational institutions in the state.

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

2023-0037h

AMENDED ANALYSIS

This bill requires the director of the division of historical resources to compile and maintain a list of public monuments.

**Amendment to HB 232-FN
(2023- 2409h)**

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

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

AN ACT making an appropriation to the department of labor for the purpose of reviewing workers' occupational safety requirements.

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

1 Appropriation; Department of Labor; Occupational Safety Regulations; Additional Staffing Requirement. Pursuant to RSA 277, the labor commissioner is required to adopt rules to regulate worker safety for employees of the state and its political subdivisions. These rules are due to expire in 2025, and changes in safety requirements and enforcement are likely to require extensive reevaluation of the existing rules, which will require additional staff and resources. To meet this responsibility, the labor commissioner may establish up to 3 additional full-time positions for the purpose of conducting a full and timely review of administrative rules Lab 1400, relative to safety and health of employees. The salary and benefits for such positions shall not exceed \$400,000 and shall be a charge against the department of labor administration fund under RSA 281-A:59 or the restricted fund under RSA 273:1-b, in proportions and amounts proposed by the labor commissioner and approved by the legislative fiscal committee.

2 Effective Date. This act shall take effect July 1, 2024.

2023-2409h

AMENDED ANALYSIS

This bill authorizes the labor commissioner to establish up to 3 additional positions for the purpose of conducting a review and update of administrative rules related to worker occupational safety. The positions shall be funded through the department of labor administration fund and restricted fund.

**Amendment to HB 232-FN
(2023- 2429h)**

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

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

1 Health and Safety of Employees; Incorporation of OSHA Standards. Amend RSA 277:1 to read as follows:

277:1 Application. This chapter shall apply to all places of employment in which one or more persons are regularly employed. ***Employers shall provide employees a level of protection that is at least as effective as the level of protection set forth in rules adopted pursuant to RSA 277:16.***

2 New Paragraph; Rulemaking; OSHA Standards. Amend RSA 277:16 by inserting after paragraph II the following new paragraph:

III. The commissioner shall adopt such rules, under RSA 541-A, as the commissioner deems reasonable and necessary in order to implement standards that are at least as effective as the level of protection provided under the federal Occupation Safety and Health Administration standards found in 29 C.F.R. part 1910 D through Z, with the exception of subparts U, V, W, and X.

(a) The commissioner shall have authority to determine if standards are inapplicable to employers and are unnecessary to implement. The commissioner shall also have authority to determine the timing and priority of implementation of standards through rulemaking. However, the standards implemented shall be at least as effective as those applicable standards contained within 29 C.F.R. part 1910 D through Z, with the exception of subparts U, V, W, and X, within 3 years from the effective date of this paragraph.

(b) The commissioner shall, on an annual basis, review implemented standards and the need for implementation of additional standards and, through rulemaking, shall update such standards as necessary. The commissioner shall maintain record of annual reviews, inclusive of rational relative to standards reviewed. The commissioner shall make available such record of annual review to any interested party on request.

(c) The commissioner shall make recommendation to the legislature for statutory amendment to RSA 277 when such amendment is identified as necessary following annual review of standards.

3 Additional Staffing Requirement. The labor commissioner may establish up to 6 additional full-time, classified labor inspector positions, at labor grade 22, as well as one full-time classified support position, at labor grade 19. The salary and benefits costs for the positions, in addition to equipment, current expenses, rent, or contract costs necessary to implement this act, shall be a charge against the department of labor administration fund under RSA 281-A:59 or the restricted fund under RSA 273:1-b, in proportions and amounts proposed by the commissioner and approved by the legislative fiscal committee.

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

2023-2429h

AMENDED ANALYSIS

This bill incorporates, by reference, certain OSHA standards applicable to public employees in New Hampshire and directs the labor commissioner to adopt rules regarding application of such standards. The bill also authorizes the labor commissioner to establish certain additional classified positions.

**Amendment to HB 243
(2023-2394h)**

Proposed by the Committee on Election Law – c

Amend RSA 659:63 as inserted by section 1 of the bill by replacing it with the following:

659:63 Counting ***and Tabulation*** to be Public. The counting ***and tabulation*** of votes shall be public and conducted within the guardrail and shall not be adjourned nor postponed until it shall have been completed. No ballot shall be placed within 4 feet of the guardrail during the counting of votes. ***In this section, “tabulation” means the aggregation of results from the long report tapes and hand counting to determine the final results of an election in a polling place or at the central polling location provided in RSA 659:59. Documents generated during the tabulation of votes shall be available for public review when election results are announced at the polling place. If RSA 659:75, II applies, the long report tape shall be posted for public review at the polling place within 60 minutes of running the last ballot through the machine or machines.***

2023-2394h

AMENDED ANALYSIS

This bill requires the tabulation of votes in an election to be done in public and requires documents generated during the tabulation of votes in an election also be made available to the public.

**Amendment to HB 267
(2023- 2317h)**

Proposed by the Minority of the Committee on Education– r

Amend the bill by replacing section 1 with the following:

1 School Employees and Volunteers; Criminal History Records Checks. Amend RSA 189:13-a, I(a) to read as follows:

I.(a) The employing school administrative unit, school district, or chartered public school shall complete a criminal history records check on every selected applicant for employment in any position in the school administrative unit, school district, or chartered public school prior to a final offer of employment. A public academy approved by the New Hampshire state board of education shall submit a criminal history records check on applicants for employment pursuant to this section to the division of state police. The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may extend a conditional offer of employment to a selected applicant, with a final offer of employment subject to a successfully completed criminal history records check. No selected applicant may be extended a final offer of employment unless the school administrative unit, school district, chartered public school, or public academy has completed a criminal history records check. The school administrative unit, school district, chartered public school, or public academy shall not be held liable in any lawsuit alleging that the extension of a conditional or final offer of employment to an applicant, or the acceptance of volunteer services from a designated volunteer, with a criminal history was in any way negligent or deficient, if the school administrative unit, school district, chartered public school, or public academy fulfilled the requirements of this section. ***The superintendent of the school administrative unit or the chief executive officer of the chartered public school or public academy may negotiate with the respective union for that school administrative unit, chartered public school, or public academy to allow the superintendent to conduct criminal history records checks on a reoccurring basis after the initial criminal history check is conducted for purposes of employment. Any such criminal history records check shall comply with the procedures set forth in this section.***

2023-2317h

AMENDED ANALYSIS

This bill clarifies that a school administrative unit, chartered public school, or public academy may conduct criminal history records checks on a reoccurring basis after an initial criminal history check is conducted.

Amendment to HB 274

(2023-2293h)

Proposed by the Committee on Executive Departments and Administration – c

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

1 Administrative Procedure Act; Notice of Rulemaking Proceedings. Amend RSA 541-A:6, III to read as follows:

III. The agency shall send notice to the director of legislative services, to all persons regulated by the proposed rules who hold occupational licenses issued by the agency, ***to known stakeholders***, and to all persons who have made timely request for advance notice of rulemaking proceedings. Upon request, ***or if the rule is required by new legislation***, the agency shall send notice to the president of the senate, to the speaker of the house of representatives, and to the chairpersons of the legislative committees having jurisdiction over the subject matter. Notice shall be made not less than 20 days before the first agency public hearing required by RSA 541-A:11, I. Notice to occupational licensees shall be by U.S. Mail, electronically, agency bulletin or newsletter, public notice advertisement in a publication of daily statewide circulation, or in such other manner that is reasonably calculated to inform such licensees of the proposed rulemaking. The committee may identify additional methods of notifying occupational licensees that are deemed sufficient.

2 Administrative Procedure Act; Public Hearing and Comment. Amend RSA 541-A:11, VIII to read as follows:

VIII. In addition to seeking information by other methods, an agency, before publication of a notice of proposed rulemaking under RSA 541-A:6, may solicit comments from the public, ***and from the legislative policy committees***, on a subject matter of possible rulemaking under active consideration within the agency by causing notice to be published in the rulemaking register of the subject matter and indicating where, when, and how persons may provide comment on the rules under consideration.

3 Administrative Procedure Act; Review by the Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:13, VI to read as follows:

VI. After a final objection by the committee to a provision in the rule is filed with the director under subparagraph V(f), the burden of proof shall be on the agency in any action for judicial review or for enforcement of the provision to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, is in the public interest, or does not have a substantial economic impact not recognized in the fiscal impact statement. If the agency fails to meet its burden of proof, the court shall declare the whole or a portion of the rule objected to invalid, ***and shall order the agency to pay the plaintiff's legal expenses***. The failure of the committee to object to a rule shall not be an implied legislative authorization of its substantive or procedural lawfulness.

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

2023-2293h
AMENDED ANALYSIS

This bill directs agencies to notify legislative policy committees and known stakeholders of proposed rule-making under RSA 541-A. The bill also directs the agency to pay attorneys fees in cases in which the agency adopted rules after final objection by the joint legislative committee on administrative rules and a finding by the court that the rule is invalid.

**Amendment to HB 279-FN
(2023-2421h)**

Proposed by the Committee on Commerce and Consumer Affairs – c

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

1 New Paragraphs; Prohibited Sales; Serving of Intoxicated Persons; Penalties In Cases of Injury or Death. Amend RSA 179:5 by inserting after paragraph I the following new paragraphs:

I-a. A licensee that violates paragraph I by serving an individual who is visibly intoxicated or who a reasonable and prudent person would know is intoxicated, and such intoxicated person directly causes the serious bodily injury or death of a person or persons shall be subject to the following minimum penalties:

(a) For the first offense, subject to the limitations of RSA 179:57, I, a suspension of up to 30 days provided that the suspension cannot exceed 10 days if the person in charge, managers security staff, servers, and clerks have completed liquor commission training within 24 months before the date of violation; fine of \$7,500;

(b) For the second offense within 7 years of the first offense, a license suspension of a minimum of 15 days and a maximum of 30 days; fine of \$7,500; and

(c) For the third offense within 7 years of the second offense, the license shall be revoked by the commission.

I-b. During the period of the license suspension, the licensee shall post a suspension notice distributed and prepared by the commission, on the exterior doors of the premises facing the public and on the public Internet website, if applicable, the suspension notice shall include the following language, "Liquor license suspended by the New Hampshire Liquor Commission for overserving of alcohol in accordance with RSA 179:5"

2 Suspension or Revocation; Administrative Fines. Amend RSA 179:57, I(e) to read as follows:

(e) Otherwise fails to carry out in good faith the purposes of this title or if the premises are regularly the site of violence, the license of such licensee may be suspended or revoked after notice and hearing, in accordance with RSA 541-A:31-36. Notwithstanding any other provisions of this chapter, the commission after the appropriate hearing may impose a fine of a specific sum, which shall not be less than \$100 nor more than ~~[\$5,000]~~ **\$7,500** for any one offense. Such a fine may be imposed instead of, or in addition to, any suspension or revocation of a license by the commission.

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

**Amendment to HB 283
(2023- 2441h)**

Proposed by the Committee on Judiciary– r

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

AN ACT relative to rental application fees charged to prospective tenants.

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

1 New Paragraph; Prohibited Practices and Security Deposits; Rental Application Fees. Amend RSA 540-A:3 by inserting after paragraph VII the following new paragraph:

VIII. Prior to collecting any fee as part of the rental application or renewal process, the landlord shall clearly disclose, in writing to prospective tenants, the amount of the fee and the requirement for a satisfactory criminal background and credit check, if any. If such fee is collected from an applicant, but the unit is not rented to that applicant, the landlord shall return any amount beyond the actual cost of the documented background check, credit check, and/or reasonable administrative costs to the applicant within 30 days of receipt. Nothing in this paragraph shall require the landlord to conduct a criminal background or credit check or prohibit the landlord from renting to an applicant who does not pass the criminal background or credit check.

2 New Subparagraph; Prohibited Practices and Security Deposits; Remedies. Amend RSA 540-A:4, IX by inserting after subparagraph (e) the following new subparagraph:

(f) Notwithstanding the provisions of subparagraph (a), a landlord who violates RSA 540-A:3, VIII shall be subject only to returning to the applicant all monies provided by the applicant as part of their application, plus court costs.

3 Effective Date. This act shall take effect January 1, 2025.

**Amendment to HB 301
(2023- 2326h)**

Proposed by the Committee on Legislative Administration - r

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

1 Findings; Purpose. The general court hereby finds:

I. That part II, article 7 of the New Hampshire constitution states: “No member of the general court shall take fees, be of counsel, or act as advocate, in any cause before either branch of the Legislature; and upon due proof thereof, such member shall forfeit his seat in the Legislature.”

II. That the general court has adopted principles of public service including the principle requiring “independent, objective judgment in performing a legislator’s duties and deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.”

III. That the New Hampshire general court, consistent with RSA 14-B:3, has adopted guidelines prohibiting legislators from engaging in certain activities.

IV. That in order to comply with New Hampshire’s constitutional requirements, to satisfy statutory requirements, and to maintain the confidence of the New Hampshire citizenry in official legislative activities, recusal from voting on any legislation when there is a conflict of interest is sometimes required.

2 Conflicts of Interest. Amend the chapter title of RSA 14-C to read as follows:

**GIFTS, HONORARIUMS, AND EXPENSE REIMBURSEMENTS REQUIREMENTS FOR LEGISLATORS
AND LEGISLATIVE EMPLOYEES**

AND CONFLICTS OF INTEREST FOR LEGISLATORS

3 New Sections; Recusal for Conflicts of Interest. Amend RSA 14-C by inserting after section 4 the following new sections:

14-C:4-a Recusal for Conflicts of Interest. A legislator shall recuse himself or herself from voting during any official legislative activity when the legislator, or the legislator’s household member:

I. Has a conflict of interest in the official legislative activity due to:

(a) A financial interest exists where a legislator, or the legislator’s household member, could stand to gain or lose anything of material value as a result of the official activity.

(b) A non-financial personal interest exists where a legislator, or the legislator’s household member, has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

II. Is receiving remuneration from an employer which has a conflict of interest in the official legislative activity.

III. Is acting as counsel or serving as an attorney for any party which has a conflict of interest in the official legislative activity.

IV. Serves in any official capacity with fiduciary limitations in an organization whether nonprofit or for profit which is the subject of the official legislative activity.

14-C:4-b Disclosure for Conflicts of Interest. A legislator shall verbally disclose on the record before participating in testimony in committee or debate on the House floor or Senate floor when the legislator, or the legislator’s household member:

I. Has a conflict of interest in the official legislative activity due to:

(a) A financial interest exists where a legislator, or the legislator’s household member, could stand to gain or lose anything of material value as a result of the official activity.

(b) A non-financial personal interest exists where a legislator, or the legislator’s household member, has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

II. Is receiving remuneration from an employer which has a conflict of interest in the official legislative activity.

III. Is acting as counsel or serving as an attorney for any party which has a conflict of interest in the official legislative activity.

IV. Serves in any official capacity with fiduciary limitations in an organization whether nonprofit or for profit which is the subject of the official legislative activity.

14-C:4-c Exclusions to Recusal for Conflicts of Interest. A legislator shall not recuse himself or herself from participation in any official legislative activity when the subject matter concerns broad-based taxes or fees or is a construct of the state budget where the conflict might be a very small part of the overall scope of the work document.

4 Legislative Ethics; Definition; Conflict of Interest. Amend RSA 14-B:1, I to read as follows:

I. “Conflict of interest” means the condition in which a legislator has a ~~[special]~~ **financial** interest **or a non-financial personal interest** in any matter which could directly or indirectly affect or influence the performance of the legislator’s official activities. ***In this paragraph:***

(a) A financial interest exists where a legislator, or the legislator's household member, could stand to gain or lose anything of material value as a result of the official activity.

(b) A non-financial personal interest exists where a legislator, or the legislator's household member, has a responsibility for the welfare of an organization by virtue of holding a position with a fiduciary responsibility, such as a board member, trustee, or director.

5 Repeal. RSA 14-B:1, V, relative to the definition of special interest relative to legislative ethics, is repealed.

6 Effective Date. This act shall take effect 30 days after its passage.

**Amendment to HB 306
(2023-2306h)**

Proposed by the Committee on Children and Family Law – c

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

1 Parental Rights and Responsibilities; Parenting Plans; Contents; Reunification Therapy Prohibited. Amend RSA 461-A:4, III to read as follows:

III. If the parties are insured and the parenting plan directs the parties to participate in counseling, the court shall give due consideration to selecting a counselor who ~~[accepts direct payment from the]~~ **is recommended by the parties and is a participating provider in the** parties' health insurance carrier. **The court shall not order family reunification treatments, programs, or services, including, but not limited to, camps, workshops, therapeutic vacations, or educational programs that, as a condition of enrollment or participation, require or result in any of the following:**

(a) A no-contact order.

(b) An overnight, out-of-state, or multi-day stay.

(c) A transfer of physical or legal custody of the child.

(d) The use of private youth transporters or private transportation agents engaged in the use of force, threat of force, physical obstruction, acutely distressing circumstances, or circumstances that place the safety of the child at risk.

(e) The use of threats of physical force, undue coercion, verbal abuse, isolation from the child's family, community, or other sources of support, or other acutely distressing circumstances.

2 Effective Date. This act shall take effect July 1, 2024.

2023-2306h

AMENDED ANALYSIS

This bill prohibits certain types of family reunification treatment as part of a parenting plan and requires any recommended counselor be recommended by the parties and is a participating provider in the parties' health insurance network.

**Amendment to HB 313
(2023- 2315h)**

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

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

1 Official Ballot; Default Budget. Amend RSA 40:13, IX(b) to read as follows:

*(b) "Default budget" as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred **by law** or mandated by law, and reduced by one-time expenditures contained in the operating budget and by salaries, [and] benefits of positions that have been eliminated in the proposed budget, **and reflecting the actual salary and benefits of filled positions as of the public hearing for the proposed budget excluding any increases subsequent to the authorization of the previous year's operating budget.*** For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, and eliminated positions shall not include vacant positions under recruitment or positions redefined in the proposed operating budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision. In calculating the default budget amount, the governing body shall follow the statutory formula which may result in a higher or lower amount than the proposed operating budget.

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

2023-2315h

AMENDED ANALYSIS

This bill alters the definition of default budget in official ballot town meetings to include the actual salary and benefits of filled positions as of the public hearing for the proposed budget excluding any increases subsequent to the authorization of the previous year's operating budget

**Amendment to HB 314-FN
(2023- 2463h)**

Proposed by the Committee on Judiciary – r

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

1 New Chapter; Expectation of Privacy. Amend RSA by inserting after chapter 507-G the following new chapter:

**CHAPTER 507-H
EXPECTATION OF PRIVACY**

507-H:1 Definitions. In this chapter:

I. “Available to the public” means personal information legally obtained directly or indirectly from either a third party provider of information and services or the individual to whom it relates, directly or through social media, whether or not offered for sale or obtainable without charge, by an individual or organization.

II. “Government entity” means municipal, county state or federal department, agency, board, commission, or employee, elected official, or contractor. “Government entity” shall not apply to a federal government agency to the extent that federal statute or the United States Constitution preempts such application.

III. “Personal information” means an individual’s name, date or place of birth; social security number; address; employment history; credit history; financial and other account numbers; cellular telephone numbers; voice over Internet protocol or landline telephone numbers; location information; biometric identifiers including fingerprints, facial photographs or images, retinal scans, genetic profiles, and DNA/RNA data; or other identifying data unique to that individual.

IV. “Third party providers of information and services” means individuals or organizations that collect personal information about an individual in connection with providing the following kinds of services to that individual: cellular and land-line telephone, electric, water, or other utilities; Internet service providers; cable television; streaming services; social media services; email service providers; banks and financial institutions; insurance companies; and credit card companies.

507-H:2 Expectation of Privacy in Personal Information; Consent.

I. An individual shall have a reasonable expectation of privacy in personal information, including content and usage, given to or held by third party providers of information and services, and not available to the public. Unless specifically authorized by law, third party providers of information and services shall not disclose personal information of an individual to anyone unless:

(a) Such individual has given explicit consent for the disclosure of such information to one or more others;

(b) The third-party provider of information and services has reason to believe that such disclosure is necessary to prevent, detect, protect against, or respond to past, present, or expected criminal or fraudulent conduct, identity theft, harassment, or deceptive or malicious activity;

(c) An emergency exists where there is an immediate danger of death or serious physical injury to an individual or substantial loss or destruction of property if the information is not disclosed; or

(d) The information is disclosed in accordance with RSA 507-H:3.

II. If a third party provider of information and services seeks to obtain consent from an individual to disclose to others personal information given to or held by such provider, the procedure by which it does so shall meet the following requirements:

(a) The communication to the individual by which consent is sought shall be simple, clear, and unambiguous; and shall state the purpose or purposes for which the information is to be disclosed;

(b) The communication shall be separate from any other communication sent to the individual by the third party provider of information and services; and

(c) The communication shall be structured so that the individual is required to respond by performing an affirmative act to “opt in” in order to grant consent.

507-H:3 Disclosure of Personal Information to Government Entities.

I. A third party provider of information and services may disclose to a government entity personal information of an individual without the consent of the individual in the following circumstances:

(a) When requested to do so by a government investigative, regulatory, administrative, or adjudicative body or agency acting within the scope of its authority.

(b) When required to do so by a subpoena duly issued by a government investigative, regulatory, administrative, or adjudicative body or agency acting within the scope of its authority, by a duly empaneled grand jury, or by a court.

(c) When compelled to do so pursuant to a duly issued search warrant or pursuant to a judicially recognized exception to the requirement for a search warrant.

(d) When requested by the division of emergency services and communications for purposes of responding or assisting with emergency 911 telecommunications.

(e) In an emergency, where the immediate danger of death or serious physical injury to an individual or substantial loss or destruction of property requires the disclosure, without delay, of personal information concerning a specific individual, telephone number, username, or other unique identifier, and where judicial process cannot be obtained in time to prevent the identified danger.

II. When a government entity seeks the disclosure of personal information from a provider of information and services pursuant to RSA 507-H:3, I(a) or I(b), the request or demand for such information shall not require production of the information sooner than 10 days from the date the request or demand is made. Within 5 days of receiving such request or demand, the provider shall notify the individual to whom the information pertains that the request or demand has been made so that such individual has an opportunity to pursue judicial remedies to prevent compliance with the request or demand if there are valid grounds to do so; provided, however, that no such notice shall be given if (i) the government entity seeking the information demands that such notice not be provided and furnishes the provider with the basis of its authority to make such demand; or (ii) a court has issued an order that such notice not be given.

III. When a provider of information and services discloses personal information of an individual in an emergency situation covered by RSA 507-H:2, I(c), or when a government entity seeks disclosure of personal information from a provider of information and services pursuant to RSA 507-H:3, I(c), I(d), or I(e), the provider shall contemporaneously with such disclosure provide notice that it has made the disclosure to the individual to whom the information pertains; provided, however, that no such notice shall be given if (i) the government entity seeking the information demands that such notice not be provided and furnishes the provider with the basis of its authority to make such demand; or (ii) a court has issued an order that such notice not be given.

507-H:4 Waivers. No third party provider of information and services may require a waiver from the provisions of this chapter as a condition for any individual to do business with it.

507-H:5 Remedies.

I. Any person who knowingly violates the provisions of this chapter shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

II. The attorney general shall have exclusive authority to bring a civil action against any third party provider of information and services who violates this chapter to recover on behalf of the public or any individual or entity aggrieved by such violation. In any such action, the attorney general shall be entitled to recover the greater of actual damages or \$1,000 for each violation of this chapter.

III. Nothing in this chapter shall be construed as providing the basis for, or be subject to, a private right of action for violations under this chapter.

507-H:6 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

2 Regulation of Biometric Information; Collection of Biometric Data Prohibited. Amend RSA 359-N:2, I(c) to read as follows:

(c) Obtain, retain, or provide any individual's biometric data except as set forth in this chapter ***or in RSA 507-H.***

3 Effective Date. This act shall take effect on January 1, 2025.

Amendment to HB 318-FN-A (2023-2460h)

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

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

AN ACT relative to bail commissioners and making appropriations to the judicial branch.

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

1 Bail and Recognizances; Bail Commissioners; Fees. Amend RSA 597:20 to read as follows:

597:20 Fees. The bail commissioners in such cases shall be entitled to a fee of [~~\$40~~] **\$50**. However, clerks of court or members of their staffs who are bail commissioners shall be entitled to collect such fee only when called while not on active duty. In jurisdictions where the bail commissioner is a full-time salaried police officer, constable, sheriff, deputy sheriff, state police employee, or anyone else authorized to execute police powers, such person shall not receive the fee established in this section, but instead such amount shall be remitted to the town or city in which the district court is situated. If the defendant is indigent, the fee shall be waived.

2 Bail and Recognizances; General Provisions; Determination of Indigence and Payment of Bail Commissioner Fee. Amend RSA 597:2-b to read as follows:

597:2-b Determination of Indigence and Payment of Bail Commissioner Fee.

I. The arresting officer, at the point of arrest, shall inform the offender of the availability of the services of the bail commissioner. [~~If the offender elects to utilize the bail commissioner's services and is not indigent, the offender shall pay the bail commissioner's fee directly to the bail commissioner. If the offender elects to utilize the services of the bail commissioner, but claims indigence, the court shall, to the extent of available~~]

funding, utilize all possible means to pay the bail commissioner's fee, and shall include written evidence of fee payment in the offender's case file.] ***In any case where the offender has been arrested for a crime of violence against an individual person, including any act of stalking or criminal threatening, and the bail commissioner determines that the offender may be released pending arraignment, the arresting agency shall attempt to contact the alleged victim for at least one hour to inform the alleged victim of the pending release and the conditions of bail. This contact may be either in-person or by telephone. If the alleged victim has not been reached within one hour of the bail commissioner's setting of the terms and conditions of release, the police shall immediately provide notice to the alleged victim through either telephonic voicemail or written notice left at the alleged victim's last known residence. The police shall document all efforts to contact the alleged victim and the time of the notification provided under this section. The offender shall not be released until the alleged victim has been notified, or one hour has elapsed from the time the bail commissioner set the terms and conditions of release, whichever is earlier.***

I-a. On a monthly basis, the court shall pay each bail commissioner the fees as authorized by RSA 597:20 that each bail commissioner is entitled to from the previous month.

II. The court shall develop uniform criteria to evaluate and determine whether an offender is indigent or not indigent for the purpose of the offender's ability to [pay] ***repay*** the bail commissioner's fee. Based on the criteria, the court shall render a finding of indigent or not indigent for the purpose of the offender's ability to [pay] ***repay*** the bail commissioner's fee.

III. If the court finds that the offender is not indigent for the purpose of [paying] ***repaying*** the bail commissioner's fee, the ***court shall order that the*** offender [shall] reimburse the court for payment of the bail commissioner's fee. ***The court may extend the time period for such repayment in its discretion to allow the offender reasonable time to make the repayment, except that in no case shall the time period exceed one year from the date the case was closed.***

IV. If the court finds that the offender is indigent for the purpose of [paying] ***repaying*** the bail commissioner's fee, the offender shall not be liable to pay the fee.

