



State of
New Hampshire

HOUSE RECORD

Second Year of the 168th General Court Calendar and Journal of the 2024 Session

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Friday, March 22, 2024

No. 12

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

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

Thank you, again, for your dedicated service to our state this week. Your diligence and respect for your fellow legislators and staff helps the legislative process move forward smoothly and efficiently.

The House will meet on Thursday, March 28th, 2024, starting at 9:00 a.m. Please also hold Thursday, April 11th, for a House session day. The House will not meet on Thursday, April 4th.

As announced at the beginning of Session on Thursday, March 21, in order to standardize the time members have to return to the chamber when division or roll call votes are called, the Sergeant-at-Arms will begin to institute a 60-second time limit before doors are closed. Members are advised to be cognizant of the new procedural update and plan their time outside of the chamber appropriately.

The solar eclipse on April 8th will be amazing to witness, but looking at the sun, even during an eclipse and even briefly, without proper eye protection, can cause severe, permanent damage or blindness. Permanent damage to the retinal cells can occur in just seconds. To protect your eyes, the N.H. Optometric Association has provided the NH House a limited supply of approved solar eclipse viewing glasses. We will have a supply on hand for House Members and staff. Supply is limited and is restricted to one set per member. Please see Krista Chamberlain in the Speaker's office.

As Clerk Smith mentioned in an email earlier this week, Members are prohibited from recording, either audio or video, from the House floor during session. The video of House session is available on YouTube and may be cut accordingly for your own use. Devices may be taken by the Sergeant-at-Arms if members violate this rule. (House Rule 64)

Your safety and security are a high priority in and around the State House Complex. To report a security concern, please visit the nearest Protective Services post, or call 603-271-2200. If there is an emergency situation, dial 9-1-1 first.

Sherman A. Packard, Speaker of the House

NOTICE

The next meeting of the chairs and vice chairs is scheduled for Tuesday, March 26th, 2024, from 9:15 a.m. – 10:00 a.m. in Rooms 302-304 of the Legislative Office Building.

Sherman A. Packard, Speaker of the House

NOTICE

There will be a Democratic Caucus on **Thursday, March 28th at 8:00 a.m.** in the State House Cafeteria.
Rep. Matt Wilhelm, Democratic Leader

NOTICE

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

CLOSES AT 3:00 p.m. ON:

Wednesday, March 27, 2024
Wednesday, April 3, 2024
Wednesday, April 10, 2024

AVAILABLE ON:

Friday, March 29, 2024
Friday, April 5, 2024
Friday, April 12, 2024

Paul C. Smith, Clerk of the House

2024 HOUSE DEADLINES

Second Year Session Deadlines

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.)
Thursday, January 2, 2025	Ten-day signoff begins
Friday, January 24, 2025	Last day to sign-off on all LSRs (12:00 p.m.)
	Last day to introduce House Bills
	Last day to amend House Rules by majority vote

NOTICE

We are pleased to extend an invitation to the biennial Health Screening Day presented by Health Services. This event aims to promote wellness and provide valuable health resources to all participants. During the event, you will have the opportunity to have your blood pressure checked, assess your balance, learn hands-only CPR, AED operation, and Stop the Bleed Techniques. In addition, receive Stress Reduction tips, obtain Nutritional Counseling, enjoy Chair Massages, and information on Yoga, Meditation, and Reiki. We encourage you to take advantage of this valuable opportunity to prioritize your health and well-being. Should you have any questions or require further information, please feel free to contact Nurse Michele (603) 271-2757.

Date: Tuesday, April 30th, 2024, Time: 10:00 am to 2:00 pm Location: Rooms 210-211, Legislative Office Building.

Michele Flanagan, RN

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

BILLS LAID ON THE TABLE

HB 147, relative to membership of the advisory committee on the education of students with disabilities. Pending question: No pending question.

HB 232-FN, adopting section 1910 OSHA standards for public sector employees in New Hampshire. Pending question: Amendment (2429h).

HB 267, relative to criminal records checks in school employment. Pending question: Refer for Interim Study.

HB 301, relative to recusal by members of the general court for conflicts of interest. Pending question: Amendment (2326h).

HB 369, establishing a task force to provide energy relief on farms. Pending question: No pending question.

HB 375-FN, relative to the licensure of nonresident aliens temporarily residing in New Hampshire. Pending question: Inexpedient to Legislate.

HB 437-FN, relative to a reading assessment and intervention program. Pending question: Refer for Interim Study.

HB 439-FN, relative to the duty to provide an education and contracts with private schools. Pending question: No pending question.

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. Pending question: Inexpedient to Legislate.

HB 505-FN, relative to comprehensive mental health education in schools. Pending question: No pending question.

HB 546-FN-L, relative to the school building aid program. Pending question: No pending question.

HB 553, relative to school district information on personnel salaries. Pending question: No pending question.

HB 570, relative to Real ID compliant New Hampshire driver's licenses. Pending question: Inexpedient to Legislate.

HB 577-FN-L, relative to state aid for special education pupils. Pending question: No pending question.

HB 651, authorizing the department of education and local school districts to contract with transportation network companies to provide school transportation services. Pending question: Inexpedient to Legislate.

HB 1053, relative to permissible residential units in a commercial zone. Pending question: Inexpedient to Legislate.

HB 1099, relative to partisan school district elections. Pending question: Inexpedient to Legislate.

HB 1100, relative to coyote hunting. Pending question: Inexpedient to Legislate.

HB 1156, relative to public health, safety, and state sovereignty. Pending question: Indefinite Postponement.

HB 1208-FN, relative to permitting requirements before timber harvesting operations in a wetland. Pending question: Inexpedient to Legislate.

HB 1210, relative to the election of Strafford county commissioners. Pending question: No pending motion.

HB 1240, relative to eating disorders as a qualifying condition for the therapeutic cannabis program. Pending question: Inexpedient to Legislate.

HB 1281, relative to zoning restrictions on residential rental property. Pending question: Inexpedient to Legislate.

HB 1297-FN, relative to the authority of municipalities to enforce ordinances related to health and safety. Pending question: Inexpedient to Legislate.

HB 1317-FN-L, relative to municipal filings made by charitable organizations exempt from taxation. Pending question: Majority committee amendment.

HB 1336, relative to employees' firearms in locked vehicles. Pending question: No pending question.

HB 1353, relative to authorizing the commissioner of the department of education to issue subpoenas. Pending question: Ought to Pass.

HB 1482, relative to the sale of human blood and organs. Pending question: Inexpedient to Legislate.

HB 1522-FN, relative to weekly benefit amounts for unemployment compensation. Pending question. No pending question.

HB 1560-FN-A, relative to unassigned moneys in the education trust fund. Pending question: Ought to Pass.

HB 1629-FN, relative to attorney general's duties concerning legislators residing in different districts than they represent. Pending question: No pending question.

HB 1640-FN, relative to qualified immunity standards. Pending question: Inexpedient to Legislate.

HB 1644-FN, requiring the department of energy to initiate an investigation of the benefits and key considerations regarding support for clean or non-carbon emitting power generation. Pending question: Committee amendment.

HB 1683-FN, relative to coverage of circumcision under the state Medicaid plan. Pending question: Inexpedient to Legislate.

HB 1686-FN, relative to requiring excess revenues raised through the statewide education property tax to be remitted to the education trust fund and prohibiting the department of revenue administration from setting negative local and county tax rates on real property. Pending question: No pending question.

HCR 8, applying to congress for a limited national convention for the exclusive purpose of proposing an amendment to the United States Constitution relative to elections. Pending question: Ought to Pass.

HR 27, calling for policymakers locally and nationally to fully consider all relevant information and factors pertaining to climate change before pursuing courses of action that could adversely affect any economy or environment. Pending question: Ought to Pass.

SB 218-FN-A, establishing an early educator professional development grant. Pending question: No pending question.

HOUSE BILLS AMENDED BY THE SENATE

HB 135-FN, (Second New Title) relative to requisites for a criminal search warrant. (SJ 2/8/2024)

HB 154, (New Title) relative to electronic ballot counting devices. (House Concurs 2/15/2024)

HB 261, (New Title) relative to rights of tenants in cases of domestic violence. (SJ 2/8/2024)

HB 596, prohibiting the use of racial profiling in law enforcement activities and in sentencing. (SJ 2/15/2024)

THURSDAY, MARCH 28

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1018, relative to on-premise and off-premise liquor licenses. **OUGHT TO PASS WITH AMENDMENT.** Rep. John Potucek for Commerce and Consumer Affairs. This bill makes various changes to various liquor laws relative to on-premise and off-premise liquor licenses that are just clarifications of the current laws. The amendment clarifies the distilling law and adds hookahs to the cigar law. **Vote 17-0.**

HB 1033, relative to the advertising of nominal dimensions of lumber. **INEXPEDIENT TO LEGISLATE.** Rep. Carry Spier for Commerce and Consumer Affairs. The industry standard, when expressing the “nominal” dimensions for lumber is to use the board’s rough cut size before it has been planed smooth. After it has been planed, lumber shrinks at a rate predictable based on the type of wood. The committee heard from a representative for the NH lumber industry that the state sells lumber all over the world and customers expect the wood to be specified in nominal dimensions. In addition, design software used by architects and designers expect lumber to be listed using nominal dimensions and account for planning and shrinkage automatically based on wood specifications. **Vote 18-0.**

HB 1071, relative to the right to repair certain educational technology. **INEXPEDIENT TO LEGISLATE.** Rep. Carry Spier for Commerce and Consumer Affairs. The specific equipment referred to are laptop computers and accessories purchased by a publicly funded school. Both California and New York have passed laws for right to repair. In both cases the laws have limited applicability with some positive and negative impacts. For example, the repair module for a laptop can be the whole motherboard, not just the processor chip, costing almost as much as the computer to begin with. The laws in both states go into effect later this year. After reviewing the information available, the committee feels that right to repair laptops can be taken up again after the impact of the various state laws (all of which are different) have had an effect on the market, the industry and data security to determine the best approach for NH. **Vote 17-0.**

HB 1076-FN, relative to wine manufacturer licenses. **OUGHT TO PASS WITH AMENDMENT.** Rep. John Hunt for Commerce and Consumer Affairs. This bill enables a wine manufacturer licensee to hold an on-premises license on the premises of the wine manufacturer facility, or on the premises of the wine manufacturer retail outlet. The amendment allows beverage manufactures to have the same privilege. **Vote 18-0.**

HB 1081, relative to insurance payments to ambulance providers. **OUGHT TO PASS.** Rep. John Hunt for Commerce and Consumer Affairs. This bill requires health insurance carriers that provide benefits for medically necessary ambulance services to directly reimburse ambulance service providers subject to the terms and conditions of the policy, plan, or contract. The intent is that when an ambulance provider is out-of-network and provides a service to the health carrier’s enrollee, the carrier shall directly pay the carrier’s allowed amount for that service to the ambulance service provider. The allowed amount may be less than the in-network contracted rate. Ambulance service providers are encouraged to join carrier networks in order to enhance consumer protection by bringing an end to ground ambulance balance billing. This bill does not interfere with an out-of-network ambulance service provider’s choice to balance bill the patient for any balance due after the provider receives payment from the carrier. This bill also does not interfere with a health insurance carrier’s choice to provide assistance to a health plan enrollee who has been balanced billed, including directly reimbursing an enrollee who has been balanced billed at an amount determined by the carrier. **Vote 18-0.**

HB 1090-FN, repealing the requirement to register “farmers’ market” as a trade name. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill repeals the prohibition against using the term “farmers’ market” in a trade name unless the use met specific requirements. The bill was considered unnecessary so the committee recommends it be found Inexpedient to Legislate. **Vote 17-0.**

HB 1094, relative to insurance coverage for pediatric autoimmune neuropsychiatric disorders. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Porcelli for Commerce and Consumer Affairs. The purpose of this bill was to remove the prospective repeal of a reference to treatments for pediatric autoimmune neuropsychiatric disorders (PANDA) in the requirement for insurance coverage of certain biologically-based mental illnesses. The intention of the sponsor was to make the law permanent. The sponsor requested a motion of Inexpedient to Legislate since changes to the law were not required. **Vote 18-0.**

HB 1117, relative to creating a committee to study the protection of business operators against requests to accommodate customers with fraudulent or untrained service animals. **REFER FOR INTERIM STUDY.**

Rep. Brian Cole for Commerce and Consumer Affairs. Right now it is too easy to commit fraud in this area, as anyone can obtain a service vest for an animal. The Americans with Disabilities Act does not require a vest or ID badge for service animals. Until a national registry is created for trained certified service animals there is no current method of verifying authenticity of claims. To consider the matter further, therefore, the committee recommends that this bill be Referred for Interim Study. **Vote 17-0.**

HB 1129, relative to the authority to vote by proxy in a condominium association. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jane Beaulieu for Commerce and Consumer Affairs. The bill, as amended, makes changes to the Condominium Act RSA 356-B:39. The votes pertaining to any unit may be cast in person at a properly noticed meeting of the unit owners association or pursuant to a directed or undirected proxy. The option of a directed or undirected proxy shall be the choice of the unit owner. The board of directors or the association secretary shall implement a process to ensure the integrity of all votes. **Vote 17-0.**

HB 1135, relative to the definition of specialty beer. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill amends the definition of specialty beer by reducing the threshold level of alcoholic content from 6% to .5%. Under current law, any beverages (beer, wine, or distilled) that are 6% or less are considered a "beverage," regardless of what kind of alcohol they are. Redefining them as a "specialty beer" would disrupt the purpose of the specialty beer definition which can only be a beer with an alcohol level greater than 6%. Therefore the committee recommends this bill be found Inexpedient to Legislate. **Vote 18-0.**

HB 1144, relative to requirements for sewage disposal system information to be disclosed during real estate transactions. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill requires certain information to be disclosed about sewage disposal systems during real estate transactions of dwellings and food service establishments. Purchase and sale agreements shall require: information relative to the private sewage disposal system serving the property including copies of the most recent state approvals, the number of approved bedrooms if the system serves a residential unit, the number of approved seats if the system serves a food service establishment, its location, malfunctions, the date it was most recently serviced and the name of the contractor who services the system. **Vote 17-0.**

HB 1151, relative to the carrying of alcoholic beverages on hotel premises. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brian Cole for Commerce and Consumer Affairs. As amended, this bill amends RSA 179:27 by inserting a paragraph that allows a guest of a hotel to purchase a drink at a hotel bar or restaurant and carry it back to the guest's room. This bill also makes a change to RSA 176:16 by request of the liquor commission. It changes the deposit rate of the balance left in the liquor commission fund from daily to monthly. This bill, will also allow service on stages, in designated performance areas, or in areas designated for entertainers. The New Hampshire Liquor Commission supports this, believing it will clarify and uniformly apply liquor laws while recognizing entertainers' unique role in licensed establishments. By voting for this bill, legislators can demonstrate their commitment to supporting artists' freedom and creativity in New Hampshire. The passage of this bill as amended ensures that performers can engage with audiences more authentically without unnecessary restrictions on their ability to consume alcohol in designated areas. This bill balances responsible alcohol regulations and fosters an environment where artists can thrive. A vote for this bill is a vote for keeping our state's cultural scene vibrant and appealing. **Vote 18-0.**

HB 1155, relative to insurance coverage for living organ donors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tim McGough for Commerce and Consumer Affairs. This bill prohibits disparate treatment of a life insurance or long-term care insurance policy holder based on their status as a living organ donor. The committee believes organ donation should be encouraged and there exists a shortage of life saving organs for transplantation and potential donors should not be concerned about procurement of insurance policies due to status as a living prior organ donor. **Vote 18-0.**

HB 1159, relative to toilet facilities provided by restaurants and other food establishments. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill would require that restaurants designed to seat 50 or more patrons have at least two separate toilet rooms, and eliminates the requirement for separate bathrooms to be gender-specific. The Committee addressed this issue in a bill from last year so this bill was unnecessary. **Vote 17-0.**

HB 1172, relative to meetings of condominium boards and committees. **OUGHT TO PASS.**

Rep. Carry Spier for Commerce and Consumer Affairs. This bill allows condominium boards to give a five-day notice instead of a ten-day notice of a board of directors meeting under certain circumstances. It also

clarifies the definition of what constitutes a board of directors meeting. Based on information provided at the hearing, the committee unanimously found the bill to be reasonable in solving the issues presented. **Vote 18-0.**

HB 1224, relative to amendment of condominium instruments. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. At the hearing it was found that changing a shared utility service could require a very large capital investment from each condominium owner. For instance, the installation of solar panels on all units, or the installation of geothermal heat pumps could be examples of such changes. The committee felt that a much more substantial majority should be required before committing to such a project. **Vote 18-0.**

HB 1225, relative to prescription drug affordability board conflicts of interest. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill expands regulation of conflicts of interest applicable to members of the prescription drug affordability board. The bill as written and the amendment that was proposed were unworkable so the committee decided to recommend that the bill be Referred for Interim Study. **Vote 18-0.**

HB 1227, relative to extending the hours of alcoholic beverage sales for on-premises licensees. **OUGHT TO PASS.**

Rep. Jared Sullivan for Commerce and Consumer Affairs. This bill would extend the mandatory closing hours for all on-premises licensees from 1:00 a.m. to 2:00 a.m., and bring New Hampshire in line with the majority of states in the country. An extended closing time has not been convincingly shown to cause social issues or increased crime. Two of the three states bordering NH have 2:00 a.m. closing times, and as NH works to attract and retain young people, nightlife in our cities and towns is one of the considerations for potential new residents of our state. **Vote 18-0.**

HB 1236, relative to repealing the commission on the status of health coverage markets for individuals and small employers. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. The purpose of this bill is to repeal RSA 404-J because it is no longer needed. **Vote 18-0.**

HB 1241, relative to regulation of money transmitters. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Ammon for Commerce and Consumer Affairs. This bill, as amended, replaces New Hampshire's existing money transmitter statutes with the Conference of State Bank Supervisors' Model Money Transmission Modernization Act. The bill updates definitions, licensing requirements, and regulatory provisions for money transmitters. The bill aligns the license renewal terms for money transmitters with those of mortgage loan originators, mortgage bankers/brokers, small loan lenders, and debt adjusters. It establishes net worth and surety bond requirements for licensees. It exempts certain payroll processing activities from money transmitter licensing, except for payroll processors that issue stored value cards directly to employees. It also clarifies that those dealing solely with virtual currency are not subject to the money transmitter provisions and will remain subject to the state's consumer protection laws **Vote 16-1.**

HB 1243, revising the laws relative to retail installment sales of motor vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Chris McAleer for Commerce and Consumer Affairs. The bill, as amended, is a request of the banking department. It revises the law on retail installment sales of motor vehicles administered by the banking department. There are no new policy changes, just updating the statute. **Vote 17-0.**

HB 1257, relative to contracts between public adjusters and the insured. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. Although this bill was a request of the Insurance Department to provide that a property insurance policy shall not prohibit the insured from hiring a public adjuster, it was agreed by all that the law is unnecessary. **Vote 18-0.**

HB 1259, relative to property and casualty insurance laws administered by the insurance department. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill clarifies the distinction between personal and commercial lines in homeowners policies; permits the use of electronic communication for auditable basis policies; and requires the insurer to state the specific reason for cancellation or refusal to renew a policy. The bill was a request of the Insurance Department and was amended to add an exemption for a person who solely investigates, negotiates, settles, or completes a first notice of loss form for automobile glass replacement or repair claim. **Vote 18-0.**

HB 1275-FN, relative to requiring notice to consumers of vehicles that require repair solely through a dealership and contain proprietary information. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. The committee found that some of the information can already be found in the operator's manual and that modern automobiles and motorcycles not only contain

more proprietary parts than can fit on a list or somewhere on a motorcycle but that the tools used to repair a vehicle are often themselves proprietary. The bill did not indicate at which system or subsystem level the label information is to be provided to be of any help to the consumer. **Vote 17-0.**

HB 1296-FN, relative to insurance coverage for diagnostic and supplemental breast examinations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. This bill would expand an existing mandate and require fully-insured employer-sponsored health plans to cover diagnostic and supplemental breast examinations without cost sharing to the individual when such services are medically necessary and appropriate and are delivered by an in-network provider. Under the Affordable Care Act, fully-insured health plans are currently required to pay for certain recommended preventive services with no out-of-pocket expenses, including no more than one screening mammogram per year for women ages 40 and older. This bill would require that medically necessary and appropriate follow-up examinations to a screening mammogram be covered by fully-insured employer-sponsored health plans without cost sharing. Such follow-up examinations may include a breast ultrasound or a breast MRI used, for example, to evaluate a detected abnormality or to screen individuals who have recently been treated for breast cancer. By eliminating cost sharing on diagnostic and supplemental breast examination services, the Insurance Department assumes there would be the potential for upward pressure on premiums in fully-insured employer-sponsored health plans that is indeterminable at this time. The Committee is very cognizant of the need to avoid passing new requirements that can increase insurance premiums for NH's employers and their employees. The Committee was willing to support this bill because they view it as a unique and very narrow expansion of an existing mandate, and a claims data analysis performed by the Insurance Department suggests the impact on premiums should be quite small. **Vote 17-0.**

HB 1306, relative to special assessments for capital improvements in condominiums. **REFER FOR INTERIM STUDY.**

Rep. Carry Spier for Commerce and Consumer Affairs. At the time of the hearing, no details or clarifications were provided. Therefore, the committee feels more work is needed to understand the context and issues this bill is specifically trying to address. **Vote 18-0.**

HB 1320, relative to real property and flood risk disclosure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill as introduced requires disclosures to purchasers of property and to tenants or lessees of the flood risk of certain property. The amendment removes the requirement for tenants and simplified the language required for purchase and sale agreements. **Vote 17-0.**

HB 1321, relative to repealing penalties for the sale of kegs of malt beverages without a receipt. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill, as amended, repeals RSA 179:5-a relative to prohibited keg sales which required the sale of malt beverage kegs to have a sticker identifying the purchaser's name, address, and motor vehicle operator's license number. As amended, the bill also changes the junk and scrap metal dealers statute to reflect the repeal and to add a new sentence to say: As used in this section, "keg" means any refillable brewery-sealed, individual container of malt beverage having a liquid capacity of more than 64 fluid ounces. **Vote 18-0.**

HB 1334, relative to the sale of beer in refillable containers. **OUGHT TO PASS.**

Rep. John Potucek for Commerce and Consumer Affairs. The committee agreed with the sponsor, in that the retail sale of beer in refillable containers should be authorized regardless of the labeling or "branding" on the refillable container belonging to the customer. **Vote 18-0.**

HB 1346, relative to food service at a bed and breakfast. **INEXPEDIENT TO LEGISLATE.**

Rep. Carry Spier for Commerce and Consumer Affairs. During the hearing the committee learned that the sponsors were particularly interested in the ability to serve snacks or food prepared off-site and brought in for the purpose of providing food for late arriving guests. In order to recognize that bed and breakfasts are often located in areas where guests may have limited access to other food service establishments for meals, particularly at late hours of the day, the Division of Public Health Services of the NH Department of Health and Human Services provided information that they are currently updating their "Administrative Rules He-P 2300, The NH Rules for Sanitary production and Distribution of Food," to change the definition of bed and breakfasts to allow for snacks to be offered after dinner hours for the purpose of providing food for late arriving guests. The bill was found, therefore, to be unnecessary at this time. **Vote 17-0.**

HB 1357, relative to condominium board meetings. **INEXPEDIENT TO LEGISLATE.**

Rep. Christopher Herbert for Commerce and Consumer Affairs. Condominium associations meet every three months. There is no need for monthly meetings. If an emergency occurs, the board can call a meeting. **Vote 18-0.**

HB 1358, relative to contract manufacturers of beer, wine, and liquor. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John Potucek for Commerce and Consumer Affairs. This bill combines tenant brewing and contract brewing into one statute. The bill also includes manufacturers of wine and liquor with the same capability to have both contract and tenant capabilities which allows them to either produce or bottle alcohol in a separate location under contract with a separate licensee. **Vote 17-0.**

HB 1374-FN, relative to liquor licenses for restaurants. **REFER FOR INTERIM STUDY.**
Rep. Jared Sullivan for Commerce and Consumer Affairs. This bill is not ready to be passed. An interim study would afford the opportunity for additional research to be conducted and for the issues intended to be addressed in this bill to be better understood. **Vote 18-0.**