3 Bail and Recognizances; Bail Commissioners; Term and Identification Card. Amend RSA 597:17 to read as follows:

597:17 Term and Identification Card.

I. Bail commissioners shall be commissioned for 5 years and continue in office until their successors shall have qualified. ***A bail commissioner's appointment may be revoked for cause at any time during the term of his or her appointment by the chief justice of the supreme court or the chief justice's designee.***

II. The ***chief justice of the superior court or the*** administrative judge of [the superior court or] the circuit court shall issue an identification card to each qualified bail commissioner in the state. ***The identification card shall be made of a durable material similar to that of a driver's license, and shall contain a photograph of the bail commissioner, the terms and dates of the bail commissioner's appointment, and any other information deemed necessary by the chief justice of the superior court or the administrative judge of the circuit court. The chief justice of the superior court or the administrative judge of the circuit court may enter into an agreement, through an interagency memorandum of understanding or any other appropriate mechanism, with the department of safety, division of motor vehicles to facilitate the production and issuance of the identification card.***

4 Bail and Recognizances; Bail Commissioners; Educational Requirements for Bail Commissioners. RSA 597:18-a is repealed and reenacted to read as follows:

597:18-a Educational Requirements for Bail Commissioners.

I. The chief magistrate, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, shall develop an education program to ensure that new bail commissioners are adequately trained and that existing bail commissioners have current information regarding the status of the laws affecting bail commissioners and the powers and duties of bail commissioners. This education program shall include the laws specific to bail and the conditions that may be imposed by the bail commissioners.

II. Upon appointment, each bail commissioner shall receive at least 16 hours of training. Training may be in person, remote, or on the job training by shadowing another bail commissioner for a period of time as determined by the courts.

III. Each bail commissioner shall undergo 8 hours of annual training that shall include any changes to the law made by the general court or as a result of court decisions. An updated copy of all laws concerning bail commissioners and a copy of the latest edition of the Bail Commissioner's Handbook shall be provided to each bail commissioner at this annual training.

IV. Bail commissioners shall be paid for time spent during training as follows:

(a) Bail commissioners shall be paid a \$50 stipend for each 8 hour block of training. Any in person training requiring less than 8 hours shall nonetheless be paid for a minimum 8 hour block. Remote training less than 8 hours may be prorated based upon the \$50 per 8 hour block standard.

(b) If the training for newly appointed bail commissioners exceeds 16 hours, the newly appointed bail commissioners shall not be paid for more than 2, 8-hour blocks.

5 New Section; Bail and Recognizances; Bail Commissioners; Duties. Amend RSA 597 by inserting after section 18-a the following new section:

597:18-b Duties.

I. The bail commissioners shall provide to any person bailed by the bail commissioner under this chapter information on local services that are available to the person relating to homelessness, hunger, mental health, and substance use issues.

II. The bail commissioners shall notify any person bailed by the bail commissioners under this chapter that any violations of a protective order are non-bailable.

6 Funding.

I. The judicial branch shall determine the amount of funding needed in order to pay for the fees for bail commissioners and to establish the identification cards as directed in sections 1-4 of this act, and that amount is hereby appropriated in the fiscal year ending June 30, 2024 to the judicial branch.

II. The judicial branch shall determine the amount of funding needed to establish 15 new magistrates who will serve at such locations as the chief justice of the supreme court designates and who shall be empowered to perform certain judicial functions relative to bail, arraignments, and warrants, and that amount is hereby appropriated in the fiscal year ending June 30, 2024 to the judicial branch.

III. The appropriations in paragraphs I and II shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

7 Effective Date.

I. Section 6 of this act shall take effect June 30, 2024.

II. The remainder of this act shall take effect January 1, 2025.

2023-2460h

AMENDED ANALYSIS

This bill:

I. Amends the bail commissioner's fee to \$50.

II. Makes various changes relative to the bailing of offenders by bail commissioners.

III. Allows the chief justice of the supreme court or designee to revoke the appointment of a bail commissioner for cause.

IV. Provides for new requirements for the issuance of identification cards to bail commissioners.

V. Provides new provisions regarding the training and duties of bail commissioners.

VI. Makes certain appropriations to the judicial branch.

Amendment to HB 322

(2023-2365h)

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

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

1 Committee Established. There is established a committee to study the New Hampshire board of medicine.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives, 2 of whom shall be from the health, human services, and elderly affairs committee and 2 from the executive departments and administration committee. Each set of 2 from each committee shall have one member form the majority party and one from the minority party.

(b) Two members of the senate, appointed by the president of the senate, one from the majority party and one from the minority party.

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

3 Duties.

I. The committee shall:

(a) Provide a forum within which stakeholders in the proceedings of the board of medicine have an opportunity to hear and review public comments on the operations of the board.

(b) To permit and facilitate organizations which are linked to the board of medicine such as hospitals, the medical association, the association of nurses, the association of nurse practitioners and others to hold regular meetings to share their views on the operation of the board of medicine.

(c) Offer reports to the oversight committee established in RSA 126-A:13 regarding suggested needs for legislation to guide the operations of the board of medicine.

(d) The committee's scope of inquiry as to the board of medicine and its operations shall include:

(1) Adequacy of staffing and funding to maintain the highest possible transparency for the public

(2) Appropriateness of procedures to ensure timely consideration of complaints and reporting to complainants of the disposition of those complaints.

(3) Construction and maintenance of means to make the decisions of the board of medicine accessible to public view in a timely manner.

(4) The maintenance of robust systems to investigate reports of lapses in physician practice as well as complaints of such lodged by professionals, organizations, or public citizens.

(e) To ensure a breadth of expertise the following shall be requested to be in regular attendance but shall not be voting members of the committee:

(1) The commissioner of the department of health and human services or a designee.

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

(3) The president of the board of medicine or a designee.

(4) A member of the New Hampshire Nurses' Association

(5) A member of the New Hampshire Nurse Practitioner Association.

(6) The president of the New Hampshire Hospital Association or designee.

(7) A lawyer experienced with malpractice rules and procedures appointed by the attorney general.

(8) The executive director of the office of professional licensure and certification or a designee.

(9) The president of the New Hampshire Osteopathic Association, or a designee.

(10) A medical ethicist to be named by the elected chair of the committee.

(11) A trial lawyer for the plaintiffs in malpractice cases to be named by the elected chair of the committee.

(12) A trial lawyer for the defense in malpractice cases to be named by the elected chair of the committee.

II. Legislative members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the 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, 2024.

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

Amendment to HB 354 (2023-2415h)

Proposed by the Committee on Education – r

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

1 School Building Aid; Grants for School Construction; Chartered Public Schools; Requirements Added. Amend RSA 198:15-a, I through III to read as follows:

I. To aid local school districts ***and chartered public schools under RSA 194-B*** in meeting the costs of school buildings, the department of education shall, from funds appropriated by the general court to carry out the provisions of this subdivision, pay to the school districts ***and chartered public schools*** of the state, sums in accordance with the provisions of this subdivision, ***RSA 198:15-b, I(b)*** or the alternative school building aid provisions under RSA 198:15-u through RSA 198:15-w.

I-a. For purposes of this subdivision, “school district” means any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22.

II. Beginning with construction authorized by a local school district ***or chartered public school*** on or after July 1, 2013, office facilities for school administrative units and the purchase or lease-purchase of temporary space for any purpose, including, but not limited to modulars, trailers, or other similar structures to be used as classroom, office, or storage space shall not be eligible for school building aid grants.

II-a. Any chartered public school building to be improved or constructed using school building aid shall be owned by the chartered public school and in the event of a voluntary or involuntary dissolution shall be subject to a plan for the disposition of the chartered public school’s assets, pursuant to RSA 194-B:3, II(z), as approved by the state board of education.

III. Facilities constructed using school building aid grants shall be used as instructional facilities for kindergarten through grade 12 for at least 20 years. A school district ***or chartered public school*** that discontinues the use of the facilities within 20 years shall be required to repay the state 100 percent of the state grant received. Upon a showing of good cause by the school district ***or chartered public school***, the commissioner of the department of education may waive this penalty in whole or part on a case by case basis.

2 School Building Aid; Amount of Grant; Chartered Public Schools. Amend RSA 198:15-b, I(b) to read as follows:

(b)(1) For construction authorized by a school district after July 1, 2013, the amount of grant to the school district shall be calculated based on the criteria set forth in RSA 198:15-u through RSA 198:15-w.

(2) The state board of education shall approve the disbursement of 80 percent of the eligible grant amount upon approval of the application for school building aid grants by the state board of education, and shall disburse the balance of the grant amount upon completion of the construction and verification of the final cost of construction by the department of education.

(3) The amount of the grant to any chartered public school established in accordance with RSA 194-B:3-a shall be 30 percent of the eligible cost of construction. ***For chartered public school construction projects, the amount of the annual grant to any chartered public school shall be a sum equal to 5 percent of the eligible grant amount each year for 20 years upon approval of the application for school building aid grants by the state board of education. Not more than 10 percent of the eligible grant amount shall be disbursed until the completion of the construction and verification of the final cost of construction have been made by the department of education.***

(4) Funds received from federal grants or grants from other state programs shall be subtracted from total project costs when computing grants under this paragraph.

3 School Building Aid; Approvals; Chartered Public Schools. Amend RSA 198:15-c to read as follows: 198:15-c Approval of Plans; Specifications, and Costs of Construction or Purchase.

I.(a) A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall submit schematic design plans, cost estimates, and other items determined by the department of education for an eligible school construction project prior to the start of the construction. Projects with approval from the school district's legislative body to construct, not subject to receiving building aid, are not eligible.

(b) Beginning January 1, 2025 and each year thereafter, to be considered for a school building aid grant, the complete building aid application shall be submitted no later than April 1 of the fiscal year that immediately precedes the fiscal year in which the school desires to seek the district's legislative body's ***or chartered public school board of trustees'*** approval for construction. The application shall include at a minimum, schematic design plans, cost estimates, educational needs assessment, existing facility conditions assessment including, but, not limited to a review of the mechanical, electrical, plumbing, and structural components of the building, proof of an annual school budget to support good maintenance, and other documentation as required by the department and identified in the department's school building construction rules.

(c) As deemed appropriate, emergency projects that are recommended by the commissioner of education shall be addressed on a case-by-case basis by the state board of education at any time during the school year. A school construction project requiring the replacement of all or a significant portion of a school facility which is declared uninhabitable or is identified as an imminent danger or substantial risk by the state fire marshal or a state or federal agency, and which results from an unanticipated and sudden natural or human disaster, shall qualify as an emergency project.

II.(a) The commissioner shall accept school building aid grant applications based upon completeness and submit a preliminary school building aid grant list, with applications ranked in accordance with subparagraph II(b) and rules of the department, to the school building authority established pursuant to RSA 195-C by August 1 each year. The school building authority shall verify the ranking submitted by the commissioner and submit a list in descending rank order to the state board of education for approval. If the ranking submitted to the school building authority differs from the preliminary school building aid grant list, the school building authority shall justify the new ranking using the same criteria in subparagraph II(b) and in rules of the department. The school building authority shall submit the school building aid rank order listing with written report of findings to the state board no later than October 15, each year. The state board of education shall verify the ranking submitted by the school building authority. If the ranking submitted to the state board of education differs from the preliminary school building aid grant list submitted by the commissioner, the state board of education shall justify the new ranking using the same criteria in subparagraph II(b) and rules of the department. The state board of education shall approve and publish the descending rank order list of approved eligible school construction projects by November 15 each year. School districts ***and chartered public schools*** which have projects approved for funding shall be notified by the department of education of the projected amount to be funded within 10 days of approval. The project rating system and criteria used to rate project applications which shall include an administrative review process for appeal of a school district's ***or chartered public school's*** project point rating, shall be developed by the department of education and approved by the state board of education.

(b) The commissioner of the department of education shall accept school building construction proposals based upon completeness. The department of education shall consider and score each proposal based on the following criteria:

- (1) Unsafe conditions.
- (2) Facilities not in compliance with the Americans With Disabilities Act, or obsolete, inefficient, or unsuitable facilities or mechanical and building systems.
- (3) Overcrowding and associated influences to instructional areas and programming.
- (4) Enrollment projections and population shifts.
- (5) A school district's **or chartered public school's** fiscal capacity based on measurable criteria such as the percentage of pupils eligible for free and reduced price meals.
- (6) School security design and integration of security systems.
- (7) The project contributes to operational cost efficiencies, consolidation, or reduced property taxes.
- (8) High performance of design that provides environments that are energy and resource efficient. Energy and resource efficient designs are those that improve indoor air quality, air temperature, or water quality; reduce heating costs; provide better lighting; and increase average attendance.

(9) Any other criteria that the state board of education may determine are necessary.

(c) Except as provided in subparagraph (d), applications on the approved ranked list the previous fiscal year, including the school construction projects on the descending rank order list approved by the state board of education on November 10, 2022, but did not receive a grant due to insufficient funds in the previous fiscal year, shall be ranked ahead of any application that was not on the list in the previous fiscal year provided that construction of the project has not started.

(d) Applications with critical needs pursuant to subparagraph II(b) and substantial deficiencies, as defined by the department of education's school construction rules, may be ranked ahead of applications received in the prior fiscal year.

(e) Projects that did not receive approval from the school district's legislative body **or chartered public school board of trustees** may resubmit those projects to the department for future consideration.

III. A school district **or chartered public school** that accepts school building aid for construction shall engage the services of a project manager for construction or reconstruction projects of \$1,000,000 or more, unless the commissioner waives such requirement as unnecessary. The [school district's] project manager shall have his or her own comprehensive liability and auto insurance, worker's compensation coverage, and professional liability coverage. The state board of education shall adopt rules pursuant to RSA 541-A relative to the required services, responsibilities, and qualifications for the [school district's] project manager.

4 Time of Computation of Grant. Amend RSA 198:15-d to read as follows:

198:15-d Time of Computation of Grant. As of January 1 in each year, the department of education shall cause to be computed the amount of the annual grants for school building aid to be paid to eligible school districts **and chartered public schools** in the succeeding fiscal year. The computation shall be based upon the total of eligible costs of construction of school buildings approved by the legislative body of the school district **or chartered public school board of trustees** and the department of education for which loans are outstanding [in each school district] for the fiscal year in which the computations are made.

5 Chartered Public Schools; Establishment. Amend RSA 194-B:3, II(z) to read as follows:

(z) Provisions for dissolution of the chartered public school including disposition of assets or amendment of its program plan. **A chartered public school may not be eligible for a state building aid grant until the state board of education has approved the school's asset disposition plan.**

6 New Paragraph; Charter Revocation. Amend RSA 194-B:16 by inserting after paragraph VIII the following new paragraph:

IX. In the event of a voluntary or involuntary dissolution of a charter public school, remaining student records maintained by the charter public school shall be forwarded to the department of education, if all records maintained by the public charter school have not been forwarded to the student's district of residence.

7 Repeal. RSA 194-B:11, VII, relative to the prohibition on chartered public schools receiving school building aid, is repealed.

8 Effective Date. This act shall take effect July 1, 2024.

Amendment to HB 369 (2023- 2355h)

Proposed by the Majority of the Committee on Environment and Agriculture – r

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

AN ACT establishing the farm energy systems and infrastructure design advisory program.

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

1 Declaration of Purpose. It is hereby recognized and declared that accurate and detailed information concerning agricultural technology and energy systems is essential for the further development of the state's agricultural sector and that the welfare of the state is served by making such information as complete, current, and available as possible.

2 New Subdivision; Farm Energy Systems and Infrastructure Design Advisory Program. Amend RSA 425 by inserting after section 26 the following new subdivision:

Farm Energy Systems and Infrastructure Design Advisory Program

425:27 Definition. For the purposes of this subdivision, “farm” means a farming operation as defined in RSA 21:34-a that meets all of the following criteria:

- I. The farm is relied upon to contribute to family living costs;
- II. The operation of the farm is at least one family member’s principal occupation; and
- III. The owners of the farm are at risk of losing their investment in the business from issues including crop failure, adverse market conditions, and production expenses exceeding profits.

425:28 Duties and Authority of the Commissioner.

I. The commissioner shall:

(a) Provide New Hampshire farms with unbiased, research-based educational assistance on subject matters including, but not limited to on-farm energy efficiency and production; resources for the improvement of farm energy systems; financial assistance in the form of grants and loans available for funding farm energy improvement; resources available for applying for such financial assistance; evaluation and design of farm technology and infrastructure; and resources for the deployment of such technology.

(b) Enable the department to provide the educational assistance referred to in subparagraph (a) by enacting and maintaining a memorandum of understanding with the university of New Hampshire cooperative extension to support and implement a farm energy systems and infrastructure design advisory program. Such memorandum shall be reviewed and updated every 3 years or less as may be necessary.

II. The commissioner may accept grants, gifts, and donations from any public or private sources to support the program. Such moneys shall be deposited in the general fund and appropriated to the department to pay for program costs.

3 Appropriation; New Hampshire Department of Agriculture, Markets, and Food. The sum of \$100,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the New Hampshire department of agriculture, markets, and food. Said appropriation shall be used by the New Hampshire department of agriculture, markets, and food for the salary, benefits, and expenses for one field specialist to manage the farm energy systems and infrastructure design advisory program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 2024.

2023-2355h

AMENDED ANALYSIS

This bill establishes the farm energy systems and infrastructure design advisory program and makes an appropriation therefor.

**Amendment to HB 370-FN
(2023-2395h)**

Proposed by the Committee on Transportation – c

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

1 Tinted Glass. Amend RSA 266:58-a, III-a to read as follows:

III-a. Persons who require for medical reasons after market tinting on the windshield ***or on the windows to the left and right of the driver*** may apply for a special permit pursuant to RSA 266:61-a, IX.

2 Equipment Waiver for Disabled. Amend RSA 266:61-a to read as follows:

IX. The commissioner may waive the requirements of RSA 266:58-a and issue a special permit to a person who for bona fide medical reasons requires after market tinting on the windshield ***or on the windows to the left and right of the driver*** and who applies for such permit. Such waiver shall be granted in accordance with this section and shall only authorize the use of after market tinted windows with a light transmittance of not less than [70] **35** percent. In reviewing the application for a permit under this paragraph, the commissioner may seek the advice and recommendation of a medical review board designated by him or her for such purpose.

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

**Amendment to HB 378
(2023-2448h)**

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

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

AN ACT expanding the information provided to survivors of sexual assault regarding their existing rights.

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

1 Sexual Assault Survivors’ Rights. Amend RSA 21-M:18 to read as follows:

21-M:18 Sexual Assault Survivors’ Rights.

I. In addition to the rights of a crime victim provided in RSA 21-M:8-k, a sexual assault survivor shall have the following rights:

(a) The right not to be prevented from, or charged for, receiving a medical examination, ***including any individual element or elements of a state sexual assault evidence collection kit.***

(b) The right to:

(1) Have a sexual assault evidence collection kit or its probative contents preserved, without charge, for the duration of the maximum applicable statute of limitations or 20 years, whichever is shorter;

(2) Be informed of any result of a sexual assault evidence collection kit, including a DNA profile match, toxicology report, or other information collected as part of a medical forensic examination, if such disclosure would not impede or compromise an ongoing investigation; and

(3) Be informed in writing of policies governing the collection and preservation of a sexual assault evidence collection kit, ***including the information required by RSA 21-M:19, IV.***

(c) The right, if the state intends to destroy or dispose of a sexual assault evidence collection kit or its probative contents before the expiration date of the maximum applicable statute of limitations, to:

(1) Upon written request, receive written notification from the prosecutor or appropriate state official with custody not later than 60 days before the date of the intended destruction or disposal; and

(2) Upon written request, be granted further preservation of the kit or its probative contents.

(d) The right to be informed of the rights under this section.

II. In this ~~[subdivision,]~~ ***chapter, “sexual assault survivor” means:***

(a) ***Any individual who asserts that they have been subject to an offense under RSA 632-A:2, 632-A:3, or 632-A:4 including, but not limited to penetrative or non-penetrative sexual assault or the administering of a drug or other intoxicating substance as part of a sexual assault which falls under the referenced statutes.***

(b) ***An individual reporting an attempted rape who asserts sexual contact as defined by RSA 632-A:1, IV and described within RSA 632-A:4 shall not be denied survivor rights because of lack of knowledge of correct legal terminology.***

(c) “Sexual assault survivor” includes a deceased victim of sexual assault.

2 New Paragraphs; Notification of Sexual Assault Survivors’ Rights. Amend RSA 21-M:19 by inserting after paragraph II the following new paragraphs:

III. The attorney general shall post prominently on the attorney general’s website the document or documents required by RSA 21-M:8-d, II which summarize the policies to inform a sexual assault survivor, listed entities, and the general public regarding:

(a) Rights under this section and RSA 21-M:18, I.

(b) Policies governing the collection and preservation of a sexual assault evidence collection kit established in RSA 21-M:8-d, I including:

(1) How long after an assault samples, including blood, urine and other evidence, are generally collected;

(2) The evidentiary value of all clothing and other material present at the time of assault; and

(3) The ability to collect evidence for an assault which occurred in a location outside of New Hampshire.

(c) That sexual contact which would be considered aggravated felonious sexual assault if it was penetration is misdemeanor sexual assault.

IV. A health care provider, law enforcement officer, or other employee of an entity listed in paragraph I, who in the course of their professional responsibilities has contact with a sexual assault survivor, shall provide the individual with the document intended for sexual assault survivors provided by the attorney general pursuant to paragraph III or an internally created document which contains, at minimum, the same material information.

3 Standardized Rape Protocol and Kit and Domestic Violence Protocol. Amend RSA 21-M:8-d to read as follows:

21-M:8-d Standardized Rape Protocol and Kit and Domestic Violence Protocol.

I. The department of justice shall adopt, pursuant to RSA 541-A, and implement rules establishing a standardized rape protocol and kit and a domestic violence protocol to be used by all physicians or hospitals in this state when providing physical examinations of victims of alleged sexual offenses and alleged domestic abuse, as defined in RSA 173-B:1.

II. The department of justice shall create a document summarizing the information required by RSA 21-M:19, III so that victims of sexual assault, health care providers and the general public can easily access the details of the protocols required in paragraph I necessary to protect the rights of sexual assault survivors.

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

2023-2448h
AMENDED ANALYSIS

This bill expands the information provided to sexual assault survivors, defines sexual assault survivor for purposes of receiving such information, and requires certain entities to provide the notice of rights to sexual assault survivors.

**Amendment to HB 396
(2023- 0441h)**

Proposed by the Committee on Judiciary – r

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

AN ACT permitting classification of individuals based on biological sex under certain limited circumstances.

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

1 State Commission for Human Rights; Law Against Discrimination; Purpose and Scope. Amend RSA 354-A:1 to read as follows:

354-A:1 Title and Purposes of Chapter.

I. This chapter shall be known as the “Law Against Discrimination.” It shall be deemed an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the constitution of this state concerning civil rights. The general court hereby finds and declares that practices of discrimination against any of its inhabitants because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin are a matter of state concern, that such discrimination not only threatens the rights and proper privileges of its inhabitants, but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants. A state agency is hereby created with power to eliminate and prevent discrimination in employment, in places of public accommodation and in housing accommodations because of age, sex, gender identity, race, creed, color, marital status, familial status, physical or mental disability or national origin as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes. In addition, the agencies and councils so created shall exercise their authority to assure that no person be discriminated against on account of sexual orientation.

II. The general court also finds that, notwithstanding New Hampshire’s fundamental commitment to treat all persons without discrimination and with equal dignity and respect, which commitment the legislature fully accepts and strongly endorses, there are certain limited circumstances in which classification of persons based on biological sex is proper because such classification serves the compelling state interests of protecting the privacy rights and physical safety of such persons and others. The legislature finds that permitting classification of persons based upon biological sex serves this compelling state interest in the 3 circumstances described in RSA 354-A:25-a.

2 New Section; Law Against Discrimination; Classification of Persons Based Upon Biological Sex. Amend RSA 354-A by adding after section 25 the following new section:

354-A:25-a Classification of Persons Based Upon Biological Sex. Notwithstanding RSA 354-A:2, XIV-e or any other provision of this chapter or any other law or regulation, it shall not constitute unlawful discrimination based on sexual or gender identity for any person or organization, public or private, to classify based on biological sex with respect to the following matters:

I. In the construction, maintenance, operation, and use of lavatory facilities or locker rooms designed for usage by multiple persons at the same time, even if such facilities have individual urinals, stalls, or similar apparatus.

II. In athletic or sporting events or competitions in a sport or similar activity in which physical strength, speed, or endurance is generally recognized to give an advantage to biological males.

III. In the operation, maintenance, and use of facilities designed for usage as prisons, houses of correction, juvenile detention or commitment centers, mental health hospitals or treatment centers and like facilities to which persons may be committed involuntarily.

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

2023-0441h
AMENDED ANALYSIS

This bill permits classification of individuals based on biological sex in lavatory facilities and locker rooms, sporting competitions, and detention facilities.

**Amendment to HB 398
(2023-2296h)**

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

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

AN ACT relative to notice of PFAS contamination prior to the sale of real property.

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

1 Notification Required; PFAS. Amend the section heading of RSA 477:4-a and RSA 477:4-a, I to read as follows:

477:4-a Notification Required; Radon, Arsenic, [and] Lead **and PFAS**.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Radon: Radon, the product of decay of radioactive materials in rock, may be found in some areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well. Testing of the air by a professional certified in radon testing and testing of the water by an accredited laboratory can establish radon's presence and equipment is available to remove it from the air or water."

"Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is served by a private well."

"Lead: Before 1978, paint containing lead may have been used in structures. Exposure to lead from the presence of flaking, chalking, chipping lead paint or lead paint dust from friction surfaces, or from the disturbance of intact surfaces containing lead paint through unsafe renovation, repair or painting practices, or from soils in close proximity to the building, can present a serious health hazard, especially to young children and pregnant women. Lead may also be present in drinking water as a result of lead in service lines, plumbing and fixtures. Tests are available to determine whether lead is present in paint or drinking water."

"PFAS: Poly- and perfluoroalkyl substances (PFAS) are found in products that are used in domestic, commercial, institutional and industrial settings. These chemical compounds have been detected at levels that exceed federal and/or state advisories or standards in wells throughout New Hampshire, but are more frequently detected at elevated levels in southern New Hampshire. Testing of the water by an accredited laboratory can measure PFAS levels and inform a home buyer's decision regarding the need to install water treatment systems."

2 Effective Date. This act shall take effect January 1, 2025.

**Amendment to HB 436-FN-LOCAL
(2023- 2458h)**

Proposed by the Committee on Finance – r

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

AN ACT making an appropriation to the New Hampshire retirement system to pay down the unfunded accrued liability.

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

1 Appropriation; New Hampshire Retirement System; Unfunded Accrued Liability. The sum of \$50,000,000 for the fiscal year ending June 30, 2024 is hereby appropriated to the New Hampshire retirement system. Said appropriation shall be used by the New Hampshire retirement system to pay down the unfunded accrued liability and shall not be used for any other purposes. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect June 30, 2024.

2023-2458h

AMENDED ANALYSIS

This bill makes an appropriation to the New Hampshire retirement system to pay down the unfunded accrued liability.

**Amendment to HB 447-FN
(2023- 2366h)**

Proposed by the Committee on Election Law – r

Amend RSA 5-d:6, III as inserted by section 1 of the bill by replacing it with the following:

III. The secretary of state ~~[is authorized to]~~ **shall** accept, budget, and, subject to the limitations of this paragraph, expend monies in the election fund received from any party for the purposes of conducting elections, voter and election official education, the purchase or lease of equipment that complies with the Help America Vote Act of 2002, Public Law 107-252, or with RSA 659:13, V, reimbursing the department of safety for the actual cost of voter identification cards, election law enforcement, enhancing election technology, making election security improvements, and improvements to related information technology, includ-

ing acquisition and operation of an automated election management system. ***Except as provided in this section, the secretary of state*** [With the exception of federal and state portions of funds associated with the 2018 Election Reform Program, the secretary of state] shall not expend any monies in the election fund unless the balance in the fund following such expenditures shall be at least 12 times the estimated annual cost of maintaining the programs established to comply with the Help America Vote Act of 2002, Public Law 107-252. ***The secretary of state shall expend funds in the election fund established in this section and those funds associated with the 2018 Election Reform Program and other funds received by the state under RSA 5:6-d, II to assist in an equitable manner the purchase of equipment by towns and cities for the use of conducting elections and improving election security through the purchase of technology, including ballot counting devices, electronic poll books, and dedicated laptops to be used to access the election information system established by the secretary of state. The funds used pursuant to this paragraph shall be administered, regulated, and maintained by the secretary of state and shall be subject to the following restrictions:***

(a) ***The principal amount of the election funds spent shall not exceed \$3,000,000.***

(b) ***The amount awarded to each town and city shall be no more than one-half of the estimated cost of the requested technology. Each town and city shall return any excess funds to the secretary of state within 6 months of the purchase of the requested technology by the town or city.***

(c) ***The authority to disburse funds under this paragraph shall terminate upon the disbursement of \$3,000,000 or December 31, 2027, whichever occurs first. Any funds not disbursed pursuant to this paragraph shall be returned to the election fund established in RSA 5:6-d, I by January 31, 2028.***

Amendment to HB 450-FN

(2023- 2272h)

Proposed by the Committee on Ways and Means- r

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

1 Taxation; Business Profits Tax; Additions and Deductions. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code apportioned in the year incurred according to RSA 77-A:3, ***except in determining the amount of the net operating loss deduction, a business organization shall not be subject to any taxable income limitation under section 172 of the United States Internal Revenue Code as provided in RSA 77-A:1, XX.*** A net operating loss shall only be apportioned in the year incurred and not in the subsequent years it adjusts gross business profits. Net operating losses may only be carried forward for the 10 years following the loss year. For taxable periods ending:

(a) On or before June 30, 2003, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$250,000.

(b) On or after July 1, 2003 and on or before June 30, 2004, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$500,000.

(c) On or after July 1, 2004 and on or before June 30, 2005, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$750,000.

(d) On or after July 1, 2005, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$1,000,000.

(e) On or after January 1, 2013, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$10,000,000. In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code if the business organization were a subchapter C corporation and as limited ***and adjusted*** by this section. A deduction for the amount of the net operating loss carryover shall be limited to losses incurred on or after July 1, 1997.

2 Applicability. RSA 77-A:4, XIII as amended by section 1 of this act shall apply to all taxable periods ending on or after December 31, 2024.

3 Effective Date. This act shall take effect July 1, 2024.

Amendment to HB 458

(2023- 2347h)

Proposed by the Committee on Science, Technology and Energy - r

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

AN ACT reestablishing the commission to study the assessing of power generation.

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

1 Commission to Study the Assessing of Power Generation. RSA 72:8-f is repealed and reenacted to read as follows:

72:8-f Study Commission on the Assessing of Power Generation. There is established a commission to study the assessing of power generation.

I. The commission shall:

- (a) Determine the most accurate methodology for assessing power generation assets.
- (b) Compare the efficacy of the department of revenue administration approach to assessing the assets of the 59 power generation facilities with the approaches utilized by the municipalities.
- (c) Understand how other states handle the assessing of power generation facilities for property tax purposes.
- (d) Recommend a unified approach to be utilized by both the department of revenue administration and municipalities, which should include confidential data reporting requirements by the power generation companies for the methodology chosen.

II. The commission shall consist of the following members:

- (a) Six members of the house of representatives, 2 of whom shall be from the science, technology and energy committee, 2 of whom shall be from the ways and means committee, and 2 of whom shall be from the municipal and county government committee, with at least one member of the minority party to be included among the 6 members, to be appointed by the speaker of the house of representatives.
- (b) Two members of the senate, appointed by the senate president.
- (c) The chairperson of the assessing standards board, or designee.
- (d) The commissioner of the department of revenue administration, or designee.
- (e) One member appointed by the New Hampshire Municipal Association.
- (f) One member appointed by the New England Power Generators Association (NEPGA).
- (g) One member appointed by the New Hampshire Association of Assessing Officials (NHAAO).
- (h) One member appointed by the Granite State Hydropower Association (GSHA).
- (i) One member of the public, appointed by governor.

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

IV. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.

2 Repeal. RSA 72:8-f, relative to the study commission on the assessing of power generation, is repealed
3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2024.

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

2023-2347h

AMENDED ANALYSIS

This bill reestablishes the commission to study the assessing of power generation.

**Amendment to HB 463-FN
(2023- 2385h)**

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

Amend RSA 652:28 as inserted by section 2 of the bill by replacing it with the following:

652:28 Election Information Portal.

I. The secretary of state shall develop, in consultation with the city and town clerks and supervisors of the checklist, an online election information portal that all persons, including those with disabilities and active-duty members of the armed forces, may use to:

- (a) Complete a new voter application.
- (b) Request an absentee ballot.
- (c) Request changes to the statewide centralized voter registration database, such as name, domicile address, mailing address, and party affiliation.

II. A new voter application to the election information portal shall not allow verification of identity, age, or domicile by affidavit under RSA 654:12. Verification of citizenship shall be permitted by a sworn statement provided by the election information statement.

III. Any requests placed in the election information portal shall be submitted to the appropriate municipal official for verification and processing pursuant to and in a manner consistent with relevant election laws, including RSA 654, except that the information shall be provided in a format the secretary of state deems suitable for electronic submission. Any information submitted to the portal shall be retrievable and printable at any time including during the processing of the information. In addition, nonpublic data related to individual voter data shall remain confidential.

IV. The online election information portal authorized herein shall be operational by May 1, 2026.

**Amendment to HB 468-FN-A
(2023- 2294h)**

Proposed by the Committee on Finance – r

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

1 Department of Education; Attorney to Recodify Education Laws.

I. The department shall seek to hire an attorney for the sole purpose to review the content and structure of the education laws to include, but not be limited to, the following:

(a) Review the content and structure of the education laws contained within Title XV, Chapters RSA 186 through 200-N;

(b) Identify statutes within Title XV which are duplicative;

(c) Identify statutes within Title XV which are contrary to other statutes within Title XV; and

(d) Identify areas within Title XV which can be consolidated.

II. The attorney shall report the findings and any recommendations for proposed legislation to the commissioner of the department of education.

III. The commissioner or designee, in consultation with the attorney general, shall have exclusive supervisory authority over the attorney.

IV. Such work as set forth above, shall be completed by September 30, 2025.

2 Department of Education; Appropriation. The sum of \$100,000 for the fiscal year ending June 30, 2025, is hereby appropriated to the department of education to review the content and structure of the education laws as set forth in Title XV, RSA 186 through 200-N, for the purpose of identifying laws which are duplicative or contradictory and areas which can be consolidated. Notwithstanding restrictions on the use of moneys in the education trust fund in RSA 198:39, said appropriation shall be a charge against the education trust fund and shall be nonlapsing.

3 Effective Date. This act shall take effect July 1, 2024.

**Amendment to HB 470-FN
(2023- 2422h)**

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

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

1 Findings. The general court hereby finds that:

I. Drug overdoses, both fatal and non-fatal, remain a profoundly serious problem in the United States and New Hampshire. More than 107,000 individuals in the United States died of a drug overdose during 2021. This number is 50 percent higher than the number of individuals who died from drug overdose just 2 years prior. Findings from the committee to study harm reduction and overdose prevention programs (SB 279, Chapter Law 90:2, Laws of 2022) found, “overdose deaths continue to present an urgent public health crisis in New Hampshire and across the nation. Due to complications surrounding the COVID-19 pandemic, complete data does not exist but, anecdotally, overdose deaths are rising to levels to similar to the peak previously seen during the opioid epidemic.”

II. An increasing percentage of U.S. drug overdose deaths involve synthetic opioids, particularly illicitly manufactured fentanyl and fentanyl analogs, and stimulants with abuse potential, such as methamphetamine.

III. Within New Hampshire, the Drug Monitoring Initiative reports as of September 16, 2022, 95 percent of the 201 opioid related death thus far in 2022 had used fentanyl and 27 percent of the deaths with confirmed toxicology had used stimulants.

IV. There are several reasons for the increase in opioid- and stimulant-involved fatal overdoses. Synthetic opioids are highly potent and increasingly available within the U.S. These drugs are found in the supplies of other drugs, including as pills pressed to look like legitimate pharmaceuticals or in other drugs that a user has no reason to believe contain opioids. Additionally, there is increased potency, availability, and affordability of opioids and stimulants in recent years.

V. Several factors play a role in whether ingesting a substance will lead to an overdose, including the type of drugs present in the substance ingested, the dosage or concentration of the drug present, and whether the substance contains unexpected drugs or adulterants in addition to, or in lieu of, the intended drug.

VI. An individual may be able to ingest drugs more safely, and with less risk of overdose, by using drug checking equipment to gather information about the factors identified in paragraph V.

VII. Studies show that drug checking may favorably influence an individual’s intended and actual drug use behaviors, in the form of ingesting a smaller amount of drug or using it more slowly, keeping naloxone nearby, changing the method of administration, using with someone else, or not using the drug at all at that time. Despite the 2023 legalization of fentanyl test strips and xylazine test strips, a more inclusive and more precise definition of drug checking equipment is needed to help reduce overdoses and other severe health impacts caused by new substances, contaminants, and adulterants that are entering the marketplace.

2 Controlled Drug Act; Definition of Drug Paraphernalia. Amend RSA 318-B:1, X-a and X-b to read as follows:

X-a. “Drug paraphernalia” means all equipment, products and materials of any kind which are used or intended for use or customarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. [It] ***Drug paraphernalia*** includes, but is not limited to:

(a) Kits used or intended for use or customarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(b) Kits including but not limited to cocaine kits, used or intended for use or customarily intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(c) Isomerization devices used or intended for use or customarily intended for use in increasing the potency of any species of plant which is a controlled substance.

(d) ~~Testing equipment used or intended for use or customarily intended for use in identifying, or analyzing the strength, effectiveness or purity of controlled substances.] ***Testing equipment used or intended for use in the manufacturing, compounding, converting, processing, or preparing of controlled substances for illegal sales and/or distribution in order to identify or analyze the strength, effectiveness, or purity of a controlled substance.***~~

(e) Scales and balances used or intended for use or customarily intended for use in weighing or measuring controlled substances.

(f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use or customarily intended for use in cutting controlled substances.

(g) Separation gins and sifters used or intended for use or customarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(h) Blenders, bowls, containers, spoons and mixing devices used or intended for use or customarily intended for use in compounding controlled substances.

(i) Capsules, balloons, envelopes and other containers used or intended for use or customarily intended for use in packaging small quantities of controlled substances.

(j) Containers and other objects used or intended for use or customarily intended for use in storing or concealing controlled substances.

(k) Objects used or intended for use or customarily intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(2) Water pipes.

(3) Carburetion tubes and devices.

(4) Smoking and carburetion masks.

(5) Chamber pipes.

(6) Carburetor pipes.

(7) Electric pipes.

(8) Air-driven pipes.

(9) Chillums.

(10) Bongs.

(11) Ice pipes or chillers.

X-b. Notwithstanding the provisions of RSA 318-B:1, X-a, ***or unless possessed in conjunction with other evidence forming the basis of a criminal charge involving the manufacturing, possessing with the intent to sell, or compounding pursuant to RSA 318-B:2, I,*** “drug paraphernalia” shall not include:

(a) Fentanyl test strips, xylazine test strips, or other materials used or intended for use in testing for the presence of fentanyl, xylazine, or a fentanyl or xylazine analog in a substance~~[-unless possessed in conjunction with other evidence forming the basis of a criminal charge involving the manufacturing, possessing with the intent to sell, or compounding pursuant to RSA 318-B:2, I].~~

(b) ***Other drug checking equipment used to inform individuals of whether a substance has been adulterated by the presence of a synthetic opioid or another controlled substance or undisclosed chemical compound or contaminant.***

(c) ***Materials used by staff and volunteers of agencies and organizations that provide harm reduction services authorized by the state, a county, a municipality, or a public health department, in the processing, preparing, packaging, repackaging, storing, or containing of a nominal amount of a controlled substance for the purpose of confirmatory testing.***

(d) ***Drug checking equipment used, purchased, transported, or distributed by staff and volunteers of agencies and organizations that provide harm reduction services authorized by the state, a county, a municipality, or a public health department.***

3 New Paragraphs; Controlled Drug Act; Definitions. Amend RSA 318-B:1 by inserting after paragraph X-b the following new paragraphs:

X-c. “Drug checking” means the process of identifying, analyzing, or detecting the composition of a drug or the presence or composition of an unexpected substance within the drug.

X-d. “Drug checking equipment” means equipment, products, or materials used, designed for use, or intended for use to perform drug checking, including materials and items used by the person operating the equipment or products to store, measure, or process samples for analysis. Drug checking equipment includes fentanyl test strips, xylazine test strips, other immunoassay drug testing strips, colorimetric reagents, spectrometers such as Fourier Transform Infrared and Raman spectrometers, and equipment that uses high-performance liquid chromatography, gas chromatography, mass spectrometry, and nuclear magnetic resonance techniques. Drug checking equipment does not include the substances being analyzed, drug packaging, or drug supplies.

X-e. “Drug packaging” means the materials or items used by persons ingesting drugs to store, contain, cover, or transport small amounts of one or more controlled substances or controlled substance analogs. Drug packaging includes, but is not limited to, plastic bags, plastic wraps, foil wraps, plastic vials, glass vials, and wax paper bindles. Drug packaging in this section refers to the packaging materials provided for or utilized in drug checking.

X-f. “Drug supplies” means hypodermic needles, syringes, preparation containers, cotton, filters, alcohol wipes, water, saline, tourniquets, disposal containers, wound care items, pipes, bubbles, snorting straws, pipe covers, and other items used in the consumption of drugs.

X-g. “Eligible activities” means:

(a) Purchasing, obtaining, providing, transporting, distributing, using, or evaluating the use of drug checking equipment.

(b) Training, both initial and ongoing, about drug checking equipment, the process of drug checking, and the purpose of drug checking.

(c) Technical assistance concerning drug checking equipment, the process of drug checking, and the purpose of drug checking.

X-h. “Harm reduction” means a program, service, support, or resource that attempts to reduce the adverse consequences of substance use among people who use substances. Harm reduction addresses conditions that give rise to substance use, as well as the substance use itself, and may include, but is not limited to, drug checking, naloxone distribution, and education about Good Samaritan laws.

X-i. “Nominal amount” means not more than 10 milligrams of a substance containing or suspected to contain one or more controlled substances or controlled substance analogues.

4 Controlled Drug Act; Acts Prohibited. Amend RSA 318-B:2, II to read as follows:

II. It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be used or is customarily intended to be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale, or otherwise introduce into the human body a controlled substance. ***“Drug paraphernalia” shall not include drug checking equipment or materials used in the processing, preparing, packaging, repackaging, storing, or containing nominal amounts for the purpose of drug checking, as defined in RSA 318-B:1, X-c.***

5 New Section; Controlled Drug Act; Use of Drug Checking Equipment Permitted. Amend RSA 318-B by inserting after section 2-e the following new section:

318-B:2-f Use of Drug Checking Equipment Permitted.

I. A person may:

(a) Obtain, possess, purchase, sell, provide, transport, distribute, use, or request another person to use drug checking equipment;

(b) Possess, transport, deliver, or provide drug supplies, drug packaging, or a nominal amount of one or more controlled substances or controlled substance analogs for, or during, analysis by drug checking equipment; or

(c) Possess, provide, or communicate the results of the drug checking analysis in paper, electronic, or verbal form.

II. The state may authorize use of state or state-administered funds including, but not limited to, funds in the New Hampshire opioid litigation settlement proceeds fund for eligible drug checking activities.

III. No person shall prohibit another person from using federal funds for eligible drug checking activities, provided the use of the federal funds is consistent with federal law and any rules governing use of the funds.

IV. No person shall be arrested, charged, prosecuted, subject to revocation of probation, parole, or pre-trial release, subject to civil, disciplinary, or administrative action; subject to the loss of one or more dependents, subject to the loss of housing; or penalized in any other way for engaging in any act authorized under this section.

V. The fact that a person engages in any act authorized under this section shall not:

(a) Serve as the basis, in whole or in part, for a determination by a law enforcement officer or any court, of probable cause or reasonable suspicion to stop, search, seize, or arrest the person or the person's property.

(b) Be used as evidence in a criminal case or administrative action against the person.

(c) Result in:

(1) Revocation of the person's probation, parole, or pre-trial release;

(2) Administrative action taken against the person; or

(3) Any other punitive action or penalty taken against the person.

(d) The results from a drug checking analysis shall not be used by any person for a treatment or other clinical decision, in any criminal investigation, or as evidence in a criminal case or administrative action.

6 Effective Date. This act shall take effect January 1, 2025.

Amendment to HB 472

(2023-2284h)

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

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

1 New Paragraphs; Endangered Species Conservation Act. Amend RSA 212-A:2 by inserting after paragraph V the following new paragraphs:

VI. "Temporary seasonal docks" mean structures installed on any lake or pond that comply with the requirements in RSA 482-A:3, IV-a(a).

VII. "Anchored seasonal platform" means "anchored seasonal platform" as defined in RSA 270:72-b, I.

2 Wildlife Species; Rules. Amend RSA 212-A:5, IV to read as follows:

IV. The executive director may adopt and enforce rules temporarily restricting boat traffic, *or the use of temporary seasonal docks and anchored seasonal platforms*, on any waters of this state as the executive director deems necessary to protect any threatened or endangered species of wildlife in the earliest stages of life.

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

2023-2284h

AMENDED ANALYSIS

This bill allows the executive director of the fish and game department to adopt rules temporarily restricting the use of temporary seasonal docks and anchored seasonal platforms to protect endangered wildlife species.

Amendment to HB 475

(2023- 2324h)

Proposed by the Committee on Children and Family Law – r

Amend the bill by replacing section 1 with the following:

1 New Section; Judicial Branch Family Division; Evidence and Testimony. Amend RSA 490-D by inserting after section 3 the following new section:

490-D:3-a Evidence and Testimony. If the court admits evidence or testimony over the objection of one of the parties, or the court chooses not to admit evidence or testimony offered by one of the parties, the court shall note in the record the reason for its decision.

Amendment to HB 476

(2023-2379h)

Proposed by the Committee on Election Law – c

Amend RSA 660:3 as inserted by section 1 of the bill by replacing it with the following:

660:3 Number of Recounts. Any candidate for whom a vote was cast for any office at a state general election, provided that the difference between the votes cast for the applying candidate and a candidate declared elected is less than 20 percent of the total votes cast in the towns which comprise the office to be recounted, shall be entitled to apply for only one recount under this chapter, and the declaration made by the secretary of state under RSA 660:6 shall be final, subject to a change in the result following an appeal to the ballot law commission, as provided in RSA 665:8, II. If more than one candidate for the same office in the same district applies for a recount under this chapter, and a recount is completed, such applications shall not result in a second recount. *If the first recount shows that a candidate or candidates other than the candidate or candidates declared elected upon the original canvass of votes has the greatest number of votes cast for the office, the secretary of state shall conduct a second recount which shall be a final recount.*

Amendment to HB 494-FN

(2023- 2342h)

Proposed by the Committee on Ways and Means – r

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

AN ACT renaming the agricultural product and scale testing fund the agricultural products regulatory fund. Amend the bill by replacing all after the enacting clause with the following:

1 Agricultural Products Regulatory Fund. Amend RSA 6:12, I(b)(44) to read as follows:

(44) One-half the registration fees collected under RSA 435:20 and all fees collected under ***RSA 431:4, RSA 431:6, RSA 431:27, and*** RSA 433-A:6, which shall be credited to the agricultural [~~product and scale testing~~] ***products regulatory*** fund, established under RSA 435:20, IV.

2 Registration; Agricultural Products Regulatory Fund. Amend RSA 431:4, II to read as follows:

II. The fees collected under this section shall be deposited with the state treasurer into [~~the general fund as unrestricted revenue~~] ***the agricultural products regulatory fund established in RSA 435:20, IV.***

3 Inspection Fees and Tonnage Reports; Agricultural Products Fund. Amend RSA 431:6 to read as follows:

IV. Fees collected under this section shall be deposited with the state treasurer into [~~the general fund as unrestricted revenue~~] ***the agricultural products regulatory fund established in RSA 435:20, IV.***

4 Registration; Agricultural Products Regulatory Fund. Amend RSA 431:27, I to read as follows:

I. Each separately identified product shall be registered before being distributed in this state. The application for registration shall be submitted to the commissioner on a form furnished or approved by the commissioner and shall be accompanied by a fee of \$50 per product. The fees collected under this section shall be deposited with the state treasurer into the [~~general fund as unrestricted revenue~~] ***agricultural products regulatory fund***. Upon approval by the commissioner, a copy of the registration shall be furnished to the applicant. All registrations expire on January 1 of the following year.

5 Registration and Inspection Fees; Agricultural Products Regulatory Fund. Amend RSA 433-A:6 to read as follows:

433-A:6 Registration and Inspection Fees; Fund Established. The commissioner shall collect a \$50 annual registration and inspection fee for each product registered. The fees collected under this section shall be deposited with the state treasurer into the [~~agriculture products and scale testing fund~~] ***agricultural products regulatory fund*** established in RSA 435:20, IV. Moneys from the fund shall be used to offset costs associated with registration and inspection of horticultural growing media.

6 Agricultural Products Fund. Amend RSA 435:20, IV-V to read as follows:

IV. (a) One-half of the fees collected under this section shall be deposited with the state treasurer into a separate, nonlapsing account to be known as the agricultural [~~product and scale testing~~] ***products regulatory*** fund. The remainder of the fees collected under this section shall be deposited in the general fund, provided that for each biennium, the commissioner of agriculture, markets, and food shall include in the department's biennial request for appropriations pursuant to RSA 9:4 an amount sufficient to fund an adequate cost of care fund as provided in RSA 437-B:1.

(b) ***The purpose of the agricultural products regulatory fund shall be to regulate agricultural products, including the inspection, sampling, and testing of commercial feed under RSA 435:19, plant and soil additives under RSA 431:1-a, and horticultural growing media and RSA 433-A:3 for consistency with label guarantees; undertaking compliance and enforcement actions; and contributing to the maintenance costs of the departmental electronic data processing system.***

V. The commissioner shall transfer funds from the [~~agricultural product and scale testing~~] ***agricultural products regulatory*** fund established under RSA 435:20, IV to the animal records database fund established in RSA 437:8-a to develop and make operational the animal records database. The commissioner shall certify to the secretary of state and the director of the office of legislative services the date on which the animal records database is operational. For 2 years after such certification, if needed for database operation and maintenance, the commissioner may continue to transfer additional funds from the agricultural product and scale testing fund to the animal records database fund for this purpose.

7 Effective Date. This act shall take effect July 1, 2024.

2023-2342h

AMENDED ANALYSIS

This bill renames the agriculture product and scale testing fund the agricultural products regulatory fund and redirects certain funds to it.

Amendment to HB 518 (2023-2426h)

Proposed by the Committee on Executive Departments and Administration – c

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

AN ACT relative to the administration of occupations by the office of professional licensure and certification.

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

1 Office of Professional Licensure and Certification; Definitions; Establishment. RSA 310:2, I is repealed and reenacted to read as follows:

I. In this chapter, and as appropriate when used in any chapter listed in paragraph II:

(a) "Board" shall mean a board, council, commission, committee, or other regulatory body with jurisdiction over professions listed in paragraph II.

(b) "Expire" shall mean a license has not been renewed within the term of the license from the date of issuance in accordance with RSA 310:8. An individual with an expired license may not practice until their license has been reinstated, or they have applied for and received a new license to practice.

(c) "Investigation" shall mean procedures for investigation of allegations and complaints of misconduct in accordance with RSA 310:9.

(d) "Good standing" as applied to licensure shall mean a license that is active and has not been suspended, revoked, surrendered, conditioned, or restricted in any way.

(e) "Lapse" when referring to licenses shall mean a license that has been expired for one or more years. A licensee may no longer reinstate a lapsed license and must apply for a new license.

(f) "License" shall have the same meaning as license under RSA 541-A:1, XIII, and include licenses, certifications, or registrations required to practice a regulated profession, and shall include apprentice registrations, or those licensed pursuant to RSA 332-G:14.

(g) "Office" or "OPLC" shall mean the office of professional licensure and certification.

(h) "Reinstate" means reactivation of a license for an individual whose license has expired, and has not yet lapsed, or the reactivation of a license to an individual who was unable to practice because of license revocation.

(i) "Renewal" shall mean the continuation of an existing license in accordance with RSA 310:8.

2 Establishment of Fees. Amend RSA 310:5, I to read as follows:

I. The executive director of the office of professional licensure and certification shall establish and collect all license~~[-, certification, and -]~~, renewal, **and reinstatement** fees, as well as any necessary administrative fees for each **license type and** professional regulatory board administered by the office. Such fees shall be sufficient to produce estimated revenues up to 125 percent of the total operating expenses for the office, as determined by averaging the operating expenses for the office for the previous 2 fiscal years. ***If the office denies the issuance of a license, renewal, or reinstatement to any applicant, any fee shall be retained as an application fee. A licensee possessing a license in good standing may, if to the best of the licensee's knowledge the licensee is not the subject of an ongoing investigation or disciplinary action, surrender their license and receive a pro-rated refund in accordance with rules adopted by the office pursuant to RSA 541-A.***

3 License Renewals; Lapse. RSA 310:8 is repealed and reenacted to read as follows:

310:8 License Renewals and Reinstatements; Expiration and Lapse.

I. The executive director of the office of professional licensure and certification shall issue licenses, as set forth in RSA 310:4, to applicants meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

II. Licenses shall be valid for 2 years from the date of issuance except for those apprentices licensed for one year in accordance with rules adopted pursuant to 541-A, provided that timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until the office has acted on the renewal application.