HB 1380-FN, relative to brew pub licenses. **OUGHT TO PASS WITH AMENDMENT.**
Rep. John Hunt for Commerce and Consumer Affairs. This bill allows a brew pub licensee to also hold an on-premises or off-premises license. The amendment reduces the total amount of barrels from 5,000 to 2,500 to reflect the current amount a brew pub is allowed to produce **Vote 18-0.**

HB 1395, relative to home heating oil and propane contracts. **REFER FOR INTERIM STUDY.**
Rep. Brian Cole for Commerce and Consumer Affairs. There is an issue with swapping gas tanks that are underground. There have been occasions in the northeast where the frost has lasted over 5 months and the tank can't be removed to fit the contract timeline. Therefore, the committee recommends that the bill be Referred for Interim Study. **Vote 17-0.**

HB 1430, relative to electric rates approved by the public utilities commission for residential condominium property. **INEXPEDIENT TO LEGISLATE.**
Rep. John Hunt for Commerce and Consumer Affairs. This bill requires non-commercial condominium associations to have public utility residential electric rates apply. The Committee felt this bill violates a long standing requirement that any communal or shared space in a condominium that the electric meter is being used by everyone in the condominium and therefore must be billed at the communal share rate as a business **Vote 17-0.**

HB 1444-FN, relative to local regulation of digital mining. **REFER FOR INTERIM STUDY.**
Rep. Brian Cole for Commerce and Consumer Affairs. With the most expensive electricity in the country, digital mining is not going to happen in NH. The committee recommends Referral for Interim Study to address possession of digital currency. **Vote 18-0.**

HB 1491, prohibiting the repricing of heating fuel subsequent to a concluded sale. **INEXPEDIENT TO LEGISLATE.**
Rep. Carry Spier for Commerce and Consumer Affairs. The bill would require that no heating fuel dealer or agent of a dealer shall reprice fuel above a previously quoted price after a concluded sale, meaning a sale agreed to at a quoted price and paid for at that price prior to delivery. The intent of the sponsor was that after confirming an order with credit card for fuel that the purchaser would be allowed to delay the delivery. Since fuel oil varies in price daily, this mandate of fuel deliveries would be inappropriate. Currently if a consumer is trying to lock in a price, they need to sign a pre-buy contract. **Vote 17-0.**

HB 1498-FN, establishing a state short term rental registry. **INEXPEDIENT TO LEGISLATE.**
Rep. Chris McAleer for Commerce and Consumer Affairs. This bill includes short-term rentals in the licensing and registration requirements for taxes on meals and rooms, which is already required by the Department of Revenue Administration. The bill also requires that this information regarding short-term rentals must be regularly updated and shared with the local municipalities to ensure local law enforcement are able to access property ownership and renter status. This last requirement was extremely problematic so the committee recommends that this bill be found Inexpedient to Legislate. **Vote 17-0.**

HB 1507, relative to innovative financial services **REFER FOR INTERIM STUDY.**
Rep. Brian Cole for Commerce and Consumer Affairs. This bill grants the banking department authority to allow businesses to trial new products, services, and business models while bypassing laws and rules unsuited for their innovative idea, and establishes the financial services regulatory sandbox fund. The committee found that no matter what the length of time of the protective sandbox, no commissioner should be given carte blanche authority to try or test new ideas without oversight from the legislature. **Vote 18-0.**

HB 1537, relative to credit card notifications. **INEXPEDIENT TO LEGISLATE.**
Rep. Tim McGough for Commerce and Consumer Affairs. This bill would require prior notification before a change in a consumer credit card issuer or servicer such as if one retailer changes a relationship with the issuing bank from Citibank to Chase for example. The committee found in general sufficient notice is already provided when this occurs both by postal mail and by electronic notice under current federal and state regulations governing these requirements and therefore this bill is unnecessary and may create an undesired and unique business climate in New Hampshire for creditors doing business here. **Vote 18-0.**

HB 1538, relative to credit card late fees and interest. **INEXPEDIENT TO LEGISLATE.**

Rep. Tim McGough for Commerce and Consumer Affairs. This bill would have required that the total of interest and other charges in a consumer credit transaction not exceed the consumer's total original balance from the credit card sale or loan. The committee felt this would be improper interference with a business contract and a consumer is adequately able to decide whether or not to enter into such a financial arrangement. **Vote 18-0.**

HB 1540-FN, relative to the definitions of full course meals and full service restaurant for purposes of alcohol licensing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jared Sullivan for Commerce and Consumer Affairs. This bill, as amended, cleans up and simplifies confusing language in the current RSA regulating food requirements for obtaining a liquor license. Current language defines food as something that cannot easily be eaten while standing and generally requires tableware. This definition technically excludes pizza and sandwiches from what qualifies as food for the purpose of obtaining a liquor license. This is a simple change that aims to make it easier for new businesses to build sensible menus for their establishments. **Vote 18-0.**

HB 1559-FN, repealing the chapter relative to cash dispensing machines. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill repeals RSA 399-F relative to cash dispensing machines. Another current bill, HB1241 - relative to regulation of money transmitters, contains the regulation of cash dispensing machines so RSA 399-F is no longer needed. **Vote 18-0.**

HB 1571-FN, relative to requiring insurance coverage for glucose monitoring devices for people with diabetes. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill requires insurance coverage and Medicaid coverage for glucose monitoring devices for people with diabetes. The bill needs more work due to the possibility that it could have a major increase in premiums. The committee is having the Insurance Department do an economic impact study, which will report back in time for the committee to make a recommendation this fall. **Vote 18-0.**

HB 1582-FN, relative to allowing for the consumption of alcohol in artist performance areas. **REFER FOR INTERIM STUDY.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill should be Referred for Interim Study because the matter was taken up in an amendment to HB 1151. **Vote 17-0.**

HB 1591-FN, relative to fines for prohibited sales of tobacco. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill, as amended, moves fines for tobacco-related violations from statute to administrative rules, adopted by the Liquor Commission. The bill also includes all other tobacco products, e-liquid, and alternative nicotine products, by ensuring that tobacco products, e-liquid, and alternative nicotine products will not be supplied to persons under the age of 21. **Vote 18-0.**

HB 1624, relative to allowing the distillation of hobby liquors. **OUGHT TO PASS.**

Rep. Keith Ammon for Commerce and Consumer Affairs. This bill will expand the state's allowance for producing beer and wine for personal or family use, including the distillation of liquors from beer or wine. The bill would permit single-person households to distill liquor from up to 100 gallons of beer or wine per calendar year, while households with two or more persons would be allowed to distill liquor from up to 200 gallons. This practice is currently legal. Only the quantity of liquor able to be distilled from the presently legal quantity of wine or beer lawfully produced shall be distilled under this statute. By allowing residents to engage in the hobby distillation of liquors derived from beer or wine, the state acknowledges the importance of personal freedom and the right to pursue one's interests without excessive government intervention. **Vote 18-0.**

HB 1635, relative to the definition of short-term rental. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris McAleer for Commerce and Consumer Affairs. This bill applies the definition of "short-term rental" to certain statutes governing housing authorities, taxation of room rentals, and certain rental proceedings. Since some of these are redundant under current law, the committee felt there was no compelling need for this legislation. **Vote 17-0.**

HB 1694, relative to establishing a committee to study a New Hampshire public bank. **INEXPEDIENT TO LEGISLATE.**

Rep. Anita Burroughs for Commerce and Consumer Affairs. State banking is potentially risky. If a state bank becomes financially distressed or in need of a bail-out, it could negatively and significantly impact the taxpayers. The cost to establish a state bank could be prohibitive, and these could be funds that could be used for infrastructure or other significant needs of the state of New Hampshire. **Vote 17-1.**

HB 1702-FN, relative to oversight of liquor commission funding and repealing the liquor commission fund. **REFER FOR INTERIM STUDY.**

Rep. John Potucek for Commerce and Consumer Affairs. The sponsor of this bill's intent was to create increased oversight over the NH Liquor Commission's operation and funding, but this legislation creates more

problems than solutions. This bill repeals the Liquor Commission Fund and removes the requirement for the state treasurer to credit all gross revenue from the sale of alcohol to the Liquor Commission Fund and instead directs the revenue to be deposited into the general fund. By repealing the Liquor Commission Fund and depositing all liquor commission revenues into the general fund, this bill would conflict with the Medicaid Expansion program's law on the prohibition of using general funds. This would put the future of this critical program, which provides healthcare coverage to more than 50,000 Granite Staters, at risk.

This bill also removes the requirement that "5%" of gross profits from alcohol sales be deposited into the Alcohol Abuse Prevention and Treatment Fund ("Alcohol Fund") and instead directs the legislature to set an amount based on an appropriation included in the state operating budget using general funds. This change would disrupt vital and desperately needed funding for substance use disorder prevention, treatment, and recovery programs. Those who testified opposed to this bill said that the burden of the societal harms of alcohol sales in this state should rightfully come from the gross profits of alcohol sales and not the general fund. The Department of Health and Human Services also testified that the funding from the Alcohol Fund provides the state restriction free flexibility with funding certain programs, that may not always be the possible with general funds. By referring this bill for Interim Study, this will allow the sponsors time to find another solution to address their concerns. **Vote 18-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1046-FN, requiring a boat owner who is not the operator to notify law enforcement and file an accident report in certain circumstances. **OUGHT TO PASS.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. This bill amends current law to require owners of boats to file accident reports if they become aware of a boat they own having been in an accident but not reported. The committee heard testimony that with the growing market for boat rentals, renters are increasingly getting in accidents that result in property damage and not reporting it. This bill would require an owner, be it a rental company or otherwise, to file a report with law enforcement if they notice damage to the boat upon its return that would indicate that it was in a reportable accident. Citizens often find damage to their boat or other property, after the accident has occurred and with no reports being filed by boat renters, who may be from out of state, the local owner is on the hook for the damages **Vote 20-0.**

HB 1711-FN, authorizing the state to report mental health data for firearms background check purposes and providing for processes for confiscation of firearms following certain mental health-related court proceedings and for relief from mental health-related firearms disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Meuse for Criminal Justice and Public Safety. The committee, after hearing from numerous stakeholders and citizens, agreed that this bill ought to pass with amendment. Currently, there are 47 states that report certain mental health matters to the National Instant Criminal Background Check System (NICS). New Hampshire is one of the three states that does not. An attempt was made by a Representative from Dunbarton in 2016 to make these reports to NICS, when he inserted this line into HB 1696, the Medicaid expansion bill: "No person, organization, department, or agency shall submit the name of any person to the National Instant Criminal Background Check System (NICS) on the basis that the person has been adjudicated a 'mental defective' or has been committed to a mental institution, except pursuant to a court order issued following a hearing in which the person participated and was represented by an attorney." Prior to this, there was no mention of reporting mental health issues to NICS in New Hampshire law. The bill passed with bipartisan support. Unfortunately, at the time, the New Hampshire Supreme Court was of the opinion that the law was insufficiently clear, as it conflicted with privacy statutes, and while the law said under what conditions a report could be made, it did not mandate the actual report. Sadly, since 2016, three New Hampshire police officers have been shot, one of them fatally, by individuals whose information should have been reported to NICS, pursuant to the federal law that prohibits such persons from purchasing or possessing firearms. Involuntary commitments hearings in New Hampshire are all conducted in a court, where the person participates, is provided with an attorney, and a ruling is made by a judge; exactly as the Representative from Dunbarton envisioned in his 2016 bill. HB 1711, fixes the privacy conflict, but still protects patient rights by only sharing the minimum information necessary for inclusion in the system. Most importantly, rather than barring someone from their 2nd Amendment rights for life, this bill provides for a "Restoration of Rights" process that will enable a person to have their name removed from NICS once they are better and no longer deemed a danger to themselves or others. Mental illness is not a life sentence. That is why it is appropriate for a temporary restriction of rights. Some have said, both during the committee hearing and in public mailers, that rather than temporarily bar these people from possessing weapons, we should permanently bar the people from society. The committee disagrees. What could be more unconstitutional than taking a person's freedom for an indeterminate length of time, and thus infringing upon all of their Constitutional rights? The committee believes it is better for us to

balance both the safety of society and individual liberty. We should always choose the least restrictive, and temporary law available to protect the safety of society. In summation, this bill does not infringe on the 2nd Amendment rights of anyone who is not already a prohibited person by federal law. This bill provides people who are prohibited by federal law from exercising their 2nd Amendment rights, a path to restore those rights. This bill will not allow one person to be reported unless, and until the process to remove people from NICS is approved by the ATF. This bill will allow New Hampshire and our law enforcement agencies to be eligible for millions of dollars in grants from which they are now excluded. This bill will save lives by temporarily preventing people who have been found in a court of law, to be a danger to themselves or others, from purchasing firearms. With three of our police officers shot, one of whom was killed, in the last 8 years, doing nothing is not an option. Doing nothing will result in more people being harmed and invite more restrictive gun control measures. Bills such as red flag laws, that make a citizen prove they are not dangerous after their rights and property have already been removed, versus this bill, which makes the government prove a citizen is dangerous before their rights and property can be removed. **Vote 18-2.**

EDUCATION

HB 1195, relative to allowing school districts to approve different apportionment methods for school administrative unit costs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. Current law restricts apportionment to only one-half enrollment and one-half equalized property valuation. The amended bill will allow for different methods of apportionment if approved by all the school districts in the School Administrative Unit (SAU). **Vote 20-0.**

HB 1298-FN, relative to the definition of part-time teachers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Margaret Drye for Education. This bill, as amended, defines “part-time teachers” and establishes the conditions they must meet in order to be eligible for adjunct authorization in a content area. These conditions include being employed for less than 20 hours per week, working in a “teacher shortage content area,” and having a degree and occupational experience in their content field of authorization. Part-time teachers must undergo a criminal history records check and are subject to the Code of Ethics and Code of Conduct for New Hampshire Educators. This allows those without a standard educator certificate but with experience and ability to be able to help meet, on a part-time basis, needs due to teacher shortages. **Vote 20-0.**

HB 1382-FN, relative to special education support for military-connected students. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. As amended, this bill enables the reimbursement of fees to military parents for due process hearing expenses should a hearing officer find in favor of the parent. Upon transferring to a school from a sending school, NH public schools are required to honor and implement a military student’s individualized education program (IEP). Should the receiving school recognize that a subsequent IEP meeting is needed, an IEP meeting is held in accordance with the Individuals with Disabilities Education Act (IDEA) and the Interstate Compact on Educational Opportunity for Military Children, RSA 110-D:6, III. The Department of Education supports this bill as amended. **Vote 20-0.**

HB 1450, relative to establishing a commission on higher education consolidation. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, requires the University System of New Hampshire (USNH) and the Community College System of New Hampshire (CCSNH) to further work toward implementing comprehensive education alignment strategies and findings identified in the Governor’s Public Higher Education Task Force Report, Executive Order 2023-06. This bill, as amended, further requires the USNH and CCSNH board of trustees to collaboratively work together in implementing report alignment findings and recommendations. The chancellors of both systems shall submit joint quarterly reports addressing education alignment initiatives to the Public Higher Education Study Committee beginning with the quarter ending June 30, 2024. The chancellors shall also submit annual reports identifying progress toward: a) increasing opportunities to raise attainment levels in part to meet workforce needs; b) improving accessibility (student financial savings) and compatibility for NH students; c) minimizing duplication of academic programs while optimizing access for students; d) creating potential for economies of scale and synergy; e) enhancing regional growth and development; f) streamlining administrative costs and obligations, and g) continuing collaborative work toward easing credit transfer within and between the systems. The existential threats facing institutions of higher education throughout this state and nation are real. The urgency of addressing findings and recommendations contained in the task force report cannot be underestimated. **Vote 19-1.**

HB 1493, relative to the powers and duties of cooperative school district budget committees. **REFER FOR INTERIM STUDY.**

Rep. Katy Peternel for Education. This bill would expand the duties of cooperative school district budget committees. Considering the complexities of changing duties and powers of cooperative school districts, as well as disparity among multiple articles of agreement, the committee determined that this bill should be referred to Interim Study for further discussion and research. **Vote 20-0.**

HB 1552, relative to the duties and responsibilities of superintendents of school administrative units. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. During the hearing process, the committee heard that a single school administrative unit (SAU) shall be exempt from meeting the requirements of RSA 194-C (School Administrative Units) provided that the individual providing superintendent services does so in accordance with RSA 194-C:4. A principal possessing a master's degree, but who also has successfully completed courses required to accomplish superintendent services as outlined in RSA 194-C:3 and rules, is qualified to administer the single district SAU. This bill, as amended, also requires the individual assigned to perform superintendent services to receive the annual inspection report detailing any state code compliance issues in each school building from the local fire chief. **Vote 20-0.**

HB 1579-FN, relative to the merging of school administrative units. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Katy Peternel for Education. This bill, as amended, allows for the incentivizing of school administrative units (SAUs) to merge. New Hampshire has the highest national rate of increased administrative staff despite declining enrollment. Pre-existing SAUs may merge their administrative office with another pre-existing SAU to consolidate administrative costs. There is an appropriation for a one-time merger grant, drawn from the Education Trust Fund, of \$200 per student. The merger must be completed by July 1, 2026, in order to qualify. **Vote 20-0.**

HB 1605-FN, relative to alternative education programs for granting credit leading to graduation. **INEXPEDIENT TO LEGISLATE.**

Rep. Valerie McDonnell for Education. Violations of federal and state anti-discrimination laws are serious offenses which have recourse. Moreover, sufficient evidence was not provided to suggest any for-profit or nonprofit entities offering educational programs in NH are in violation of such laws. **Vote 19-1.**

HB 1608-FN, relative to providing an induction program for new teachers. **REFER FOR INTERIM STUDY.**

Rep. Mel Myler for Education. This bill would create a process for school districts to provide an induction program for new teachers to a school district. The Teacher Shortage Committee found that new teachers, either beginning teachers or experienced teachers, to a school district need formal orientation to curriculum, procedures, rules, etc. to provide the proper assimilation to the new work environment. Although the need is recognized, further study is needed. **Vote 20-0.**

HB 1682-FN, relative to the civics test graduation requirement. **REFER FOR INTERIM STUDY.**

Rep. Katy Peternel for Education. This bill provides authority for schools to use the Department of Education provided civics test to satisfy graduation requirements. It would put the required U.S. Citizenship and Immigration Services test under RSA 193-C, which is the statewide assessment. Accommodations for students with an individualized education plan are available since the test would be part of the statewide assessment. Although there was much discussion and a clearer amendment had been brought forth, the committee decided the bill needed more research. **Vote 20-0.**

ENVIRONMENT AND AGRICULTURE

HB 1173-FN, relative to the disposition of vicious dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Comtois for Environment and Agriculture. Although the committee heard the concerns of the prime sponsor, we felt that the law is clear, and this additional language is not needed. RSA 466:31 and 466:31-a provide that where its behavior presents a threat to public safety, immediate district court or municipal court proceedings may be initiated in lieu of the civil forfeiture. The court can order the dogs to be euthanized if they conclude that the dogs are a threat to the public. We felt having a court hearing, and due process, that facts of the case could be brought forward and that there could be mitigating circumstances heard which may demonstrate that animals may not need to be euthanized but rather removed from the residence, or other actions taken. **Vote 20-0.**

HB 1221, relative to including solid waste landfills in the definition of development of regional impact. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nicholas Germana for Environment and Agriculture. As amended, this bill adds proposed solid waste landfills to existing RSA 36:56 as projects of regional impact requiring notice to all communities in the state that lie within the watershed area of the proposed project or, if outside a watershed, lie within 10 miles of the

boundaries of the proposed project location. This bill will provide for greater communication with residents in impacted communities and, consequently, offer greater opportunities for public input. The provisions of the bill would not apply to applications for expansion of currently existing solid waste landfills. **Vote 20-0.**

HB 1316, relative to co-ownership of dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Judy Aron for Environment and Agriculture. This bill was proposed to further define co-ownership of dogs in an attempt to solve a problem within a town where a person set up a doggie daycare business claiming it wasn't a daycare business, but that the business owner was "watching" dogs that the person "co-owned" with his clients. This was done in order to get around zoning ordinances which prohibited a doggie daycare business. The committee felt that this bill, as written, attempted to correct a problem that is best left to the local authorities. Had the town followed its own rules and zoning laws and enforced the same, the case in question would not have to be brought before the General Court to resolve what is essentially a local ordinance and lack of enforcement at the local level. The bill as written would also create an open file for any individual under the right to know statutes to have access, violating the original owner's right to privacy and in direct violation of various state statutes which protect personally identifiable information or "PII." It was noted that co-ownership of dogs essentially happens mostly when there are contracts made between one or more parties with regard to show dogs. The committee felt that changing dog co-ownership laws was unnecessary. **Vote 19-0.**

HB 1501-FN-LOCAL, repealing the requirement to register dogs annually. **INEXPEDIENT TO LEGISLATE.**

Rep. Megan Murray for Environment and Agriculture. The committee as a whole felt that this proposed legislation was not necessary and that it would upend the successful process of dog registration through town clerk offices across New Hampshire. We also felt that this would have unintended consequences on efforts relating to the crucial processes that insure that our town dog license registration program together with the rabies vaccination program continue to be successful throughout the state. **Vote 20-0.**

HB 1504-FN, relative to architectural paint recycling. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Megan Murray for Environment and Agriculture. Unanimously, the position of House Environment and Agriculture Committee agrees that an architectural paint stewardship program is necessary and timely. Given that the state of New Hampshire's waste disposal hierarchy seeks source reduction and reuse, recycling and composting, and energy recovery as preferable options to landfilling, the program established in this bill accomplishes the goal of recycling paint and keeping it out of our landfills. This program is a targeted approach to keep paint, a potentially toxic item, out of our landfills. It allows for the costs of the program to be borne by paint producers, who have been amenable to financially contributing to programs which properly dispose of, and recycle, their unused product. The program also by default reduces tipping fees, as wet paint is often added to dried absorbent materials, like kitty litter, prior to disposal in landfilling currently, which adds weight to the trash that is hauled away to the landfill. This program would support a recapture/recycle, reuse, and repurchase program that would create affordable and diverse options for recaptured/recycled paint. **Vote 20-0.**

HB 1556-FN, relative to exemptions from the rabies vaccine. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Sofikitis for Environment and Agriculture. The committee felt that rabies is well controlled with the current protocol in place in statute. We feel that muzzling exemption requests should be petitioned at the municipal level as is allowed by law. **Vote 20-0.**

HB 1574-FN, removing regulations on the direct sale of raw milk to consumers. **INEXPEDIENT TO LEGISLATE.**

Rep. Sherry Dutzy for Environment and Agriculture. In 2021, the Environment and Agriculture Committee passed HB 95-FN relative to milk pasteurization and Governor Sununu signed it into law in 2022. This bill was carefully crafted with the help of a committee member with over 20 years of experience in the dairy industry. This law allows for the sale of less than 20 gallons of raw milk per day. The committee believes that an incremental approach to the sale of raw milk is best for NH and that more time is needed to analyze the results of this law before eliminating the current limit which is what HB 1574-FN is requesting. **Vote 20-0.**

HB 1575, prohibiting the state of New Hampshire from enforcing any federal agricultural checkoff program. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Smart for Environment and Agriculture. The prime sponsor did not introduce the bill to the committee or come to explain the reasons behind submitting this bill. The committee felt that the bill was not clear as written. Committee members learned that the check off programs are programs in which farmers pay a small percentage of their product, such as milk or beef sales, to various programs which market their products. Commissioner Shawn Jasper, from NH Department of Agriculture, Markets and Food, testified that NH currently has no check off programs at the state level and that we have no ability to control check off programs from the federal level. So the bill would not work even if it was adopted. All parties that came to testify were in opposition to the bill, and they included the NH Farm Bureau, the NH Dairy Association and dairy farmers. **Vote 11-0.**

HB 1632-FN, relative to out-of-state solid waste. **OUGHT TO PASS.**

Rep. Nicholas Germana for Environment and Agriculture. This bill places a 15 percent cap on the amount of out-of-state solid waste that future solid waste facilities in New Hampshire can receive. The cap does not apply to currently permitted solid waste facilities or potential future expansions of those facilities. This bill was a result of the study committee on out-of-state waste (SB 159). The study committee heard testimony from the attorney general's office that some exceptions to the limitations placed on the state by the interstate commerce clause can be made by demonstrating an appropriate balance of public benefits and burdens. This legislation asserts the need for such a balance with regard to solid waste facilities. **Vote 20-0.**