III. Applicants shall submit completed applications for renewal, the renewal fee, and any supporting documents required for renewal on or before the expiration of the license. Licenses shall expire when completed renewal applications, renewal fee, and supporting documents have not been filed by the expiration of the license and the holders of an expired license are not authorized to practice until the licenses have been reinstated. Expired licenses shall lapse one year from expiration. Holders of expired licenses shall not be able to renew, but shall be eligible to reinstate licenses by submitting an application and meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

IV. The office of professional licensure and certification shall provide licensees notice of the need to complete their renewal applications at least 2 months before the date of expiration of their license. Failure to receive notice shall not relieve any licensee of the obligation to renew their license, comply with the rules of the office, the rules of the board, or this section. Timeliness of submission of renewal applications shall be evidenced by the date stamp of receipt, or for applications submitted electronically the electronic time stamp of submission.

V. Upon the request of a licensee who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the office of professional licensure and certification shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's release from active status by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

4 Disciplinary Proceedings. Amend RSA 310:10 to read as follows:

310:10 Disciplinary Proceedings; Non-Disciplinary Remedial Proceedings.

I. Disciplinary proceedings shall be open to the public in accordance with RSA 91-A. All non-disciplinary remedial proceedings shall be exempt from the provisions of RSA 91-A, except that the board shall disclose any final remedial action that affects the status of a license, including any non-disciplinary restrictions imposed. The docket file for each such proceeding shall be retained in accordance with the retention policy established by the office of professional licensure and certification.

II. Boards shall conduct disciplinary and non-disciplinary remedial proceedings in accordance with procedural rules adopted by the executive director.

III. The office shall employ sufficient administrative prosecutors qualified by reason of education, competence, and relevant experience to serve as hearing counsel in all disciplinary **and non-disciplinary** proceedings before the boards.

IV. The office shall employ sufficient personnel qualified by reason of education, competence, and relevant experience to serve as presiding officer in all disciplinary or non-disciplinary remedial [proceedings] **matters** before the boards **including disciplinary proceedings, non-disciplinary proceedings, the order of an immediate suspension of a license pursuant to RSA 310:12, IV, and unlicensed practice hearings held pursuant to RSA 310:13**. The presiding officer shall have the authority to preside [at such hearing] **on such matters**, [and] to issue oaths or affirmations to witnesses, rule on questions of law and other procedural matters, and issue final orders based on factual findings of the board.

V. [The presiding officer] In disciplinary and non-disciplinary remedial proceedings, **including those held pursuant to RSA 310:10, RSA 310:12, IV, and RSA 310:13, the presiding officer** may issue subpoenas for persons, relevant documents, and relevant materials in accordance with the following conditions:

(a) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(b) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(c) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(d) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. In carrying out disciplinary or non-disciplinary remedial proceedings, **including those held pursuant to RSA 310:10, RSA 310:12, IV, and RSA 310:13**, the presiding officer, as defined in RSA 541-A, shall have the authority to hold pre-hearing conferences, which shall be exempt from the provisions of RSA 91-A; to administer oaths and affirmations; and, to render legal opinions and make conclusions of law.

VII. Boards shall be the triers of fact in all disciplinary and non-disciplinary remedial proceedings, and shall determine sanctions, if any.

VIII. At any time before or during disciplinary or non-disciplinary remedial proceedings, complaints may be dismissed or disposed of, in whole or in part:

(a) By written settlement agreement approved by the board, provided that any complainant shall have the opportunity, before the settlement agreement has been approved by a board, to comment on the terms of the proposed settlement; or

(b) Through an order of dismissal for default, for want of jurisdiction, or failure to state a proper basis for disciplinary action.

IX. Disciplinary action taken by the board at any time, and any dispositive action taken after the issuance of a notice of public hearing, shall be reduced to writing and made available to the public. Such decisions shall not be public until they are served upon the parties, in accordance with rules adopted by the executive director.

X. Except as otherwise provided by RSA 541-A:30, the board shall furnish the respondent at least 15 days' written notice of the date, time and place of a hearing. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

XI. Neither the office nor the boards shall have an obligation or authority to appoint attorneys or pay the fees of attorneys representing licensees or witnesses during investigations or disciplinary or non-disciplinary remedial proceedings.

XII. No civil action shall be maintained against the office or the board, or any member of the board, office, or its agents or employees, against any organization or its members, or against any other person for or by reason of any statement, report, communication, or testimony to the board or determination by the board or office in relation to proceedings under this chapter.

XIII. For matters involving individuals identified in mental health records, testimony by client or patients shall be handled with utmost regard for the privacy and protection of their identity from public disclosure.

(a) A client or patient who is not a complainant shall not be compelled to testify at a hearing.

(b) If a client or patient who is not a complainant testifies at a hearing, the identity of the individual shall be screened from the public view and knowledge, although the respondent and attorneys shall be within the view of the client patient. The board may view the client or patient. The public's access to view or information that would identify the client or patient shall be restricted. The hearing may be closed to the public for the duration of the client or patient's testimony, at the board's discretion.

(c) If a complainant client or patient requests the privacy safeguards in subparagraph (b), the presiding officer may make such accommodations.

XIV. In any proceeding held pursuant to RSA 310 or RSA 541-A, a board may direct that evidence be received solely by a presiding officer who, in addition to exercising the authority given to the presiding officer under RSA 310 and RSA 541-A, shall be charged with making findings of fact, determining appropriate sanctions or action, or denying or accepting settlement agreements.

XV. In instances where a board cannot meet quorum, the executive director, or designee, may initiate proceedings held pursuant to RSA 310 or RSA 541-A and direct that evidence be received solely by the presiding officer who, in addition to exercising the authority given to the presiding officer under RSA 310 and RSA 541-A, shall be charged with making findings of fact, determining appropriate sanctions or action, or denying or accepting settlement agreements.

5 Licensing Proceedings. Amend RSA 310:11 to read as follows:

310:11 Licensing Proceedings.

I. Boards shall conduct licensing proceedings in accordance with procedural rules adopted by the executive director.

II. If ~~[a board denies]~~ a license **is denied** following a licensing proceeding, its final decision shall be issued in accordance with RSA 541-A:35.

III. ~~[In carrying out licensing proceedings, the board shall have the authority to:~~

(a) ~~Hold pre-hearing conferences exempt from the provisions of RSA 91-A;~~

(b) ~~Appoint a board member or other qualified person as presiding officer; and~~

(c) ~~Administer, and authorize an appointed presiding officer to administer, oaths and affirmations.] The office shall employ sufficient personnel qualified by reason of education, competence, and relevant experience to serve as presiding officer in all licensing proceedings before the boards. The presiding officer shall have the authority to preside at such hearing and to issue oaths or affirmations to witnesses, rule on questions of law and other procedural matters, and issue final orders based on factual findings of the board.~~

IV. Neither the office nor the boards shall have an obligation or authority to appoint or pay the fees of attorneys representing licensees, certified individuals, or witnesses during investigations or adjudicatory proceedings.

V. Licensing proceedings shall be open to the public in accordance with RSA 91-A.

VI. The presiding officer, as defined in RSA 541-A, shall have the authority to: hold pre-hearing conferences, which shall be exempt from the provisions of RSA 91-A; administer oaths and affirmations; and render legal opinions and make conclusions of law. The boards shall be the triers of fact.

VII. In any proceeding held pursuant to RSA 310 or RSA 541-A, a board may direct that evidence be received solely by a presiding officer who, in addition to exercising the authority given to the presiding officer under RSA 310 and RSA 541-A, shall be charged with making findings of fact, determining appropriate sanctions or action, or denying or accepting settlement agreements.

VIII. In instances where a board cannot meet quorum, the executive director, or designee, may initiate proceedings held pursuant to RSA 310 or RSA 541-A and direct that evidence be received solely by the presiding officer who, in addition to exercising the authority given to the presiding officer under RSA 310 and RSA 541-A, shall be charged with making findings of fact, determining appropriate sanctions or action, or denying or accepting settlement agreements.

6 Sanctions; Disciplinary Actions. Amend RSA 310:12, I to read as follows:

I. **In addition to any grounds provided by any board's practice act, misconduct sufficient to support disciplinary proceedings brought by a board shall include:**

(a) **The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.**

(b) **Conviction of any crime, provided that no board shall take disciplinary action against a licensee because of a conviction of a crime in and of itself. A board may only discipline a licensee because of a conviction after:**

(1) **Considering the nature of the crime, and any information provided as to the current circumstances of the convicted person, including but not limited to their rehabilitation, completion of the criminal sentence, amount of time that has passed since the conviction or release, testimonials, employment history, and employment aspirations; and**

(2) **Determining, by clear and convincing evidence, that:**

(A) The conviction has a substantial and direct relationship to the occupation, trade, vocation, profession, or business for which the person has applied for or obtained state recognition; and

(B) Disciplining the licensee based upon that conviction serves the purpose of protecting public safety.

(c) Unfitness or incompetency to practice the profession or any particular aspect or specialty thereof as evidenced by negligent or willful acts performed in a manner inconsistent with the health, safety, or wellbeing of any person.

(d) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the practice of, the profession.

(e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the person unfit to practice their profession.

(f) Mental or physical incompetency to practice the profession.

(g) Willful or repeated violation of the provisions of the applicable practice act, any related statutory obligations, or any administrative rule adopted thereunder.

I-a. Upon [making] an affirmative finding that a licensee has committed professional misconduct, boards may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension of a license for a period of time as determined reasonable by the board.

(c) By revocation of license.

(d) By placing the licensee on probationary status. The board may require the person to submit to any of the following:

(1) Regular reporting to the board concerning the matters which are the basis of the probation.

(2) Continuing professional education until a satisfactory degree of skill has been achieved in those areas which are the basis of probation.

(3) Submitting to the care, counseling, or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.

(4) Practicing under the direct supervision of another licensee for a period of time specified by the board.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

7 Sanctions; Costs; Emergencies. Amend RSA 310:12, IV to read as follows:

IV. In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter, and which shall commence not later than 10 working days after the date of the order suspending the license unless the licensee or certified individual agrees in writing to a longer period. In such cases of immediate danger, the board shall comply with RSA 541-A:30. ***When determining whether to emergently suspend a license, the board shall act as fact finder and the presiding officer shall make conclusions of law.***

8 Unlicensed Practice. Amend RSA 310:13 to read as follows:

310:13 Unlicensed Practice. Whoever, not being licensed or otherwise authorized to practice according to the laws of this state, advertises oneself as engaging in a profession licensed [~~or certified~~] by the office of professional licensure and certification, engages in activity requiring professional licensure, or in any way holds oneself out as qualified to do so, or calls oneself a licensed professional, or whoever does such acts after receiving notice that such person's license to practice has been suspended or revoked, is engaged in unlawful practice. ***The office may, for purposes of verifying licensure, request to see the license of anyone who advertises oneself as engaging in a profession licensed by the office, engages in activity requiring professional licensure, or in any way holds oneself out as qualified to do so, or calls oneself a licensed professional, or whoever does such acts after receiving notice that such person's license to practice has been suspended or revoked, at the place of business, or where such business is being conducted, of such individual.*** After providing notice and opportunity to be heard ***in accordance with RSA 310:10***, and upon making an affirmative finding of unlawful practice, the board may impose a fine not to exceed the amount of any gain or economic benefit that the person derived from the violation, or up to \$10,000 for each offense, whichever amount is greater. Each violation of unlicensed or unlawful practice shall be deemed a separate offense. The board, the state's attorney general, or a prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to any board.

9 Rehearings. Amend RSA 310:14, I to read as follows:

I. Any person who has been denied a license or certification by the office or a board *without a hearing* shall have the right to a [rehearing] **hearing** before the appropriate board. Requests for a [rehearing] **hearing** shall be made in writing to the appropriate board within 30 days of receipt of the original final decision.

I-a. Any person who has been denied a license or certification by the office or board after a hearing shall have the right to petition in writing for a rehearing within 30 days of receipt of the original final decision.

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

2023-2426h

AMENDED ANALYSIS

This bill makes various changes to the administrative statutes of the office of professional licensure and certification including definitions, lapse and reinstatement of licenses, disciplinary proceedings, and sanctions.

Amendment to HB 526-FN

(2023-2311h)

Proposed by the Committee on Municipal and County Government – c

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Temporary Traffic Control Personnel. Amend RSA 236 by inserting after section 134 the following new subdivision:

Temporary Traffic Control Personnel

236:135 Temporary Traffic Control Personnel. A municipality may require the use of uniformed police officers, non-police flaggers, and/or cones, signs, barricades, or other appropriate devices when the municipality believes it to be reasonably necessary for traffic control in connection with construction on class IV and class V highways. The use of uniformed police officers shall only be required when the municipality has determined that traffic volume, roadway visibility, or other specific safety-related circumstances render other alternative traffic control measures inadequate to protect the public. Furthermore, a municipality's decision to require the use of uniformed police officers should utilize and consider any work zone guidelines adopted by the commissioner of transportation.

Amendment to HB 535-FN

(2023- 2356h)

Proposed by the Committee on Children and Family Law– r

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

AN ACT relative to appointment of counsel for a child who is the subject of a proceeding in a child protection case.

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

1 Child Protection Act; Appointment of Counsel for Child. Amend RSA 169-C:10, II to read as follows:

II.(a) In cases ~~[involving a neglected or abused child]~~ under this chapter, ~~[where the child's expressed interests conflict with the recommendation for dispositional orders of the guardian ad litem,]~~ the court may appoint an attorney to represent the **expressed** interests of the child. ***If a child's request for appointment of counsel is denied, the court shall state the reason for denial in an order or on the record. The child shall be notified of the court's decision.*** In any case of neglect or abuse brought pursuant to this chapter, the court shall appoint an attorney to represent an indigent parent alleged to have neglected or abused his or her child. In addition, the court may appoint an attorney to represent an indigent parent not alleged to have neglected or abused his or her child if the parent is a household member and such independent legal representation is necessary to protect the parent's interest. The court shall not appoint an attorney to represent any other persons involved in a case brought under this chapter.

(b) In cases under this chapter, the court shall appoint an attorney to represent the expressed interests of any child who is placed in a group home or child care institution, as defined in RSA 170-E:25. Except in the case of an emergency, if the department determines that the child's needs indicate such placement should be considered, the department shall notify the court within 2 business days of such determination, and the court shall appoint counsel to represent the expressed interests of the child. Such notification shall occur prior to referral for an independent assessment or submission of child-specific information to such placement. In the case of an emergency necessitating immediate placement of a child in a group home or childcare institution, the department shall notify the court within 2 business days of such placement.

(c) When an attorney is appointed as counsel for a child, representation may include counsel and investigative, expert and other services, including process to compel the attendance of witnesses, as may be necessary to protect the rights of the child.

(d) An attorney appointed as counsel for the child shall have the right to request to view and copy the child's medical, dental, psychological, psychiatric, educational, and counseling records, including those maintained by any group home or child care institution, as defined in RSA 170-E:25. Such request shall not be denied except for good cause shown. Records provided to counsel under this subparagraph shall only be used for proceedings under this chapter.

2 New Paragraph; Foster Care Children's Bill of Rights; Right to Request an Attorney in a Child Protection Case. Amend RSA 170-G:21 by inserting after subparagraph XIV the following new subparagraph:

XIV-a. To be informed of the right to request an attorney under RSA 169-C:10, II(a) and of the guaranteed right to an attorney under RSA 169-C:10, II(b). The department shall provide the child with a written statement of these rights and the process by which to request an attorney.

3 Effective Date. This act shall take effect January 1, 2025.

2023-2356h

AMENDED ANALYSIS

This bill provides that the court may appoint counsel for the child in a proceeding under RSA 169-C, the child protection act, and shall appoint counsel for the child in such cases when placement in a group home or child care institution is considered. The bill also adds this requirement to the foster care children's bill of rights.

Amendment to HB 553

(2023-2417h)

Proposed by the Committee on Education – r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; School Boards; Report to the Public. Amend RSA 189:28-a by inserting after paragraph II the following new paragraph:

III.(a) School boards shall publish on each school or the district website a complete list of each position title and the annual or hourly salary. The totals of professional positions as reported to the department on the Central Office Personnel Form (A12D) shall also be posted.

(b) This information shall be updated annually by October 31.

Amendment to HB 558-FN

(2023-2321h)

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

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

AN ACT requiring the department of energy to initiate a microgrid study.

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

1 Department of Energy; Microgrid Study; Department Investigation; Report.

I. Within 120 days of the effective date of this section, the department of energy shall initiate a proceeding to investigate the potential benefits, risks, and key considerations around developing a framework for electricity microgrids in the state. In so doing, the department shall consult with electric distribution utilities, microgrid technology companies, distributed generation project developers, high density load businesses, municipalities, one or more state universities, and any other relevant entities.

II. The department's investigative proceeding shall examine and make recommendations concerning:

(a) Definitions and technical requirements to qualify as a microgrid.

(b) Utility partnerships with municipalities or businesses to develop microgrids that improve reliability and/or avoid costly infrastructure upgrades.

(c) Evaluation criteria and approval process for utilities to propose a limited number of microgrid pilot projects to the public utilities commission annually.

(d) Interconnection with the main power grid including engineering reviews, utility system reliability and operational impacts, cost allocation, and coordination with utilities.

(e) Cybersecurity and physical security standards for microgrids.

(f) Potential benefits of microgrids for grid resilience, peak load reduction, and energy costs.

(g) The role of microgrids in supporting economic growth, clean energy innovation, and reliable electricity service.

(h) Existing regulatory or bureaucratic barriers to microgrid adoption, and changes required to mitigate them.

(i) Any other relevant issue raised in the department's investigative proceedings.

III. The department shall report its findings and recommendations to the legislature no later than one year after initiating the study. The report shall provide guidance to the legislature and the public utilities commission on developing a microgrid pilot program that balances economic development, grid stability, security, costs, and potential impact on rates for existing utility customers and microgrid participants.

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

2023-2321h

AMENDED ANALYSIS

This bill requires the department of energy to initiate a study to investigate the potential benefits, risks, and key considerations around developing a framework for electricity microgrids in the state.

**Amendment to HB 559-FN
(2023- 2406h)**

Proposed by the Committee on Executive Departments and Administration – r

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

1 Participation by Members; Retirement System; Defined Contribution Plan. Amend the introductory paragraph of RSA 100-A:3, I(a) to read as follows:

I.(a) Any person who becomes [~~an~~] ***a political subdivision*** employee, teacher, permanent policeman, or permanent fireman after the date of establishment, ***or who begins state employee service before July 1, 2024***, working in a position for an employer under this chapter as determined by common law standards, shall become a member of the ***defined benefit*** retirement system as a condition of employment. In addition, employees appointed to an unclassified position with no fixed term on or after July 1, 2011 ***and before July 1, 2024*** shall become members of the ***defined benefit*** retirement system as a condition of employment, if they are receiving benefits from the retirement system. Any retirement benefit collected by such an unclassified employee shall be suspended during the period of employment. Membership in the retirement system shall be optional in the case of elected officials, officials appointed for fixed terms, employees appointed to an unclassified position with no fixed term prior to July 1, 2011, or those employees of the general court who are eligible for membership in the retirement system. [~~Other~~] Elected officials and officials appointed for fixed terms shall, however, be eligible for membership in the retirement system only under the following conditions:

2 Unfunded Accrued Liability; Group III Members. Amend RSA 100-A:16, II(e)(1) to read as follows:

(e)(1) Immediately following the actuarial valuation prepared as of June 30 of each fiscal year, the board shall have an actuary determine the amount of the unfunded accrued liability for each member classification, proportionally reduced using sums dedicated as provided in RSA 21-I:95, II, as the amount of the total liabilities of the state annuity accumulation fund on account of such classification which is not dischargeable by the total of the funds in hand to the credit of the state annuity accumulation fund on account of such classification, and the aforesaid normal contributions to be made on account of the members in such classification during the remainder of their active service. The amount so determined with respect to each member classification shall be known as the “unfunded accrued liability” with respect to such classification. ***The accrued liability contribution percentage chargeable to a group III employer shall be determined by charging the group I member accrued liability contribution for the group III members.***

3 New Subdivision; Group III; Retirement System Defined Contribution Plan. Amend RSA 100-A by inserting after section 58 the following new subdivision:

Group III Retirement System Defined Contribution Plan

100-A:59 Definitions. In this subdivision:

I. “Commission” means the deferred compensation commission under RSA 101-B.

II. “Member” means a person who is required to or elects to participate in the plan established in this subdivision.

III. “Plan” means the group III defined contribution plan established for members. The defined contribution retirement plan is a plan in which savings are accumulated in an individual account for the exclusive benefit of the member or beneficiaries. The plan is established effective July 1, 2024, at which time contributions by members begin.

100-A:60 Group III; Defined Contribution Plan Established. There is hereby established a retirement benefit plan for members required to, or who voluntarily elect to, enroll in the plan, who began service on or after July 1, 2024. The defined contribution retirement plan is intended to qualify under 26 U.S.C. section 401(a) and section 414(d), the Internal Revenue Code, as a qualified retirement plan established and maintained by the state for its employees. All qualifying contributions shall be held and invested by the commission. All assets received by the plan shall be held for the exclusive benefit of plan participants and their beneficiaries and applied solely as provided by the plan. The commission shall determine the terms and provisions of the plan not inconsistent with this subdivision, the Internal Revenue Code, or other applicable law and shall provide for the plan’s administration.

100-A:61 Membership. Any state employee other than a teacher, permanent policeman, or permanent fireman, who was entered on the payroll on a full-time or eligible part-time basis on or after July 1, 2024 shall as a condition of employment be a member of the group III defined contribution plan established in this subdivision; except that membership shall be optional in the case of elected officials, officials appointed for fixed terms, unclassified state employees, or those employees of the general court who are eligible for membership in the retirement system.

100-A:62 Administration; Rulemaking.

I. The administrator of the plan shall be the executive director of the deferred compensation plan, who shall have the assistance and services of the department of administrative services for all duties and responsibilities under this subdivision. The department of administrative service may employ and assign staff to the executive director and commission for the administration of the plan.

II. The executive director shall adopt rules, pursuant to RSA 541-A, relative to the procedure for administration of the investment options of members and beneficiaries, benefit distributions, and forms necessary for the administration of this subdivision.

100-A:63 Administration of Plan. The commission may contract with a third-party administrator for the plan for the administration of assets accumulated under each participant's account.

100-A:64 Powers of the Commission. The commission, in addition to its powers and duties set forth in this subdivision and RSA 101-B, shall have the following powers and duties to establish the plan and trust and administer the provisions of this subdivision:

I. The commission may commingle or pool assets with the assets of other persons or entities.

II. The commission shall pay all administrative fees, costs and expenses of managing, investing and administering the plan, and the individual investment accounts from the balance of such individual investment accounts except as otherwise provided under this part or as the legislature otherwise provides by appropriation.

III. The commission shall have the power to change the terms of the plan as may be necessary to maintain the tax-qualified status of the plan.

IV. The commission may establish a process for election to participate in the plan by those employees eligible to do so for whom participation is not mandatory.

V. The commission may allow an inactive participant to maintain the participant's individual investment account within the plan.

VI. The commission shall ensure that participants are provided with educational materials about investment options and choices.

100-A:65 Contributions by Member. The member participating under this subdivision shall contribute 7 percent of earnable compensation to the plan.

100-A:66 Limitations on Contributions. Notwithstanding any other provisions of this plan, the annual total member contributions to each individual's account under this plan, including any additional voluntary contributions under RSA 101-B, may not exceed, for any limitation year, the amount permitted under 26 U.S.C. section 415 at any time. If the amount of a member's defined contribution plan contributions exceeds the limitation of 26 U.S.C. section 415(c) for any limitation year, the administrator shall take any necessary remedial action to correct an excess contribution.

100-A:67 Contributions by Employer. Employers under the plan shall contribute an amount equal to or greater than 5 percent of a member's earnable compensation for deposit in the member's individual account.

100-A:68 Investment of Individual Accounts.

I. A member's individual account shall be invested as authorized in RSA 101-B.

II. Except to the extent clearly set out in the terms of the investment plans offered by the employer to the employee, the employer is not liable to the participant for investment losses if the prudent investment standard has been met.

III. The employer, administrator, state, or commission, or a person or entity who is otherwise a fiduciary, is not liable for any participant's investment loss that results from the participant's directing the investment of plan assets allocated to the participant's account.

100-A:69 Vesting. Contributions and investment return attributable to contributions shall be 100 percent vested as of the date of contribution or accrual.

100-A:70 Withdrawal of Funds. Distributions from an account of a member shall be permitted in the following circumstances, subject to applicable rules and limitations under federal regulations:

I. Termination of employment.

II. Retirement.

III. Upon turning age 59½ and still employed as limited by federal regulations.

IV. If the member becomes disabled.

V. If the member dies.

VI. Financial hardship as defined in applicable federal regulations.

VII. Required distributions.

100-A:71 Required Distributions. All payments under this subdivision shall start and be made in compliance with the minimum distribution requirements and incidental death benefit rules of Internal Revenue Code section 401(a)(9). The commission shall take any action and make any distributions it may determine are necessary to comply with those requirements.

100-A:72 Health Insurance Group Insurance Inclusion. Any retired member and his or her beneficiaries may participate in the retiree group insurance programs authorized by RSA 21-I:26 through RSA 21-I:36 at his or her own expense unless otherwise provided.

4 Initial Funding; Appropriation. All initial fees, costs and expenses of establishing and administering the plan and investing the assets of the plan under RSA 100-A:59 through 100-A:72 shall be borne by the state general fund until July 1, 2025, after which they will be borne by the participants and paid from assessments against the balances of the individual investment accounts as established by the commission. The governor is authorized to draw a warrant for the sum necessary for such administration out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect June 30, 2024.

**Amendment to HB 593-FN
(2023-2364h)**

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

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

AN ACT establishing a committee to study the process for forfeiture of items used in connection with drug offenses.

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

1 Committee Established. There is established a committee to study the process for forfeiture of items used in connection with drug offenses.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study ways to improve RSA 318-B:17-b and shall suggest legislation, including but not limited to ways to:

I. Streamline processes and increase fairness by assigning the criminal and civil forfeiture cases to the same court;

II. Protect innocent owners, by:

(a) Simplifying processes for spouses and parents, and

(b) Assigning a public defender to represent the indigent in a civil forfeiture case if represented in the corresponding criminal case;

III. Establish a requirement for a prompt post-seizure hearing;

IV. Set criteria for transferring forfeiture cases to the federal government; and

V. Identify how to use forfeited assets and proceeds.

4 Chairperson; Quorum; Public Hearing. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum. The committee shall hold at least one public hearing.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.

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

2023-2364h

AMENDED ANALYSIS

This bill establishes a study committee to study and suggest potential legislation for improving the procedure for forfeiture of items used in connection with drug offenses, and provides duties thereto.

**Amendment to HB 602-FN
(2023- 2333h)**

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 New Paragraph; Permit Required; New Landfills. Amend RSA 149-M:9 by inserting after paragraph XV the following new paragraph:

XVI.(a) In revising administrative rules under Env-Sw 804, the department shall bifurcate the permit process for new solid waste landfills by creating a “preliminary application phase” for each required permit. The department shall instruct, by rule, applicants for new landfills to present within the preliminary permit application enough information for the department to appraise whether the proposed location violates any of the prohibitive locational criteria that the department shall develop during such rulemaking. An application that does not pass such a preliminary screen shall be returned to the applicant without prejudice so that the applicant may choose an alternative location and present a revised preliminary application later.

(b) The department shall, in its discretion and informed by a public hearing and subsequent written public comment, adopt one or more prohibitive locational criteria, thereby establishing certain sites that it will judge as wholly inappropriate for constructing a new municipal solid waste landfill. Such criteria may consider:

(1) Whether soils at the site are permeable, based on quantitative and reasonable-worst-case measurement of hydraulic conductivity or other parameters, such that spills or liner failures would rapidly contaminate nearby surface waters.

(2) Whether bedrock at the site is sufficiently fractured that leaks from the landfill would rapidly spread throughout the local environment.

(3) Whether the proposed location is sufficiently far from major sources of waste generation that trucks carrying waste to and from the site would needlessly add to greenhouse gas emissions, highway congestion, traffic congestion, traffic accidents, or other negative impacts.

(4) Whether the proposed site lies over a significant sand and gravel aquifer.

(5) Whether the proposed site is located in, or over, a coastal sand dune system, a prime wetland, or other special habitat.

(6) Whether all or part of the proposed site is undisturbed forest, wetland, or open space, as opposed to a brownfield where environmental impacts have already occurred or are occurring.

(7) Any other factors the department, in its discretion, considers worthwhile.

(c) Notwithstanding RSA 541-A, administrative rule Env-Sw 800 shall remain in effect until July 1, 2025 or until the readopted rules are effective.

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

**Amendment to HB 609-FN
(2023- 2368h)**

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

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

AN ACT relative to the site evaluation committee for energy facility siting.

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

1 Energy Facility Siting; Site Evaluation Committee. RSA 162-H:3 is repealed and reenacted to read as follows:

162-H:3 Site Evaluation Committee Established.

I. There is hereby established a committee to be known as the New Hampshire site evaluation committee consisting of 5 members, as follows:

(a) The 3 commissioners of the public utilities commission, the chairperson of which shall be the chairperson of the committee;

(b) The commissioner of the department of environmental services; and

(c) One public member and, when required pursuant to paragraph VI, an alternate public member, both of whom shall be appointed as described in RSA 162-H:4-b.

II. All members, including those who sit for a member recused under paragraph VI, shall refrain from ex parte communications regarding any matter pending before the committee.

III. Three members of the committee shall constitute a quorum for the purpose of conducting the committee's business, except that the 3 public utilities commissioners alone shall not constitute a quorum.

IV. The committee shall be administratively attached to the department of energy pursuant to RSA 21-G:10.

V. The chairperson shall serve as the chief executive of the committee and may:

(a) Delegate to other members the duties of presiding officer, as appropriate.

(b) Perform administrative actions for the committee, as may a presiding officer.

(c) Establish, with the consent of the committee, the budgetary requirements of the committee.

(d) Engage personnel in accordance with this chapter.

VI. If at any time a member must recuse himself or herself on a matter or is not otherwise available for good reason, such person, if a state employee, may designate a senior administrative employee or a staff attorney from his or her agency to sit on the committee. The commissioner of the department of environmental services may, with the consent of the respective commissioner or director, and subject to the approval of the chairperson, designate a senior administrative employee from the department of transportation, the department of natural and cultural resources, the department of business and economic affairs, the division of historical resources, or the department of fish and game, to sit on the committee. In the case of the public member, the alternate public member shall serve as set forth in RSA 162-H:4-b.

2 Administrator and Support. Amend RSA 162-H:3-a to read as follows:

162-H:3-a Administrator and Other Committee Support. There is hereby established within the ~~[site evaluation committee]~~ **public utilities commission** the position of administrator who shall be an unclassified state employee. In the alternative, the position may be filled by an independent contractor. The administrator shall

be hired by and under the supervision of the chairperson *of the public utilities commission and shall perform duties for the public utilities commission and the site evaluation committee as directed by the chairperson of the public utilities commission, with site evaluation duties having a higher priority. To the extent the administrator performs duties for the site evaluation committee, such duties shall be funded as set forth in RSA 162-H:21.* The administrator, or chairperson in the absence of an administrator, with committee approval, may engage additional technical, legal, or administrative support to fulfill the functions of the committee as necessary. Any person to be hired by the administrator shall be approved by the chairperson.

3 Public Member. RSA 162-H:4-b is repealed and reenacted to read as follows:

162-H:4-b Public Members.

I. The governor, with the consent of the council, shall appoint a public member and an alternate public member to serve on the committee. The public member and alternate shall be residents of the state of New Hampshire with expertise or experience in one or more of the following areas: business management; environmental protection; natural resource protection; energy facility design, construction, operation, or management; community and regional planning or economic development; municipal or county government; or the governing of unincorporated places.

II. The public member and the alternate public member shall serve 4-year terms and until their successors are appointed and qualified. Any public member or alternate public member chosen to fill a vacancy occurring other than by expiration of term shall be appointed for the unexpired term of the member who is succeeded.

III. If at any time the public member must recuse himself or herself from a matter before the committee or is not otherwise available for good reason, the alternate public member shall replace such member.

IV. No public member nor any member of his or her family shall receive income from energy facilities within the jurisdiction of the committee. The public member and alternate shall comply with RSA 15-A and RSA 15-B.

V. Any public member or alternate may be removed from office by the governor and council for inefficiency, neglect of duty, or misconduct or malfeasance in office, after being given a written statement of the charges and an opportunity to be heard.

4 Applications. Amend RSA 162-H:7, III through VI to read as follows:

III. Upon filing of an application, the ~~[committee]~~ **chairperson or designated presiding officer** shall expeditiously conduct a preliminary review to ascertain if the application contains sufficient information to carry out the purposes of this chapter. If the application does not contain such sufficient information, the ~~[committee]~~ **chairperson or designated presiding officer** shall, in writing, expeditiously notify the applicant of that fact and specify what information the applicant must supply.

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency's completed application forms, which shall be contemporaneously filed with the state agency having jurisdiction. Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having permitting or other regulatory authority, that agency shall, in writing, notify the ~~[committee]~~ **chairperson or designated presiding officer** and the applicant of that fact and specify what information the applicant must supply. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall be deemed not accepted either by the ~~[committee]~~ **chairperson or designated presiding officer** or by any of the state agencies having permitting or other regulatory authority if the applicant is reasonably notified that it has not supplied sufficient information for any of the state agencies having permitting or other regulatory authority in accordance with this paragraph.

V. Each application shall also:

- (a) Describe in reasonable detail the type and size of each major part of the proposed facility.
- (b) Identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.
- (c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.
- (d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.
- (e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.
- (f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each affected municipality, as defined in RSA 162-H:2, I-b. The application shall include a list of the affected municipalities.
- (g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.

(h) Provide such additional information as the committee may require to carry out the purposes of this chapter.

VI. The [committee] **chairperson or designated presiding officer** shall decide whether or not to accept the application as administratively complete within 60 days of filing. Notice of acceptance of the application shall be simultaneously provided to the applicant and the applicable state agency. If the [committee] **chairperson or designated presiding officer** rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

5 Filing Fees; References to Subcommittees Removed. Amend RSA 162-H:8-a, II(d) to read as follows:

(d) Filing fees for administrative proceedings:

- (1) Petition for committee jurisdiction: \$12,600.
- (2) Petition for declaratory ruling: \$12,600[, or \$3,600 if heard by a 3-member subcommittee].
- (3) Certificate transfer of ownership: \$12,600[, or \$3,600 if heard by a 3-member subcommittee].
- (4) Request for exemption: \$12,600[, or \$3,600 if heard by a 3-member subcommittee].
- (5) Request to modify a certificate: \$12,600[, or \$3,600 if heard by a 3-member subcommittee].

6 Funding Plan; Reference Deleted. Amend RSA 162-H:21 to read as follows:

162-H:21 Fund Established; Funding Plan. There is hereby established in the office of the state treasurer a nonlapsing, special fund to be known as the site evaluation committee fund. All application and other filing fees received by the committee under RSA 162-H:8-a shall be deposited in the fund. All moneys in the fund shall be continually appropriated to the site evaluation committee and shall only be used to pay for operating costs of the committee, including, but not limited to, compensation and reimbursements made under RSA 162-H:22 for energy facility proceeding time and expenses, and administrator and other committee support costs under RSA 162-H:3[, VH] and RSA 162-H:3-a, except those costs paid by applicants under RSA 162-H:10, and all monitoring and enforcement costs of the department, except those costs charged directly to applicants or owners. In the event lawful expenditures of the committee and department in a fiscal year are greater than the total fees and charges held in the site evaluation committee fund, the chair of the site evaluation committee may request, with prior approval of the fiscal committee, that the governor and council authorize additional funding from general funds not otherwise appropriated. Notwithstanding any other provision of law, the department may engage additional technical, legal, or administrative support to fulfill the requirements of this chapter, the cost of which shall be charged directly to the applicant or energy facility owner.

7 Repeal. RSA 162-H:4-a, relative to subcommittees of the site evaluation committee, is repealed.

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

2023-2368h

AMENDED ANALYSIS

This bill revises the member of the site evaluation committee for energy facility siting and eliminates subcommittees.

Amendment to HB 618-FN (2023-2396h)

Proposed by the Committee on Children and Family Law – c

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

1 New Paragraph; Assignment of Income; Notice to Parties. Amend RSA 458-B:2 by inserting after paragraph I the following new paragraph:

I-a. At the time of the hearing the court shall notify each party that their income assignment of wages for child support will be automatic under RSA 458-B:2 unless both parties come to an agreement under another arraignment.

2 New Paragraph; Income Assignment. Amend RSA 458-B:3 by inserting after paragraph I the following new paragraph:

I-a. The circuit court family division shall develop a standard form, which may be an addendum to the child support calculation form, to be presented prior to the temporary hearing for waiving of garnishment of wages, with such form containing the following:

- (a) The details of when garnishment of wages will become mandatory.
- (b) Allowing for both parties to detail their preferred form of payment arrangement.
- (c) Informing the payer that record keeping to prove payments in the event of a discrepancy is their responsibility.
- (d) Informing the payee how to report missed payments by the payer.

3 Effective Date. This act shall take effect January 1, 2025.

**Amendment to HB 619-FN
(2023- 2451h)**

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

Amend title to read as follows:

AN ACT to require a person to attain the age of majority for genital gender reassignment surgery.

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

1 New Chapter; Prohibiting Genital Gender Reassignment Surgery on Minors. Amend RSA by inserting after chapter 332-L the following new chapter:

CHAPTER 332-M

PROHIBITING GENITAL GENDER REASSIGNMENT SURGERY ON MINORS

332-M:1 Purpose.

I. The legislature finds that the following facts and circumstances exist, which make the enactment of this statute necessary for the protection of minors and the furtherance of the public interest:

(a) Physicians have an ethical and legal duty to obtain patients' informed consent before ordering testing and treatment.

(b) Older children and adolescents should be asked to provide their assent for treatment in addition to their parents' permission.

(c) A patient's informed consent requires adequate information, capacity to decide, and absence of coercion.

(d) Best practices urge shared decision making between parent(s) and child and, in general preferring alternatives that will not foreclose important future choices by the adolescent and the adult the patient will become.

(e) Multivariate analyses of published studies between 2015 and 2022 showed no decrease in suicidality after gender affirming surgery, with some studies showing a significant increase in psychiatric hospitalizations and suicide after surgical transition.

(f) There is a lack of high quality clinical trials which provide data on outcomes for adolescent genital gender reassignment surgeries or young adult genital gender reassignment surgeries, particularly after pubertal suppression and cross sex hormones.

II. Adolescent genital gender reassignment surgery generally lacks both adequate information for informed consent and involves a high risk of coercion for parental consent when parents believe that they are faced with a choice between their child committing suicide or consenting to their child's genital gender reassignment surgeries.

III. In the absence of high quality data to prove safety and efficacy, including long term outcomes, only people over the age of majority should receive genital gender reassignment surgery in the state of New Hampshire.

332-M:2 Definitions. In this chapter:

I. "Ambiguous genitalia" means a malformation in which a person is not born with clearly male or clearly female external genitalia.

II. "Disorders of sex development" includes:

(a) Forty-six XX chromosomes with or without virilization,

(b) Presence of both ovarian and testicular tissue,

(c) Other abnormal sex chromosome structure,

(d) Abnormal sex steroid hormone production or action, or

(e) Ambiguous genitalia.

III. "Female genitalia" means

(a) Internal female genitalia which are the ovaries, Fallopian tubes, uterus, cervix and vagina; and

(b) External female genitalia which are the labia minora and majora, also known as the vulva, and the clitoris.

IV. "Genital" and "genitalia" means the male or female reproductive organs, in singular and plural form.

V. "Genital gender reassignment surgery" means surgical procedures in people born without disorders of sex development including but not limited to metoidioplasty, phalloplasty, or vaginoplasty which seek to change genitalia:

(a) From male genitalia to female genitalia;

(b) From female genitalia to male genitalia;

(c) To form a combination of male and female genitalia or absence of genitalia in those born with exclusively male or exclusively female genitalia; or

(d) By removing non-malignant genitalia.

VI. "Male circumcision" means surgery which removes all or a portion of the foreskin covering the glans of the penis, performed for religious, cultural or health reasons.

VII. "Male genitalia" means:

- (a) Internal male genitalia which are the testes, epididymis, and vas deferens; and
- (b) External male genitalia which are the penis and scrotum.

VIII. "Malignant" means cancerous or otherwise dangerous to the physical health of the person including physiology compromised by infection, lack of blood flow, or physical injury.

IX. "Malformation" means a structural defect in the body due to abnormal embryonic or fetal development.

X. "Metoidioplasty" means a surgery to transform the clitoris into a penis.

XI. "Minor" means a person who has not reached the age of majority.

XII. "Phalloplasty" means the surgical construction of a penis from other parts of the body.

XIII. "Physician" means a person who is licensed to practice medicine in this state under RSA 329.

XIV. "Reconstructive surgery" means surgery to restore normal form and function of tissue after it has been compromised by malformation, infection, trauma, cancer or other physical pathologies.

XV. "Vaginoplasty" means the surgical creation of a vagina from other parts of the body and includes but is not limited to:

(a) Penile inversion vaginoplasty, which is a first-line "gold standard" approach for those with sufficient penile tissue;

(b) Peritoneal vaginoplasty, which is an emerging surgical approach using the membrane that lines the abdominopelvic cavity and surrounds the abdominal organs, for people with insufficient penile tissue including those with a history of puberty blocking medications.

(c) Rectosigmoid vaginoplasty, which uses a section of the sigmoid colon to create the vaginal lining, providing an option for those without sufficient penile tissue or as a revision for failed vaginoplasty.

332-M:3 Prohibition of Genital Gender Reassignment Surgery on Minors.

I. A physician shall not perform genital gender reassignment surgery on minors in the state of New Hampshire.

II. Physicians are not prohibited from performing:

(a) Reconstructive surgeries on the genitalia of minors to correct malformation, malignancy, injury or physical disease;

(b) Removal of malignant, malformed, or otherwise damaged genitalia;

(c) Genital surgeries on minors with disorders of sex development; or

(d) Male circumcision.

332-M:4 Enforcement.

I. Any referral for or provision of genital gender reassignment surgery to an individual under 18 years of age is unprofessional conduct and is subject to discipline by the appropriate licensing entity or disciplinary review board with competent jurisdiction in this state.

II. A minor or the parent of such minor aggrieved by a violation of this chapter may bring an action in the superior court for damages and injunctive relief against any person who has committed or attempted or threatened to commit such violation or any person who has aided or abetted the same.

III.(a) A person shall bring a claim for a violation of this chapter no later than 2 years after the day the cause of action accrues.

(b) An individual under 18 years of age may bring an action during their minority through a parent or next friend, and may bring an action in their own name upon reaching majority at any time from that point until 20 years after reaching the age of majority.

IV. Notwithstanding any other provision of law, an action under this chapter may be commenced, and relief may be granted, in a judicial proceeding without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

V. In any action or proceeding to enforce a provision of this chapter, a prevailing party who establishes a violation of this chapter shall recover reasonable attorneys' fees.

VI.(a) The attorney general shall have authority to bring suit to enforce compliance with this chapter.

(b) This chapter shall not be construed to deny, impair, or otherwise affect any right or authority of the attorney general, the State of New Hampshire, or any agency, officer, or employee of the state, acting under any law other than this chapter, to institute or intervene in any proceeding.

332-M:4 Severability. Should any part of this chapter be declared invalid the remaining portions shall continue in full force and effect.

2 Effective Date. This act shall take effect January 1, 2025.

2023-2451h

AMENDED ANALYSIS

The bill prohibits gender reassignment surgery for minors under 18 years of age.

**Amendment to HB 622-FN
(2023-2292h)**

Proposed by the Committee on Science Technology and Energy – c

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

AN ACT relative to the grid modernization advisory group.

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

1 New Subparagraph; Grid Modernization Advisory Group. Amend RSA 12-P:16, II(a) by inserting after subparagraph (4) the following new subparagraph:

(5) Explore methods of modernizing, streamlining, and finding efficiencies in the delivery of energy efficiency programs and incentives, with a goal of maximizing the consumer benefit of existing state, federal, and utility funding streams.

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

2023-2292h

AMENDED ANALYSIS

This bill tasks the grid modernization advisory group with providing recommendations to the department of energy relative to methods to improve the delivery of energy efficiency programs and incentives.

**Amendment to HB 628-FN
(2023- 2300h)**

Proposed by the Committee on Education – r

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

1 New Section; Contractors; Nonpublic Schools; Education Service Providers; Department of Education; Criminal History Background Checks. Amend RSA 21-N by inserting after section 9 the following new section:

21-N:9-a Department Contracts; Nonpublic Schools; Education Service Providers; Criminal History Background Checks. Any employee or designated volunteer of a nonpublic school, education service provider, or other entity contracted or paid tuition either under the education freedom account program or by a children's scholarship organization for educational services by the department or state board of education, that provides in-person instruction to students, shall comply with the submission of a criminal history background check as described under RSA 189:13-a. This shall not apply to parents providing at home school education.

2 New Paragraph; Education Tax Credit; Department of Education; Nonpublic Schools; Education Service Providers; Criminal History Checks. Amend RSA 77-G:7 by inserting after paragraph II the following new paragraph:

II-a. The department of education shall require that all employees and designated volunteers of nonpublic schools or non profit entities offering an educational program that are under the department's Learn Everywhere program, the education freedom accounts program, or are children's scholarship organization funded programs shall provide the department a criminal history records check policy that include a statement affirming that the sponsoring entity shall not allow instruction or student contact by a person who has been charged pending disposition for, or convicted of, any violation or attempted violation of any of the offenses as outlined in RSA 189:13-a, V pursuant to a criminal history records check conducted by the department of safety as outlined in administrative rules Saf-C 5703.06 through Saf-C 5703.11.

3 New Subparagraph; Education Freedom Accounts Program; Requirements for Education Service Providers; Criminal History Background Checks. Amend RSA 194-F:6, II by inserting after subparagraph (c) the following new subparagraph:

(d) Submit the results of a criminal history records check which complies with the requirements of RSA 189:13-a for any employee or selected designated volunteer providing instruction in person to an EFA student. This section shall not pertain to a parent giving a non-EFA home education program to their children.

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

**Amendment to HB 637-FN
(2023-2301h)**

Proposed by the Committee on Education – c

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

AN ACT relative to the calculation of average daily membership in attendance and average daily membership in residence for certain home educated pupils.

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

1 School Funding; ADMA and ADMR; Home Educated Pupils. Amend RSA 198:38, I and I-a to read as follows:

I.(a) "Average daily membership in attendance" or "ADMA" means the average daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade 12, in the determination year. ADMA shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12

and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMA shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

(b) For the purpose of calculating ADMA, each pupil who is home educated in compliance with RSA 193-A and who is enrolled in a school board approved public [high] school academic course *in grades 7 through 12* shall count as an additional 0.15 pupil for each such academic course taken in a public [high] school. ~~[The department of education shall only make grant payments for such pupils to the extent of available appropriations.]~~ In this subparagraph, “public [high] school” shall have the same meaning as “[high] *standard* school” as defined in RSA ~~[194:23]~~ **189:24**.

I-a.(a) “Average daily membership in residence” or “ADMR” means the average daily membership in residence, as defined in RSA 189:1-d, IV, of pupils in kindergarten through grade 12, in the determination year. ADMR shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMR shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

(b) For the purpose of calculating ADMR, each pupil who is home educated in compliance with RSA 193-A and who is enrolled in a school board approved public [high] school academic course *in grades 7 through 12* shall count as an additional 0.15 pupil for each such academic course taken in a public [high] school. ~~[The department of education shall only make grant payments for such pupils to the extent of available appropriations.]~~ In this subparagraph, “public [high] school” shall have the same meaning as “[high] *standard* school” as defined in RSA ~~[194:23]~~ **189:24**.

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

**Amendment to HB 644-FN
(2023- 2436h)**

Proposed by the Majority of the Committee on Executive Departments and Administration – r
Amend the bill by deleting sections 5 and 6 and renumbering the original sections 6-10 to read as 5-8, respectively.

**Amendment to HB 645-FN
(2023-2327h)**

Proposed by the Majority of the Committee on Commerce and Consumer Affairs– r
Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Decentralized Autonomous Organizations. Amend RSA by inserting after chapter 301-A the following new chapter:

CHAPTER 301-B
DECENTRALIZED AUTONOMOUS ORGANIZATIONS

301-B:1 Short Title. This act may be cited as the “New Hampshire Decentralized Autonomous Organization act” (the “act”).

301-B:2 Purpose of This Act. The general court finds that the state’s economy and its citizens will benefit from, and the development of business and investment in New Hampshire will be facilitated by, making available a unique legal entity form that can provide a framework that enhances the capacity of decentralized autonomous organizations to conduct commercial, social, charitable, educational, mutualistic or social activities within both the digital and physical spheres. The general court finds that the statutory recognition of decentralized autonomous organizations in accordance with this act will introduce greater certainty for treatment of decentralized autonomous organizations under state law, particularly with respect to the rights and duties of their developers, participants and administrators. It is the intent of the general court to give the constituent developers, participants and administrators of decentralized autonomous organizations the widest discretion to establish mechanisms and structures that will support sound development and innovation for such entities consistent with the provisions of this chapter.

301-B:3 Policy of This Act. It is the policy of this act to give maximum effect to the principle of freedom of contract and to the enforceability of transactions executed pursuant to smart contracts that establish and maintain decentralized autonomous organizations according with a policy principle of ‘intent of code is law’.

301-B:4 Organization; Purposes. A New Hampshire decentralized autonomous organization may be registered under this chapter for the purpose of carrying on any lawful activity within or outside this state.

301-B:5 Definitions.

I. “Administrator” means a person, irrespective of title, that is appointed in a manner specified in the bylaws to make discretionary decisions, either individually or collectively with other administrators, on behalf of the New Hampshire DAO with regard to specific, predefined operations of the New Hampshire DAO.

II. “Asset” includes both on-chain assets and off-chain assets.

III. “Blockchain” means any technology:

(a) Where data is:

(1) shared across a network to create a public ledger of verified transactions or information among network participants;

(2) linked using cryptography to maintain the integrity of the public ledger and to execute other functions; and

(3) distributed among network participants in an automated fashion to concurrently update network participants on the state of the public ledger and any other functions; and

(b) Composed of source code that is publicly available.

IV. “Blockchain protocol” means any executable software deployed to a blockchain composed of source code that is publicly available and accessible, including a smart contract or any network of smart contracts.

V. “Blockchain system” means any blockchain or blockchain protocol.

VI. “Bylaws” means the rules and regulations that govern the methods, mechanisms and procedures followed by a DAO and by which developers, participants and administrators interact and make decisions.

VII. “Contentious fork” means a hard fork that results in 2 divergent and potentially competing blockchains.

VIII. “Decentralized autonomous organization” or “DAO” means an enterprise defined in accordance with a smart contract or network of smart contracts deployed on a permissionless blockchain that implements a coordinated project or undertaking among participants.

IX. “Decentralized network” means a blockchain system in which all of the following conditions are met:

(a) During the previous 12-month period, no person, excluding the subject DAO itself:

(1) Had the unilateral authority, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise, to control or materially alter the functionality or operation of the blockchain system; or

(2) Had the unilateral authority to restrict or prohibit any person from:

(A) Using, earning, or transmitting a related digital asset;

(B) Deploying software that uses or integrates with the blockchain system;

(C) Participating in a decentralized governance system with respect to the blockchain system; or

(D) Operating a node, validator, or other form of computational infrastructure with respect to the blockchain system.

(b) During the previous 12-month period:

(1) No person, excluding the subject DAO itself, directly or indirectly beneficially owned, in the aggregate, 20 percent or more of the total amount of units of a related digital asset that—

(A) Can be created, issued, or distributed in such blockchain system; and

(B) Were freely transferrable or otherwise used or available to be used for the purposes of such blockchain network; or

(2) No digital asset issuer or affiliated person had the unilateral authority to direct the voting, in the aggregate, of 20 percent or more of the outstanding voting power of such digital asset or related decentralized governance system.

(c) During the previous 3-month period, the digital asset issuer, any affiliated person, or any related person has not implemented or contributed any intellectual property to the source code of the blockchain system that materially alters the functionality or operation of the blockchain system, unless such implementation or contribution to the source code:

(1) Addressed vulnerabilities, errors, regular maintenance, cybersecurity risks, or other technical improvements to the blockchain system; or

(2) Were adopted through the consensus or agreement of a decentralized governance system.

X. “Decentralized governance system” means, with respect to a blockchain system, any rules-based system permitting persons using the blockchain system or the digital assets related to such blockchain system to form consensus or reach agreement in the development, provision, publication, management, or administration of such blockchain system. The term ‘decentralized governance system’ does not include a system in which a person or group of persons under common control have the ability to (a) unilaterally alter the rules of consensus or agreement for the blockchain system; or (b) determine the final outcome of decisions related to the development, provision, publication, management, or administration of such blockchain system;

XI. “Developer” means a person involved in the development or maintenance of the DAO, whether through the contribution of software code, design, business, legal, or ancillary support.

XII. “Digital asset” means any fungible digital representation of value that can be exclusively possessed and transferred, person to person, without necessary reliance on an intermediary, and is recorded on a blockchain system.

XIII. “Dispute resolution mechanism” means an on-chain alternative dispute resolution system, such as arbitration, expert determination, or an on-chain alternative court system, which enables anyone to resolve

their disputes, controversies or claims with, arising out of, or in connection with, a New Hampshire DAO. Any such award, decision, or judgment shall be accorded the same status and treatment as an international arbitral award.

XIV. "Failure event" means a DAO encountering a technical bug or exploit which renders the DAO non-operational or fundamentally changes the expected operation of the DAO.

XVI. "GUI" means a graphical user interface, publicly accessible by all DAO members and participants, whether hosted centrally via location-based storage or via decentralized or distributed storage, through which users interact with computer software via visual indicator representations. This can include, but is not limited to, a web interface or standalone application.