HB 1698-FN, relative to the use of drones for the aerial application of pesticides. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judy Aron for Environment and Agriculture. This bill allows for the spraying of pesticides by certified individuals using unmanned aircraft, also known as drones. This will be more efficient and economical for our farmers as targeted spraying will reduce the amount of pesticide needed. This type of pesticide application will also be more environmentally friendly. With a 20 foot height for spraying, this eliminates drift and the rotors of a drone also direct pesticides downwards as opposed to ground spraying by trucks which spray upwards. This new technology will be greatly welcomed by our agriculture community. **Vote 20-0.**

HB 1703-FN, relative to the sale of kangaroo and caribou meat. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim Creighton for Environment and Agriculture. There was no one who wanted to establish a kangaroo or caribou farm that came to testify in our committee. The driving argument supporting the Inexpedient to Legislate recommendation was made by the Department of Fish and Game who testified that passing this bill would dramatically increase the risk and threat of chronic wasting disease in New Hampshire. The risks associated with passing this bill far outweigh the benefits. The Commissioner of the Department of Agriculture also testified that passing this bill would create many conflicts in our current agriculture statutes since kangaroo and caribou are not listed as livestock and none of these wild animals are in the list of "farmed animals." There are also no current slaughter facilities for these types of animals in NH. **Vote 20-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION**HB 1075**, relative to abolishing daylight saving time. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherry Gould for Executive Departments and Administration. This bill provides that New Hampshire shall exempt itself from daylight saving time when authorized to do so by the United States Congress. The committee has heard similar bills for years, people do not want to continue with the time changes. We heard testimony from many sectors that it was important to stay connected to the time standards in the surrounding states due to interdependence of work and family life across state boundaries. We learned there is a national movement of states that have enacted laws allowing a uniform transition once the US Congress authorizes a change. The committee amendment to this bill is modeled after the bill that neighboring Maine has already passed, and is in line with the bills passed in eleven other states nation wide. By passing this law the states are letting Congress know the will of the citizens across the nation. **Vote 19-0.**

HB 1079, relative to critical incident stress management team members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Simon for Executive Departments and Administration. Critical incident stress management team members are people trained to provide peer-to-peer critical incident stress management and crisis intervention services, as a member of an organized and registered team. In its original form, this bill simply adds emergency room employees as a group that qualifies for these teams. As amended, the bill allows retired emergency response and public safety workers to participate in the program, adds the commissioner of the department of corrections, the superintendent of county corrections, and the chief of emergency medical services as people who can designate team members, requires critical incident teams to register with the commissioner of safety, provides confidentiality protections for people receiving services, and better defines criteria that would disqualify communications shared during support sessions from remaining confidential. **Vote 20-0.**

HB 1095, relative to the official pronunciation of "New Hampshire" and "Concord." **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill, as amended, puts into statute the policy changes that were made last year with respect to the administrative functions of the Office of Professional Licensure and Certification. These changes include the issuance of licenses, the setting of fees for licenses and applications, record keeping and the investigation of complaints. Previously, these functions were completed by the various boards and found to be cumbersome. This bill completes the streamlining of these administrative functions. The boards continue to maintain rule making authority, approving licensing credentials, continuing education programs and adjudicates, as necessary, investigations carried on by the office. **Vote 20-0.**

HB 1131, relative to mental health practice. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill initially added outpatient private practices to the list of organizations eligible to employ mental health counselors without a license, or with a conditional license. The committee decided that the form of the organization was not the controlling factor, but rather that it provided counseling and clinical supervision of its employees and contractors. The committee amendment provides these requirements, which will insure that private businesses are not held to different standards than nonprofit businesses in respect to their employees. **Vote 20-0.**

HB 1188-FN, relative to qualifications for licensed nursing assistants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Latha Mangipudi for Executive Departments and Administration. This bill, as amended, streamlines the application process for LNA licensing by combining the licensing and registry applications, hence cutting back on the time it takes to secure an LNA license in NH. This bill addresses workforce shortages in the health care field with the ability to on board LNAs into the field quicker with proper vetting. **Vote 20-0.**

HB 1286, relative to merging the board of land surveyors and the board of professional engineers. **INEXPEDIENT TO LEGISLATE.**

Rep. Carroll Brown for Executive Departments and Administration. This bill, as requested by the Office of Professional Licensure and Certification, proposes to merge the boards of professional engineers and land surveyors as part of the effort to “promote efficiency and economy and eliminate redundancies in licensure requirements.” While the committee has found that often times this effort makes sense and has worked to change the structure of many boards, all committee members were in agreement that this merger would not do so. The testimony highlighted that these two professions are quite unique from each other. Land surveyors would have little or no experience to bring to a combined board relating to engineering and engineers generally only work with land surveyors as hired contractors and are not experts on their processes. It was also made clear that the professions felt combining the boards would make each meeting more complicated and longer, potentially slowing down their response to the public. Both professions clearly stated that reducing each of their numbers of representatives when a combined board was created would very likely slow the process simply due to having less representatives on the board. As a result the committee felt that, in this particular case, combining these boards would not serve the purpose stated and would create a slower, less efficient process. **Vote 20-0.**

HB 1352, relative to firefighting personal protective equipment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Simon for Executive Departments and Administration. This bill as amended will encourage fire departments to give preference to safe alternatives to turnout gear that contain PFAS when available. It also puts in place a policy that limits unnecessary exposure to PFAS in fire fighter personal protection equipment or station wear. This will reduce the exposure to chemicals that studies show have harmful effects to an individual’s health. **Vote 20-0.**

HB 1385-FN, relative to establishing the veteran licensing acceleration program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended, clarifies the existing responsibilities of the department of veterans affairs and the OPLC in regard to licensing veterans and active military, and their spouses. The department has a program to reconcile military function codes and show their applicability to licensing requirements; the OPLC has a requirement to accelerate licenses for veterans, active military, and spouses, and the data from the department will help them to meet existing time frames. A new program is not needed. **Vote 19-1.**

HB 1413, relative to mental health supervision agreements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Matthew Simon for Executive Departments and Administration. This bill started as a repeal of the statutory definition of supervision agreements due to concerns that the definition created liability for supervisors that went beyond the scope of the mental health services they oversee. However, testimony convinced the committee that repealing this section of statute would be problematic. So, instead of seeking to repeal the whole section, the committee introduced an amendment that clarifies that a supervisor’s liability is limited to the mental health services provided by the candidate they oversee. **Vote 20-0.**

HB 1420, relative to communications between agencies and citizens. **REFER FOR INTERIM STUDY.**

Rep. Jaci Grote for Executive Departments and Administration. This bill addresses the need for a more rapid response to the public from state agencies. The bill requests a 3 business day deadline. Although this is an important issue, the committee felt that 3 business days might be too limiting and wished to study this matter before mandating a deadline to an agency response. **Vote 15-1.**

HB 1456, relative to the appointment of the members of the board of tax and land appeals and the housing appeals board. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. Currently, appointments to the Board of Tax and Land Appeals are made by the NH Supreme Court. This bill changes this process to appointments by

the governor and executive council. Because this board is quasi-judiciary in its standing, candidates would be vetted by the Supreme Court but the appointment by the governor and council would allow public comments which is not in the scope under the existing statute. **Vote 20-0.**

HB 1474, relative to the commission on Native American affairs. **OUGHT TO PASS.**

Rep. Carol McGuire for Executive Departments and Administration. This commission has been non-functional for some time, due to difficulties in appointing members and attaining a quorum. This bill adds a member specifically from UNH's Native American and indigenous studies program, and ensures that two public members are not from the same tribe or other group. Critically, it sets the quorum based on the members appointed and serving, rather than the full complement of the group. Minor changes to the duties of the commission are to reflect current concerns and simplify their charge. **Vote 20-0.**

HB 1521, requiring agencies to respond to issues raised by the public during the rulemaking process. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. As amended, this bill puts into statute a definition for recovery houses that enables these facilities to exist within municipalities without the zoning constraints assigned to households where individuals are not related. Even municipalities that support recovery houses testified that current law was unnecessarily confusing. The bill prevents this definition from being used for a boarding house or rooming house, or any licensed facility. Recovery houses are an important part of a safe, supportive, family style environment for those recovering from addiction, and are needed in NH as part of recovery programs. Zoning laws can make their establishment unnecessarily lengthy and costly. This bill would help overcome this burden. **Vote 20-0.**

HB 1526-FN, relative to a conditional veterinary license for veterinarians educated in other countries. **OUGHT TO PASS.**

Rep. Sherry Gould for Executive Departments and Administration. This bill enables the board of veterinary medicine to issue a conditional veterinary license for veterinarians who are educated in other countries in order to address the serious shortage of veterinarians in New Hampshire. The veterinarian must be currently in the process of obtaining an ECFVG certificate with specific steps spelled out. This acknowledges the significant delay in working through the process of obtaining the ECFVG certificate. The conditional license will be issued only on the conditions that the veterinarian has legal immigration status in the United States and verifiable status information as maintained by the United States Citizenship and Immigration Services. They must be employed by and practice the profession under the supervision of a duly licensed veterinarian practicing in the state. The conditional license may be summarily revoked by a majority vote of the board. **Vote 20-0.**

HB 1622-FN, relative to administrative rulemaking and license renewals by the office of professional licensure and certification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill settles some statutory conflicts about license periods and increases the possible penalties for enforcing an expired rule, including refunds of any fees or fines that were collected on an expired rule. The committee amendment continues clarifying the rulemaking process, incorporates a requirement to publish public comment on a rule, and adds specificity to the required agency report on public comment. These last two requirements had been in HB 1521 prior to its amendment. **Vote 20-0.**

HB 1688-FN, relative to the use of artificial intelligence by state agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill defines artificial intelligence (AI) and establishes guardrails about its use by state agencies. The committee amendment aligns the definitions with those in other bills this session, removes some possibly problematic language, requires a warrant to use AI surveillance, typically facial or speech recognition, in public areas, and requires agencies to comply with the DOIT Code of Ethics for AI Systems. This bill imposes no constraints on individuals, private businesses, or local governments. **Vote 20-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1067, relative to a patient's right to sterilization treatment. **REFER FOR INTERIM STUDY.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill seeks to address the problem of women being denied hysterectomies primarily because the physician believes that she will want more children, even if she emphatically states otherwise. This bill disallows this belief as a reason to deny a procedure. It also requires a provider to refer a person seeking voluntary sterilization to be a willing and able provider. Lastly, it provides protection against patients who change their mind despite appropriate documentation. While this bill addresses a very real and important issue of inappropriately denied care, at this point we cannot overcome the problem that the bill places this protection in the Patient's Bill of Rights which is binding on facilities and not providers. For this reason and other reasons, the committee recommends this bill be referred for Interim Study. **Vote 17-3.**

HB 1300, relative to terminal patients' right to try act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The amendment to the bill expands the right for a patient to try investigational drugs, biologics, or devices when they are unable to participate in a clinical trial for the that drug, biologic, or device. The bill requires a physician to diagnose a patient as having a life-threatening disease or condition and provides additional liability protection for physicians under the chapter. The bill is modeled after the federal right to try law. **Vote 20-0.**

HB 1585, relative to medication administration by direct care staff in residential care facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The bill creates a new category of healthcare worker called a Certified Assisted Living Medication Aide or CALMA. Residential care facilities care for many individuals who need assistance with the administration of their medications. Current law does not allow residential care workers to assist residents with their medication. Healthcare facilities such as nursing homes or assisted care facilities may utilize healthcare workers as licensed nursing aids who have been certified by the nursing board to administer medications to patients. Residential care facilities do not usually employ licensed nursing aids, creating a void that this bill will address. For safety reasons, the amendment limits injectable medications to manufacturer prefilled auto-injectors or pre-injectors. **Vote 20-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 1187, relative to local legislative bodies' voting threshold for approval of lease agreements over \$100,000. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Diane Pauer for Municipal and County Government. This bill, as amended, revises RSA 33:7-e to prohibit the inclusion of the costs associated with building or facility improvements that become fixtures in lease agreements of equipment. The statutory intent of this section is to permit governing bodies to propose lease agreements of equipment with nonappropriation (i.e. escape) clauses requiring approval by the legislative body by simple majority vote. Lease agreements with escape clauses allow for leased equipment, non-fixed items, to be returned to the vendor in future years without penalty should the governing body choose not to continue the lease or should funding be unavailable to continue the lease. Under RSA 33:7-e, any building or facility improvements allowed in a lease agreement were intended to be small incidental costs to hook-up the piece of equipment. Testimony, in committee, cited more than a dozen cases statewide where a lease agreement with an escape clause was used to fund significant, expensive building renovations ranging from \$295,000 to \$25.2 million for up to 20 years, which incidentally included some equipment as part of the overall project to justify the use of RSA 33:7-e. Renovation projects entailing the installation of framing, drywall, brick, doors, windows, insulation, flooring, lighting, HVAC systems, and even an elevator, cannot be practically "escaped," that is, returned by the governing body. Clearly, any such renovation projects should be bonded and not leased with an escape clause, which is exactly why the costs for building or facility improvements should not be permitted to be part of lease agreements of equipment. Furthermore, this imprudent practice of leasing such expensive renovations as opposed to properly bonding them undoubtedly increases the overall cost to taxpayers, as interest rates for lease agreements are typically much higher than bond interest rates. Therefore, the practice of including costs of building or facility improvements that become fixtures in lease agreements of equipment must be disallowed due to overt misuse by political subdivisions across the state. **Vote 20-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 1494, relative to OHRVs. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Vail for Resources, Recreation and Development. The bill places language that is consistent in statute to define utility/industrial registrations for off highway recreational vehicles (OHRVs). This closes the door where a person can register their OHRV for utility use, as the registration costs less, when in fact they are using the vehicle for recreational purposes. As amended, the bill removes sections one, two, and five, and requires the person who is registering the vehicle to sign an official document at the registry or at the town clerk's office, stating they agree to restrict their use for what the plates are intended for. Additionally, the bill asks the Fish and Game Department to post a calendar of permitted events to allow folks in the region to plan their time away during events, if they choose. **Vote 20-0.**

HB 1503-FN, relative to the definition of wetlands. **INEXPEDIENT TO LEGISLATE.**

Rep. Will Darby for Resources, Recreation and Development. This bill would redefine the term "wetlands" in New Hampshire statute to exclude those that develop as a side-effect of public works projects. The term wetland is scientifically defined, and the same definition is used throughout the United States, including

in the general permit issued to the State of New Hampshire by the US Army Corps of Engineers (USACE), which allows the New Hampshire Department of Environmental Services (NHDES) to manage the permitting process of these federally protected areas. The bill would thereby force landowners to obtain a permit directly from the USACE for work in areas excluded as wetlands by this bill, resulting in increased costs and delays to landowners. NHDES and the New Hampshire Association of Natural Resource Scientists opposed this bill, and recommended changes to permitting exemptions to wetland areas rather than redefining the term to address the sponsor's concerns. **Vote 20-0.**

HB 1513, relative to the board of directors of the Pease development authority. **INEXPEDIENT TO LEGISLATE.** Rep. Jessica LaMontagne for Resources, Recreation and Development. This bill would take away local authority of the governments of the City of Portsmouth and the towns of Newington and Greenland to each appoint a member to the Board of Directors of the Pease Development Authority (PDA), and would instead give that authority to the governor and executive council. As the governor already appoints one member, and two other members are state-wide appointments by the Senate and the House of Representatives, there is no justification to take away this authority by the three towns most impacted by the Pease Development Authority. The PDA has been very successful in the redevelopment of the Pease Air Force Base and the committee saw no need to change how appointments are made to the PDA board, and the chair of the board, among others, spoke against the bill. **Vote 20-0.**

HB 1542-FN, relative to possession and presentation of safe boater education certificates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Resources, Recreation and Development. This is a commonsense bill to allow people to show a hard copy or a phone picture of both front and back of the safe boating certificate. This would be going the way many documents are going now-a-days and perhaps someday they may even have an app for this like many companies seem to be going toward for future applications. Marine Patrol also testified that they have no issue with this bill if passed. The amendment stipulated the copy show both the front and back of the physical original. **Vote 20-0.**

HB 1554, relative to certified culvert maintainer program reporting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for Resources, Recreation and Development. The present law, RSA 482-A, requires all certified individuals, working for a municipality, who perform culvert replacement work shall submit a quarterly report to the New Hampshire Department of Environmental Services (NHDES), fully identifying work that they performed during each quarter and documentation of continuing education requirements. This bill transfers the quarterly reporting task to the person(s) who supervise the certified individual(s). The NHDES Wetlands Bureau Administrator testified that the supervisor, with clerical support staff, would allow for more efficient reporting as the certified personnel were normally in the field actually installing the culverts. In addition, the bill was amended to unequivocally clarify that NHDES has the authority to, and shall regulate, the cutting of native aquatic vegetation in New Hampshire's lakes under RSA 482-A. Considering all the issues our lakes are having, not the least of which is cyanobacteria, there is a clear and present danger not to make certain the state maintains the continuity of its stewardship over New Hampshire's waters which are held in trust for the people of New Hampshire. **Vote 20-0.**

HB 1562, relative to personal watercraft. **INEXPEDIENT TO LEGISLATE.**

Rep. Rosemarie Rung for Resources, Recreation and Development. This bill would have closed a loophole that excluded two plus seater personal watercraft from the statutory definition and updated the terminology in several areas in the RSAs. Concern was raised in the public hearing about the bill's impact on current restrictions on one seater watercraft. More work needs to be done to clarify and streamline the appropriate operation of personal watercraft on New Hampshire's lakes, ponds, and rivers. A motion to recommend Inexpedient to Legislate was put forth by the prime sponsor before the committee debated. **Vote 20-0.**

SPECIAL COMMITTEE ON HOUSING

HB 1065, relative to fire sprinkler requirements in residential buildings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Hope Damon for Special Committee on Housing. This bill adds an exception to the state fire code to make fire sprinkler systems optional in detached residential buildings for up to four dwelling units as long as that building is otherwise in compliance with the state fire code. Currently sprinklers are required for more than two dwelling units in a building. The Housing Committee collaborated with the State Fire Marshal and the building code review board chair to achieve a statute that will make it more feasible for existing buildings to be converted into apartments. The bill additionally prohibits counties and municipalities from adopting regulations that are more stringent than the state fire code relative to residential sprinkler systems. **Vote 10-0.**

HB 1168, establishing a committee to study the impact of the housing crisis on people with disabilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ellen Read for Special Committee on Housing. The committee heard hours of compelling testimony about the very complicated ways in which the current housing crisis is impacting the disability community. Some of this testimony was incredibly heartbreaking. For example, parents of adult children with severe developmental disabilities testified that they hope that they outlive their children because they fear for their children's living situations when they themselves pass. It quickly became clear that the incredible scope and depth of needs of the disability community in housing far exceeded our committee's expertise, and was in pressing need of an in-depth and serious study. Establishing a committee to study the impact of the housing crisis on people with disabilities, to which we hope members of the disability caucus are assigned, this bill demonstrates a commitment to understanding the complex factors contributing to housing inequities and developing evidence-based solutions to address them. Through data collection, stakeholder engagement, and comprehensive analysis, this committee will lay the groundwork for informed policy recommendations aimed at expanding affordable and accessible housing opportunities for individuals with disabilities across the state. The unanimously adopted committee amendment strengthens the underlying bill by guaranteeing that all of the active disability organizations in the state will be solicited for input, that the study committee will meet no fewer than six times, and that among the list of entities to be reported to by the study committee will be the special committee on housing. **Vote 9-1.**

HB 1215, relative to subdivision regulations on the completion of improvements and the regulation of building permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Special Committee on Housing. This bill, as amended, seeks to amend RSA 674:34, 674:39, & 155-A:11-b to the extent such that an approved subdivision would be subject only to the zoning ordinances, fire codes, building codes, and any other requirements in existence and full effect of the time of approval of said plan, and lengthen the time period covered under the accepted plan to get the project "active and substantially" underway and completed. The bill would provide protections to developers and property owners against changes in zoning ordinances and other restrictions on development once they are approved preventing escalating costs once a project is approved. Additionally the same protections would be provided to holders of building permits issued and approved for any construction project in the event that a municipality's rules or zoning ordinance should change after issuance of a building permit but before issuance of a certificate of occupancy. Lastly the bill would provide relief from dealing with a zoning board of appeal for a building code dispute between a contractor or homeowner and a municipality that does not have a building code review board and appeal directly to the State Building Code Review board in an effort to speed up the process overall. **Vote 9-0.**

HB 1361, relative to municipal land use regulation for manufactured housing and subdivisions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Special Committee on Housing. This bill does two things: First, it clarifies the current law on how local zoning ordinances must address manufactured housing, making it easier for municipal officials to understand the law. It achieves this by breaking up a complex paragraph into separate statements that clearly present the law's requirements. Second, it establishes a requirement that municipalities must allow a reasonable and realistic opportunity for existing manufactured housing parks to expand. This acknowledges the fact that manufactured housing is for many New Hampshire residents the best way to achieve the security of homeownership. **Vote 10-0.**

HB 1400, relative to the required maximum number of residential parking spaces. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Special Committee on Housing. This bill, as amended, allows municipalities to regulate accessory parking for vehicles, but the municipality shall not require more than one residential parking space per unit. We heard testimony that the size of two standard parking spaces is the same as one studio apartment. The average development cost of a parking space ranges from \$2,500 for gravel rural sites to \$36,000 for structured garage parking. Reducing parking requirements helps reduce the overall cost of new housing. Because of consumer demand, many projects will continue to provide more than one parking space per unit on-site regardless of the state baseline of one space per housing unit. Outside of areas with strong transit connections, consumers may expect parking to be available to them, and even if residential developers prefer to build fewer parking spaces, in some cases, project lenders or investors may require more parking as a predicate to their investment. This bill will allow developers greater flexibility to adjust parking based on financial feasibility, rather than the requirements dictated by local regulations. **Vote 9-1.**

TRANSPORTATION

HB 1637, relative to reducing requirements for vehicle inspections. **OUGHT TO PASS WITH AMENDMENT.** Rep. John Sellers for Transportation. When it comes to vehicle inspections, the committee all wanted to help our citizens alleviate stress and financial pressure during the process. This bill provides a bit more time to inspect their vehicle, especially now where scheduling is taking longer than normal. The bill also allows for vehicles with body rust and rust on brakes to pass inspection. In addition, a cracked headlight, directional, and tail lenses will now pass inspection by using a color matching automotive lens tape which is widely used in the industry today. **Vote 19-0.**

THURSDAY, MARCH 28 REGULAR CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 1365, relative to substitution of biological products by pharmacies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Keith Ammon for the **Majority** of Commerce and Consumer Affairs. This bill, as amended, updates New Hampshire law regarding the substitution of biological products by pharmacists. It expands the current ability for pharmacists to substitute “interchangeable biological products” to include all biosimilar biological products licensed by the Food and Drug Administration (FDA) for a referenced FDA-licensed biological product, not just those that have gone through the detailed and expensive “interchangeable” designation process. The amended bill recognizes recent evidence suggesting that the “interchangeable” designation may be more political than scientific, as safety and efficacy profiles for a biosimilar are, by definition, nearly identical to the original across studied biosimilar types. The bill maintains provisions requiring pharmacists to inform patients when dispensing an interchangeable product and to notify the prescriber of the substitution. Prescribers can prevent substitution by specifying that the prescribed biological product is medically necessary. Patients can prevent substitution when they are informed by the pharmacist. **Vote 16-1.** Rep. Tim McGough for the **Minority** of Commerce and Consumer Affairs. This legislation dramatically changes the patient-doctor relationship by inserting a pharmacist and allowing the pharmacists to alter the prescribed drug choice without consulting the doctor or prescriber in advance of dispensing the drug. Interchangeable drugs are not the same as biosimilar drugs. They have not undergone the same licensing and clinical trials as biosimilar drugs by the Public Health Safety Act (PHSA) and the Food and Drug Administration (FDA). No other state allows what is proposed by this bill. Europe and the European Medical Act do not consider interchangeable drugs in this fashion whatsoever in their medical or pharmacy system. In fact the very definition of interchangeable and biosimilar drug have different meanings than in our USA system of regulation. Should this bill pass into law, pharmacists could be indemnified from mistakes made in medication dispensing because the legislature will have codified switching one unlicensed (by the PHSA) interchangeable for another. Currently pharmacists are required under NH law to have Collaborative Practice Agreements (CPAs) like Physician Assistants in order to act like prescribers, and to consult with prescribers such as MDs. This legislation would possibly circumvent that provision in current law. In no way is this law a cost saving measure. In fact, this bill could cause patients to be unknowingly switched to an off-formulary, and therefore higher co-payment medication. Lastly, just Monday March 11, 2024, new policy statements from President Biden’s 2025 budget and FDA Commissioner Califf tell us this issue is actively being discussed and is evolving at the federal level. If ever a bill should be placed into Interim Study, this legislation appropriately belongs there.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 1366-FN, relative to penalties for the negligent or reckless operation of boats. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Terry Roy for Criminal Justice and Public Safety. This bill establishes a different offense of negligent operation of a boat in addition to reckless operation of a boat. This gives law enforcement the option to charge the lesser violation level offense where appropriate. As amended it also aligns the suspension of boating privileges with the boating season, so that someone is not allowed to avoid the suspension by it being enacted during a period of time when no boating occurs. **Vote 20-0.**