XVII. "Hard fork" means a blockchain software upgrade that is not compatible with previous versions of the blockchain software, and therefore requires all users to upgrade.

XVIII. "Jurisdiction" means a territory that is under a defined legal authority.

XIX. "Legal representative" means a person who is appointed and authorized by a New Hampshire DAO in a manner specified in the bylaws to perform functions, activities and operations on behalf of the New Hampshire DAO in off-chain interactions and as may be required under this act.

XX. "Majority chain" means the version of the chain accepted by more than 50 percent of the blockchain's validators following a hard fork.

XXI. "Meeting" means a synchronous or asynchronous event for the purpose of discussing and acting upon DAO-related matters by participants or administrators.

XXII. "Minority chain" means the version of the chain that is not the majority chain following a hard fork.

XXIII. "New Hampshire DAO" means a decentralized autonomous organization that is listed on the New Hampshire DAO registry.

XXIV. "New Hampshire DAO registry" means the registry established and administered in accordance with RSA 301-B:14.

XXV. "Off-chain" means any action or transaction that is not on-chain.

XXVI. "On-chain" means any action or transaction that is recorded and verified on a blockchain according to a blockchain protocol's consensus mechanism.

XXVII. "On-chain contribution" refers to any token segregated and locked in one of the DAO's smart contracts for the purpose of member buy-in to the DAO and the provision of withdrawable capital.

XXVIII. "Open-source format" means software that is within the open-source definition as established and maintained by the Open Source Initiative.

XXIX. "Participant" means, unless the bylaws provide otherwise, any person who is entitled under the bylaws to exercise governance rights in a DAO.

XXX. "Permissionless blockchain" means a blockchain system that allows any person to transact and produce blocks in accordance with the blockchain protocol, whereby the validity of the block is not determined by the identity of the producer.

XXXI. "Person" means a natural person, partnership, limited liability company, trust, business trust, estate, association, joint venture, corporation, custodian, nominee, or any other individual or entity in its own or any representative capacity, including a DAO that is subject to this act.

XXXII. "Proposal" means a suggestion for actions to be taken by the DAO, to be decided on in accordance with the bylaws of the DAO.

XXXIII. "Public address" means a unique, durable identifier that person(s) can transact with on a permissionless blockchain.

XXXIV. "Public forum" means a freely accessible online environment that is commonly used for the exercise of speech and public debate.

XXXV. "Public signaling" means a declaration authorized by way of proposal by the DAO in a public forum.

XXXVI. "Registry administrator" means the person, including the university of New Hampshire Interoperability Laboratory, or any other entity authorized by the secretary of state in accordance with this act to administer the New Hampshire DAO registry.

XXXVII. "Registered Agent" means the person appointed by a New Hampshire DAO in accordance with RSA 301-B:9.

XXXVIII. "Registered e-mail address" means with respect to any person a unique designation for an electronic mailbox that sends and receives electronic messages or e-mails.

XXXIX. "Related digital asset" means a digital asset that is intrinsically linked to a blockchain system, including: (a) where the digital asset's value is reasonably expected to be generated by the programmatic functioning of the blockchain system; (b) where the digital asset represents voting rights with respect to the blockchain system; or (c) where the digital asset is issued through the programmatic functioning of the blockchain system.

XL. "Quality assurance testing" means that the software code of the DAO has undergone security review according to industry standards including standards that may be designed, developed and tested by the registry administrator.

XLII. "Smart contract" is software code deployed in a blockchain system that consists of a set of pre-defined and deterministic instructions and conditions that may be executed in a decentralized manner by the participants in the underlying blockchain network. Execution of a smart contract shall produce a change in the blockchain state.

XLII. "Token" means a record on a permissionless blockchain, typically representing an asset, participation right, or other entitlement.

XLII. "Transaction" means a new entry in a permissionless blockchain, often but not exclusively, recording a change in ownership of an asset or participation in a DAO.

301-B:6 Governing Law. The laws of the state of New Hampshire govern:

I. The internal affairs of a New Hampshire DAO; and

II. The liability of a member as a member and of an administrator as administrator for the debts, obligations, or other liabilities of a limited liability company.

301-B:7 Legal Existence of New Hampshire DAOs.

I. A New Hampshire DAO shall exist as a separate legal entity distinct from its developers, participants, administrators and legal representatives.

II. Except to the extent otherwise provided in the bylaws of the New Hampshire DAO, the New Hampshire DAO shall have perpetual existence, and a New Hampshire DAO may not be terminated or revoked by a developer, participant, administrator, legal representative or other person except in accordance with the terms of its bylaws.

III. Except to the extent otherwise provided in the bylaws, the death, incapacity, dissolution, termination, or bankruptcy of a developer, participant, administrator or legal representative shall not result in the termination or dissolution of a New Hampshire DAO.

IV. In the event that a New Hampshire DAO does not have perpetual existence, a New Hampshire DAO is deregistered, and its affairs shall be wound up at the time or upon the happening of events specified in the bylaws.

V. Upon dissolution of a New Hampshire DAO and until the filing of a deregistration instruction as provided in RSA 301-B:12, the persons who, under the bylaws of the New Hampshire DAO, are responsible for winding up the New Hampshire DAO's affairs may, in the name of and for and on behalf of the New Hampshire DAO, prosecute and defend suits, whether civil, criminal, or administrative, gradually settle and close the New Hampshire DAO business, dispose of and convey the New Hampshire DAO property, discharge or make reasonable provision for the New Hampshire DAO liabilities, and distribute to the participants any remaining assets of the New Hampshire DAO as may be required by the bylaws.

VI. A New Hampshire DAO which has deregistered shall pay or make reasonable provision to pay all claims and obligations, including all contingent, conditional, or unmatured claims and obligations, known to the New Hampshire DAO and all claims and obligations which are known to the New Hampshire DAO but for which the identity of the claimant is unknown and claims and obligations that have not been made known to the New Hampshire DAO or that have not arisen but that, based on the facts known to the New Hampshire DAO, are likely to arise or to become known to the New Hampshire DAO within 10 years after the date of deregistration. If there are sufficient assets, such claims and obligations shall be paid in full and any such provision for payment shall be made in full. If there are insufficient assets, such claims and obligations shall be paid or provided for according to their priority and, among claims and obligations of equal priority, ratably to the extent of assets available therefor. Unless otherwise provided in the bylaws of a New Hampshire DAO, any remaining assets shall be distributed to the beneficial owners. Any person, including any trustee, who under the bylaws is responsible for winding up a New Hampshire DAO's affairs who has complied with this section shall not be personally liable to the claimants of the dissolved New Hampshire DAO by reason of such person's actions in winding up the New Hampshire DAO.

301-B:8 Legal Proceedings.

I. A New Hampshire DAO may sue and be sued, and service of process upon its New Hampshire registered agent or other authorized legal representative shall be sufficient. In furtherance of the foregoing, a New Hampshire DAO may be sued for debts and other obligations or liabilities contracted or incurred by the administrators, or by the duly authorized agents of such administrator, in the performance of their respective duties under the New Hampshire DAO's bylaws, and for any damages to persons or property resulting from the negligence of such administrators or agents acting in the performance of such respective duties. The property of a New Hampshire DAO shall be subject to attachment and execution as if it were a limited liability company, in accordance with the relevant provisions of New Hampshire law.

II. A New Hampshire legal representative of a New Hampshire DAO may be served with process in the manner prescribed in paragraph III in all civil actions or proceedings brought in this state involving or relating to the activities of the New Hampshire DAO.

III. Service of process shall be effected by serving the New Hampshire legal representative of such New Hampshire DAO with one copy of such process in the manner provided by law for service of writs of summons. In addition, the clerk of the court in which the civil action or proceeding is pending shall, within 7 days of

such service, deposit in the United States mails, by registered mail, postage prepaid, true and attested copies of the process, together with a statement that service is being made pursuant to this section, addressed to the defendant at the legal representative's registered address.

IV. In any action in which any such New Hampshire legal representative has been served with process as hereinafter provided, the time in which a defendant shall be required to appear and file a responsive pleading shall be computed from the date of mailing by the clerk of the court as provided in paragraph III; provided however, the court in which such action has been commenced may order such continuance or continuances as may be necessary to afford such legal representative reasonable opportunity to defend the action.

V. In the bylaws of the New Hampshire DAO, a New Hampshire DAO may consent to be subject to the nonexclusive jurisdiction of the courts of, or arbitration in, a specified jurisdiction, or the exclusive jurisdiction of the courts of this state, or the exclusivity of arbitration in a specified jurisdiction or this state, and to be served with legal process in the manner prescribed in the bylaws of the New Hampshire DAO. Except by agreeing to arbitrate any arbitrable matter in a specified jurisdiction or in this state, a participant or administrator who is not a legal representative may not waive its right to maintain a legal action or proceeding in the courts of this state with respect to matters relating to the organization or internal affairs of a New Hampshire DAO.

VI. Nothing herein contained limits or affects the right to serve process in any other manner now or hereafter provided by law. This section is an extension of and not a limitation upon the right otherwise existing of service of legal process upon nonresidents.

VII. The New Hampshire supreme court may make all necessary rules respecting the form of process, the manner of issuance and return thereof, and such other rules which may be necessary to implement this section and are not inconsistent with this section. The courts of this state shall have jurisdiction over New Hampshire DAOs that are listed on the registry.

301-B:9 Registered Agent in New Hampshire.

I. Each New Hampshire DAO shall have and maintain in the state of New Hampshire:

- (a) A registered office; and
- (b) A registered agent, which agent may be:

(1) An individual who resides in this state and whose residential or business office is identical with the registered office; or

(2) A corporation organized or authorized under RSA 292, RSA 293-A, or RSA 294-A whose business office is identical with the registered office; or

(3) A limited liability company formed or authorized under this act, or a professional limited liability company formed or authorized under RSA 304-D whose business office is identical with the registered office; or

(4) A limited liability partnership formed or authorized under RSA 304-A:44 whose business office is identical with the registered office.

II. A New Hampshire DAO may change its registered office or registered agent, or both, by filing with the secretary of state a statement setting forth:

- (a) The name of the New Hampshire DAO;
- (b) The street address of its current registered office;
- (c) If the street address of its registered office is to be changed, the street address to which the registered office is to be changed;
- (d) The name and address of its current registered agent;
- (e) If its registered agent is to be changed, the name and address of its successor registered agent; and
- (f) That after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical.

III. A registered agent of a New Hampshire DAO may resign as registered agent by signing and filing a written notice of resignation with the secretary of state. The secretary of state shall mail a copy of the notice to the New Hampshire DAO at its principal office.

IV. The appointment of the registered agent shall terminate 31 days after filing of the notice of resignation with the secretary of state or on the appointment of a successor registered agent, whichever occurs first. The notice of resignation may include a statement that the registered office is also discontinued.

V. If a registered agent changes its address to another place in this state, it may change the address of the registered office of any New Hampshire DAO for which it is a registered agent by filing a statement with the secretary of state as required by paragraph II, except that the statement need be signed only by the registered agent. The statement shall recite that a copy of it has been mailed to the limited liability company.

VI. The registered agent shall have the status as a legal representative of the New Hampshire DAO as provided by RSA 301-B:19.

301-B:10 Powers.

I. Unless the bylaws provide otherwise, every New Hampshire DAO shall have the power to do all things necessary or convenient to carry out its activities, business, and internal affairs, including the capacity to sue and be sued in its own name, and the power to acquire, own, hold, develop, or dispose of property, both movable and immovable.

II. Except as provided in paragraph III, the validity of an action taken by a New Hampshire DAO may not be challenged on the ground that the New Hampshire DAO lacks or lacked power to act.

III. A New Hampshire DAO's power to act may be challenged:

(a) In a proceeding by a participant against the New Hampshire DAO to enjoin the act;

(b) In a proceeding by the New Hampshire DAO, directly, derivatively, or through a receiver, trustee, or other legal representative, against an incumbent or former participant or administrator of the New Hampshire DAO; or

(c) In a proceeding by the attorney general under RSA 301-B:22 to deregister the New Hampshire DAO.

IV. In a participant proceeding under RSA 301-B:10, III(a) to enjoin an unauthorized act of a New Hampshire DAO, the court may enjoin or set aside the act if to do so is equitable and if all affected persons are parties to the proceeding, and the court may award damages for loss, other than anticipated profits, suffered by the New Hampshire DAO or another party because of enjoining the unauthorized act.

301-B:11 Liability of Participants and Administrators to Third Parties.

I. Except as provided in paragraph II:

(a) The debts, obligations, and liabilities of a New Hampshire DAO, whether arising in contract, tort, or otherwise, shall be solely the debts, obligations, and liabilities of the New Hampshire DAO.

(b) No participant, administrator, or legal representative of a New Hampshire DAO shall be obligated personally for any such debt, obligation, or liability of the New Hampshire DAO solely by reason of being a participant or acting as an administrator or legal representative of the New Hampshire DAO.

(c) A New Hampshire DAO shall meet its liabilities through its on-chain and off-chain assets.

(d) Except as provided in paragraphs II, III or IV, participants, administrators or legal representatives of a New Hampshire DAO shall only be responsible for providing on-chain contributions that they have committed to the New Hampshire DAO, as required by the bylaws. If the New Hampshire DAO exhausts its assets, its participants, administrators and legal representatives shall not be liable for excess liabilities of the New Hampshire DAO.

II. A participant or administrator may agree under the New Hampshire DAO bylaws or other agreement to be personally liable for any or all of the debts, obligations, and liabilities of the New Hampshire DAO.

III. If the New Hampshire DAO refuses to comply with an enforceable judgment, order, or award entered against it, the participants who voted against compliance shall be liable for any monetary payments ordered in the judgment, order, or award.

IV. Paragraph I shall not affect the personal liability of a participant, administrator or legal representative in tort for their own wrongful act or omission, but such a person shall not be personally liable for the wrongful act or omission of any other member of the New Hampshire DAO.

301-B:12 Notice of Registration.

I. In order to register as a New Hampshire DAO under this act, one or more authorized persons, acting in the capacity of administrator or legal representative, shall deliver a notice of intent to register as a New Hampshire DAO to the secretary of state for filing.

II. The notice of intent to register shall include the following information:

(a) The name of the New Hampshire DAO, which shall comply with the requirements of RSA 301-B:13; and

(b) The name and address of the registered agent for service of process required to be maintained by RSA 301-B.

III. The notice of registration required under this section shall not be effective until payment of a filing fee of \$100.

IV. If the secretary of state determines the proposed DAO name available, the notice otherwise complete, and the required fee paid, the secretary shall file the notice in its records and issue a Legal Entity Identifier (LEI) number to the New Hampshire DAO.

301-B:13 Name Requirements.

I. The name of each New Hampshire DAO as set forth in its notice of organization shall end with the words "decentralized autonomous organization" or the abbreviation "D.A.O." "DAO" or any other similar abbreviation.

II. Except as authorized by paragraph IV, V, or VI, a DAO name, based upon the records of the secretary of state, shall be distinguishable from, and not the same as:

(a) The name of an entity incorporated, authorized, formed, or registered to do business in this state under RSA 292, RSA 293-A, RSA 293-B, RSA 294-A, RSA 301, RSA 301-A, RSA 304-A, RSA 304-B, this act, RSA 305-A, RSA 349, RSA 383-C, RSA 383-D or RSA 383-E;

- (b) A name reserved under RSA 293-A, RSA 293-B, RSA 304-A, RSA 304-B, or this act;
- (c) The fictitious name of another foreign entity authorized to transact business in this state;
- (d) The name of an agency or instrumentality of the United States or this state or a subdivision of this state, including names reserved pursuant to RSA 53-E;
- (e) The name of any political party recognized under RSA 652:11, unless written consent is obtained from the authorized representative of the political organization; or
- (f) The name “farmers’ market” unless the entity meets the definition of “farmers’ market” established in RSA 21:34-a.

III. Except as authorized by paragraphs IV, V, and VI, a decentralized autonomous organization name, based upon the records of the secretary of state, is not distinguishable upon the record if the only distinguishing factor to the DAO name is:

- (a) An article.
- (b) Plural forms of the same word.
- (c) Phonetic spelling of the same name or word.
- (d) An abbreviation in place of a complete spelling of the name.
- (e) A suffix or prefix added to a word or any other deviation from or derivative of the same word, excluding antonyms and opposites.
- (f) A change in a word or name indicating entity status.
- (g) The addition of a numeric designation, unless consent is granted by the current name holder.
- (h) Differences in punctuation or special characters, unless it changes the clear meaning of the word.
- (i) Differences in whether letters or numbers immediately follow each other or are separated by one or more spaces.

(j) An Arabic numeral representing a number, a Roman numeral representing the same number, or a word representing the same number appearing in the same position within otherwise identical names.

IV. A decentralized autonomous organization may apply to the secretary of state for authorization to use a name that is not distinguishable from, or is the same as, one or more of the names described in paragraph III as determined from review of the records of the secretary of state.

V. The secretary of state shall authorize use of the name applied for if:

- (a) The holder or holders of the name as described in paragraph III gives written consent to use the name that is not distinguishable from the name of the applying DAO; or if the name is the same, one or more words are added to the name to make the new name distinguishable from the other name; or
- (b) The other entity consents to the use in writing and submits an undertaking in a form satisfactory to the secretary of state to change its name to a name that is distinguishable from, and not the same as, the name of the applying DAO; or
- (c) The applicant delivers to the secretary of state a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant’s right to use the name applied for in this state.

VI. A decentralized autonomous organization may use the name, including the fictitious name, of another domestic or foreign entity that is used in this state if the other entity is incorporated, authorized, formed, or registered to transact business in this state and the proposed user DAO:

- (a) Has merged with the other entity;
- (b) Has been formed by reorganization of the other entity; or
- (c) Has acquired all or substantially all of the assets, including the name, of the other entity.

VII. Nothing in this act is intended to prohibit the owner or owners of a trade name registered under RSA 349 from forming a decentralized autonomous organization under the same name as that trade name.

301-B:14 Registry of New Hampshire DAOs.

I. The registry administrator shall maintain a registry of New Hampshire DAOs that have satisfied the listing requirements set forth in RSA 301-B:15. The registry shall be referred to as the New Hampshire DAO registry.

II. With respect to each New Hampshire DAO listed in the New Hampshire DAO registry, the information contained in the registry shall be limited to the name and registered domain address of the New Hampshire DAO, the web address where the New Hampshire DAO’s open source code may be accessed, and the name, physical address and e-mail address of the New Hampshire DAO’s registered agent.

III. The registry administrator shall publish the New Hampshire DAO registry on a website established by the registry administrator for such purpose. The registry administrator shall update the registry to reflect all changes to the registry. The website required by this paragraph shall be available for review by the public.

IV. Listing of a DAO on the New Hampshire DAO registry shall be deemed conclusive evidence of the New Hampshire DAO’s recognition under this chapter and shall not require any further action, including any method of certification, by the registry administrator, any other accreditation authority, or any other governmental agency.

V. A New Hampshire DAO may request removal from the registry by providing notice of deregistration to the registry administrator.

VI. The registry administrator shall undertake reasonable efforts to establish the New Hampshire DAO registry as a blockchain system.

301-B:15 Registry Listing Requirements.

I. In order to be eligible for listing on the registry as a New Hampshire DAO that is subject to requirements and benefits of this chapter, the DAO must satisfy each of the following listing requirements as of the date of the initial application, and at all times after the date of the application:

(a) The DAO shall be deployed on a permissionless blockchain.

(b) The DAO shall provide a unique public address by which any person can review and monitor the DAO's activities.

(c) The software code establishing and maintaining the DAO shall be in open-source format in a public forum to allow anyone to review it.

(d) The software code establishing and maintaining the DAO shall have undergone quality assurance testing.

(e) There shall be at least one GUI by which any person can read the value of the key variables of the DAO's smart contracts and monitor all transactions originating from, or addressed to, any of the DAO's smart contracts.

(f) The DAO shall have bylaws that satisfy the RSA 301-B:16 and may be publicly accessed using a GUI or public forum.

(g) The DAO shall refer to or provide a communications mechanism accessible by the public that allows a layperson to contact the DAO, and all participants and administrators of the DAO shall be able to access the contents of this mechanism.

(h) The DAO shall refer to or provide a dispute resolution mechanism to resolve any disputes among the DAO's participants and administrators.

(i) The DAO shall refer to or provide a dispute resolution mechanism to resolve any disputes with third parties that, by their nature, are capable of being settled by alternative dispute resolution.

(j) The DAO shall be a decentralized network at all times.

(k) The DAO shall have a decentralized governance system at all times.

II. A DAO shall, upon meeting the listing requirements in paragraph I, shall be a New Hampshire DAO that is eligible for the benefits, and subject to the requirements, of this chapter.

III. A New Hampshire DAO shall publish at a public address sufficient information and data to permit any person, including the registry administrator or any other accreditation authority, to monitor and evaluate whether the New Hampshire DAO continues to satisfy the listing requirements of paragraph I.

301-B:16 Bylaws.

I. Every New Hampshire DAO shall have bylaws that set forth the purposes, powers, and rules and procedures for the internal organization, governance, capital requirements and other procedures of the New Hampshire DAO.

II. The bylaws shall accurately reflect the rules, terms, instructions and conditions of the software code that governs the smart contracts and permissionless blockchain network of the New Hampshire DAO, including the rules and regulations that govern the procedures followed by the New Hampshire DAO and the interaction of its participants, administrators and legal representatives. Except to the extent that it is inconsistent with this chapter, or any other applicable law, the New Hampshire DAO's bylaws may set forth any one of the following:

(a) Any provision defining, limiting, or regulating capital contributions;

(b) Any provision defining, limiting, or regulating a developer's rights, powers and interests in the New Hampshire DAO;

(c) Any provision defining, limiting, or regulating the manner in which the New Hampshire DAO's property may be applied, Decentralized or accumulated, including maintenance of one or more treasuries;

(d) Any provision imposing obligations upon participants as a condition of any distribution or other benefit;

(e) Any provision defining, limiting or regulating the duties, powers and liabilities of one or more administrators or legal representatives of the New Hampshire DAO;

(f) Any provision regarding the amendment, revocation or restatement of the bylaws of a New Hampshire DAO;

(g) Any provision regarding the appointment, resignation, and removal of administrators and legal representatives of the New Hampshire DAO; and

(h) Any provision regarding any other matter that the New Hampshire DAO deems necessary or advisable.

III. The bylaws shall be written in plain language comprehensible by a layperson.

IV. The bylaws shall provide accurate disclosure of all material facts that a reasonable person would consider important in deciding whether or not to become a participant in the New Hampshire DAO.

V. For the purposes of determining the meaning of terms of the bylaws, the terms of the software establishing the blockchain system shall be paramount.

301-B:17 Participants; Governance; Capital; Rights and Obligations of Participants.

I. The bylaws shall specify rules for determining which persons are participants in the New Hampshire DAO.

II. The bylaws shall specify rules establishing the governance rights of participants, exercisable pursuant to tokens or otherwise.

III. If the bylaws provide for meetings of participants, the bylaws shall specify procedures for providing notice to participants and administrators, allowing participants to make proposals for consideration at a meeting, and establishing quorum and mechanisms for voting on various actions. The bylaws may authorize participants to represent themselves or be represented by a proxy. This act does not require a New Hampshire DAO to convene a general meeting of participants. This act does not require physical, in-person meetings, unless set forth in the bylaws.

IV. Voting by participants may be on a per capita, number, profits, financial interest, class, group, or any other basis, as set forth in the bylaws.

V. No minimum capital requirements shall apply to a New Hampshire DAO. A DAO may specify in its bylaws rules and procedures for subscription and maintenance of minimum capital amounts.

VI. The bylaws may provide for classes or groups of participants having such relative rights, powers and duties as the bylaws may provide.

VII. The bylaws must specify the rules for exiting the DAO that address the consequences of voluntary and involuntary participant exit on subscriptions and payments they have made.

301-B:18 Administrators.

I. A New Hampshire DAO is not required to appoint administrators, including a board of directors or a trustee. A New Hampshire DAO may specify in its bylaws rules for appointing and removing administrators and establishing the powers, rights, privileges, immunities, duties and liabilities of administrators. In the absence of such provisions, all the powers and tasks of administrators shall be vested in the participants in accordance with the bylaws. An administrator may or may not be a participant.

II. The voting mechanism for nominating and appointing an administrator shall be set out in the bylaws.

III. The appointment and authority of an administrator shall be evidenced by an authorization displayed on a public forum the validity of which shall be verifiable by a valid record on the blockchain of the New Hampshire DAO.

IV. To the extent that an administrator exercises a power in accordance with the bylaws or the terms of the administrator's appointment, the administrator's action is binding upon all other persons.

V. Unless the bylaws provide otherwise, an administrator may resign without liability upon 15 days' written notice to the participants of the New Hampshire DAO.

301-B:19 Legal Representatives.

I. A New Hampshire DAO may authorize one or more legal representatives to undertake tasks that cannot be achieved on-chain, including the New Hampshire legal representative as required by RSA 301-B:9. The scope of authority delegated to legal representatives shall be set forth in the bylaws and may be limited to specific tasks, or may be more general.

II. Legal representation of the New Hampshire DAO shall be carried out by a legal representative in the manner provided in the bylaws and as evidenced by an authorization displayed on a public forum the validity of which shall be verifiable by a valid record on the blockchain of the New Hampshire DAO.

III. A legal representative shall not be personally liable for acts done on behalf of the New Hampshire DAO.

IV. A New Hampshire DAO shall appoint at least one legal representative who shall be the registered agent of the New Hampshire DAO in accordance with RSA 301-B:9.

301-B:20 No Implicit Fiduciary Status. Developers, participants, administrators or legal representatives of a DAO shall not be imputed to have fiduciary duties towards each other or third parties solely on the basis of their role, unless the person acting in such a role explicitly holds itself out as a fiduciary, or the bylaws expressly provide that such person is a fiduciary with respect to each power granted to such person.

301-B:21 Defense of Reliance on Records of the New Hampshire DAO. In any matter relating to the New Hampshire DAO, a developer, participant, administrator or legal representative shall be fully protected from liability to the New Hampshire DAO and to the participants if the person acting in such a role relies, in a manner consistent with contractual good faith, on the records of the New Hampshire DAO as evidenced by a records displayed on a public forum the validity of which shall be verifiable by a valid record on the blockchain of the New Hampshire DAO.

301-B:22 Exculpations. The bylaws may provide for the limitation or elimination of any and all liabilities for breach of contract and breach of duties, including fiduciary duties, of a developer, participant, administrator, legal representative or other person to a New Hampshire DAO or to another participant or administrator,

or to another person that is a party to or is otherwise subject to the bylaws; provided that the bylaws may not limit or eliminate liability for any act or omission that constitutes a violation of the implied contractual covenant of good faith and fair dealing.

301-B:23 Indemnification.