HB 1539-FN, relative to annulling, resentencing, or discontinuing prosecution of certain cannabis offenses. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jonah Wheeler for the **Majority** of Criminal Justice and Public Safety. This bill updates the existing annulment statutes found in the criminal code. The current system is such that an individual seeking an annulment must pay a \$300 fee, and in most cases if they want the effort to be successful they must pay for a lawyer. We know that the overwhelming majority of people eligible for annulments do not get them. This bill would solve that and the economic barrier to a cannabis annulment by charging the Department of Safety with annulling the misdemeanor cannabis possession charges off all eligible records in their system. This bill does not change the possession limit for cannabis. The current law would still stand. This bill allows for the individual to petition the court they were sentenced in for resentencing or annulment. Whether or not you are a supporter of legalization, New Hampshire is currently in the process of setting up a system by which we sell this product. How hypocritical is it for us to have citizens with a charge on their record for a product that the state is getting ready to sell? Nobody should have a criminal record for a product that’s about to be sold by the entity which gave them that record. An individual may petition for resentencing, but is not guaranteed that resentencing will be granted. Cannabis criminal records follow the charged individual for the rest of their life. People who have rehabilitated themselves and moved on from a charge which may

have been decades ago, find themselves living in the shadow of that charge from years past. Preventing them from getting a house, a job, and moving on with their life. This bill helps those people finally become fully functioning members of society. **Vote 14-6.** Rep. Jonathan Stone for the **Minority** of Criminal Justice and Public Safety. After hearing witness testimony, it is the opinion of the minority that this bill is unnecessary as we currently have an annulment process established under NH RSA 651:5 for violation, misdemeanor and felony offenses to include possession of the non-narcotic drug, cannabis. There was no testimony or supporting evidence of an individual who had filed for annulment petition with the Judicial Branch and was not granted one. In New Hampshire, a violation is an offense that is not a crime. The penalties for a violation include a fine and, in some cases, license suspension but no jail time will be imposed. Also, a violation conviction is not reported on your criminal record and will have no long term effects. On the misdemeanor offense, no evidence was presented on any individual currently serving a period of incarceration for a cannabis offense in any New Hampshire House of Correction. The misdemeanor offense would be part of a criminal record, but would be eligible for annulment. If an individual broke the law, and was subsequently convicted, they bear responsibility for their actions and should have the burden to seek an annulment. This bill seeks to put the burden on the state. At the time of conviction and currently, cannabis possession and sales are still violations of current state and federal law. Finally, it is the opinion of the minority that while the nature of the offense is important, part of the equation lost on the majority, is that the offenders at the time had no way to know that it might be someday legalized. The minority believes that a major component of any crime is the refusal to recognize the authority of the rule of law itself. We are a nation of laws and allowing retroactive wholesale forgiveness because society changes its opinion on the subject matter of the law, ignores that the need to obey the law does not change. Retroactive sanctioning of disobedience to the law, will lead to lack of respect for law. Lack of respect for the law, leads to anarchy.

HB 1713-FN, relative to a defendant's presence during certain criminal proceedings. **OUGHT TO PASS.**

Rep. Terry Roy for Criminal Justice and Public Safety. This bill would require defendants charged with crimes punishable by a period of incarceration of 15 years to life, to appear in court to answer to their charges in person. The committee felt, that given the importance the legislature has placed on giving a voice to and empowering the victims of crime, as can be seen in our laws related to victim impact statements; allowing a defendant to choose to not attend court proceedings is contradictory. What good is giving a voice to victims if no one is there to hear it? A defendant's refusal to face and hear their victim, is revictimizing them by robbing them of their voice. Even in crimes without an obvious personal victim, society itself deserves to see the defendant stand before us all and answer for their crimes. This ensures the public of equal justice for all and protects defendants from secret trials where the defendant is not allowed to speak in their own defense. While the impetus for this bill was one person's refusal to face the family of the victim of his horrific crimes, the committee is also cognizant of the historical need for the right of a defendant to face their accuser and the importance of habeas corpus. This bill strengthens those protections as well. The bill still allows for some judicial discretion in appearances and broad discretion in sentencing. The only limit being, any sentence under this bill must be served consecutively with any other sentence. **Vote 15-0.**

EDUCATION

HB 1014, relative to the registration of high school students to vote. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The intent of this bipartisan bill is to require school districts and private high schools to adopt policies to promote student voter registration. Such policies include informing students of state requirements for voter registration as well as providing access to and assistance with filing registration applications. These policies may include collaboration with the town or city clerk or the supervisor of the checklist to conduct voter registration at high schools. Even though NH prides itself in its tradition of overall high voter turnout, the voter registration rate for 18-year-olds in NH is a mere 15.6%. Our American democracy is strongest when all eligible citizens participate. This bill is a way NH can increase youth participation in elections by requiring school districts and private high schools to adopt policies on voter education and registration.

Rep. Muriel Hall

Statement in support of Ought to Pass with Amendment: We would all like to see a higher turnout of legal voters at our elections. We do not have an issue with registering any voters but want to make sure that all the laws are being followed. The original bill requiring district policies leaves open many questions. Are registrations at high schools public events requiring the public to be allowed to register? What about regional schools serving multiple towns? If not all town clerks were present, would the students in the other towns be discriminated against? There was much committee discussion that voter registration should be part of civics instruction. As amended, the bill moves the issue into the civics instruction statutes and references current law that requires the State Board of Education to provide a constitution and information to schools on voting. The amended bill should resolve the issue of any schools not providing information on voting to students.

Rep. Glenn Cordelli

HB 1015-FN, relative to requirements for literacy skill development in elementary grades. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill, as originally introduced, makes changes to the elementary grade literacy skill development requirements that school districts must meet. Two amendments were introduced in committee, amendment 1109h and amendment 1106h. The non-germane amendment, 1109h, completely replaces the bill by mandating a new reading assessment and intervention program for all public schools. Although this bill, as amended with 1109h, suggests an appropriation of \$2.5 million for competitive reading improvement grants of \$75,000 per school with an English Language Arts proficiency rating below the state average, the committee heard testimony as to the financial burden and limited capacity of all schools to meet all the requirements of the bill. Conversely, this bill, with amendment 1106h, is a bipartisan bill, presented by two professional educators who have many years of experience teaching students how to read. Excellent literacy instruction is essential in building a strong foundation for learning and equips children with the skills they need to broaden their learning in all other academic areas. Passage of this bill would provide continuity and consistency in the execution of teaching reading to all our children, in all our public schools. It is based on the National Reading Panel research, targeting five essential elements of reading: comprehension, vocabulary, fluency, phonics, and phonemic awareness. Implementation includes explicit and systematic instruction in the five components of reading. The five components of reading are inclusive of the various English language arts areas and must be delivered in a response-to-intervention model that requires screening, benchmarking, and progress monitoring. This bill will ensure all NH children in public and public charter schools are afforded reading development and instruction that is delivered to meet their individual needs and abilities. Full implementation by July 1, 2027 allows schools sufficient time to begin professional development, acquire appropriate curricular materials, and engage in structuring literacy instruction.

Rep. Peggy Balboni

Statement in support of Ought to Pass with Amendment: The average proficiency in reading across the state is 52%. Therefore, 48% of students are not proficient. The bill amended with 2024-1109h presents a comprehensive approach to improving literacy. It is the result of working with international, national, and state literacy experts. It will require screening of all students in grades K-3 using a screener and training contracted for by the Department of Education based upon evidence-based instructional methods. If deficiencies are found, intervention is required. A plan to address the issues is required, as well as involving the parents. The amended bill also requires that college teacher programs be evaluated for their use of these evidenced-based methods. Some colleges and school districts are using now discredited methods of teaching reading. This bill changes that. Teachers currently employed possibly are not aware of the new methods. Teachers involved in reading instruction seeking renewal of their certifications will have to pass a test on this beginning in 2028. There is also provision for a competitive grant program open to schools with proficiency levels below the state average. Schools applying for the grants will have to submit a plan for improving reading literacy and the instructional methods to be used. If we are going to improve literacy in NH, then we have to start now and have a comprehensive plan for doing it. If we do not move forward, we are failing our children and what does that mean for our future?

Rep. Glenn Cordelli

HB 1084, relative to qualifications for the commissioner of education. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill sets minimum education and experience requirements for a person to serve as the state's Commissioner of Education. The commissioner would have to hold an earned degree from an accredited college or university, certification as an educator, and five years' experience as either a teacher or administrator in a public school system, to ensure competence, knowledge, and understanding of the public school system. The amendment makes these qualifications apply only to appointments or reappoints after the effective date of the act.

Rep. David Luneau

Statement in support of Inexpedient to Legislate: The Commissioner of Education is responsible for the organizational goals of the department and through his or her administration, to improve the effectiveness and efficiency of administrative and instructional services to all public schools in New Hampshire. In accordance with NH statute, the Governor, after consultation with the Board of Education, shall appoint the commissioner. This bill is narrowly constructed. Among the three qualifying criteria, the bill requires that a commissioner be certified as a teacher and have five years combined experience in teaching or administration in public schools. The bill disallows teaching experience or administration in private schools or successful leadership experience and accomplishments in the competitive world of private industry or business. Certainly, to be a successful educational commissioner, one must be informed and understand the world of careers and workforce needs. The current commissioner, along with previous commissioners of education, have brought leadership experience, knowledge of the state's educational opportunities, and intelligence that has served and will continue to best serve New Hampshire's K-12 students and higher education systems. Qualifying job criteria that will best serve our state should recognize proven leadership accomplishment, excitement for

the job, and a willingness to challenge the status quo. Simply possessing a certificate or a diploma should not be the identifying marker or requirement for NH's educational leader. Within New Hampshire, qualifying criteria should remain the responsibility of the executive branch of government without micromanagement interference from either the legislature or controlling interests within education.

Rep. Rick Ladd

HB 1087, establishing a commission to study information literacy and media literacy instruction in public schools. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill establishes a Commission to Study Information Literacy and Media Literacy Instruction in Public Schools to improve students' media literacy skills. These skills are important to workforce readiness, responsible citizenship, and youth health and well-being. Media literacy instruction is an issue that has seen wide bipartisan agreement across the country. 20 states have already enacted legislation focused on media skills and instruction for students. This bill proposes a commission with stakeholders and legislators that builds on Governor Sununu's 2023 executive order directing a statewide response to the impact of social media on children. The commission would offer a first step to investigate what effective solutions could be developed for public education in the Granite State. With the introduction of artificial intelligence (AI) and the complex and manipulative issues of social media messaging, this bill, as amended, will start important dialogue for the development and implementation of media literacy curriculum and standards.

Rep. Linda Tanner

Statement in support of Inexpedient to Legislate: This bill would establish a Commission to Study Information and Media Literacy Instruction in Public Schools. This topic is of utmost importance because it is becoming increasingly difficult for students to discern the truth when confronted with all the informational sources that bombard them today. While those committee members who opposed this bill appreciate the urgency of students learning how to tell truth from lies and fact from fiction, we are concerned that the politically biased composition of the commission would pose problems in fulfilling this mission. Among other criteria, this bill calls for two members to be appointed by the New Hampshire School Library Media Association which aligns closely with the American Library Association and its obvious political agenda. Another member would be appointed by an organization called Media Power Youth, which trains youth activists and promotes social-emotional learning in its already existing curricular materials (the existence of which creates a clear conflict of interest). Since one of the main functions of this commission would be to recommend proposed legislation, it seems unwise to have members from two such biased organizations.

Rep. Arlene Quaratiello

HB 1093, prohibiting mandatory mask policies in schools. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill would prohibit public schools from adopting policies that require students or members of the public to wear a mask while on the school's property. This would not apply to protective equipment worn for sports or for handling chemicals for scientific or educational purposes. When the Governor created the state-wide mask mandate in November of 2020, K-12 students, teachers, and staff were exempt. Local school districts created their own policies for mandating masks. Forcing children to wear masks had a negative impact on their learning, their speech, their mental and emotional well-being, their physical health, and their social development. This bill protects choice, but it also protects school boards from placing themselves in the middle of what parents want for their children. School boards are not qualified to make these types of decisions. If there is a public health crisis in the future, then the state will need to create the mandate and not our local school districts.

Rep. Kristin Noble

Statement in support of Inexpedient to Legislate: This bill prohibits school districts and chartered public schools from adopting, enforcing, or implementing policies requiring facial coverings with limited exceptions. During the pandemic, state and local officials were directed to rely on current mitigation recommendations by the NH Department of Education and the NH Division of Public Health Services. These recommendations were based on information from national, state, and local health agencies. In the fall of 2020, NH school districts and local school boards were instructed to rely on Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS), and public health guidelines, which were provided to schools in a document provided to local districts through the NH School Transition Reopening and Redesign Taskforce. This guidance was provided to maximize the ability of public schools to offer some level of in-person instruction. The recommendations followed by public school districts were based on the best information available at the time. While not perfect, the intent of masking was to best protect our public students from infection, to allow for more students and families to return to in-person instruction and provide the safest environment for everyone in our public schools. Fluctuating infection rates led to disruptions to in-person learning and increases in remote instruction, causing parent confusion and frustration with the continued requirement

of masking of children. This bill is a reaction to those pandemic-era health advisories and restrictions. It will eliminate the ability of local school districts to put in place practices, procedures, and policies to protect students and staff in the event of any future health emergencies, regardless of guidance being provided by state or local health officials. No one can predict what will happen in the future. Best practices in health, disease, and prevention continue to evolve based upon scientific advances. We need to continue to allow our local, elected school boards the freedom to respond to health emergencies according to the individual needs of their community, rather than remove options that could potentially be recommended by other local, state, and federal health experts.

Rep. Peggy Balboni

HB 1287-FN, relative to the definition of the term “evidence-based” within public education. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This “Science in Education Act” proposes defining the term “evidence-based” within public education in such a manner as to exclude subjective data sets, such as surveys, that we may rely solely on good, objective science to steer education. It further requires that school districts make available the science on which they are relying for transparency purposes and limits executive public communications of the term “evidence-based” to observe this definition. This requirement does not apply to curriculum, nor does it place any burden on teachers, as it only applies to institutions, such as the Department of Education, when adopting teaching methods. As such this represents a low-cost way to improve education. This bill does not dictate what specific teaching methods are adopted, but only requires that consideration be limited to those methods having demonstrated efficacy in studies. This is necessary to help curb the historical practice of chasing poorly substantiated fads within the field of education, and thereby contributes towards improved standards from which improved outcomes can be reasonably anticipated, as well as reduced long-term costs resulting from lesser turnover of materials and retraining of educators.

Rep. Mike Belcher

Statement in support of Inexpedient to Legislate: This bill turns science and history on its head. Public school curriculum would no longer be based on peer-reviewed facts. It would require schools to devote precious instructional time to present “alternative facts” peddled by con artists, hucksters and conspiracy theorists. Students would be presented with discredited ideas about slavery, history, science, health, as well as other misinformation and ideological propaganda. New Hampshire students perform among the best in the country, and this speaks volumes about the high standards used today by our public school teachers and staff. When it comes to teaching our kids, our public schools should continue to rely on facts supported by primary references and credible sources.

Rep. David Luneau

HB 1383, relative to cooperative school board district elections. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: Current law provides several options for the election of cooperative district school board members. One option provides for the election of a representative for specific towns in the district. The issue is that it requires everyone in the entire cooperative district to vote for that town’s representative. This amended bill states that the voters in that town shall elect their own representative. It is not fair for a small town in a district to have its representative elected by voters in the larger towns who might not even know the candidates. Small town residents need fair elections.

Rep. Glenn Cordelli

Statement in support of Refer for Interim Study: The bill and amendment are directed to how cooperative school districts elect members of their school boards. Current law requires cooperative school districts to define the number, composition, method of selection, and terms of school board members in their articles of agreement. Districts formed after the passage of the current law have the option to choose from one of several alternatives spelled out in statute and conform to the “one person one vote” doctrine. The bill and amendment make a change that violates this doctrine. And unlike how the current law was drafted, the stated intent of the bill and amendment is to apply retrospectively to existing articles of agreement without voter approval. Members of the committee who support the Interim Study recommendation believe cooperative school district members will object to the state’s interference with existing contracts.

Rep. David Luneau

HB 1452-FN, relative to credentials for the position of superintendent of schools and school business officer. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill establishes minimum standards for superintendents and business administrators employed by public school districts. The bill is necessary after the State Board of Education eliminated all standards for school business administrators and reduced the standards for school superintendents. Some may argue that the standards were too high and have led to few candidates applying for these positions. But the department’s low standards and no standards are not the solution. Low standards and no standards are not appropriate when these professionals are responsible

for the education and safety of 165,000 students every day and are responsible for more than \$3 billion per year in public tax dollars. Granite Staters expect high standards for our public school employees and strong outcomes for our students. This bill, with or without amendment, restores these high standards.

Rep. David Luneau

Statement in support of Inexpedient to Legislate: Statutes lay out general principles and sometimes specific details, but most of the finer details belong in rules and regulations. This bill – both the original and the amended versions – carries the details of credentials for the positions of superintendent of schools and school business officer far beyond the scope of statute. While both versions could be used as a sample framework for a district looking to fill either of these positions, these multi-page lists belong in rules and regulations, not in the statutes.

Rep. Margaret Drye

HB 1453, relative to degree granting authority of certain institutions of higher education. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill sets minimum standards for institutions of higher education authorized by the state to confer undergraduate and graduate degrees. New Hampshire is home to many high-quality public and private colleges and universities. All private colleges and universities in New Hampshire are non-profit institutions. The bill would establish minimum standards for private institutions to be non-profit organizations, as they all are now, and to comply with state and federal anti-discrimination laws and the federal higher education act, including Title IX.

Rep. David Luneau

Statement in support of Inexpedient to Legislate: This bill requires institutions of higher education approved by the Higher Education Commission for degree granting authority to be organized as nonprofit organizations and to comply with the Higher Education Act and state and federal anti-discrimination laws. We don't believe that we should be limiting institutions of higher education to not-for-profit institutions as for-profit institutions may be more responsive to the needs of their customers (students). In addition, institutions of higher education already have to comply with the Higher Education Act and all applicable state and federal anti-discrimination laws.

Rep. Alicia Lekas

HB 1476-FN, relative to charter school memorandums of understanding. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill changes the date when a memorandum of understanding (MOU) must be completed between a school district and a charter school for the provision and billing of special education services. Currently, a student's school district of residence and the charter school of attendance must adopt an MOU before the start of the school year. This is impractical for many charter schools because personnel are not available during the summer months. As a result, some MOUs are not completed, although special education services are still provided to the student according to their individualized education plan. In addition, many students are not identified as needing special education services until after October 1. The bill moves the MOU date to November 1, giving time to identify students and the services they need, and time to complete the MOU for the provision and billing of these services.

Rep. David Luneau

Statement in support of Refer for Interim Study: Currently, memorandums of understanding (MOUs) are required between a charter school and the resident school district of any charter school student with a disability and IEP. The resident district is responsible for the services for that child. The bill requires MOUs to be signed by November 1st annually. The fiscal note says that if the MOU is not signed until after the start of school, they might have difficulty finding service providers. We also had testimony from the Department of Education that there have been times when the charter school has refused to sign the MOU and this bill might result in some students not receiving services until November. There are unresolved questions that need to be answered before we put a date into law. We cannot risk situations in which a child with a disability might be left without services.

Rep. Glenn Cordelli

HB 1481, relative to appointments to fill vacancies to at large cooperative school board seats. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The number, composition, method of selection, and terms of members of cooperative school boards are provided in the bylaws or articles of agreement of the cooperative school district, and they vary from district to district. When a vacancy occurs in any cooperative board seat that is elected at large, it is important to maintain any balance of town or municipality representation that may exist on the board. The easiest way to do this is to have the vacancy filled by a successor who is from the same municipality as the outgoing member. This bill establishes that requirement in the sections of law that describe cooperative school boards and school district elections.

Rep. Margaret Drye

Statement in support of Refer for Interim Study: This bill is directed to how cooperative school districts fill at large vacancies to their school boards. Current law requires cooperative school districts to define the number, composition, method of selection, and terms of school board members in their articles of agreement. Districts formed after the passage of the current law have the option to choose from one of several alternatives spelled out in statute and conform to the “one person one vote” doctrine. Unlike how the current law was drafted, the intent of the bill and amendment is to apply retrospectively to existing articles of agreement without voter approval. Members of the committee who support the Interim Study recommendation believe cooperative school district members will object to the state’s interference with existing contracts.

Rep. David Luneau

HB 1592-FN-LOCAL, relative to the use of education freedom account funds in religious schools. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The intent of this bill is to recognize that the New Hampshire Constitution prohibits public taxpayer tax dollars from being used to support religious schools and religious education. In the foundational language of the June 2, 1784, NH Constitution, Part 1, Article 6, Morality and Piety, states in part: “But no person shall ever be compelled to pay towards the support of schools of any sect or denomination.” The vast majority of the Education Freedom Account (EFA) vouchers are devoted to students attending primarily Christian and Catholic private schools. The funds for the EFA vouchers come from the state budget’s Education Trust Fund. Obviously, the budget is supported by the tax dollars of New Hampshire taxpayers. To wit, the funding of EFA funds to religious institutions is a violation of the NH Constitution.

Rep. Mel Myler

Statement in support of Inexpedient to Legislate: This bill would prohibit the use of Education Freedom Account funds from being used for tuition to religious schools. This would be contrary to multiple U.S. Supreme Court rulings dating back several decades. These include *Zelman v. Simmons-Harris* (2002), *Trinity Lutheran v. Comer* (2017), *Espinoza v. Montana Dept of Revenue* (2020), and *Carson v. Makin* (2022). The opinion in the *Carson* case sums up these cases: “A neutral benefit program in which public funds flow to religious organizations through the independent choices of private benefit recipients does not offend the Establishment Clause.” Passage of this bill will lead to a federal court case and maybe back to the U.S. Supreme Court.

Rep. Glenn Cordelli

HB 1616, relative to parental consent for student participation in Medicaid to schools program. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: The current law provides for schools to bill Medicaid for reimbursement for medical and health related services provided to students with disabilities. The law requires only an initial consent by parents for the billing. The intent of this bill is very simple. Written parental consent should be obtained for each new service provided to the child and billed to Medicaid. An initial consent should not be an open door for all services and billing for the child. Parents have a right to know.