I. Except as provided in paragraph II, and subject to such standards and restrictions, if any, as are set forth in its bylaws, a New Hampshire DAO may, and shall have the power to, indemnify any participant or administrator or other person made a party to a proceeding or threatened to be made a named defendant or respondent in a proceeding because the participant, administrator, or other person acted on behalf of the New Hampshire DAO, against liability for a judgment, settlement, penalty, fine, including an excise tax assessed with respect to an employee benefit plan, or reasonable expenses incurred with respect to a proceeding, if:

(a) The participant, administrator, or person conducted such person's activities himself or herself in accordance with contractual good faith; and

(b) The participant, administrator, or person reasonably believed such person's conduct was not opposed to the best interest of the New Hampshire DAO interpreted in accordance with the stated purpose of the DAO.

II. A New Hampshire DAO may not indemnify a participant, administrator, or other person under paragraph I:

(a) In connection with a proceeding by or in the right of the New Hampshire DAO in which the person was judged liable to the New Hampshire DAO; or

(b) In connection with any other proceeding charging the person with a breach of the duty of loyalty, whether or not involving action on behalf of the New Hampshire DAO, in which the person was adjudged liable for the breach.

301-B:24 Judicial Deregistration Upon Application by Attorney General. The attorney general may apply to the superior court for a decree of deregistration of a New Hampshire DAO, and the superior court may issue such a decree, in any of the following circumstances:

I. The New Hampshire DAO has procured its registration through fraud.

II. The New Hampshire DAO has exceeded or abused its lawful authority under this act.

III. The New Hampshire DAO has carried on, conducted, or transacted its business in a persistently fraudulent or illegal manner.

IV. The New Hampshire DAO has abused its power contrary to the public policy of the state.

301-B:25 Contentious Forks in the Underlying Blockchain. In the event of a hard fork in the underlying permissionless blockchain:

I. By default, the New Hampshire DAO retains its legal personality and limited liability and the legal representative remains the legal representative of the majority chain and any off-chain assets shall belong to the New Hampshire DAO on the majority chain.

II. The New Hampshire DAO may choose to maintain legal presence on a minority chain if it expresses its intent to do so by public signaling, and in that case any off-chain assets shall belong to the New Hampshire DAO on the selected minority chain.

III. The New Hampshire DAO may liquidate its on-chain assets following a hard fork in order to move those assets to the chosen chain.

IV. Alternatively, the New Hampshire DAO may choose to split into multiple legal entities, each on a separate chain, if it communicates by public signaling:

(a) Its intent to do so, and

(b) There is a definitive distribution of off-chain assets between the majority and minority chains.

301-B:26 DAO Restructuring.

I. In the event that there is not a contentious fork and a New Hampshire DAO's smart contract is restructured through modification, upgrade or migration, it shall retain its legal personality and limited liability only to the extent that:

(a) The new code of the New Hampshire DAO continues to satisfy all the listing requirements of RSA 301-B:13.

(b) In the event of migration, where the New Hampshire DAO has to be associated with a new unique public address, proper notice is provided by way of public signaling.

II. Failure to meet these requirements shall result in a deregistration of the New Hampshire DAO and loss of legal personality and limited liability effective at the time of restructuring.

III. The New Hampshire DAO restructured in accordance with paragraph I shall be the universal successor of the original DAO and inherit its rights and obligations.

301-B:27 Failure Event. In the case of a failure event:

I. Legal personality and limited liability shall be maintained to the extent necessary to protect New Hampshire DAO members and participants from personal liability.

II. A failure event may trigger liability on the person deploying or upgrading the New Hampshire DAO if that person:

- (a) Acted in bad faith; or
- (b) Engaged in gross negligence.

301-B:28 Application of General Business Organization Law. The New Hampshire DAO shall be governed by:

- I. The bylaws;
- II. The provisions of this chapter; and

III. The provisions of RSA 304-C shall apply to New Hampshire DAOs except to the extent that any such provision is inconsistent with any provision of this chapter.

301-B:29 Application of Other Laws. For avoidance of any doubt, a New Hampshire DAO shall be subject to all other applicable laws of the state of New Hampshire, including laws regulating securities activities, banking and financial activities, taxation, and all other provisions of law.

301-B:30 Reserved Power of State of New Hampshire to Alter or Repeal Act. All provisions of this act may be altered from time to time or repealed, and all rights of New Hampshire DAOs, participants, administrators and legal representatives are subject to this reservation.

301-B:31 Secretary of State; Duties. The secretary of state shall:

I Research and analyze any fees, if applicable, charged by other jurisdictions for registering decentralized autonomous organizations.

II. Review developments in other jurisdictions, including states and international, regarding registering decentralized autonomous organizations.

III. Develop a fee schedule for registering decentralized autonomous organizations in New Hampshire, if the secretary finds such to be applicable.

IV. Consult with outside experts as the secretary deems necessary.

V. Issue a request for proposals to provide the services of the registry administrator as defined in RSA 301-B:5, XXXVI.

2 Effective Date.

I. RSA 301-B:31 as inserted by section 1 of this act of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2025.

Amendment to HB 651

(2023- 2425h)

Proposed by the Minority of the Committee on Education – r

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

AN ACT authorizing transportation of pupils by contracted school transportation vehicles.

1 New Section; Motor Vehicles; Defined; School Transportation Vehicle. Amend RSA 259 by inserting after section 96-a the following new section:

259:96-b School Transportation Vehicle. “School transportation vehicle” shall mean a private passenger vehicle as defined by RSA 259:81, which is used by an employee or subcontractor of a company focused exclusively on providing student transportation solutions to transport school children to and from private or public school and school-related activities while under contract with a municipality, municipal board, or educational institutions.

2 New Section; Transportation of Pupils; Multipurpose Passenger Vehicle. Amend RSA 189 by inserting after section 6-e the following new section:

189:6-f Pupils Transported in a Multipurpose Passenger Vehicle.

I. Pupils may be transported to or from school and school-related activities in a school transportation vehicle as defined by RSA 259:96-b, which is approved by the division of motor vehicles of the department of safety and operated by a driver who holds a valid school bus driver’s certificate as provided in RSA 263:29, in accordance with rules adopted pursuant to RSA 265:58.

II. The department of education, a school district, or a private school may contract with a provider of school transportation vehicle services.

III. Pupils with disabilities may be transported to or from school and school-related activities in a school transportation vehicle unless the pupil’s individualized education program as defined in RSA 186-C:2, III, or the pupil’s accommodation plan pursuant to section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794, states that such a vehicle shall not be used.

3 School Bus Driver’s Certificate. Amend RSA 263:29 to read as follows:

263:29 School Bus Driver’s Certificate. The owner of any school bus **or provider of school transportation vehicle services** transporting children to and from any private or public school, or the owner of any bus owned or used by a religious organization or a nonprofit organization used exclusively as a bus for the transportation of its members in connection with functions of the organization, shall submit to the authorities in the town or city or to the organization which pays for said transportation a list of names of the persons who are to drive the buses or school transportation vehicles used in such transportation. Such authority shall submit the list of names to the department requesting an investigation of each driver’s criminal and motor

vehicle record. If such driver is found to be qualified to bear the responsibility of such transportation, the division shall cause said driver to be examined under the rules adopted pursuant to RSA 265:58. No person shall drive a school bus **or school transportation vehicle** unless *she or* he has satisfactorily passed the special examination for said driving and received from the division a special school bus driver's certificate for a school bus or school transportation vehicle. The director may revoke such special school bus driver's certificate for good cause shown.

4 School Bus Driver Qualification Files. Amend RSA 263:29-a to read as follows: 263:29-a School Bus Driver Qualification Files.

I. The employer of a school bus driver or provider of school transportation vehicle services shall maintain, and the department shall have access to, a file on each person qualified to operate a school bus **or school transportation vehicle** as provided in RSA 263:29. Except in the case of contents not applicable to or required of providers of school transportation vehicle services under rules adopted by the director, the file shall include the following:

- (a) The driver's application for employment.
- (b) The medical examiner's certificate.
- (c) The results of the driver road test, if such test is otherwise required by law.
- (d) Certifications of road test, if otherwise required by law.
- (e) Annual driver certification of violations.
- (f) Inquiry to previous employers, covering the 3 years prior to the driver's application for employment.
- (g) Inquiry to state agencies.
- (h) Annual review of driving record.
- (i) Controlled substances test results, if otherwise required by law.
- (j) Driver training documentation.
- (k) Copy of driver license and school bus certificate for a school bus or school transportation vehicle.

II. In addition to other rulemaking authority provided by law, the commissioner shall have authority to adopt rules, pursuant to RSA 541-A, relative to the operation of school buses and **school transportation vehicles as well as** the requirements for and filing of [~~school bus~~] accident reports.

5 Inspection of School Buses or Vehicles. Amend RSA 266:7 to read as follows:

266:7 Inspection of School Buses **or Vehicles**. The director shall have authority, through *her or* his duly authorized agents, to inspect any motor vehicle used for the purpose of transporting school children to any school to determine its fitness for such purpose, and if [~~he~~] **the director** finds that such vehicle is unfit, [~~he~~] **the director** may refuse to permit it to be designated as a school bus **or student transportation vehicle**. Said inspection shall be made before any motor vehicle transporting school children to any school is used for said transportation. The director shall cause to be issued some identification if such vehicle is approved as a school bus **or school transportation vehicle**.

6 Criminal History Records Check; School Transportation. Amend 189:13-b to read as follows:

189:13-b School Bus Driver Criminal History Records Check.

I. The department shall complete a criminal history records check on all school bus **or school transportation vehicle** drivers as would school administrative units, school districts, and chartered public schools pursuant to RSA 189:13-a.

II. The selected applicant for employment or designated volunteer with a school administrative unit, school district, chartered public school, or public academy in a school bus driver **or school transportation vehicle** position shall submit to the department a criminal history records release form, as provided by the division of state police, which authorizes the division of state police to conduct a criminal history records check through its state records and through the Federal Bureau of Investigation and to release a report of the applicant's criminal history record information, including confidential criminal history record information, to the background check coordinator of the department, as described in RSA 21-N:8-a, I-a.

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

2023-2425h

AMENDED ANALYSIS

This bill provides for pupil transportation to or from school and school-related activities in a school transportation vehicle under a contract to provide transportation by a driver who holds a valid school bus driver's certificate.

Amendment to HB 652-FN (2023- 2438h)

Proposed by the Minority of the Committee on Judiciary – r

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

1 Access to Governmental Records and Meetings; Nonpublic Sessions; Notice. Amend RSA 91-A:3, II(c) to read as follows:

(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

(1) If the person to be discussed resides within the geographical jurisdiction of the public body, he or she shall be notified, in writing, at least 48 hours prior to the nonpublic session and prior to any vote and/or action taken regarding such individual; provided that notification may be waived upon written agreement of the parties. The person shall be afforded the opportunity to:

(A) Be present at the session during discussions and decisions that involve such person.

(B) Have counsel or a representative of his or her choosing present and in attendance for the purpose of advising the individual and not for the purpose of active participation in the session.

(C) Speak on his or her own behalf.

(2) The requirements of subparagraph (1) shall not apply to the office of professional licensure and certification or the boards and commissions under the office's supervision, including but not limited to responsibilities of the office, boards and commissions pursuant to RSA 310:4, II(c), 310:9, 310:10, 310:11, 310:12, II and IV, 310:13, 310:14, 310-A:1-q, 332-G:10, 541-A:29, 541-A:30, 541-A:31, 541-A:35, and 91-A:3.

2 Effective Date. This act shall take effect January 1, 2025.

2023-2438h

AMENDED ANALYSIS

This bill provides that, when a public body goes into nonpublic session to discuss an individual who resides within the geographical jurisdiction of the public body, the individual shall be given notice of the session and an opportunity to attend, to have counsel present, and to speak on their own behalf.

Amendment to HB 653

(2023-2465h)

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

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

AN ACT relative to providing additional duties to the interbranch criminal and juvenile justice council.

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

1 New Paragraphs; Interbranch Criminal and Juvenile Justice Council; Duties. Amend RSA 651-E:3 by inserting after paragraph IV the following new paragraphs:

V. The council shall investigate and propose legislation that would develop a statewide model for pretrial services for counties to adopt where, if minimum criteria established in the model are met, the county would be able to apply for reimbursement from a fund to be established by the legislature. As a part of the recommended legislation, a source for funding should be identified as well as the appropriate number and kind of services that must be included to qualify for reimbursement, based on the needs of a particular county that may not require all of the services outlined in the model plan.

VI. The council shall investigate and propose legislation that would establish a modern electronic system within the courts for case tracking, with different levels of access from outside entities based upon need. This shall include, law enforcement, defense counsel, bail commissioners, and the general public for research purposes. This system shall connect all courts within the state and shall allow for electronic filings, orders of the court, and any other such information as the commission deems necessary after investigating the matter.

VII. The council shall investigate and propose legislation to establish offices of victim and witness advocates within the offices of the county attorneys, to the extent such services are not already available, and using the office of victim/witness assistance at the department of justice as a model. The offices will provide support for victims of crime and witnesses to crime who are testifying on behalf of the state. This office should provide information related to the rights of victims in criminal cases, including, but not limited to, their ability to give victim impact statements, to be notified of all dates, times, and locations of proceedings in their cases, to be notified of the pending release of defendants, and to obtain protective orders; as well as information on the availability of various public and private assistance for victims of domestic violence or with food and shelter and on the availability of medical insurance and services; and any other roles as may be deemed appropriate by the council. The council shall make recommendations for funding sources for this office, such as criminal fines or other sources.

2 Interbranch Criminal and Juvenile Justice Council. Amend RSA 651-E:4, I to read as follows:

I. ~~[The members of the council shall elect a chairperson from among the members.]~~ ***The chairperson shall be the chairman of the criminal justice and public safety committee of the house of representatives.*** The first meeting of the council shall be called by the speaker of the house of representatives or the speaker's designee. The first meeting of the council shall be held within 45 days of the effective date of this section. Twelve members of the council shall constitute a quorum.

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

2023-2465h

AMENDED ANALYSIS

This bill provides additional duties to the interbranch criminal and juvenile justice council and requires the chairperson to be the chairman of the criminal justice and public safety committee of the house of representatives.

**Amendment to SB 84
(2023-2434h)**

Proposed by the Committee on Legislative Administration - c

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

AN ACT repealing certain task forces, study committees, and study commissions , repealing the John G. Winant memorial commission and making the maintenance of the memorial a duty of the joint legislative historical committee, and establishing a committee to study the appeals process administered by the environmental councils established under RSA 21-O.

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

1 Air Pollution Advisory Committee; Cross Reference Removed. Amend the introductory paragraph of RSA 125-O:21, VI to read as follows:

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

2 Air Pollution Advisory Committee; Cross Reference Removed. Amend the introductory paragraph RSA 485:16-b, II to read as follows:

II. In addition to the provisions of paragraph I, the commissioner, after consultation with the commissioner of health and human services, shall limit to the greatest extent practicable, with the approval of the governor and council, the concentration of MTBE allowed in any gasoline sold in all or part of the state after first holding a public hearing on the issue and ~~[certifying to the air pollution advisory committee established in RSA 125-J:11]~~ **determining** that gasolines which meet such limit are:

3 Department of Environmental Services; Appeals Process Study Committee Established.

I. There is hereby established a committee to study the appeals process administered by the environmental councils established under RSA 21-O.

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

(a) Two members of the house of representatives, appointed by the speaker of the house of representatives; and

(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 duties of the committee shall be as follows:

(a) Study the appeals process of the environmental councils established in RSA 21-O with a focus on expediting appeals resolutions;

(b) Improve the cost effectiveness of the appeals process; and

(c) Consult with the chairmen of the 4 environmental councils to accomplish these goals.

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

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2024.

4 New Paragraph; Joint Legislative Historical Committee; Responsibilities. Amend RSA 17-I:2 by inserting after paragraph IX the following new paragraph:

X. Overseeing the maintenance of the John G. Winant memorial.

5 Repeal. The following are repealed:

I. 2001, 271:1, relative to the task force to conduct an ongoing study of the feasibility of re-establishing the Lawrence, Massachusetts to Manchester, New Hampshire rail service line and the Concord to Lebanon northern passenger rail service line.

II. RSA 21-I:14-d, relative to the advisory committee on state procurement.

III. RSA 28-B:1, relative to the county-state finance commission.

IV. RSA 125-J:11, relative to the air pollution advisory committee.

V. RSA 356-B:70, relative to the committee to study the laws relating to condominium and homeowners' associations.

VI. RSA 4:9-l and 4:9-m, relative to the John G. Winant memorial commission

VII. RSA 14:49, II(e), relative to the annual index of commissions, is repealed.

VIII. RSA 404-J:1, relative to the commission on the status of health coverage markets for individuals and small employers.

6 Effective Date.

I. Section 5, paragraph V of this act shall take effect January 1, 2025.

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

2023-2434h

AMENDED ANALYSIS

This bill:

I. Repeals the requirement that house and senate committee services staff jointly prepare an annual index of all commissions.

II. Repeals task forces, study committees, and study commissions.

III. Establishes a committee to study the department of environmental services appeals process.

IV. Repeals the John G. Winant memorial commission and makes the maintenance of the memorial a duty of the joint legislative historical committee.

Amendment to SB 112-FN

(2023- 2444h)

Proposed by the Committee on Ways and Means – r

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

1 Pari-Mutuel Pools. RSA 284:22 is repealed and reenacted to read as follows:

284:22 Pari-Mutuel Pools.

A licensee under this chapter may sell pari-mutuel pools in accordance with this chapter and rules adopted by the lottery commission. Pari-mutuel pools shall be sold within the enclosure of the racetrack where a licensed race or race meet is held or as provided in RSA 284:22-a, and not elsewhere.

2 Pari-Mutuel Pools on Historic Horse Racing. RSA 284:22-b, II is repealed and reenacted to read as follows:

II. In order to be eligible for a license to sell pari-mutuel pools on historic races, an applicant shall have been either:

(a) A game operator employer licensed under RSA 287-D as of May 1, 2020, and still licensed as of June 8, 2021. For licensees qualified under this subparagraph, the sale of pari-mutuel pools on historic horse races must take place within the enclosure of a facility at which the licensee holds its licensed gaming activities under RSA 287-D, and that such facility is located within the city or town in which the licensee held its license on May 1, 2020; or

(b) An entity that applied for a game operator employer license between January 1, 2023, and October 18, 2023, provided that the applicant is subsequently approved, and the applicant entity has the same ownership and officers as the time of their initial application. For licensees that are qualified under this subparagraph, the sale of pari-mutuel pools on historic horse races must take place within the enclosure of a facility at which the applicant entity holds its licensed gaming activities under RSA 287-D, and that such facility is located within the city or town identified on the original application filed with the lottery commission within the time frame identified under this subparagraph.

3 New Paragraph; Pari-Mutuel Pools on Historic Horse Races; Transfer or Sale of Licenses Prohibited. Amend RSA 284:22-b by inserting after paragraph VII the following new paragraph:

VIII. An application that is approved by the lottery commission, and a license that is granted shall not be permitted to be transferred or sold.

4 Rights of Licensee. Amend RSA 284:39, I to read as follows:

I. Any licensee under this chapter may refuse admission to, or eject from, the grounds or the enclosure of the racetrack or facility where a licensed live race or race meet or is being held or where licensed simulcasting **or historic horse racing** is held, any person or persons whose presence or conduct, in the sole judgment of the licensee, is inconsistent with the orderly and proper conduct of the **historic horse racing**, live or simulcast race meet, or is detrimental to the sport of racing, whether or not such presence or offensive conduct is associated with gambling.

5 Facilities; Rental. Amend RSA 287-D:19, II to read as follows:

II.(a) If a charitable organization contracts for services from a game operator employer licensed under RSA 287-D:8, the game operator employer shall provide equipment and shall not charge the charitable organization for such equipment. No charitable organization shall receive less than 35 percent of the gross revenues from any games of chance minus any prizes paid [~~and rental charge under subparagraph (b)~~].

(b) ~~[If a game operator employer charges rent, such charge shall be by written agreement and shall be a fixed payment, not based on a percentage of what the charitable organization receives from the game of chance, and shall reflect fair rental value of the property for any use, not only as a place to hold a game of chance.]~~

~~[(c)]~~ Any ~~[service or rental]~~ agreement entered into by the charitable organization shall be submitted with the charitable organization's license application for review by the lottery commission.

~~[(d)]~~ (c) Under no circumstances shall a charitable organization sustain any loss from games of chance, such that its share of the gross revenues minus any prizes paid~~[-and any rent paid or due,]~~ is less than zero dollars, during a license period with a single game operator.

~~[(e)]~~ (d) All contracts between a game operator employer and a charitable organization to conduct games of chance under this chapter shall contain the following language: "This agreement represents the entire agreement between the parties. No charge or fee of any kind that is not contained in this agreement shall be paid by the charity."

~~[(f)]~~ (e) No fee for any service which is required by or provided by the game operator employer or primary game operator shall be allowed.

6 Repeal. The following are repealed:

I. RSA 284:3, relative to employee residency.

II. RSA 284:32-a, relative to annual financial statements.

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

2023-2444h

AMENDED ANALYSIS

This bill changes the redistribution of pari-mutuel wagers, changes license eligibility requirements, prohibits the sale or transfer of licenses, amends the rights of licensees, changes the calculation of the percentage paid to charitable organizations, eliminates employee state residency restrictions, and eliminates annual financial statement requirements.

Amendment to SB 236

(2023-2440h)

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

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2024.

Amendment to SB 249-FN

(2023-2461h)

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

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

AN ACT establishing magistrates and relative to release of persons pending resolution of criminal charges.

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

1 New Chapter; Magistrates. Amend RSA by inserting after chapter 491-A the following new chapter:

CHAPTER 491-B

MAGISTRATES

491-B:1 Appointment and qualifications. The chief justice of the supreme court, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, shall appoint at least 15 magistrates, subject to appropriation by the legislature. Such magistrates shall serve at such locations as the chief justice of the supreme court may determine under this chapter, provided that at least one magistrate is assigned to each county in the state. Magistrates shall be judicial branch employees.

491-B:2 Duties.

I. At the discretion of the chief justice of the supreme court, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, magistrates may have the following powers:

(a) To determine the release or detention of defendants on all days of the week and at all times of day pursuant to RSA 597:2;

(b) To conduct arraignment hearings and issue decisions on arraignments;

(c) To conduct bail hearings and issue decisions on bail and other decisions regarding release or detention of persons pending trial pursuant to RSA 597:2;

(d) To issue arrest warrants or other processes of arrest;

(e) To issue search warrants;

(f) To administer oaths and affirmations; and

(g) To perform such other acts or functions specifically authorized by the chief justice of the supreme court not inconsistent with the New Hampshire constitution or any state or federal laws.

II. Magistrates may only perform the powers listed in paragraph I(b) through I(g) if they are licensed to practice law in the state of New Hampshire.

III. The magistrates shall provide to any person bailed by the magistrate pursuant to the authority granted by this chapter information on local services that are available to the person relating to homelessness, hunger, mental health, and substance use issues.

491-B:3 Supervision.

I. The chief justice of the supreme court, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, shall appoint a chief magistrate for the purpose of assisting in the training of magistrates and bail commissioners and being responsible to the chief justice of the superior court and the administrative judge of the circuit court for the conduct of magistrates and bail commissioners. The chief magistrate shall exercise direct daily supervision over the magistrates and bail commissioners.

II. The chief magistrate, in consultation with the chief justice of the superior court and the administrative judge of the circuit court, shall develop an education program to ensure that magistrates and bail commissioners have current information regarding the status of the laws affecting the powers and duties of magistrates. This education program shall include the laws specific to bail and the conditions that may be imposed by the magistrates and bail commissioners.

491-B:4 Bail Payments.

I. If bail is being determined pursuant to RSA 597:2, I where the person seeking bail is physically present at a state courthouse, bail payments may be in the form of cash or non-cash electronic form as established by rule or order of the supreme court.

II. If bail is being determined pursuant to RSA 597:2, I where the person seeking bail is not physically present at a state courthouse, bail payments shall be accepted in any non-cash electronic form as established by rule or order of the supreme court.

2 Arrests in Criminal Cases; Release or Detention; Place and Time of Detention. Amend RSA 594:20-a, I to read as follows:

I. When a person is arrested with or without a warrant he or she may be committed to a county correctional facility, to a police station or other place provided for the detention of offenders, or otherwise detained in custody. The person shall be taken to appear before a **magistrate**, circuit court, or a superior court in the case of felony complaints and misdemeanors and violation level charges that are directly related to those felonies, without unreasonable delay, to answer for the offense. All persons shall appear no later than 24 hours after arrest~~[, or no later than 36 hours after arrest if arrested between 8:00 a.m. and 1:00 p.m. and the person's attorney is unable to attend an arraignment on the same day, Saturdays, Sundays, and holidays excepted].~~

In the case of a person arrested when the court is not open within the next 24 hours, a decision on bail shall be made by a magistrate within 24 hours of the arrest.

3 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, III(b)-(c) to read as follows:

(b) Assuring the court appearance of charged persons.

(1) The court **or magistrate** shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court **or magistrate**, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court **or magistrate** may require unless the court **or magistrate** determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required.

(2) If the court **or magistrate** determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past 5 years, or twice on the present case, there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required.

(3) In determining the amount of the unsecured appearance bond or cash or corporate surety bail, the court **or magistrate** may consider all relevant factors bearing upon a person's ability to post bail.

(4) The court **or magistrate** shall not impose a financial condition that will result in the pretrial detention of a person solely as a result of that financial condition unless the court **or magistrate** determines by clear and convincing evidence that the nature of the allegations presents a substantial risk that the person will not appear and that no reasonable alternative will assure the person's appearance. The defendant shall be afforded the opportunity to be heard.

(c) Failure of a person to abide by previous bail conditions. If there is probable cause to believe that, while on release pending resolution of a previous offense, the person committed a felony, **or if there is prob-**

able cause to believe that a person is on release pending resolution of a previous offense, and thereafter was arrested and released pending the resolution of a second offense, and has committed an additional class A misdemeanor[;] or driving or operating while impaired, the person shall be detained for no more than 24 hours for a bail hearing before a magistrate or the court. Upon appearance in front of a magistrate or the court for a person detained under this section, there shall be a rebuttable presumption that the person will not abide by a condition that the person not commit a new offense. The court **or magistrate** shall not impose a financial condition that will result in the pretrial detention of the person solely as a result of that financial condition unless the court **or magistrate** determines by clear and convincing evidence after a hearing that no reasonable alternative or combination of conditions will assure that the person will not commit a new offense. The court **or magistrate** may consider any relevant factors in making its determination.

4 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, IV to read as follows:

IV.(a) Evidence in support of preventive detention shall be made by offer of proof at the initial appearance before the court **or magistrate**. At that time, the defendant may request a subsequent bail hearing where live testimony is presented to the court.

(b) At any subsequent hearing, such testimony may be presented via video conferencing, unless the court determines that witness testimony in court is necessary. A request by the defendant for in-court testimony shall be made by oral motion at the initial hearing or by written motion prior to any subsequent hearing. Any order granting the defendant's request shall be distributed to the parties at least 48 hours prior to any subsequent hearing.