Rep. Glenn Cordelli

Statement in support of Refer for Interim Study: The NH Medicaid to Schools (MTS) program gives local education agencies (LEAs) and school administrative units (SAUs) the opportunity to obtain federal Medicaid dollars for eligible services. These dollars offset the cost to schools of delivering Medicaid-covered services. A broadly revised version of New Hampshire’s MTS Program Rules (He-W 589) went into effect in February 2020. Engagement in the MTS Program offers an opportunity for reimbursement for services that schools are required to provide based on Individualized Education Plans (IEPs). The parents of a student whose services are billed through Medicaid must give consent for this billing process to happen. This parental consent is typically received during the IEP process. The parent also receives a written prior notice, outlining all of the proposals considered in the annual team meeting, prior to providing consent. This bill conflates consent for Medicaid billing purposes (releasing information to a billing company) with parental consent for IEP services as a whole. Not all IEP services are considered “medically necessary” or would be eligible for MTS, but all IEP services must be consented to by parents prior to being implemented. In NH, this consent is done annually, which exceeds the federal IDEA consent requirement. Parents can withdraw consent for MTS billing or call a team meeting to discuss services in a child’s IEP at any time. However, the school must set up a meeting no less than annually to review all of these. Receiving services in the school setting does not limit a child’s eligibility to receive services outside of school. As long as both services are considered medically necessary and meet federal Medicaid law, children can receive services through the school that are paid for by MTS and traditional Medicaid. We are unaware of any special education services being provided to a student without consent from a parent in general, and a child’s information cannot be released to MTS without parental consent. The Department of Health and Human Services has indicated that NH will be transitioning to a new claiming methodology to better reflect direct and indirect healthcare costs in schools. Interim Study would allow the committee to look at Medicaid to School and other Medicaid programs as a whole to better understand all issues that could be addressed by the department or through future legislation.

Rep. Peggy Balboni

HB 1642, relative to the role of cooperative school district board member representatives on school district budget committees. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill changes the school board appointed member on the cooperative school board budget committee to a non-voting ex-officio role. Current law gives the appointee a vote on both the board and committee. The members in support of Ought to Pass find that a school board member should only have one vote on the school board as opposed to the same elected member having two votes, one on the school board and one on the school district budget committee.

Rep. Katy Peternel

Statement in support of Refer for Interim Study: This bill is directed to the voting members serving on a budget committee for a cooperative school district. If the voters at a cooperative school district meeting approve to have a budget committee, current law requires the budget committee to include one member from the cooperative school board as a voting member. The bill would restrict the school board member to serve “in an ex-officio, non-voting capacity.” The state has 31 cooperative school districts, most of which were formed in the 1950s and 1960s. These cooperative school districts operate under agreements adopted by voters from each of the municipalities served. Committee members who support the Interim Study recommendation believe this bill and other related bills should be worked on with representatives from the cooperative school districts and municipalities to better understand their needs and consider future legislation.

Rep. David Luneau

ELECTION LAW

HB 1091, relative to the financing of political campaigns. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Connie Lane for Election Law. This bipartisan bill revises many provisions in the campaign finance statutes that have been identified by the Secretary of State and Attorney General as confusing, contradictory, or unclear. It simplifies the existing statutes by consolidating the definitions and types of political committees and conforms reporting dates for all political committees and candidates. **Vote 20-0.**

HB 1596-FN, requiring a disclosure of deceptive artificial intelligence usage in political advertising. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bipartisan bill, with support from the Secretary of State, requires disclosure when deceptive artificial intelligence (AI) is used in political advertising during a limited time frame of within 90 days of a candidate’s appearance on the ballot. While multiple AI bills have been considered in various committees, including ones like this that pertain to deceptive deepfakes that make it appear that someone did something or said something that did not actually occur in real life, HB1596 is the ONLY one crafted in such a way that, if passed, would go into effect this year in advance of the November 2024 elections making this bill a “must pass” in the bipartisan supported suite of AI bills. The bill contains numerous safe harbors to adequately address first amendment concerns including an exemption for satire or parody as well as carve-outs for news broadcasters and more, matching the language and definitions of other AI bills. This 2024 election year is the first time deceptive deepfakes will play a significant role in influencing our elections because the rapid advancement of generative AI technology necessary to create deepfakes is now widely accessible for little to no money and requiring little to no skill. This common sense bill aims to curb the dissemination of disinformation when it is in the form of media manipulated by technology capable of making it appear that something was done or said in real life when it did not actually occur. The required disclosure would read “this [image, video, or audio] has been manipulated or generated by artificial intelligence technology and depicts speech or conduct that did not occur.” Those in support of Ought To Pass with Amendment believe this is a bipartisan, common sense, forward-thinking opportunity to provide a necessary tool for protecting the integrity of our elections.

Rep. Angela Brennan

Statement in support of Inexpedient to Legislate: This bill would have a chilling effect on freedom of expression. Those in opposition to the bill were concerned about severely impeding people’s first amendment rights and potentially forcing the media to self-police content or be held liable for broadcasting content that may or may not be artificially generated if a disclaimer about authenticity of content is not audibly and or visually shared. The potential for self-censorship in our political media could be construed as voter intimidation. Other issues include holding liable sponsors, rather than creators of offending content, and opening the door to legal causes of action being raised against those who host or share such content, even without malicious intent.

Rep. Aidan Ankarberg

ENVIRONMENT AND AGRICULTURE

HB 1102-FN, relative to the definition of animal cruelty. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Peter Bixby for the **Majority** of Environment and Agriculture. Some brachycephalic, a.k.a. short nosed, dogs such as bulldogs and pugs, are prone to breathing problems that can be painful for the dog and expensive for the owner. This bill, as proposed, would have included the sale and breeding of brachycephalic dogs with breathing problems under the animal cruelty codes, making the first offense a misdemeanor and subsequent offenses felonies. While the committee was sympathetic to the problems these dogs face, we found the wording of the conditions that would trigger a cruelty charge unclear and problematic. The bill also contained very vague and subjective language regarding deformities and suffering. We also heard testimony that investigating and bringing a charge of cruelty with this bill as written would be nearly impossible. Another issue was that many dogs that would be considered brachycephalic do not exhibit these problems, making it hard to define exactly which dogs would be excluded from sale and breeding. Furthermore, if such dogs were surrendered to an animal shelter, the ban on sales could force the shelter to have them euthanized. For these reasons, the majority recommends this bill be found Inexpedient to Legislate. **Vote 14-6.** Rep. Sherry Dutzy for the **Minority** of Environment and Agriculture. The minority of the committee believes that a Referral for Interim Study better addresses the issues covered in this bill. Although the minority recognizes that most breeders are reputable and take great care to breed healthy dogs, there were concerns that some may succumb to financial incentives to breed dogs with traits that are counter to the breed's health. The minority felt that an amendment which was drafted by the bill sponsor, but not formally considered by the committee, addressed many concerns of the committee regarding the original bill. The minority would like to see a study committee to see how the suffering of several breeds can be reduced or eliminated.

HB 1145-FN, prohibiting the private ownership of landfills. MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Peter Bixby for the **Majority** of Environment and Agriculture. Approximately 50% of the trash that goes into New Hampshire landfills comes from out of state. Because of the Interstate Commerce Clause of the U.S. Constitution, the state cannot put restrictions on private landfills to treat trash coming from out of state differently from in-state trash. This bill would require that any future landfills in New Hampshire be owned either by the state or a subdivision thereof. The bill requires that a state-owned landfill would be operated by a private company and would also grandfather existing landfills. A municipal or county landfill would be able to choose between public or private operation. This would allow New Hampshire to control what and how much trash comes in from out of state. By reducing the amount of out-of-state trash, we can reduce the number of new landfills that will be needed, allow them to operate longer, and reduce their environmental impact. **Vote 11-9.** Rep. Judy Aron for the **Minority** of Environment and Agriculture. The minority believes that banning private ownership of landfills in New Hampshire in order to control the amount of out of state waste being placed into our landfills is wrong. Our state and counties and municipalities already have the ability to establish landfills in our state and have done so successfully in several places, and they currently compete alongside privately owned landfills. Banning private ownership of landfills is just not business friendly. Even if a private business is allowed to enter into a contract with the state, county, or municipality to operate a publicly owned landfill but not own the land, why would they want to invest millions in infrastructure on a site that they would eventually abandon, or worse if their contract is not renewed by the public entity, hand over all that infrastructure to another contractor who would then run that landfill? There are many other questions regarding state, county, and municipal ownership of landfills, such as would they likely take land via eminent domain to establish a landfill? Who would have the liability for the land if the land becomes contaminated or becomes an environmental problem? Should these costs along with operational costs be borne by NH taxpayers? What about the increase in costs and tipping fees that are likely to occur? This would surely impact NH taxpayers. While the minority understands that this is an attempt to get around the US Interstate Commerce Clause and control the amount of out of state trash being trucked into our landfills, we do not believe that this is the right solution as it creates many more problems and increases costs to NH taxpayers.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1059, relative to the state building code. OUGHT TO PASS WITH AMENDMENT.

Rep. Carol McGuire for Executive Departments and Administration. This bill updates to the 2021 version all building codes, with amendments adopted by the Building Code Review Board (BCRB), except the energy code, which stays at 2018. The board and the committee considered the energy code update, and rejected it as imposing too many costs and restrictions on new homes. The committee amendment updates the code amendments to those adopted by the BCRB at its latest meeting. **Vote 20-0.**

HB 1190-FN, relative to adopting the interstate social work licensure compact. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Carol McGuire for the **Majority** of Executive Departments and Administration. This bill adopts a new licensing compact, which like all compacts, requires that the rules of the compact have the force and effect of law in the state. This violates the constitutional provision in Part I, Article 12 which states "...Nor are

the inhabitants of this State controllable by any other laws than those to which they, or their representative body, have given their consent.” This well intentioned bill also raised concerns that it would not do what the supporters hoped it would do until many states, particularly neighboring states, joined the compact. **Vote 12-8.** Rep. Jaci Grote for the **Minority** of Executive Departments and Administration. NH participates in many compacts to achieve portability within licensed professions including nursing, occupational therapy, physical therapy, medicine, mental health, psychology, and audiology and speech pathology. States that adopt the compact early determine the license criteria that are governed by the compact board which is important to set standards that protect public safety. This bill would add social workers to the list of professional compacts in current statute. Members of the social workers compact states would be able to practice in the other compact states giving continuity of care to their clients who may have relocated for work or school and pay for one license as opposed to a fee for every state license. The minority of the committee felt that this was an important step in expanding the availability of mental health services to Granite Staters.

HB 1222, relative to physician assistant scope of practice. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for the **Majority** of Executive Departments and Administration. Currently Physician Assistants (PAs) may only practice if they have a signed collaboration agreement with a physician. From existing RSA 328-D:1 II-a “Collaboration” means a physician assistant’s consultation with or referral to an appropriate physician or other health care professional as indicated based on the patient’s condition, the physician assistant’s education, training, and experience, and the applicable standards of care.” The committee heard testimony that in some, possibly many, cases the physician who signed a collaboration agreement has, effectively, no relationship with the PA other than requiring the PA to pay for the signature. The committee heard from more than one person that the cost can be \$1,000/month. Also, even though current statute absolves the physician who signed the agreement of any liability for actions by the PA, the PAs are being required to include the physician on the PAs liability insurance, another cost to them. In some cases the PA has never met the physician who signed their collaboration agreement. The committee heard no testimony of any problems caused by PAs even though at least some have a collaboration agreement that provides no oversight. However, Nurse Practitioners (NPs), also known as APRNs and ARNPs, who can provide similar medical care as a PA, are not required to have a collaboration agreement. There are many NPs practicing in NH and the committee did not hear any testimony concerning problems with NPs practicing without such an agreement. PAs and NPs take a similar but somewhat different path in training. However, by the end of their training they have spent about the same amount of time training and that training has covered similar material. Currently PAs may provide any legal medical service for which they have been prepared by their education, training, and experience and are competent to perform. If this bill were to become law that scope of practice would remain the same. Making it easier for PAs to practice in NH would help alleviate the shortage of medical personnel and increase access to medical care. That is true throughout the state but especially in rural areas that are not as well served. The genesis of this bill was a situation in the northern part of the state where a PA had been practicing for decades helping this underserved area. However, the physician who had signed his collaboration agreement was retiring and the PA was not able to find another physician to sign a new one. As it stands that PA will have to stop practicing, leaving his patients without his care. This is not unique to this particular PA or area. We heard testimony that Southern NH Family practice, in the Nashua area, had to replace PAs with NPs because the PAs could not find physicians to sign collaboration agreements and NPs don’t need one. This unnecessarily limits the medical professionals that can meet the needs of the people of NH. The amendment updates language concerning PAs who are employed by the United States Department of Veterans Affairs and who are offering medical services to patients offered through the Veterans Administration Medical Center (VAMC). This update is required as part of removing the requirement for PAs to have a collaboration agreement. **Vote 12-8.** Rep. Jaci Grote for the **Minority** of Executive Departments and Administration. HB1222 eliminates the long standing collaboration agreement between physician assistants(PA) and physicians allowing PAs to practice independently. The requirement for a PA is successfully completing an accredited PA program. In NH, there are two schools, one with a 24 month program and one with 27 months. Both schools require a BA or BS. A minority of the committee felt that the elimination of this collaboration agreement between a physician assistant (PA) and the responsible physician was too large a step in light on the changes made last year with SB228. Before SB228, PAs were supervised by physicians and, after long discussions, SB228 changed the relationship from supervision to strictly collaboration. The rule making for this legislation is complete and states that physician assistants are responsible for their own medical decisions. It further states that physicians are not legally liable for malpractice. However, as a result of this change, some physicians have been reluctant to sign collaboration agreements because they will be liable for claims but will have had no supervisory input. This consequence was the main reason behind HB1222. The minority does not want another unintended consequence and feels strongly that a joint effort with the other members of the healthcare teams such as the board of medicine, board of nursing, the hospital association and the NH Medical Society is needed to resolve this concern. None

of these organizations were involved with the drafting of HB1222. A request was made during the executive session to delay the vote on this bill to the House deadline date with the hope that such an understanding could be reached but it was rejected.

HB 1271, relative to the conversion, combination, and reorganization of boards and advisory boards. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for the **Majority** of Executive Departments and Administration. As amended, this bill converts the boards of acupuncture licensing, midwifery, guardian ad litem, family mediators, manufactured housing installations, massage therapists, nursing home administrators, and septic system evaluators to advisory boards. Much of this was initially in HB 2 last year and reintroduced to the committee via an amendment to the bill. The majority of the committee was concerned with the negative sentiments expressed by two of the boards, specifically the acupuncturists and guardian ad litem. Their concerns and objections held weight with the committee and therefore interim study was a viable means of addressing these issues. **Vote 11-9.** Rep. Tony Lekas for the **Minority** of Executive Departments and Administration. This bill as amended converts a number of the licensing boards into advisory boards. A number of existing boards are already advisory. The executive director of the Office of Professional Licensure and Certification (OPLC) will be required to consult with the boards in developing administrative rules defining licensing requirements and other matters concerning licensing of the professions the boards oversee. If the boards object to those rules, they will have a number of opportunities during the RSA 541-A rulemaking process to have their concerns heard. These are boards that oversee relatively few licensees. Having market participants oversee few licensees can open both the state and the members of the board to antitrust suits. This is particularly true when there are relatively few licensees. The concern is that since the members of the board likely know most if not all of the licensees, decisions might appear to be influenced by personal relationships or the fact that other licensees are competitors. For example, there are only 33 licensed midwives in New Hampshire. The three midwives on the licensing board make up almost 10% of all the midwives licensed. In the 2015 case North Carolina State Board of Dental Examiners v. Federal Trade Commission, the US Supreme Court held that professional licensing boards comprised primarily of active market participants have immunity from antitrust laws only when they are actively supervised by the state. Advisory licensing boards have this immunity because, although they advise the OPLC, they do not have final authority. Regulatory boards have no such immunity. Since that 2015 decision a number of cases were filed across the country alleging anti-competitive actions by regulatory boards. Some of those cases resulted in settlements that required legislative changes similar to this bill. Others are still pending. The Federal Trade Commission (FTC) has a task force investigating state licensing practices. This is an active area of litigation and it is likely only a matter of time before a New Hampshire licensing board is sued. In response to that Supreme Court case a number of states have passed legislation to make similar changes. Those include Maryland, Mississippi, Montana, Ohio, Tennessee, Vermont and other states which largely use the advisory board model. This is an issue that should be dealt with now by passing this bill. The problems and solutions are known and there is no need to study it further. This bill also combines the advisory board of massage therapists with the advisory board of reflexology, structural integration, and Asian bodywork therapy. This was at the request of those boards.

HB 1545, relative to the disposal of state surplus property for affordable housing. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill will facilitate in adding to affordable housing units in the state by helping convert non-tax generating surplus properties in communities into tax generating housing properties. By offering surplus real estate for lease or sale to develop into affordable housing, it will incentivize state agencies to set the necessary covenants and restrictions to ensure that it is affordable housing that is developed and it stays affordable for a longer length of time. The current vacancy rate in New Hampshire is below 2%. There are different median income qualifiers, 80%, 60% and 50%, which are hard to find in many communities across the granite state. Here both market rate housing and affordable housing are given a fair and equitable playing field by enabling housing development across the income bracket.

Rep. Latha Mangipudi

Statement in support of Inexpedient to Legislate: This bill allows for the transfer of property from state agencies at less than fair market value if the property will be transferred to a nonprofit entity. The idea is that this will be another tool for the government to solve the so called housing crisis. However, as with all government solutions, this will exacerbate the problem. Selling state surplus property at less than fair market value will affect the local real estate market. It might affect the viability of private development projects not receiving similar subsidies, leading to reduced investment in the area. This could slow the overall pace of housing construction or shift development to areas without such programs. Additionally, this bill is an unfunded subsidy. Since money is fungible, selling at a lower than market value is no different than the state giving a cash subsidy to a nonprofit entity. Therefore, it would be more reasonable for the state to sell the property at market value and give cash subsidies to nonprofits through a process with a fiscal note.

Rep. Matthew Santonastaso

FINANCE

HB 1279-FN-LOCAL, relative to payment by the state of a portion of retirement system contributions of political subdivision employers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Kenneth Weyler for the **Majority** of Finance. One of the most important jobs of the legislature is to pass a balanced budget. In order to accomplish this task all expenditures must be limited to a given amount supported by expected revenue. The idea of the state paying for municipal and county employees retirement share leaves too much uncertainty. In the 24 months after the budget is approved, the state has no control over how many new employees are hired, or any pay raises granted to them. This legislation echoes a bill from last year with the same title of Property Tax Reduction. It would not accomplish the claim of the title. In 2023 the budget sent back \$100 million of direct property tax reduction in reduced SWEPT payments. A request to any group asking "how did that reduction workout?," is answered with "I never saw one." This proposal would possibly reduce those taxes by \$28 million. There would be even less notice of such a reduction. The amount of work this proposal entails at all the administrative levels is not worth all the fuss over such a minor effort. In 2012 we stopped contributing to the employers share of the retirement system for non-state employees. The difference for that contribution was largely made up by the increase in the employee share, which was far less than the employer's share. At the time those payments would have cost the state \$60 million, now they would be over \$100 million. **Vote 16-9.** Rep. Chuck Grassie for the **Minority** of Finance. This bill requires the state to pay 7.5 percent of the normal and accrued liability contributions of the political subdivision retirement employers for group I teachers as well as group II (police and fire) members beginning in FY 2025. The intention of this bill is to alleviate the burden of the sole contribution by all participating municipalities in the New Hampshire Retirement System (NHRS), thus relieving the tax burden to the citizens when the state removed its obligation as a co-contributor to the NHRS system. This bill is a partial, prudent, and conservative attempt to reconstruct the state obligation. It is not at the original agreed to rate of 35% that was paid in the 1970's, but at a sensible rate of 5% relieving the applied tax to municipalities and their taxpayers this reduction inadvertently caused. To make a fair decision on this matter a brief overview and explanation is needed of the original agreement between the state and the contributing municipalities. NHRS was founded in 1967 from a combination of four existing retirement groups, Fire, Police, Teachers, and employees (e.g. state and local workers). Teachers and employees became known as group I, fire and police became known as group II. To entice municipalities to become contributing members, the state agreed to pay 40% of the shared costs in 1967. It was changed in the 1970's to what many of us remember of 35% of the shared costs. It remained under this agreement until 2010 when it was amended again to 30% then again amended to 25%, then further reduced to the current funding of zero. In 2012 it was understood by many of the municipalities that in 2012 it was supposed to be reinstated to 35%, but it was eliminated in the 2011 budget process which brings us to our current funding level of zero. Although changes were made over the years, at no time was it understood by the municipalities that this agreement by the state came with a sunset or termination date. Instead, it was understood that the state would continue as contributing partner in perpetuity. If municipalities had known in 1967 that the state would not fund their contributions, perhaps a different opinion would have been expressed by the municipalities at that time with legislation to continue the partnership. If one thinks that this elimination of the state's contribution responsibility was the panacea to the unfunded actuarial accrued liability (UAAL) they would be mistaken, for the UAAL still exists and other legislation was introduced to adjust that issue. In summary, the state walked away from being a contributing partner, which has led to a promise made and a promise unkept. Currently the state makes no contributions leaving the municipalities and taxpayers holding the bag and in essence a tax of 35% to member municipalities. This bill has the support of your municipal government expressed through the New Hampshire Municipal Association (NHMA). If you have employees in the NHRS, please just go ask your mayors, town administrators or other town officials if your community is feeling the pinch this downsizing has caused. So, you may then ask what is the solution? It is the adoption of this bill, which is a judicious and prudent attempt to compromise the absence of the state's contribution, not to the full 35%, but at a more practical 7.5%, and providing the 2012 intention of reinstating 35% that was eliminated in HB 2: Chapter 224, Laws of 2011, thus alleviating the inadvertent tax levied upon our constituents. This bill has the support of most communities in our state.

HB 1323-FN-A, making an appropriation for the printing costs of the New Hampshire state constitution. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kenneth Weyler for Finance. Every two years the Secretary of State contracts to have 5,000 copies of the New Hampshire Constitution printed. The copy is six inches by nine inches and has pictures of the elected leaders. So, it is only current for a two-year term. The distribution is mainly for the fourth graders who tour the State House as part of their education. The general distribution is somewhat limited. The size is not as convenient as most of the United States Constitutions that different groups distribute. The majority of those US Constitutions are three inches by six and a half inches, and easily fit in a pocket. The effective date will

be after the results of the next election in order to include any Constitutional Amendments that might pass in that election. We hope the size and lack of pictures will reduce the cost as well as making it handier to carry. All of our citizens should be familiar with this document, not just legislators and fourth graders. **Vote 25-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 1280, relative to informed consent and patient rights. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill defines informed consent and patients' rights in the context of a doctor patient relationship. Half of the Health, Human Services, and Elderly Affairs Committee felt that the bill codifies minimum best practices in the delivery of health care, and serves as a necessary stopgap against the increasingly perfunctory execution of medical services driven by the growing administrative infrastructure around healthcare.

Rep. Mark McLean

Statement in support of Refer for Interim Study: This bill would put into statute informed consent procedures and patient rights that are already standard practice in New Hampshire, and in the nation, and is therefore not needed. Studying the issue further to see if there is a problem that needs a legislative approach would be more appropriate. The bill also states that the physician shall assess the patient's intangible ability to understand their treatment options and possible complications, which is a goal strived for but very difficult to measure. This bill may increase the already intolerable paperwork burden on physicians and also increase liability concerns making recruitment to New Hampshire more difficult than it already is. While the goals of this bill are in line with ideal medical practice, there is too much room for unintended consequences and should be further studied before action is taken.

Rep. William Palmer

HB 1568-FN, relative to Medicaid reimbursement for non-transport emergency medical services calls. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: Currently, Medicaid reimburses providers of emergency services for patient care only when the patient is transported to a medical facility. Increasingly, though, our model of emergency services has changed, and often EMTs assess and stabilize a patient in the patient's home and transport to a medical facility is then not needed. The bill simply requires Medicaid to pay for emergency medical services when the patient does not need transport or refuses transport. Currently those services which allow a patient to stay safely in their home are unreimbursed, and fall on the emergency service provider or directly on the taxpayer. Allowing them to be billed through to Medicaid would be a benefit to the patients, who receive the most appropriate care in the most appropriate setting, to the emergency services providing the care, and to the taxpayers in the municipality, who may otherwise be paying more of the costs. Those who voted in favor of Ought to Pass believe this is a simple solution to an ongoing problem, and think that no more complexity is required.

Rep. Lucy Weber

Statement in support of Refer for Interim Study: The committee agrees that it is important to provide payment for services provided by emergency medical services, however half of the committee believes that this bill does not sufficiently define the terms for reimbursement and for that reason recommends the bill for Interim Study. Fortunately, this is not the only bill on this topic this year, and this committee will likely see a much more complete approach to this problem in our committee in the near future.

Rep. Erica Layon

HB 1607, relative to expanded safe haven protections. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for the **Majority** of Health, Human Services and Elderly Affairs. Existing law allows a parent to surrender an infant within seven days of birth directly to a person at a hospital, church, police or fire station, or to an EMT at an agreed location. This bill would expand the time for surrender to 61 days, and would allow the parent increased anonymity, as the child could be placed in a safe haven baby box at a hospital, fire station or police station which is attended 24 hours a day. As drafted, the bill also provided for the exclusion of all evidence of abuse or neglect gathered as a result of the parent surrendering a child in this manner from being used as evidence in a criminal or civil trial. Committee members were united in their desire to preserve the lives of babies born to parents who are unable to care for them. There was debate, however, on many of the provisions of the bill. A majority of the committee approved an amendment that changed the provisions of how evidence derived from the surrender could be used. Some felt the amendment went too far, and some felt the amendment did not go far enough, in addressing the issue of what happens if a parent abuses an infant for up to two months, and then surrenders the infant. Should that parent escape prosecution entirely, or is the goal of protection of the infant a higher priority? The second issue still under discussion is the amount of time allowed for surrender. Is seven days too short? Is 61 days too long? A third issue was the question of the advisability of a "warm handoff" where the infant is surrendered to another

person, or the greater anonymity of placing the child in a box for delivery to a person without direct contact with the parent. The majority of the committee decided that these issues are worthy of more discussion, and are committed to doing that work. **Vote 19-1.** Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. The 19-1 vote on Interim Study is not indicative of a lack of support for an Ought To Pass with Amendment. In fact, nearly half of the committee initially supported that motion, with bipartisan votes on both sides of the question. This bill expands the time window in which a parent may anonymously surrender a newborn baby to a hospital or other designated safe haven from seven days to 61 days. Although it does not exempt parents from criminal prosecution in the event of abuse, it does add some protections so as not to disincentivize parents from saving lives. Although that measure presents a true moral dilemma, the minority believes that this bill is a net positive that will save children's lives.

MUNICIPAL AND COUNTY GOVERNMENT

HB 1181, relative to solid waste districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jim Maggiore for the **Majority** of Municipal and County Government. This bill provides municipalities with the authority to contract with third party haulers for the transportation of solid waste generated both inside and outside of their districts. Secondly, it allows solid waste districts to use a manifest system like municipalities and school districts to smooth out the accounts payable process and ensure timely payment. Most solid waste districts' governing committees are operated by volunteers. Often the only reason the committees meet is to approve the payment of invoices. If the committee fails to get a quorum, as often happens in the summertime, it may be weeks before payment of invoices can be authorized, making payments overdue and, in some cases, financial hardship for some of the vendors. Finally, the most important aspect of this bill is to provide municipalities with the legal process to authorize emergency expenditures and/or over-expenditures, which currently does not exist in the municipal budgeting statute. **Vote 12-8.** Rep. Josh Yokela for the **Minority** of Municipal and County Government. The minority amendment proposes to empower solid waste districts to "direct" waste rather than solely "accept" it from within their districts. This adjustment enables them to efficiently handle large waste producers, preventing capacity overload at drop-off locations from a single load and ensuring continued service to other waste contributors. The majority amendment raises procedural and accountability concerns, therefore, we urge support for the minority of the committee's recommendation of Ought to Pass with Amendment proffered by the minority's amendment.

HB 1223, relative to governing body members of the budget committee. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Laurel Stavis for the **Majority** of Municipal and County Government. The amendment pertains to one of our primary purposes as a committee, which is to hear bills that enable municipalities to determine how they are permitted, by the legislature, to govern themselves. Since the state allows a local option for the adoption (or not) of Keno, the majority of the committee feels that local communities should be given the opportunity to determine whether they will allow games of chance/casinos or not. This amendment accomplishes that goal. **Vote 15-5.** Rep. Josh Yokela for the **Minority** of Municipal and County Government. The minority of the committee asserts that the non-germane amendment seeks to modify established long-term status regarding gambling, thereby instituting a default prohibition on gaming activities in municipalities unless expressly permitted. The minority of the committee contends that hastening a resolution on this issue is unwarranted, given the existing moratorium and ongoing endeavors to prolong it, alongside the municipalities' authority to regulate gaming establishment through zoning ordinances. Rather than expedite a decision, the minority of the committee advocates for a thorough examination of concerns within the time frame afforded by the moratorium, to be addressed comprehensively during the upcoming legislative session.

PUBLIC WORKS AND HIGHWAYS

HB 2024, relative to the state 10-year transportation improvement plan. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey for the **Majority** of Public Works and Highways. This bill is the biennial update to the state's Ten Year Transportation Improvement Plan (TYP) as required by RSA 228:99 and RSA 240. The draft plan of all projects can be found on the New Hampshire Department of Transportation (NHDOT) website and covers fiscal years 2025-2034. The plan spends \$5.079 billion over the next ten years. The plan is fiscally constrained relying on anticipated revenue and includes the federal Infrastructure Investment and Jobs Act (IIJA) funding received under the recently passed bipartisan infrastructure bill. The plan relies on funding from several different federal appropriations, state highway funds, as well as turnpike funds. In broad categories spending is as follows over ten years: individual projects \$1.527 billion; roadsides (culverts, guard rails, etc.) \$287 million; paving \$747 million; bridges \$1.039 billion; mandated federal programs \$449 million; rail \$12 million; transit \$442 million; airports \$345 million; debt service \$229 million. These expenditures include

\$299 million in active transportation projects. Active transportation was added as a category in the prior TYP due to citizen support of this type of transportation network encompassing pedestrian walkways and bicycle trails. The overall TYP sequence starts at the municipal level, after which projects are selected and prioritized at the regional level by the Regional Planning Commissions, who forward their recommendations to the NHDOT. The NHDOT began working with the Governor's Advisory Council on Intermodal Transportation (GACIT) last August to refine the draft TYP, with the initial draft being released last September. GACIT held 24 public hearings, each chaired by a member of GACIT (the Executive Councilors). While refining the initial plan and incorporating the IIJA federal funds, GACIT and the NHDOT used the following overall strategy: fund Regional Planning Commission priority projects; focus on the preservation and maintenance of the existing network of roads and bridges; continue to prioritize core system programs; increase investment in municipally owned red list bridges; and focus on existing projects and programs with the revenue received from the IIJA. The IIJA legislation also includes \$45 million a year to be used for bridges with 15% of this money slated for use on municipal bridges. The NHDOT prioritized the red list bridges and in collaboration with municipalities, added 56 municipally owned red list bridges to the plan. The New Hampshire Turnpike System is one segment of the transportation system that is not funded with federal funds. Over the past several years, due to the decrease in traffic volume and the elimination of toll plazas, turnpike revenue has declined considerably. This decline in revenue is forcing the delay of several major turnpike projects. Based on declining turnpike revenues and other historical reasons, the majority committee amendment calls for the transfer of ownership of Continental Boulevard to the Town of Merrimack. This road is currently maintained by the New Hampshire Turnpike System but is tangential to the New Hampshire Turnpike System as a whole. The annual maintenance cost of Continental Boulevard is \$96,000.00 a year. The majority of the committee feels that to continue to expend limited turnpike funds in maintaining a roadway that does not contribute to the system as a whole is unwarranted. The majority also believes that based on the NHDOT current maintenance cost per mile lane using FY 21-23 three-year average cost, the figure used by the minority for annual maintenance appears to be inflated by more than double the annual cost. But if the costs stated by the minority are not inflated, then the same annual costs would be borne by the New Hampshire Turnpike System. This TYP is fiscally constrained and utilizes all available funding without over promising. The overwhelming bipartisan majority of the committee supports HB 2024 as amended. **Vote 18-1.** Rep. Bill Boyd for the **Minority** of Public Works and Highways. The minority of the committee unequivocally supports the New Hampshire Department of Transportation's 10-year plan except for the amendment which reclassifies Continental Boulevard in Merrimack from a Class II roadway, owned and maintained by the state, to a Class V roadway, owned and maintained by the town. Continental Boulevard has served as a regional, arterial roadway connecting the F.E. Everett Turnpike with all state roadways. This reclassification would immediately shift all costs associated with the maintenance of this roadway to the Town of Merrimack. This downshifting of costs to the local taxpayers is estimated to exceed \$510,000 annually. Continental Boulevard is not primarily used for local town navigation. It facilitates travel between Nashua and Amherst, Hollis, Milford and points west. The minority of the committee believes that local taxpayers should not assume costs for state roads that only serve the state's interests. The traffic volumes on the state section of Continental Boulevard exceed those of any other Merrimack public road - including the urban compact (Class IV) section of Daniel Webster Highway (Route 3). Continental Boulevard's primary purpose serves as a regional thoroughfare for these state roads. Consequently, it should remain under state control.

RESOURCES, RECREATION AND DEVELOPMENT

HB 1113, relative to shoreland septic systems. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Resources, Recreation and Development. This bill seeks to reduce the negative impact on water bodies from failed septic systems located on property within the shoreland protection zone by requiring an evaluation of the septic system prior to the sale of such property. If the system is older than September 1, 1989 or unapproved by the New Hampshire Department of Environmental Services (NHDES), the buyer must hire a NH permitted septic system designer to do a more thorough analysis of the system. If the system is determined to be in failure, it must be replaced within a year and a report of operational approval filed with the local health officer and NHDES. As amended, the bill clarifies the buyer's responsibility, allows a year from the repair/replacement to be completed, allows the buyer to opt out of the evaluation if they plan to replace or repair the system within one year of property transfer and requires them to provide notification of their intent to the local health officer and NHDES. **Vote 20-0.**

HB 1121, relative to creating certain wetlands permit exemptions after a natural disaster or flooding event. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Juliet Harvey-Bolia for the **Majority** of Resources, Recreation and Development. The bill, as amended, codifies the ability of property owners to remove woody debris and stream blockages from their streambeds after a flooding event or natural disaster. The committee heard from the Wetlands Bureau Administrator

who stated that property owners already could remove woody debris from their streambeds without prior authorization as this type of removal is not a jurisdictional activity. However, the current language found in both the Rules and the Wetlands Emergency Authorization Fact Sheet doesn't specifically address the subject of woody debris and stream blockage removal. The Wetlands Bureau Administrator has stated that efforts are being brought forth that will streamline or clarify blockage clearing and other minor acts of work. Even so, the majority of the committee feels that codifying this language in statute will serve to inform homeowners facing a flooding crisis about removing stream blockages and what to avoid when undertaking such work. The amendment adds an important departmental maxim that stream blockages can be removed if sediment disturbance is minimized and if no new permanent impacts are created. **Vote 17-3.** Rep. Jessica LaMontagne for the **Minority** of Resources, Recreation and Development. While the amendment approved in committee simplified the original bill, and included language that removal of debris and blockages from watercourses would be allowed "without a permit provided sediment disturbance is minimized," the bill is still unnecessary as the New Hampshire Department of Environmental Services (DES) already has a simple process with no fees for emergency clearing of debris after storms. The bill states that the debris clearing would result in "no new permanent impacts to the bed of the watercourse" but this would be subjective solely to the opinion of the property owner with no oversight from DES, leaving the department to retroactively address any damage caused by overzealous cleanout efforts.

HB 1301, relative to wake surfing on public bodies of water. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill would create a process to allow residents and property owners to petition the NH Department of Safety to conduct a public hearing to consider wake surfing restrictions on vulnerable portions of lakes and ponds, similar to existing law for hearings on rafting, speed limits, and mooring restrictions. The bill requires the department to consider access to and use of public waters for all individuals, in addition to impacts to the environment and wildlife, ensuring safety of persons and property and other concerns before granting a petition. As amended, the bill sets a high bar for petitioners to request a hearing to encourage public participation and eliminate frivolous petitions, and it grants the department authority to adopt hearing scheduling rules to address these requests with existing hearings officers. Wake surfing is enjoyed throughout New Hampshire, and this bill would not place restrictions on suitable open lake areas or wake boats. However, the committee heard and received impassioned testimony from lake users about the severe impacts from wake surfing in inappropriate locations to waterfront property and non-motorized water activities including kayaking, swimming and children wading near shore. The Department of Environmental Services also testified on the significant contribution of wake surfing in shallow areas, i.e., less than 20 foot depths, has on increasing the phosphorus load in a lake due to sediment disruption, which adds to the scourge of cyanobacteria blooms throughout the state. Residents testified from Salem, Merrimack and Spofford about serious cyanobacteria blooms closing lakes that would not be protected by modest increases to the required wake surfing distance from shore. NH Lakes, the Lake Winnepesaukee Association, NH Lakes Management Advisory Committee, NH Rivers Management Advisory Committee, and the Loon Preservation Committee all support this bill, which offers a balance of access to all lake users with protections for water quality and habitat.

Rep. Will Darby

Statement in support of Inexpedient to Legislate: This bill seeks to establish a petition process before the NH Department of Safety where 25 people can request a hearing to ban wake surfing on a specific body of water. Half of the committee believes that we should not be banning wake sports through this administrative process. Additionally, the NH Department of Safety stated they did not have the resources or enough hearing officers to implement this law without additional funding. Restricting access to a public body of water is a significant decision that should come before the legislature rather than a hearing before an administrative law officer. Bodies of water in New Hampshire are held in public trust for all to enjoy – not the privileged few.

Rep. Juliet Harvey-Bolia

HB 1390, relative to regulating wakeboating and wakesports. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Vail for the **Majority** of Resources, Recreation and Development. This bill adds definitions of "Wakeboat," "Wakesports," and "Wakesports zone" to RSA 270-D:1. The bill also establishes a section in RSA 270-D:3-a that prohibits wakesports between sunset and sunrise, behind a vessel propulsion system that extends beyond the swim platform, on a body of water smaller than 50 contiguous acres, and within 500 feet of a shoreline or in-water structures. It also directs the Commissioner of the Department of Safety to develop rules pursuant to RSA 541-A, and to make publicly available wakesports zones maps of lakes in New Hampshire. The amendment reduces the distance from shore from 500 to 300 feet, and removes a limitation on lake depth. The amended distance from shore was thought by the majority to help to lessen the impact of the energy distributed by these waves to shoreline and unintentionally to people who are recreating in smaller craft. The committee also learned that smaller lakes, such as Baboosic Lake in Merrimack, have been disproportionately affected by wake surfing due to complex and accumulating environmental challenges, such as

increasing water temperature, flooding, cyanobacteria, failing shoreland septic systems, and aquatic invasive species. The majority of the committee believes there is firsthand evidence that this bill takes action where it is needed most. In 2019, the House Resources, Recreation and Development Committee recommended 20-0 a commission to study the positive and negative uses of wakeboats, specifically tasked with examining the role of “wakesports” in the spread of aquatic invasive species, shoreline erosion, impacts to private property, and the safety of swimmers and other boaters. As signed into law, the commission’s members were environmental experts as well as “wakeboat” industry leaders. The commission created a database of research and resources along with the final report which can be found on the General Court website. **Vote 13-7.** Rep. Robert Harb for the **Minority** of Resources, Recreation and Development. This bill seeks to single out and restrict a particular type of boat, wakeboats. This bill would impose a new set of regulations for watersports that have been popular among New Hampshire families and tourists for decades. There is no demonstrable improvement to the environment but there is clear harm to New Hampshire’s marine industry and tourism economy if this bill is passed. Testimony indicated that much of the environmental challenges our lakes face come from Mother Nature. Severe storms, high winds, flooding and ice all contribute to major impacts to our shorelines. Boat waves for a few summer months do not do the same damage we have seen documented from these causes. The Department of Safety expressed concern that they don’t have the technology or manpower to implement this bill. It is noted that the effective date of this bill is in the middle of boating season. The bill would steer wakesports families to fewer bodies of water to recreate on, creating dangerous congestion and safety concerns for those lakes. Better ways to address disruptive user activities on our public bodies of water would be through boating education and enforcement.

SPECIAL COMMITTEE ON HOUSING

HB 1291, relative to accessory dwelling unit uses allowed by right. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ellen Read for the **Majority** of Special Committee on Housing. This bill, as amended, is a modest expansion of property owner rights that has been worked extensively on, and enthusiastically supported by developers, associations of realtors, NH Housing Finance Authority, town planners, housing advocates, unhoused crisis organizations, the disabled community, market-solution research groups, academia, landlords, and tenants, for over two years. It curtails some of the restrictions on building an accessory dwelling unit (ADU) that towns currently place on homeowners who are supposed to be allowed to build one ADU by right, and yet many homeowners have run into roadblocks on the municipal level. ADUs are a unique win-win-win solution to NH’s housing crisis. They help tenants by adding high-quality and low cost units to supply, and it is estimated that the loosening of restrictions in this bill would create an additional 40-90,000 units over the coming years, commensurate with the 60,000 unit shortage NH is experiencing. In addition, ADUs are one of the only housing solutions that help people buy homes as well as help with rental units, as Fannie Mae and other institutions have developed formulae to account for rental income when home buyers purchase their home, thereby helping homeowners defray the cost of mortgages. Homeowners also appreciate that ADUs are “life-cycle housing,” allowing living space for aging parents, adult children, family members with disabilities, or themselves when they age. Unlike housing projects and low-income developments, ADUs are the decentral-ized, victory-garden approach to supply -- the gentlest form of density, leaving rural character of towns intact as they are practically invisible. NH has the fastest rise of homelessness of any state in the country with homelessness currently increasing yearly by 52%; our housing situation is simply unsustainable and we will simply not have workers in NH by 2040. We cannot delay action anymore. This bill is the lowest hanging fruit to address the housing crisis, and after a year and a half of the Housing Committee studying and carefully crafting the language, we feel strongly that this bill is the right balance for property owner rights and people in need of housing, as well as New Hampshire character. **Vote 8-2.** Rep. Thomas Walsh for the **Minority** of Special Committee on Housing. This bill is a mandatory major expansion of the accessory dwelling unit (ADU) statute. Currently, single family homes are allowed by right to one attached ADU no less than 750 sq ft. this bill changes that to two ADUs, one attached and one detached with a size no less than 1000 sq ft for one and no less than 850 sq ft for the second. This applies to any lot 1/2 acre or larger. This turns any single family home into a 3-unit rental property. The minority believes it is important to look for solutions to the housing inventory, but this bill could potentially devastate the single family neighborhood that our citizens enjoy. Again, this is not enabling. This is a top down, one size fits all zoning change mandated by the state. Local control should prevail in these matters.

HB 1399, allowing municipalities to permit 2 residential units in certain single-family residential zones. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Josh Yokela for the **Majority** of Special Committee on Housing. Duplexes are “Missing Middle Housing” - in short supply and difficult to either build new or purchase an existing grand fathered building - due to historic local zoning ordinances. The New Hampshire Zoning Atlas notes that “It’s hard to justify zoning that allows

rental housing of five units or more, but bans duplexes and triplexes, for example.” This particular rule shows up in a surprising number of NH communities. This bill, as amended, enables homeowners to expand an existing home into a duplex, or build two new duplex homes on lots of two acres or less in size, and on 50% of all lots in a single family residential zone. It protects existing affordable housing, maintains $\frac{3}{4}$ of an existing building envelope, and prevents development in environmentally sensitive areas. Municipalities are able to apply objective zoning standards to the proposed duplex. We heard testimony that local zoning regulations violate landowners’ private property rights and prevent working-class families from getting their kids into good schools. There aren’t enough houses in the state to meet the need. One fix is increasing where housing can be built. Allowing construction of more duplexes helps fix our housing shortage and addresses cost-of-living problems for all Granite Staters. **Vote 9-1.** Rep. Thomas Walsh for the **Minority** of Special Committee on Housing. The title of this bill is misleading. It states “Allowing Municipalities to permit 2 residential units.” But, the bill sets the requirements of when and where they can be built. It also prevents local planning boards from imposing any objective zoning standards. The amendment sets an arbitrary number of 50% of all lots in a municipality zoned single family shall now allow two residential units. Also the amendment states that if a municipality denies the two unit application where the lot is subject to water and sewer, after 10 years the project will be allowed by right. They could force municipalities into major capitol improvement projects where a cost/benefit analysis would not support it. This is a top down, one size fits all zoning change mandated by the state. Local control should prevail in these matters.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HR 31, urging support of the dignity through prosperity act. **REFER FOR INTERIM STUDY.**

Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. The committee was very sympathetic to the intent of this resolution but there were several unresolved questions regarding the implementation of this measure that require attention and answers before moving it forward. **Vote 16-0.**

TRANSPORTATION

HB 1273-FN, relative to the protection of personal information in driver licenses. **REFER FOR INTERIM STUDY.**

Rep. Ted Gorski for Transportation. The intention of this bill is to protect the personal information from driver licenses. One of the bill’s intentions is to restrict retail establishments, supermarkets, liquor stores, from scanning and storing driver license information which could be used for marketing or other purposes. The committee felt that the bill has merit but more work is needed to create a final bill. **Vote 19-0.**

NOTICE

Pursuant to House Rule 44 (b), executive session on bills may be taken up during the day in which they are heard.

COMMITTEE MEETINGS

FRIDAY, MARCH 22

FINANCE - DIVISION III, Room 210-211, LOB

12:00 p.m. Division work session on **HB 1564-FN**, relative to the child support guidelines; **HB 1595-FN**, relative to adjustment of the child support guidelines based on parenting time, medical support, and child care expenses; **HB 1282-FN**, relative to the duration of child support; **HB 1669-FN**, relative to restricting data sharing through the state immunization registry; **HB 1363-FN**, relative to allowing members of the general court to participate in the department of health and human services employee assistance program; **HB 1588-FN**, relative to court jurisdiction over persons receiving special education; **HB 1593-FN**, making an appropriation to the department of health and human services to support recreational activities for individuals with developmental disabilities; **HB 1598-FN-A**, relative to the department of health and human services management of social security payments and veterans benefits for children in foster care; **HB 1573-FN**, relative to oversight of and criteria for residential placement of children.

JOINT COMMITTEE ON EMPLOYEE CLASSIFICATION (RSA 14:14-C), Room 104, LOB

1:00 p.m. Regular meeting.

SOLID WASTE WORKING GROUP (RSA 149-M:61), NRRA Offices, 2101 Dover Road, Epsom, NH

9:30 a.m. Regular meeting. Remote attendance:

<https://attendee.gotowebinar.com/register/3435858814888164108>

MONDAY, MARCH 25**AMERICAN REVOLUTION SESTERCENTENNIAL COMMISSION (RSA 17-S:1), New Hampshire Historical Society, 30 State Street, Concord**

1:30 p.m. Regular meeting.

COMMISSION ON BEHAVIORAL HEALTH CRISIS SERVICES (RSA 135-C:68), Room 103, SH

1:00 p.m. Organizational meeting.

COMMISSION TO STUDY THE EFFECT OF RECENT CHANGES MADE TO CHARITABLE GAMING LAWS, INCLUDING THE NEWLY AUTHORIZED HISTORICAL HORSE RACES (RSA 284:6-c), NH Lottery Commission Large Conference Room 14 Integra Dr. Concord

10:00 a.m. Regular meeting.

NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4), Dept. of Natural and Cultural Resources, 172 Pembroke Road, Concord

2:00 p.m. Regular meeting.

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4), Department of Safety, Second Floor Conference Room, 33 Hazen Drive, Concord

9:00 a.m. Regular meeting.

SCIENCE, TECHNOLOGY AND ENERGY, Room 302-304, LOB

10:00 a.m. **SB 451**, relative to an expedited track for certain applications to the site evaluation committee.

11:00 a.m. **SB 540**, requiring the department of energy to investigate behind the meter and utility scale energy storage.

1:00 p.m. Full committee work session on **SB 303-FN**, relative to the use of renewable energy funds by the department of energy; **SB 388-FN**, relative to administration of utilities by the department of energy; **SB 391**, relative to electric grid interconnection for certain customer generators.

SPECIAL COMMITTEE ON THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES (DCYF), Room 203, LOB

10:00 a.m. Work session.

11:00 a.m. Regular meeting.

TUESDAY, MARCH 26**EDUCATION, Room 205-207, LOB**

9:45 a.m. **SB 441**, relative to establishing an advisory group to examine potential funding sources for career and technical education (CTE) construction and renovation.

10:30 a.m. **SB 443-FN**, relative to the definition of school transportation vehicle.

11:00 a.m. **SB 528**, relative to trustees of the university system.

11:30 a.m. **SB 374-FN**, relative to the licensing of part-time teachers.

1:00 p.m. **SB 378**, relative to the performance-based school accountability system task force.