(c) There shall be a rebuttable presumption that an alleged victim of the crime shall not be required to testify at the bail hearing. Nothing in this section shall preclude an alleged victim from voluntarily testifying at such hearing **or otherwise providing information to the court or magistrate**. The state may present evidence of statements made in the course of an investigation through a law enforcement officer.

5 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, VII-IX to read as follows:

VII. In a release order issued pursuant to this section, the court **or magistrate** shall include a written statement that sets forth:

(a) All of the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

(b) The provisions of RSA 641:5, relative to tampering with witnesses and informants.

VIII. A person charged with an offense who is, or was at the time the offense was committed, on release pending trial for a felony or misdemeanor under federal or state law, release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal or state law; or probation or parole for any offense under federal or state law, except as provided in RSA 597:1-d, III, may be detained for a period of not more than 72 hours from the time of his or her arrest, excluding Saturdays, Sundays and holidays. The law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state, or local law enforcement official. Upon such notice, the court **or magistrate** shall direct the clerk to notify by telephone the department of corrections, division of field services, of the pending bail hearing. If the department fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial. Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probations and parole may be subject to arrest and detention as probation and parole violators.

IX. Upon the appearance of a person charged with a class B misdemeanor, the court **or magistrate** shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court **or magistrate** determines pursuant to paragraph III that such release will endanger the safety of the person or the public. The court **or magistrate** shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

6 New Paragraph; Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2 by inserting after paragraph X the following new paragraph:

XI. If a person is ordered to be released by a circuit court, the state may appeal only on the grounds of dangerousness to the superior court. Upon receipt of the intent to appeal, the circuit court shall detain the person pending resolution of the appeal. The appeal shall be filed in the superior court on the same day as the circuit court's notice of its decision in accordance with rules adopted by the court. The superior court shall hold a hearing on the appeal within 48 hours of the filing of the appeal, excluding weekends and holidays.

7 Bail and Recognizances; Review and Appeal of Release or Detention Order. Amend RSA 597:6-e to read as follows:

597:6-e Review and Appeal of Release or Detention Order.

I. If a person is ordered released by a bail commissioner **or magistrate**, the person, or the state, shall be entitled to a hearing, if requested, on the conditions of bail before a justice within 48 hours, Sundays and holidays excepted.

II. Subject to RSA 597:2, X **and XI**, the person or the state may file with the superior court a motion for revocation of the order or amendment of the conditions of release set by a municipal or district court, by a justice **or magistrate**, or by a bail commissioner. The motion shall be determined promptly. However, no action shall be taken on any such motion until the moving party has provided to the superior court certified copies of the complaint, affidavit, warrant, bail slip, and any other court orders relative to each charge for which a release or detention order was issued by a justice, or a bail commissioner. In cases where a district court justice has made a finding, pursuant to RSA 597:2, IV that the person poses a danger to another, the superior court shall, after notification to both parties, the police department that brought the charges in district court, and the victim, conduct a hearing and make written findings supporting any modifications and reasons for new conditions or changes from the district court order. The reviewing court shall take into consideration the district court's written findings, orders, pleadings, or transcript when making a modification.

III. The person, or the state pursuant to RSA 606:10, V, may appeal to the supreme court from a court's release or detention order, or from a decision denying revocation or amendment of such an order. The appeal shall be determined promptly.

8 Bail and Recognizances; Detention and Sanctions for Default or Breach Conditions. Amend RSA 597:7-a, I to read as follows:

I. A peace officer may detain an accused until [he] **the accused** can be brought before a justice **or magistrate** if [he] **the peace officer** has a warrant issued by a justice for default of recognizance or for breach of conditions of release or if [he] **the peace officer** witnesses a breach of conditions of release. The accused shall be brought before a justice **or magistrate** for a bail revocation hearing within [48] **24 hours** [~~Saturdays, Sundays and holidays excepted~~].

9 Effective Date. This act shall take effect January 1, 2025.

2023-2461h

AMENDED ANALYSIS

This bill establishes magistrates who will assist with the hearing of bail, the issuance of warrants, and other judicial functions. This bill further makes various changes to the standards governing the release of individuals on bail pending resolution of criminal cases.

Amendment to SB 252-FN (2023-2470h)

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

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

AN ACT relative to the release of a defendant pending trial, directing the establishment of an electronic monitoring program for criminal defendants released on bail, and making an appropriation therefor.

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

1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, I-III(a) to read as follows:

I. Except as provided in paragraph **III or VI**, upon the appearance before the court **or magistrate** of a person charged with an offense, the court **or magistrate** shall issue an order that, pending arraignment or trial, the person be:

- (a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;
- (b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III;
- (c) Detained; or
- (d) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph VIII.

I-a. The court shall have the authority under paragraph I to set a cash bail amount only if it is an amount which the defendant is able to meet.

II. Except as provided in RSA 597:1-d, a person charged with a probation violation shall be entitled to a bail hearing. The court **or magistrate** shall issue an order that, pending a probation violation hearing, the person be:

- (a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;
- (b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or
- (c) Detained.

III. When considering whether to release or detain a person, the court, **magistrate, or, if applicable, a bail commissioner** shall consider the following issues:

(a) Safety of the public or the defendant.

(1) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; felony level domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; felony level stalking under RSA 633:3-a, VI(a); trafficking in persons under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; or computer pornography and child exploitation under RSA 649-B; shall not be brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before the court. Arraignment shall occur no later than 24 hours after the arrest. In the case of a person arrested when the court is not open within the next 24 hours, a decision on bail shall be made by a magistrate within 24 hours of the arrest. At the person's appearance before the court or magistrate, the court or magistrate shall order that the person be detained pending trial if the court or magistrate determines that there is substantial evidence to believe that release of the person is a danger to that person or the public. For purposes of this subparagraph, "substantial evidence" shall be more than a preponderance of evidence and less than clear and convincing evidence. In determining whether release will endanger the safety of that person or the public, the court or magistrate may consider all relevant and material factors presented pursuant to paragraph IV. If the court or magistrate does not find that there is substantial evidence that the person must be detained, the court or magistrate shall order the person released pursuant to subparagraph I(a) or subparagraph I(b), or, if applicable, temporarily detained pursuant to subparagraph I(d). In any case where a protective order is issued by the court or magistrate related to any of the crimes listed in this subparagraph, a person may be released only with electronic monitoring in order to ensure the safety of any alleged victim. Any violation of the conditions of the release with electronic monitoring shall be immediately reported to the law enforcement agency in the jurisdiction where the violation occurred, which, if there is probable cause to establish such violation, shall cause the person to be arrested forthwith. A person arrested for violating the conditions of his or her bail for an offense listed in this subparagraph shall be held until they can be brought before the court at the first available date. If at a subsequent hearing, the court finds probable cause exists that the person violated the conditions of his or her bail for any of the crimes listed in this subparagraph, such violation shall be prima facie evidence of dangerousness and the defendant shall be held pending trial. The court may seek reimbursement of the cost of electronic monitoring in accordance with the provisions in paragraph VI(b).

(2) If a person is charged with any other criminal offense, [an offense listed in RSA 173-B:1, I, or a violation of a protective order under RSA 458:16, III, or after arraignment, is charged with a violation of a protective order issued under RSA 173-B;] the court or magistrate may order preventive detention without bail, or, in the alternative, may order restrictive conditions including but not limited to electronic monitoring and supervision, only if the court or magistrate determines by clear and convincing evidence that release will endanger the safety of that person or the public, except as provided in paragraph VI. In determining whether release will endanger the safety of that person or the public, the court or magistrate may consider all relevant factors presented pursuant to paragraph IV. The court shall have the authority to set a cash bail amount only if it is an amount which the defendant is able to meet.

2 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, VI to read as follows:

VI. If a person is charged with violation of a protective order issued under RSA 173-B or RSA 633:3-a[;]

(a) The person shall be detained without bail pending arraignment by the court pursuant to RSA 173-B:9, I(a). Arraignment for a person charged with violation of a protective order issued under RSA 173-B or RSA 633:3-a shall not be heard by a magistrate.

(b) If the court releases the person, the court shall order electronic monitoring of the person while released.

(1) The court shall develop uniform criteria to evaluate and determine whether a person is indigent or not indigent for the purpose of the person's ability to repay the cost of electronic monitoring. Based on the criteria, the court shall render a finding of indigent or not indigent for the purpose of the person's ability to repay the cost of electronic monitoring.

(2) If the court finds that the person is not indigent for the purpose of repaying the cost of electronic monitoring, the court shall order that the person reimburse the court for payment of the cost of electronic monitoring unless the person's case terminates without a conviction for any offense. For purposes of this subparagraph, a conviction shall include any plea of guilty or nolo contendere to any originally charged offense or any greater or lesser related offense. If the person's case terminates without a conviction for any offense, the person shall not be liable to pay the cost of the electronic monitoring. The court may extend the time period for repayment in its discretion to allow the person time to make the repayment, except that in no case shall the time period exceed one year from the date the case was closed.

(3) If the court finds that the person is indigent for the purpose of repaying the cost of electronic monitoring, the person shall not be liable to pay the cost of electronic monitoring.

(c) A law enforcement officer shall have probable cause to arrest any person who is released pursuant to this paragraph with electronic monitoring upon probable cause that the person has violated the monitoring conditions imposed by the court. The court employee or agent who is tasked with monitoring the released person shall inform the law enforcement agency in the appropriate jurisdiction of any violation of the monitoring conditions.

(d) Unless pursuant to a search warrant, a law enforcement officer shall not be provided access to any data associated with the electronic monitoring of the released person, including but not limited to location data, for any purpose other than the investigation of non-compliance with the monitoring conditions imposed by the court.

3 New Section; Bail and Recognizances; General Provisions; Electronic Monitoring. Amend RSA 597 by inserting after section 2-b the following new section:

597:2-c Electronic Monitoring Program to be Established.

I. In this section, “electronic monitoring” means tracking the location of an individual through the use of physical equipment or software that is capable of determining or identifying the monitored individual’s presence or absence at a particular location, including but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual’s location.

II. The chief justice of the superior court and the administrative judge of the circuit court shall obtain the ability to equip and monitor defendants who have been arrested and released on bail with electronic monitoring. The chief justice of the superior court and the administrative judge of the circuit court may contract with a private company, enter into a memorandum of understanding with a government agency, or utilize their own personnel, subject to legislative appropriation, to obtain such ability to both equip and monitor.

4 Appropriation; Department of Safety; Division of State Police and the New Hampshire Judicial Branch.

I. The sum of \$750,000 is hereby appropriated in the fiscal year ending June 30, 2024, to the department of safety, division of state police, to develop and implement a system to electronically share an individual’s bail condition status with law enforcement.

II. The sum of \$986,000 is hereby appropriated in the fiscal year ending June 30, 2024, to the judicial branch, to develop and implement a judicial branch bail data platform to enable electronic sharing of an individual’s bail condition status with law enforcement.

III. The appropriations in paragraphs I and II shall not lapse. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

5 Effective Date.

I. Sections 1 and 2 of this act shall take effect January 1, 2025.

II. The remainder of this act shall take effect June 30, 2024.

2023-2470h

AMENDED ANALYSIS

This bill makes various amendments to the standards governing the release of a defendant pending the resolution of criminal charges. This bill further requires the chief justice of the superior court and the administrative judge of the circuit court to obtain the ability to equip and monitor defendants who have been arrested and released on bail with electronic monitoring and provides appropriations to the department of safety and the judicial branch for this purpose.

Amendment to SB 255-FN

(2023- 2420h)

Proposed by the Committee on Judiciary – r

Amend RSA 507-H:2 and 507-H:3 as inserted by section 1 of the bill by replacing them with the following:

507-H:2 Application. This chapter applies to persons that conduct business in this state or persons that produce products or services that are targeted to residents of this state that during a one year period:

(a) Controlled or processed the personal data of not less than 35,000 unique consumers, excluding personal data controlled or processed solely for the purpose of completing a payment transaction; or

(b) Controlled or processed the personal data of not less than 10,000 unique consumers and derived more than 25 percent of their gross revenue from the sale of personal data.

507-H:3 Exclusions.

I. This chapter shall not apply to any:

(a) Body, authority, board, bureau, commission, district or agency of this state or of any political subdivision of this state;

- (b) Nonprofit organization;
- (c) Institution of higher education;
- (d) National securities association that is registered under 15 U.S.C. section 78o-3 of the Securities Exchange Act of 1934, as amended;
- (e) Financial institution or data subject to Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. 6801 et seq.; or,

- (f) A covered entity or business associate, as defined in 45 C.F.R. 160.103.(b).

II. The following information and data shall be exempt from this chapter:

- (a) Protected health information under HIPAA;
- (b) Patient-identifying information for purposes of 42 U.S.C. section 290dd-2;
- (c) Identifiable private information for purposes of the federal policy for the protection of human subjects under 45 C.F.R. 46;

- (d) Identifiable private information that is otherwise information collected as part of human subjects research pursuant to the good clinical practice guidelines issued by the International Council for Harmonization of Technical Requirements for Pharmaceuticals for Human Use;

- (e) The protection of human subjects under 21 C.F.R. Parts 6, 50, and 56, or personal data used or shared in research, as defined in 45 C.F.R. 164.501, that is conducted in accordance with the standards set forth in this chapter, or other research conducted in accordance with applicable law;

- (f) Information and documents created for purposes of the Health Care Quality Improvement Act of 1986, 42 U.S.C. 11101 et seq.;

- (g) Patient safety work product for purposes of the Patient Safety and Quality Improvement Act, 42 U.S.C. 299b-21 et seq., as amended;

- (h) Information derived from any of the health care related information listed in this subsection that is de-identified in accordance with the requirements for de-identification pursuant to HIPAA;

- (i) Information originating from and intermingled to be indistinguishable with, or information treated in the same manner as, information exempt under this section that is maintained by a covered entity or business associate, program or qualified service organization, as specified in 42 U.S.C. 290dd-2, as amended;

- (j) Information used for public health activities and purposes as authorized by HIPAA, community health activities and population health activities;

- (k) The collection, maintenance, disclosure, sale, communication or use of any personal information bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living by a consumer reporting agency, furnisher or user that provides information for use in a consumer report, and by a user of a consumer report, but only to the extent that such activity is regulated by and authorized under the Fair Credit Reporting Act, 15 U.S.C. 1681 et seq.;

- (l) Personal data collected, processed, sold or disclosed in compliance with the Driver's Privacy Protection Act of 1994, 18 U.S.C. 2721 et seq., as amended;

- (m) Personal data regulated by the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g et seq., as amended;

- (n) Personal data collected, processed, sold or disclosed in compliance with the Farm Credit Act, 12 U.S.C. 2001 et seq., as amended;

- (o) Data processed or maintained in the course of an individual applying to, employed by or acting as an agent or independent contractor of a controller, processor or third party, to the extent that the data is collected and used within the context of that role; as the emergency contact information of an individual under this chapter used for emergency contact purposes; or, that is necessary to retain to administer benefits for another individual relating to the individual who is the subject of the information under HIPAA and used for the purposes of administering such benefits; and,

- (p) Personal data collected, processed, sold or disclosed in relation to price, route or service, as such terms are used in the Airline Deregulation Act, 49 U.S.C. 40101 et seq., as amended, by an air carrier subject to the act, to the extent this chapter is preempted by the Airline Deregulation Act, 49 U.S.C. 41713, as amended;

- (q) Personal information maintained or used for purposes of compliance with the regulation of listed chemicals under the federal Controlled Substances Act, 21 U.S.C. section 830.

- (r) Information included in a limited data set as described at 45 C.F.R. 164.514(e), to the extent that the information is used, disclosed, and maintained in the manner specified at 45 C.F.R. 164.514(e).

III. Controllers and processors that comply with the verifiable parental consent requirements of COPPA shall be compliant with any obligation to obtain parental consent pursuant to this chapter.

Amend RSA 507-H:4, II as inserted by section 1 of the bill by replacing it with the following:

II. A consumer may exercise rights under this section by a secure and reliable means established by the secretary of state and described to the consumer in the controller's privacy notice. A consumer may designate an authorized agent in accordance with RSA 507-H:5 to exercise the rights of such consumer to opt-out of the

processing of such consumer's personal data for purposes of RSA 507-H:4, III(e) on behalf of the consumer. In the case of processing personal data of a known child, the parent or legal guardian may exercise such consumer rights on the child's behalf. In the case of processing personal data concerning a consumer subject to a guardianship, conservatorship, or other protective arrangement, the guardian or the conservator of the consumer may exercise such rights on the consumer's behalf.

Amend the introductory paragraph of RSA 507-H:6, III as inserted by section 1 of the bill by replacing it with the following:

III. A controller shall provide consumers with a reasonably accessible, clear and meaningful privacy notice meeting standards established by the secretary of state that includes:

Amend the introductory paragraph of RSA 507-H:6, V(a) as inserted by section 1 of the bill by replacing it with the following:

V.(a) A controller shall establish, and shall describe in a privacy notice, consistent with the requirements of the secretary of state, one or more secure and reliable means for consumers to submit a request to exercise their consumer rights pursuant to this chapter. Such means shall take into account the ways in which consumers normally interact with the controller, the need for secure and reliable communication of such requests and the ability of the controller to verify the identity of the consumer making the request. A controller shall not require a consumer to create a new account in order to exercise consumer rights, but may require a consumer to use an existing account. Any such means shall include:

Amend the bill by replacing all after RSA 507-H:10 as inserted by section 1 of the bill with the following:

507-H:11 Notice; Enforcement.

I. The attorney general shall have exclusive authority to enforce violations under this chapter.

II. During the period beginning January 1, 2025 and ending December 31, 2025, the attorney general shall, and following said period the attorney general may, prior to initiating any action for a violation under this chapter, issue a notice of violation to the controller if the attorney general determines that a cure is possible. If the controller fails to cure such violation within 60 days of receipt of the notice of violation, the attorney general may bring an action pursuant to this section.

III. Beginning January 1, 2026, in determining whether to grant a controller or processor the opportunity to cure an alleged violation described under this chapter, the attorney general may consider:

- (1) The number of violations;
- (2) The size and complexity of the controller or processor;
- (3) The nature and extent of the controller's or processor's processing activities;
- (4) The substantial likelihood of injury to the public;
- (5) The safety of persons or property; and
- (6) Whether such alleged violation was likely caused by human or technical error.

IV. Nothing in this chapter shall be construed as providing the basis for, or be subject to, a private right of action for violations under this chapter or any other law.

V. A violation under this chapter shall constitute an unfair method of competition or any unfair or deceptive act or practice in the conduct of any trade or commerce within this state under RSA 358-A:2 and shall be enforced by the attorney general.

507-H:12 Compliance with Other Law. An individual or entity covered by this chapter and other law regarding third party providers of information and services is required to comply with both chapters, provided, however, that to the extent there is a direct conflict between the two chapters which precludes compliance with both statutes, the individual or entity shall comply with the statute that provides the greater measure of privacy protection to individuals. For purposes of this section, an "opt in" procedure for an individual to grant consent for the disclosure of personal information shall be deemed to provide a greater measure of protection of privacy than the "opt out" procedure established under this chapter.

2 Effective Date. This act shall take effect January 1, 2025.

Amendment to SB 266 (2023-2390h)

Proposed by the Committee on Education - c

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

AN ACT relative to administration of school assessment and accountability programs by the department of education.

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

1 New Paragraph; Statewide Education Improvement and Assessment Program; Definitions. Amend RSA 193-C:2 by inserting after paragraph III the following new paragraph:

III-a. "N-size" means the student sample size necessary to disclose or display data to ensure maximum student group visibility while protecting student privacy.

2 Program Goals; Assessment. Amend RSA 193-C:3, II to read as follows:

II. Since the program is not a minimum competency testing program, assessment instruments should be designed to reflect the range of learning exhibited by students. The assessment portion of the program shall consist of a variety of assessment tasks that measure academic standards and are objectively scored. The assessment instruments shall include, but not be limited to:

(a) Constructed response items which require students to produce answers to questions rather than to select from an array of possible answers.

(b) A writing sample.

(c) [Other] Open-ended performance tasks.

(d) Other item types identified by the department and testing entity, as necessary, to appropriately measure student learning.

3 Assessment Required. Amend RSA 193-C:6 to read as follows:

193-C:6 Assessment Required.

I. A statewide assessment *of mathematics and English and language arts* shall be administered in all ~~[school districts]~~ **chartered public schools, public schools, and public academies** in the state ~~[once in an elementary school grade, once in a middle school grade]~~ **in each of the grades 3 through 8**, and one grade in high school. ~~[For those years in grades 3 through 8 in which the school district does not administer the statewide assessment, the school district, in consultation with the department and as part of the statewide education improvement and assessment program, shall develop and administer its own assessment or shall administer a standardized assessment that identifies a pupil's range of learning and yields objective data to use in improving instruction and learning.]~~ **A statewide assessment of science shall be administered in all chartered public schools, public schools, and public academies in the state once in grade 5, once in grade 8, and one grade in high school.**

II. *A school district may choose to participate in a locally-developed, alternative assessment program, in place of the statewide assessment, if such a program is offered by the department and approved by the United States Department of Education.*

III. All public school students in the designated grades shall participate in the assessment, unless such student is exempted from taking the test by his or her parent or legal guardian, or provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow pupils to participate in that state's assessment program as an alternative to the assessment required under this chapter.

IV. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment.

V. The department may use the College Board SAT or ACT college readiness assessment to satisfy the high school assessment requirements of this chapter.

VI. The statewide assessment results of a student or the student's school district shall not be included as part of the student's transcript unless the student, if 18 years of age or older, or the student's parent or legal guardian if the student is under 18 years of age, consents.

VII. A school district shall not penalize any exempted student nor shall the department of education or the state board of education penalize any school district for a lower participation rate. A school district shall develop a form to be signed by the parent or legal guardian of any student exempted from the assessment. The school district shall provide an appropriate alternative educational activity for the time period during which the assessment is administered. The alternative activity shall be agreed upon by the school district and the parent or legal guardian of the student. The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the assessment shall not be public information and shall be excluded from access under RSA 91-A.

4 Anonymity of Pupil Assessment Results. Amend RSA 193-C:11 to read as follows:

193-C:11 Anonymity of Pupil Assessment Results; Parental Authorization Required. Individual pupil names or codes contained in the statewide assessment results, scores, or other evaluative materials shall be deleted for the purposes of records maintenance and storage of such results or scores at the department of education, unless a parent or legal guardian provides written authorization otherwise, or as required under federal law. Individual pupil results shall be made available to a parent, a legal guardian, or the pupil's school in accordance with the Family Educational and Privacy Rights Act, 20 U.S.C. 1232g. **For the purposes of public reporting, the state shall use a minimum n-size of 11 to maintain student data privacy.**

5 Pupil Assessment Information. Amend RSA 193-C:12 to read as follows:

193-C:12 Pupil Assessment Information.

I. The department shall provide the testing entity as defined in RSA 189:65, VIII, with individual pupil names and unique pupil identifiers, **and other demographic and statistical information necessary to comply with state and federal reporting.** The testing entity shall maintain the results, scores, or other evaluative materials for the purpose of measuring and reporting individual student growth.

II. The department may provide, or may request the testing entity to provide, the assessment results and comparative data to a parent, a legal guardian, or the pupil's school as provided in RSA 193-C:11. The department may collect, and the districts shall provide, student address information from the individual school districts solely for the purpose of effectuating the distribution of assessment results and comparative data as provided in this section.

III. The report shall be provided to parents in an informative and instructional manner to help children meet challenging state academic standards and advance student learning.

IV. The testing entity shall destroy all student data [after 8 years] **on a schedule determined by the state contract with the testing entity.**

V. Student data shall not be disclosed by the testing entity to any person, organization, entity, or government or any component thereof, other than the parent or guardian, the department, or the school or school district, and shall not be used by the testing entity for any other purpose except as provided in RSA 193-C:12.

6 School Performance and Accountability; Comprehensive Support and Improvement School. Amend RSA 193-H:1, III to read as follows:

III.(a) "Comprehensive support and improvement school" means:

(1) Any school that accepts federal funds from Title I, Part A of ESSA and is among the 5 percent lowest performing Title I schools in the state as defined by the New Hampshire consolidated state plan required for ESSA [dated January 19, 2018].

(2) Any school that is among the lowest performing 5 percent of all schools in the state based on the same methodology used in subparagraph (1) **regardless of Title I status.**

(3) Any high school with a graduation rate of less than [69] **67** percent [over 2 consecutive years].

(b) The department shall produce initial determinations of comprehensive support and improvement schools in the fall of 2018, using data from the 2017-2018 school year. Subsequent determinations shall be made [every 3 years following the initial identification period] **based upon a schedule set forth in the New Hampshire consolidated state plan. The purpose of the consolidated state plan is to provide parents with quality, transparent information about how the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), will be implemented in New Hampshire as submitted by the state and approved by the federal Department of Education.**

(c) Those schools identified as comprehensive support and improvement schools, that also receive Title I, Part A funds through ESSA, may also receive federal Title I school improvement funds, if available, to assist in improvement activities.

(d) Any school that demonstrates and meets criteria established as a comprehensive support and improvement school pursuant to subparagraph (a) shall be identified as a school in need of corrective and technical assistance and subject to RSA 193-E:3-e.

7 School Performance and Accountability; Targeted Support and Improvement Schools. Amend RSA 193-H:1, VII to read as follows:

VII. "Targeted support and improvement schools" means:

(a)(1) Any school with at least one consistently low performing subgroup as defined by the state's methodology documented in the New Hampshire consolidated state plan required for ESSA [dated January 19, 2018]. Additional targeted support and improvement schools are those schools with subgroups of students that, on their own, would fall below the thresholds used to identify all schools for comprehensive support and improvement. The department shall produce initial determinations of targeted support and improvement schools using data from the 2017-2018 school year. Subsequent determinations shall be made[annually following the initial identification period] **based upon a schedule set forth in the New Hampshire consolidated state plan.**

(2) Any school that demonstrates and meets criteria established as a targeted support and improvement school pursuant to subparagraph (a) shall be identified as a school in need of corrective and technical assistance and subject to RSA 193-E:3-e.

(b) Those schools identified for targeted support and improvement schools, that also receive Title I, Part A funds through ESSA, may also receive federal Title I school improvement funds, if available, to assist in improvement activities.

8 School Performance Targets. Amend RSA 193-H:2 to read as follows:

193-H:2 Statewide Performance Targets.

I. [~~On or before the 2018-2019 school year, schools shall ensure that all pupils are performing at the proficient level or above on the statewide assessment as established in RSA 193-C.~~

~~H. In addition to the requirement of paragraph I,] Schools shall meet performance based indicators under this chapter, and statewide performance targets as approved by the legislative oversight committee established in RSA 193-C and thereafter, as established in rules adopted by the state board of education pursuant to RSA 541-A.~~

[HH:] **II.** Notwithstanding RSA 541-A, the state board of education shall receive approval from the legislative oversight committee established in RSA 193-C prior to the submission of any rules to the joint legislative committee on administrative rules relative to statewide performance targets and performance based indicators required under this section.

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

2023-2390h

AMENDED ANALYSIS

This bill modifies the statewide education improvement and assessment program and the school performance and accountability program as administered by the bureau of assessment and accountability in the department of education.