1:30 p.m. **SB 526**, relative to a public school facility condition assessment and school building aid grants for temperature control.

2:00 p.m. **SB 339**, relative to repealing the graduation requirement regarding Free Application for Federal Student Aid (FAFSA) applications.

FINANCE, Room 210-211, LOB

10:00 a.m. Public hearing on proposed non-germane Amendment #2024-1005h to HB 1583-FN-A, relative to the per pupil cost of an opportunity for an adequate education. This bill increases the base annual cost of providing an opportunity for an adequate education, establishes relief aid funding and fiscal disparity aid, and requires municipalities to remit excess SWEPT payments to the department of revenue administration. Copies of the amendment are available on the General Court website.

11:00 a.m. Public hearing on proposed non-germane Amendment #2024-1214h to HB 1633-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor. This bill establishes procedures for the legalization, regulation, and taxation of cannabis; the licensing and regulation of cannabis establishments; and makes appropriations therefor. Copies of the amendment are available on the General Court website.

- 1:00 p.m. Executive session on **HB 1178-FN**, relative to an employee's unused earned time; **HB 1649-FN**, relative to prohibiting certain products with intentionally added PFAS; **HB 1666-FN**, relative to income reporting requirements for lobbyists; **HB 1212-FN-L**, relative to eligibility for free school meals; **HB 1570-FN-A-L**, requiring the department of education to conduct a facility assessment of public schools and public chartered schools; **HB 1282-FN**, relative to the duration of child support; **HB 1564-FN**, relative to the child support guidelines; **HB 1573-FN**, relative to oversight of and criteria for residential placement of children; **HB 1593-FN**, making an appropriation to the department of health and human services to support recreational activities for individuals with developmental disabilities; **HB 1595-FN**, relative to adjustment of the child support guidelines based on parenting time, medical support, and child care expenses.

WAYS AND MEANS, Room 202-204, LOB

- 10:00 a.m. Full committee work session on **SB 324**, relative to lottery license renewal notices; **SB 363-FN**, relative to wagering on simulcast dog racing; **SB 473-FN**, governing unclaimed horse racing ticket and voucher money; **SB 454-FN**, increasing the annual real estate transfer tax revenue contribution to the affordable housing fund; **SB 497-FN**, relative to establishing the disproportionate share hospital fund; **SB 513**, relative to permitting charity auctions by non-profit corporations; **SB 514-FN**, relative to the timber tax.
- 11:00 a.m. Executive session on **SB 324**, relative to lottery license renewal notices; **SB 363-FN**, relative to wagering on simulcast dog racing; **SB 473-FN**, governing unclaimed horse racing ticket and voucher money; **SB 454-FN**, increasing the annual real estate transfer tax revenue contribution to the affordable housing fund; **SB 497-FN**, relative to establishing the disproportionate share hospital fund; **SB 513**, relative to permitting charity auctions by non-profit corporations; **SB 514-FN**, relative to the timber tax.

WEDNESDAY, MARCH 27

EDUCATION, Room 205-207, LOB

- 9:45 a.m. **SB 217-FN-A**, establishing a rural and underserved area educator incentive program for higher education and making an appropriation therefor.
- 10:45 a.m. **SB 521-FN**, relative to the educational credentials for master teacher.
- 11:15 a.m. **SB 340**, relative to communication between parents and school districts regarding special education.
- 11:45 a.m. **SB 338**, relative to the education professional standards board.
- 1:00 p.m. **SB 377-FN**, establishing the achieving a better life experience (ABLE) savings account program administrative fund.

FINANCE - DIVISION I, Room 212, LOB

- 10:00 a.m. Division work session on **HB 1005-FN**, relative to judicial training; **HB 318-FN-A**, relative to bail commissioners and making appropriations to the judicial branch; **SB 252-FN**, 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.
- 11:00 a.m. Division work session on **HB 1577-FN**, relative to digital images of ballots.
- 11:30 a.m. Division work session on **HB 1589-FN**, establishing a veterans treatment court
- 1:00 p.m. Division work session on **HB 1633-FN-A**, relative to the legalization and regulation of cannabis and making appropriations therefor.

FINANCE - DIVISION II, Room 209, LOB

- 10:00 a.m. Division work session on **HB 1583-FN-A**, relative to the per pupil cost of an opportunity for an adequate education; **HB 1656-FN-L**, relative to adequate education grant amounts for pupils receiving special education services.

FRIDAY, MARCH 29

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 202-204, LOB

- 9:30 a.m. **SB 420**, relative to requiring an additional report from the legislative study committee concerning the long-term impact of the New Hampshire adult parole system.
- 10:00 a.m. **SB 418-FN**, relative to refusal of consent to testing to determine alcohol concentration and penalties for aggravated driving while intoxicated.
- 10:30 a.m. **SB 313**, relative to the delivery of the mittimus in a criminal case.
- 11:00 a.m. **SB 425**, relative to bail commissioner fees.
- 11:30 a.m. **SB 460-FN**, establishing the crime of and penalties for unlawful use of unmanned aircraft systems.

- 12:00 p.m. **SB 464-FN**, to prohibiting the nonconsensual dissemination of synthetic sexual images.
- 1:30 p.m. Executive session on **SB 482-FN**, relative to National Guard and Staff Judge Advocate access to criminal history records; **SB 415-FN**, relative to the penalty for certain fentanyl-related offenses; **SB 414-FN**, relative to establishing a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting; **SB 376**, relative to establishing a corrections education and vocational planning group; **SB 322**, relative to licenses to carry and immunity for law enforcement officers issuing certain firearms licenses; **SB 316-FN**, establishing a penalty for a person who transports fentanyl class drugs into New Hampshire with the intent to distribute.

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4),

- 10:00 a.m. Subcommittee work session.

TUESDAY, APRIL 2

CHILDREN AND FAMILY LAW, Room 206-208, LOB

- 10:30 a.m. **SB 566**, relative to establishing a committee to study foster care families and the foster care system.
- 10:50 a.m. **SB 572**, relative to establishing a commission to study the sharing of confidential records among members of a multidisciplinary child protection team.
- 11:10 a.m. **SB 359**, raising the age of marriage to 18 years of age.
- 1:00 p.m. **SB 506-FN**, relative to aligning statutes with the age of a delinquent established under the juvenile delinquency statute.
- 1:30 p.m. **SB 498-FN**, relative to the department of health and human services, division for children, youth and families.

ENVIRONMENT AND AGRICULTURE, Room 301-303, LOB

- 9:00 a.m. Subcommittee meeting: DES rules update.

SPECIAL COMMITTEE ON THE FAMILY DIVISION OF THE CIRCUIT COURT, Room 206-208, LOB

- 9:30 a.m. Work session.

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

- 5:00 p.m. Regular meeting.

FRIDAY, APRIL 5

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

- 9:00 a.m. Regular meeting.

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

- 10:00 a.m. Regular meeting.

MONDAY, APRIL 8

ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b), CRTC 170 Warren St. Concord,

- 9:00 a.m. Regular meeting.

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), NH Fish and Game, 11 Hazen Drive, Concord

- 10:00 a.m. Regular meeting.

NEW HAMPSHIRE OPIOID ABATEMENT ADVISORY COMMISSION (RSA 126-A:85), Dept of Justice, 1 Granite Pl South, Concord NH

- 1:00 p.m. Regular meeting. Join Zoom: Meeting ID: 762 964 6757 Passcode: 782701

FRIDAY, APRIL 12

COMMISSION TO STUDY THE DELIVERY OF PUBLIC HEALTH SERVICES THROUGH REGIONAL PUBLIC HEALTH NETWORKS (RSA 127:12), 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=Q3pvYncvcW55Zkg0ZlVNVNQW5USGIzZz09>

MONDAY, APRIL 15

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

2:00 p.m. Regular meeting.

STATE COMMISSION ON AGING (RSA 19-P:1), NH Hospital Association, 125 Airport Road, Concord

10:00 a.m. Regular meeting. In addition to the physical location, access is also available need be remotely via Zoom:

<https://us02web.zoom.us/j/87430173115?pwd=bUFR3I5emt3NGVueDBYYW9SZThLUT09>

FRIDAY, APRIL 19

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

MONDAY, APRIL 22

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2), Room 212, LOB

1:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB38, HB 91, HB 116, HB 135, HB 194, HB 272, HB 276, HB 282, HB 300, HB 318, 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 593, HB 606, HB 608, HB 614, HB 616, HB 618, HB 620, HB 622, HB 627, HB 628, HB 645, HB 652, HB 1005, HB 1046, HB 1178, HB 1179, HB 1202, HB 1274, HB 1282, HB 1288, HB 1293, HB 1294, HB 1304, HB 1307, HB 1330, HB 1339, HB 1386, HB 1394, HB 1410, HB 1412, HB 1422, HB 1426, HB 1429, HB 1466, HB 1468, HB 1492, HB 1522, HB 1561, HB 1563, HB 1565, HB 1566, HB 1567, HB 1570, HB 1571, HB 1573, HB 1577, HB 1579, HB 1582, HB 1583, HB 1589, HB 1592, HB 1593, HB 1594, HB 1597, HB 1598, HB 1599, HB 1600, HB 1604, HB 1608, HB 1609, HB 1610, HB 1611, HB 1614, HB 1615, HB 1619, HB 1623, HB 1629, HB 1630, HB 1632, HB 1633, HB1634, HB 1636, HB 1639, HB 1640, HB 1641, HB 1644, HB 1645, HB 1647, HB 1649, HB 1651, HB 1654, HB 1656, HB 1660, HB 1663, HB 1665, HB 1666, HB 1669, HB 1675, HB 1677, HB 1678, HB 1681, HB 1682, HB 1686, HB 1687, HB 1689, HB 1702, HB 1706, HB 1709, HB 1710, HB 1711, SB 97, SB 106, SB 151, SB 176, SB 177, SB 180, SB 235, SB 249, SB 252, SB 267, SB 303, SB 306, SB 314, SB 317, SB 345, SB 355, SB 361, SB 393, SB 399, SB 447, SB 453, SB 454, SB 460, SB 465, SB 467, SB 470, SB 490, SB 492, SB 504, SB 507, SB 514, SB 540, SB 549, SB 521, SB 553, SB 561, SB 580, SB 596.

OFFICIAL NOTICES

The **Grafton** County Executive Committee will meet **Monday, March 25, at 9:00 a.m.** at the Grafton County Administration Building, 3855 Dartmouth College Hwy in North Haverhill, NH.

Rep. Heather Baldwin, Clerk

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.

All Representatives are invited to a Bible Study and Prayer, during the Lunch Break on Session Days. We will meet in LOB 104 with Pastor Peter Chamberland for this time together. Come and be refreshed both physically and spiritually during our lunch hour. Looking forward to seeing you there!

Rep. Deb Hobson

Most occupational licensing boards have members of the public serving on them. Those board members are intended to represent the public, the customers of the professions being licensed. The Office of Professional Licensure and Certification (OPLC) has difficulty filling those positions because most people don't even know they exist and OPLC does not have a good way to advertise. As representatives we know many people in our districts, so Representatives are asked to let citizens who might be interested in serving on a board to contact Lindsey B. Courtney, Executive Director, at lindsey.b.courtney@oplc.nh.gov. Alternatively, they may apply online at <https://www.oplc.nh.gov/interested-becoming-oplc-board-member>.

Reps. Tony Lekas and Jaci Grote

The Secular Values Legislative Caucus will meet during the lunch recess in the Clerk's conference room on session days in March for members and prospective members to socialize, share ideas, and relax. Bring your lunch.

Rep. Sherry Dutzy

Please join the NH Oral Health Coalition in celebrating the 1-year birthday anniversary of the successful roll-out of NH's Medicaid Adult Dental Benefit, NH Smiles. This open-house style program highlights the bipartisan collaboration that helped to make NH one of the nation's healthiest states. Get an update on the benefit, the rollout, and the impact on the people of NH, *your constituents*. Talk to the team that led the rollout, Mr. Tom Raffio, Dr. Jay Maillet, Dr. Sarah Finne, and Mr. Ed Lorch. Hear from the Institute on Disabilities Oral Health Consumer Task Force that created a beneficiary-facing brochure. Find out about the "Sealing Smiles Across NH" school-based pilot. **Thursday, March 28 from 1:30 p.m. to 3:00 p.m.** in the State House Cafeteria. *Take a Break and Eat Cake!* RSVP to gbrown@nhoralhealth.org or 603-415-5550.

Rep. Tom Buco

The Veteran's Caucus will be hosting the head of the State National Guard, The Adjutant General, Gen. David J. Mikolaities, to discuss the National Guard and the many roles it plays in and out of the Granite State, as well as how we as a legislature can help. We will also be hosting a representative from the United States Army Recruiting Command. They will discuss some of the serious challenges the military is currently facing in meeting the minimum staffing numbers required to fulfill the many roles that they are tasked with. The meetings will be in the LOB **Tuesday, April 2 beginning at 10:00 a.m.** The room will be determined closer to the event. If you have any questions, please contact Representative Roy.

Rep. Terry Roy

AARP New Hampshire has scheduled a legislative lunch for **Wednesday, April 3rd from 11:30 a.m.-1:30 p.m.** at the State House Cafeteria and would love to extend an invitation for you to join us. You will have an opportunity to meet our volunteers from across the state who are dedicated to advocating on behalf of supporting family caregivers, protecting consumers against fraud, battling rising prescription drug costs, and more.

Reps. Jason Osborne and Matthew Wilhelm

All legislators and staff are cordially invited to join the New Hampshire Automobile Dealers Association (NHADA) for our annual Legislative Crossover Reception on **Thursday, April 11, 2024 at 3:30 p.m.** (or following the end of the session day) at the Holiday Inn, 172 North Main Street, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Speaker Sherman Packard

Legislators & staff are cordially invited to the annual Walmart lunch and health screening in the State House cafeteria on **Thursday, April 11th starting at 11:30 a.m.**

Rep. Jason Osborne

CASA of NH recruits, trains, and supports volunteer Court Appointed Special Advocates (CASAs) who provide “best interest” advocacy for minors who are the subjects of abuse and/or neglect cases. On **Wednesday, April 17, 2024** CASA of NH will be at the State House Plaza from **11:00 a.m. to 2:00 p.m.** Come and meet volunteer advocates, former CASA youth, board members, and staff, and learn about the work that CASA does to support and advocate for the child throughout the court proceeding. The goal is to strengthen and reunify families and, when that is not possible, to ensure that the child has a safe, loving, and secure permanent home. There will be cookies and beverages.

Rep. Lucy Weber

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 1014 (2024-1159h)

Proposed by the Committee on Education-r

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

AN ACT relative to instruction in government and civics, including information on election laws and voting.

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

1 Instruction in National and State History and Government and Civics. Amend RSA 189:11, I-c(f) to read as follows:

(f) The role, opportunities, and responsibilities of a citizen to engage in civic activity. ***This shall include information on the laws governing election and voting pursuant to RSA 189:23.***

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

2024-1159h

AMENDED ANALYSIS

This bill includes instruction on information on the laws governing elections and voting in the required instruction in national and state history and government and civics.

Amendment to HB 1015-FN (2024-1106h)

Proposed by the Committee on Education-r

Amend the bill by replacing section 1 with the following:

1 Literacy Skill Development in Elementary Grades. Amend RSA 189:53 to read as follows:

189:53 Literacy Skill Development in Elementary Grades.

Beginning July 1, 2027, all school districts ***and chartered public schools*** [which] ***that*** provide elementary education shall [have] ***provide measurable, evidence-based*** instruction in literacy for all students through grade [3] ***5***, including: ***explicit, systematic*** instruction in [reading,] ***phonemic awareness, phonics (both decoding and encoding of sounds and words), fluency, vocabulary and comprehension; writing; (including grammar and mechanics); speaking; listening; mathematics reasoning;*** and mathematics ***calculation (including fluency)***. All instruction shall be designed to assist students to achieve ***grade-level*** literacy and to provide the opportunity for each [child] ***student*** to learn according to such [child's] ***student's*** needs and abilities as set forth by the state board of education in the minimum standards for New Hampshire public elementary schools.

2024-1106h

AMENDED ANALYSIS

This bill makes changes to the elementary grade literacy skill development requirements that school districts and chartered public schools must meet.

Amendment to HB 1015-FN (2024-1109h)

Proposed by the Committee on Education-r

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

AN ACT relative to a reading assessment and intervention program and relative to dyslexia and related disorders and making an appropriation therefor.

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

1 New Section; Reading Assessment and Intervention. Amend RSA 189 by inserting after section 53 the following new section:

189:53-a Reading Assessment and Intervention.

I. The department of education shall identify and contract for a measurable evidence-based universal reading screener for local school district and chartered public school use by January 1, 2025. The screener and training on the use of the screener will be made available at no cost to districts by the department. The screener shall be validated for both universal screening of literary proficiency and risk factors of dyslexia. It shall provide for data collection and analysis of skills appropriate to grade-level literacy benchmarks at the beginning, middle, and end of the school year. Additionally, it shall monitor the progress of those students who do not meet the screening benchmarks to track instructional effectiveness. The screening shall measure skills based on grade level predictive measures to include:

- (a) Letter naming fluency;
- (b) Phonemic awareness;
- (c) Decoding fluency (use of nonwords preferred);
- (d) Word reading fluency (inclusive of phonetic and irregularly spelled words);
- (e) Oral reading fluency;
- (f) Reading comprehension;
- (g) Letter sound fluency; and

(h) A separate, progressive spelling inventory to be used to track student understanding is the alphabetic principle.

II. All public schools and chartered public schools shall screen all students in kindergarten through grade 3 (K-3) using the universal reading screener approved by the department. The universal reading screener shall be given in the first 40 days of the school year and repeated at midyear and at the end of the school year to determine student reading progress. Any student enrolling in a public school kindergarten through grade 3 (K-3) from an education setting that does not require screening shall be screened within 40 days.

III. Each student who exhibits a deficiency below grade appropriate benchmarks as demonstrated on the approved universal reading screener conducted in kindergarten and grades 1 through 3 shall be given general education reading intervention within 30 calendar days following the identification of the reading deficiency. This diagnostic prescriptive reading instruction and intervention must be documented for each student in an individual reading plan. The department shall provide a recommended reading plan form for districts. The plan shall include, at a minimum, the following:

(a) The student's specific reading skill deficiencies as determined by data collected by the universal reading screener and teacher observation.

(b) Individual goals and benchmarks for growth toward grade level proficiency.

(c) Progress will be monitored and documented based on the targeted reading skill deficiencies. Smaller, early skill deficiencies such as letter naming, letter sound, and word reading will be progress monitored every other week. Oral reading fluency skills will be progress monitored at least every 3 to 5 weeks to ensure interventions are working and the student is progressing at an accelerated rate.

(d) The description of additional instructional services and interventions the student will receive including the frequency, duration, group size, time on task and program materials used.

(e) The evidence-based reading instructional program the teacher will use to target skill deficiencies during the intervention addressing the areas of phonemic awareness, phonics, fluency, vocabulary and comprehension and the skills to be addressed.

(f) The instructional and intervention program used shall not include those that employ the three-cueing system of reading, or those using visual memory as the primary basis for word recognition.

(g) The strategies the student's parent is encouraged to use in assisting the student to achieve reading proficiency.

(h) Any additional services the teacher deems appropriate to accelerate the student's reading skill development.

IV. The parent of any K-3 student who exhibits a deficiency below grade appropriate benchmarks in reading at any time during the school year must be notified in writing no later than 14 calendar days after the identification of the reading deficiency, and the written notification must include the following:

(a) That his or her child has been identified as having a deficiency in reading, and a reading improvement plan will be developed by the teacher, reading specialist, other pertinent school personnel, and the parents.

(b) The importance of grade level reading proficiency.

(c) The proposed measurable evidence-based individual reading plan, including strategies and activities the parents are encouraged to use in assisting the student to achieve reading proficiency.

(d) Notification that the parent will be informed in writing of their child's progress towards grade level reading at least every 3-4 weeks.

V. Students who do not make meaningful gains to lessen the reading deficiency after a measurable evidence-based intervention program shall be referred for special education evaluation or sooner if an educational disability is suspected.

VI. Each local school district and chartered public school shall engage local stakeholders to discuss the importance of reading, solicit stakeholder suggestions for improving literacy and district plans to increase reading proficiency.

VII. The department shall provide periodic workshops for educators and parents in evidence-based reading instructional programming addressing the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension.

VIII. The department shall provide guidance to districts on evidence-based instructional materials by September 1, 2024.

IX. Each district school board and chartered public school shall annually report in writing to the department by September 1 of each year, the following information on the prior school year:

(a) By grade, school, and town (if a multi-town district), the number and percentage of students in grades K-3 performing below grade appropriate benchmarks at the beginning, middle and end of the school year on the approved measurable evidence-based universal reading screener.

(b) By grade, school, and town (if a multi-town district or cooperative), the number of universal reading screeners administered and the number of pupils screened.

(c) By grade, school, and town (if a multi-town district or cooperative), the number and percentage identified with a reading deficiency.

X. The department shall post on the department web site and provide an annual report by December 1 of each year to the governor, senate president, speaker of the house of representatives, the state library, and the chairs of senate and house education committees including:

(a) State progress on improving reading literacy.

(b) Grades 1-3 end of year screening results by district.

(c) Percentages of pupils identified with a reading deficiency by district.

XI. The department shall report annually beginning September 1, 2025 on each New Hampshire teacher preparation program implementation of evidence-based and science of reading programs. Copies of the report shall be provided to the governor, senate president, speaker of the house of representatives, the state library, and members of senate and house education committee. The reports shall include the following for each of the essential components of phonemic awareness, phonics, fluency, vocabulary, and comprehension:

(a) Instructional hours;

(b) Knowledge of individual components through objective measures of knowledge;

(c) Hours of practice opportunities including student instruction and assessment of student skills;

(d) Background materials included textbooks and instructional materials

2 New Subdivision; Competitive Reading Improvement Grants. Amend RSA 198 by inserting after section 62 the following new subdivision:

Competitive Reading Improvement Grants.

198:63 Reading Improvement Grants.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each local elementary school will be eligible for a competitive reading improvement grant of up to \$75,000.

II. To be eligible for a competitive reading improvement grant, an elementary school shall have an English Language Arts (ELA) proficiency rating below the state average.

III. In order to receive a competitive reading improvement grant, the eligible school shall:

(a) Provide a plan to the department outlining how the school intends to use grant award funds to offer an intensive reading intervention program pursuant to RSA 189:53-a, III to each K-3 student who exhibits a reading deficiency to ensure each student can read at or above grade level.

(b) Document the use of instruction and instructional materials that are measurable, evidence-based, and reflective of science of reading research.

IV. A department evaluation committee will review the submissions and determine the school awards.

3 Literacy Skill Development in Elementary Grades. Amend RSA 189:53 to read as follows:

189:53 Literacy Skill Development in Elementary Grades.

I. All school districts which provide elementary education shall [have] **provide measurable, evidence-based** instruction in literacy for all students through grade [3] **5**, including instruction in reading, writing, speaking, listening, and reasoning. All instruction shall be designed to assist students to achieve literacy and to provide the opportunity for each child to learn according to such child's needs and abilities as set forth by the state board of education in the minimum standards for New Hampshire public elementary schools. **Literacy instruction and instructional materials shall be measurable, evidence-based, and reflective**

tive of science of reading research which reflects a conclusion that effective beginning reading instruction includes the following essential components of reading: phoneme awareness, letter name knowledge, understanding of the alphabetic principle, morphology, semantics (vocabulary), syntax, verbal reasoning, text structures, automaticity at all levels, exposure via listening, speaking, reading, and writing. Districts shall not employ the three-cueing system model of reading, visual memory as the primary basis for teaching word recognition, or the three-cueing system model of reading based on meaning, structure and syntax, and visual cues.

II. The department of education shall adopt rules under RSA 541-A concerning screening implementation, reading interventions, evidence-based instruction in literacy, certification renewals, and reading improvement grants.

4 Schools; Screening and Intervention for Dyslexia and Related Disorders. RSA 200:59, I-I-a are repealed and reenacted to read as follows:

I. All public school and chartered public school students shall be screened, including English learners, using the approved universal reading screener for the identification of potential indicators or risk factors of dyslexia and related disorders and shall be administered pursuant to RSA 189:53-a.

I-a. If any such screening determines that a student fails to meet relevant benchmarks for grade-typical development in specific foundational skills, then the intervention and parental notification requirements will be followed pursuant to RSA 189:53-a.

5 New Section; Certification Renewal. Amend RSA 189 by inserting after section 13-c the following new section:

189:13-d Certification Renewal.

I. Beginning January 1, 2028, the following educators shall meet the requirements under this section prior to renewing their teaching license:

- (a) Elementary education teacher;
- (b) English for Speakers of Other Languages (ESOL) Teacher;
- (c) Early childhood education teacher;
- (d) English language arts teacher for grades 5-8;
- (e) English language arts teacher for grades 5-12;
- (f) Special education teacher;
- (g) Early childhood special education teacher;
- (h) Reading and writing teacher; and
- (i) Reading and writing specialist.

II. Prior to renewing their teaching license, educators identified in paragraph I shall pass a subject assessment test demonstrating the ability to promote student learning through the use of evidence-based instruction in the following:

- (a) Phonemic awareness;
- (b) Phonics;
- (c) Fluency;
- (d) Vocabulary; and
- (e) Comprehension.

6 Appropriation; Competitive Reading Improvement Grant Program.

There is appropriated to the department of education the sum of \$2,500,000 for the fiscal year ending June 30, 2025 and \$2,500,000 for the fiscal year ending June 30, 2026 for the purpose of funding the competitive reading improvement grant program. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

2024-1109h

AMENDED ANALYSIS

This bill creates a reading assessment program in the department of education, requires assessments of kindergarten through 3rd grade students for reading deficiencies, establishes a reading improvement grant program, and makes appropriations therefor.

Amendment to HB 1018 (2024-0998h)

Proposed by the Committee on Commerce and Consumer Affairs-c

Amend the bill by replacing section 6 with the following:

6 Liquor Manufacturer License. Amend RSA 178:6, III-a to read as follows:

III-a. Each liquor manufacturer [~~distilling~~] **licensed to distill** less than 1,000 cases of liquor per year may sell at retail at its facility for off-premises consumption any of its liquor. Each retail sale shall be limited to one 9-liter case or less per sale. No liquor manufacturer [~~distilling~~] **licensed to distill** less than 1,000 cases of liquor per year shall sell more than 12 9-liter cases of liquor to any one customer in any calendar year.

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:
7 On-Premises Cigar, Beverage, and Liquor Licenses. Amend RSA 178:20-a to read as follows:

178:20-a On-Premises Cigar, Beverage, and Liquor Licenses.

I. The commission may issue a license to a person who operates a cigar bar as defined in this section and who holds a tobacco retailers license under RSA 178:19-a in any town which has voted to accept the provisions of RSA 663:5, I(b), (c), and (d). The license shall entitle the licensee to serve beverages containing at least 1/2 percent and not more than 6 percent alcohol by volume at 60 degrees Fahrenheit by the glass or other suitable container and by the bottle with the cork or cap removed; specialty beer in any suitable container; liquor containing more than 6 percent alcohol by volume at 60 degrees Fahrenheit, by the glass or other suitable container; and wines, by the glass, by the bottle with the cork or cap removed; or other suitable container, under rules adopted by the commission.

II. In this section, "cigar bar" means a business that:

(a) Generates 60 percent or more of its quarterly gross revenue from the sale of cigar-related **and hookah** products, which is limited to cigars, humidors, cigar cutters, cigar cases, lighters, [and] ashtrays, **hookah pipes, shisha tobacco, hookah accessories, and hookah pipe sessions or rentals for on-site use**. Revenue from keno, mail order and Internet sales, as well as revenue generated from other tobacco sales in store, including cigarettes and loose tobacco sales, shall not be used to determine whether an establishment satisfies the definition of a cigar bar.

(b) Has a humidor **or offers hookah pipes for on-site use** on the premises.

(c) Does not allow any person under the age of 21 on the premises unless accompanied by a parent, legal guardian, or adult spouse.

(d) Does not allow cigarette smoking or sale of food on the premises.

III. No beverage or liquor shall be consumed on the premises except that which is sold by the licensee.

IV. All applicants for employment at a cigar bar shall be presented with a written notice that states that working in a cigar bar has serious and permanent negative health effects, including, but not limited to, an increased risk of cancer and heart disease, and that no level of exposure to second-hand smoke is safe.

V. Establishments selling hookah products shall adhere to operating hours restrictions in RSA 179:17, II(b).

VI. The fee for an on-premises cigar, beverage, and liquor license shall be as determined in RSA 178:29, I.

2024-0998h

AMENDED ANALYSIS

This bill makes changes to the laws relative to on-premise and off-premise liquor licenses, including the regulation of certain on-premises licensees which sell hookah products.

Amendment to HB 1059

(2024-0804h)

Proposed by the Committee on Executive Departments and Administration-r

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

1 Definition of State Building Code. Amend RSA 155-A:1, IV to read as follows:

IV. "New Hampshire building code" or "state building code" means the adoption by reference of the International Building Code [2018] **2021**, the International Existing Building Code [2018] **2021**, the International Plumbing Code [2018] **2021**, the International Mechanical Code [2018] **2021**, the International Energy Conservation Code 2018, the International Swimming Pool and Spa Code [2018] **2021** and the International Residential Code [2018] **2021**, as published by the International Code Council Inc., and the National Electrical Code 2020, as published by the National Fire Protection Association, Inc., as reviewed and recommended by the state building code review board, including all amendments reviewed and approved by the board as of [November 30, 2021] **January 12, 2024**, and ratified by the legislature in accordance with RSA 155-A:10. [The provisions of any other national code or model code referred to within a code listed in this definition shall not be included in the state building code unless specifically included in the codes listed in this definition.]

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

Amendment to HB 1065

(2024-1046h)

Proposed by the Committee on Special Committee on Housing-c

Amend the bill by replacing section 1 with the following:

1 State Fire Code and Rules; Fire suppression or Sprinkler Systems. Amend RSA 153:5, III and IV to read as follows:

III. Notwithstanding any other provision of the law, the state fire code and associated rules shall not require fire suppression or sprinkler systems in detached one, or 2-family dwelling units **or existing buildings**

for no more than 4 dwelling units in a structure used only for residential purposes. Fire suppression or sprinkler systems shall not be required in existing buildings intended for no more than 4 dwelling units if that building is in compliance with the state fire code.

IV. The state fire marshal may exempt a building, structure, or equipment from such rules if he or she finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the state fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than rules adopted by the state fire marshal. ***However, counties, towns, cities, and village districts shall not adopt rules, regulations, or ordinances that are more stringent than the state fire code relative to residential sprinkler systems.***

**Amendment to HB 1075
(2024-0572h)**

Proposed by the Committee on Executive Departments and Administration—c

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

1 Standard Time. Amend RSA 21:36 to read as follows:

21:36 Standard Time. The standard time within the state~~], except as hereinafter provided, shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, known and designated by the federal statute as "Eastern Standard Time." At 2 o'clock ante-meridian of the second Sunday in March of each year, the standard time in this state shall be advanced one hour, at 2 o'clock ante-meridian of the first Sunday in November of each year, the standard time in this state shall, by the retarding of one hour, be made to coincide with the astronomical time hereinbefore described as Eastern Standard Time, so that between the second Sunday in March at 2 o'clock ante-meridian and the first Sunday in November at 2 o'clock ante-meridian in each year the standard time in this state shall be one hour in advance of the United States Standard Time.]~~ ***is the time as determined by 15 U.S.C. sections 260-267, except that the state observes year-round the provisions of 15 U.S.C. section 260a, providing for the advancement of time commonly known as eastern daylight saving time.*** In all laws, statutes, orders, decrees, rules, and regulations relating to the time of performance by any officer or department of this state, or of any county, city, town, or district thereof, or relating to the time in which any rights accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of this state, or of any county, city, town, or district thereof, and in all contracts or choses in action made or to be performed in this state, it shall be understood and intended that the time shall be as set forth in this section.

2 Contingency. Section 1 of this act shall take effect on the first date of January in the first year following or coinciding with the effective date of the United States Congress' amendment to 15 U.S.C. section 260a authorizing states to observe eastern daylight saving time year-round.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

2024-0572h

AMENDED ANALYSIS

This bill provides that New Hampshire shall exempt itself from daylight saving time when authorized to do so by the United States Congress.

**Amendment to HB 1076-FN
(2024-0950h)**

Proposed by the Committee on Commerce and Consumer Affairs—c

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

AN ACT relative to wine manufacturer licenses and relative to on-premises licenses for beverage manufacturers.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:
2 Beverage Manufacturer License; Location. Amend RSA 178:12, II to read as follows:

II. The holder of a beverage manufacturer license may be issued one on-premises license ~~[for the manufacturer's premises]~~, providing all requirements of the license are fulfilled. ***For the purposes of this paragraph, the on-premises license shall either be on the premises of the manufacturing facility or on the premises of the beverage manufacturing retail outlet.*** The annual fee for each license issued under this section shall be as required under RSA 178:29.

2024-0950h

AMENDED ANALYSIS

This bill enables a wine manufacturer licensee to hold an on-premises license on the premises of the wine manufacturer facility or on the premises of the wine manufacturer retail outlet.

This bill enables the holder of a beverage manufacturer license to have an on-premise license either on the premises of the manufacturing facility or on the premises of the beverage manufacturing retail outlet.

**Amendment to HB 1079
(2024-1096h)**

Proposed by the Committee on Executive Departments and Administration—c

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

1 Critical Incident Intervention and Management; Definitions. RSA 153-A:17-a, I is repealed and reenacted to read as follows:

I. In this section:

(a) “Critical incident” means an event or events that result in acute or cumulative psychological stress or trauma to an emergency response/public safety worker because of their exposure to the event or events.

(b) “Critical incident stress” means a strong emotional, behavioral, cognitive, or physical reaction that has the potential to interfere with an emergency response/public safety worker’s ability to function and that results from the response to a critical incident or long-term occupational exposure to a series of critical incident responses over a period of time that are believed to be causing debilitating stress that is affecting an emergency response/public safety worker and their work performance or personal experiences. This may include, but is not limited to, physical and emotional illness, failure of usual coping mechanisms, loss of interest in the job, personality changes, or loss of ability to function.

(c) “Critical incident stress management” means a process of crisis intervention designed to assist emergency response/public safety workers in coping with the psychological trauma resulting from response to a critical incident or personal experiences.

(d) “Critical incident stress management and crisis intervention services” means consultation, peer support, debriefing, defusing, intervention services, management, prevention, and referral provided by a critical incident stress management team member and/or management team.

(e) “Critical incident stress management team” or “team” means the group of one or more trained volunteers, including members of peer support groups organized by a unit of state, local, or county government, or members of a union of emergency response/public safety workers, as defined in subparagraph (g), who offer critical incident stress management and crisis intervention services following a critical incident or long term or continued, debilitating stress being experienced by emergency response/public safety workers, including retired emergency response/public safety workers, and affecting them or their families.

(f) “Critical incident stress management team member” means an emergency response/public safety worker, including any retired emergency response/public safety workers, specially trained to provide critical incident stress management and crisis intervention services as a member of an organized and registered team.

(g) “Emergency response/public safety worker” means any law enforcement officer certified under RSA 106-L, certified county corrections officer, sheriff or deputy sheriff, state police officer, civilian law enforcement employee, civilian county corrections employee, any call, volunteer, or regular firefighter, civilian fire department employee, rescue or ambulance worker, including ambulance service, emergency medical personnel, first responder service, and volunteer personnel, hospital emergency department personnel, telecommunicators, and local dispatchers.

(h) “Hospital emergency department personnel” means staff rendering care, rescue, support, and lifesaving services while working for and/or in the hospital emergency department.

(i) “Local dispatcher” means a person who determines the location, status, and assistance required by callers and walk-in customers for public safety services and dispatches the appropriate police, fire, ambulance, or other units to provide needed emergency services at the state, city, town, or private emergency services level.

(j) “Telecommunicator” means an employee of the department of safety, division of emergency services and communications who is responsible for receiving at the public safety answering point telephone calls made to E911 and transferring or relaying such calls to public or private safety agencies.

2 Critical Incident Intervention and Management. Amend RSA 153-A:17-a, II and III to read as follows:

II.(a) Team members shall undergo and sustain certification standards set forth in guidelines established by the International Critical Incident Stress Foundation (ICISF) approved by the commissioner of the department of safety, or a similar organization for which the commissioner shall not unreasonably withhold approval. The team shall be registered with ICISF, or a similar organization **and the commissioner of safety**, and maintain training standards to date as required.

(b) All critical incident stress management team members, sworn, [or] civilian, **or retired**, shall be designated by the police chief, sheriff, director of the division of state police, fire chief, **commissioner of the department of corrections, superintendent of county corrections, chief of emergency medical services**, [or] director of the division of emergency services and communications, or head of a union of emergency response/public safety workers as defined by RSA 281-A:2, V-c.

III.(a) Any information divulged to the team or a team member during the provision of critical incident stress management and crisis intervention services shall be kept confidential and shall not be disclosed to a third party or in a criminal, civil, or administrative proceeding. Records kept by critical incident stress management team members are not subject to subpoena, discovery, or introduction into evidence in a criminal, civil, or administrative action. Except as provided in subparagraph (c), no person, whether critical incident stress management team member or team leader providing ~~for receiving~~ critical incident stress management and crisis intervention services, ***nor any person receiving any critical incident stress management and crisis intervention services***, shall be required to testify or divulge any information ***disclosed or*** obtained solely through such crisis intervention.

(b) The purpose of this section is to provide a consistent framework for the operation of critical incident stress management teams and their members. In any civil action against any individual, agency, or government entity, including the state of New Hampshire, arising out of the conduct of a member of such team, this section is not intended and shall not be admissible to establish negligence in any instance where requirements herein are higher than the standard of care that would otherwise have been applicable in such action under state law.

(c) A communication shall not be deemed confidential pursuant to this section if:

~~[(1) The communication indicates the existence of a danger to the individual who receives critical incident stress management and crisis intervention services or to any other person or persons.~~

~~[(2) The communication indicates the existence of past child abuse or neglect of the individual, abuse of an adult as defined by law, or family violence as defined by law.~~

~~[(3) The communication indicates the existence of past or present acts constituting an intentional tort or crime, provided the applicable statute of limitation has not expired on the act indicated.]~~

(1)(A) The communication is an explicit threat of suicide by an individual in which the individual shares:

(i) An intent to die by suicide; and

(ii) A plan for a suicide attempt or the means by which the individual plans to carry out a suicide attempt.

(B) A communication that contains the disclosure of suicidal thoughts, but not the information described in both subparagraphs (A)(i) and (ii) shall be deemed confidential.

(2) The communication is an explicit threat of imminent serious physical bodily harm or death to another individual or individuals.

(3) The communication indicates the abuse or neglect of:

(A) A child; or

(B) An elderly or vulnerable adult as defined in RSA 161-F:43.

(4) The communication contains information otherwise required by law to be disclosed.

(5) The communication indicates the existence of past or present acts constituting an intentional commission of a crime, provided the applicable statute of limitation has not expired on the act indicated.

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

2024-1096h

AMENDED ANALYSIS

This bill revises membership of critical incident stress management teams and terminology regarding critical incident intervention and management.

Amendment to HB 1084

(2024-0976h)

Proposed by the Committee on Education-r

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

2 Applicability. RSA 21-N:3, I, as amended by section 1 of this act, shall not affect the current term of the commissioner of education or deputy commissioner of education. RSA 21-N:3, I, as amended by section 1 of this act, shall apply to appointments or reappointments made on or after the effective date of this act.

Amendment to HB 1087

(2024-0907h)

Proposed by the Committee on Education-r

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

AN ACT establishing a commission to study information literacy and media literacy instruction in public schools.

Amend RSA 189:70-a, I as inserted by section 1 of the bill by replacing it with the following:

1 New Section; Commission Established; Commission to Study Information and Media Literacy Instruction in Public Schools. Amend RSA 189 by inserting after 189:70 the following new section:

189:70-a Commission Established. There is established a commission to study information and media literacy instruction in public schools.

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

(a) Four members of the house of representatives, two of whom shall be republicans and two of whom shall be democrats, appointed by the speaker of the house;

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

(c) Two members appointed by the New Hampshire School Library Media Association, one of whom represents elementary grades and one of whom represents secondary grades;

(d) One member representing a New Hampshire media literacy education non-profit organization serving youth, appointed by the department of education; and

(e) One English Language Arts educator with expertise in media and information literacy instruction, appointed by the department of education.

Amend RSA 189:70-a, V as inserted by section 1 of the bill by replacing it with the following:

V. 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 chair of the house education committee, the chair of the senate education committee, the governor, and the state library on or before November 1, 2024.

Amendment to HB 1091

(2024-1215h)

Proposed by the Committee on Election Law-r

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

1 Definitions; Candidate and Political Committee. RSA 664:2, II - III are repealed and reenacted to read as follows:

II. "Candidate" means an individual who seeks election to any public office or party position to be voted at a primary, general, or special election, whether or not the public office or party position has been specifically identified at such time and whether or not such individual is nominated or elected. An individual should be considered a candidate seeking election, or re-election, if the individual has:

(a) Taken the action necessary to qualify for election, such as filing as a candidate;

(b) Taken the action or authorized any other person to obtain, nominating petitions to qualify for election, or election to office; or

(c) Received contributions or made expenditures, or given consent to any other person to receive contributions or make expenditures, with the purpose to bring about the individual's nomination for election, or election, to office at any time during the election cycle.

III. "Political committee" means a group of 2 or more persons that receive contributions or makes expenditures for the purpose of the success or defeat of a political party, candidate, candidates, measure, or measures, including, but not limited to the following:

(a) Candidate committee created by a candidate running for office;

(b) Political committee of a political party as further defined in RSA 664:2, V; or

(c) The committee of a segregated fund established by any organization with a separate legal existence the purpose of which is to support the success or defeat of a candidate or candidates or measure or measures.

2 Definitions; Political Advertising, Communication, Contribution, and Expenditure. RSA 664:2, VI - IX are repealed and reenacted to read as follows:

VI. "Political advertising" means any paid communication that expressly advocates or is the functional equivalent of express advocacy for the success or defeat of a party, candidate, candidates, measure or measures.

VII. "Communication" means imparting, exchanging, or sending, of information by any medium or in any format, including, but not limited to: publication in any newspaper or other periodical, Internet, social media, or other digital method; broadcasting on radio, television, cable, or over any public address system; transmission by telephone, email, or facsimile; placement on any billboards, trucks or mobile billboards, outdoor facilities, window displays, posters, cards, pamphlets, leaflets, flyers, signs, or other circulars, or any direct mailing, digital or otherwise.

VIII. "Contribution" means anything of value made for the purpose of promoting the success or defeat of a candidate, candidates, measure, measures, or political party, including, but not limited to a payment, gift, subscription, assessment, contract, payment for services, dues advance, forbearance, loan to a candidate or political committee, or personal or professional services for less than full consideration.

IX.(a) "Expenditure" means the purchase, payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value; the making of a legally binding commitment to make a purchase, payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value in the future; or the transfer of funds by a political committee to another political committee or to a candidate. "Expenditure" includes disbursement of funds for:

(1) Communications:

(A) That contain express advocacy or its functional equivalent supporting or opposing the election of a candidate, candidates, measure, or measures; or

(B) That promote the success or defeat of a party, candidate, candidates, measure, or measures regardless of whether the communication or activities contain express advocacy or its functional equivalent.

(2) Partisan voter activity, partisan voter registration activity, partisan get-out-the-vote activity, or other partisan campaign-related activities.

(3) Research, design, production, polling, data analytics, mailing or social media list acquisition or other activities conducted in preparation for or conjunction with communications or activities described in this paragraph.

(4) Childcare expenses incurred by a candidate if the expenses are a direct result of the candidate's activities.

(5) An independent expenditure, as defined in paragraph XI.

(b) "Expenditure" does not include:

(1) The candidate's expenses for personal non-campaign travel and subsistence;

(2) Activity designed to encourage individuals to register to vote or to vote, if that activity or communication is non-partisan;

(3) Any communication by any membership organization or corporation to its members or stockholders, if the primary purpose of that membership organization or corporation is not for the purpose of promoting the success or defeat of a candidate, candidates, measure, or measures;

(4) The incidental expenses made by or on behalf of a person in the course of volunteering that person's time on behalf of a candidate or political committee or the use of real or personal property and the cost of invitations, food, or beverages voluntarily provided by a person to a candidate in rendering voluntary personal services on the person's residential premises for candidate-related activity if the aggregate value of such activities by such person on behalf of any candidate does not exceed \$ 250 with respect to any election.

3 Definitions; Independent Expenditures. RSA 664:2, XI - XIII are repealed and reenacted to read as follows:

XI. "Independent expenditure" means the disbursement of funds for an expenditure made by a political committee without cooperation or consultation with any political committee, political party, candidate, or agent of such candidate, and which are not made in concert with, or at the request or suggestion of, any political committee, political party, candidate, or agent of such candidate.

XII. "Full name" means the full legal name of a person making the identity of the contributor apparent by unambiguous reference.

XIII. "Person's post office address" means:

(a) If an individual, the address used by the individual for voter registration purposes; and

(b) If a person that is not an individual, the primary business location of the person, both which shall include a street and post office box, if any, city, state, and zip code.

(c) "Person's post office address" shall not mean:

(1) An individual's business address.

(2) An individual's vacation home address or rental property address when the home or rental property is owned, but not occupied by the contributor.

(3) Any address not that of the contributor.

4 Definitions; Push-Polling. Amend RSA 664:2, XVII to read as follows:

XVII. "Push-polling" means:

(a) ~~[Calling]~~ **Communications with** voters on behalf of, in support of, or in opposition to, any candidate **or candidates** for public office **or measure or measures by any means, including, but not limited to** telephone, **text, via the Internet, through social media or digitally**; and

(b) Asking questions related to opposing candidates for public office which state, imply, or convey information about the ~~[candidates]~~ **candidate's** character, status, or political stance or record; and

(c) Conducting such ~~[calling]~~ **communication** in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, or interest group as part of a series of like ~~[telephone-calls]~~ **communications** that consist of more than 2,000 connected ~~[calls]~~ **communications** that last less than 2 minutes in presidential, gubernatorial, United States senatorial, or United States congressional elections; or conducting such calling as part of a series of like ~~[telephone-calls]~~ **communications** that consist of more than 500 connected ~~[calls]~~ **communications** that last less than 2 minutes in executive council, state senate, city, town, school district, or village district elections; or conducting such calling as part of a series of like ~~[telephone-calls]~~ **communications** that consist of more than 200 ~~[connected-calls]~~ **communications** that last less than 2 minutes in state representative elections; and

(d) Conducting such ~~[calling]~~ **communication** for purposes other than bona fide survey and opinion research.

5 Definitions; Receipts. Amend RSA 664:2, XIX to read as follows:

XIX. "Receipts" shall mean the receipt of money or ~~thing~~ **anything** of value or the receipt of a legally binding commitment to receive money or thing of value in the future for the purpose of promoting the success or defeat of a **political party**, candidate, ~~or~~ candidates, ~~or a~~ measure, or measures. Receipts shall not include amounts received by a political committee in commercial transactions in the ordinary course of any trade or business conducted by the political committee or in the form of investments in the political committee or amounts received by the political committee from payors who, at the time of payment, prohibited, in writing, the use of the payment as an expenditure.

6 Definitions; Organization. RSA 664:2, XXII is repealed and reenacted to read as follows:

XXII. "Organization" includes 2 or more natural persons; business entities formed under state law, except those entities qualified under section 501(c)(3) of the United States Internal Revenue Code of 1986; or any other association of natural persons or entities formed under state law that is not registered as a business entity. Any candidate whose receipts or expenditures did not exceed \$1,000 during the election cycle shall attest thereto in the report due under RSA 664:6, I(a)(9) in the online campaign finance system prescribed by the secretary of state.

7 New Paragraphs; Definitions; Election Cycle, Person, Individual. Amend RSA 664:2 by inserting after paragraph XXII the following new paragraphs:

XXIII. "Election cycle" means the period of time beginning on the eighth day after a state general election through 21 days after the next state general election. For special elections, the election cycle shall be the date of the event that necessitates the special election and continues through 21 days after the end of the next state general election day.

XXIV. "Person" is an individual, collection of individuals, business organization, club, or any other entity created under the law.

XXV. "Individual" means a human being.

8 Registration of Political Committees. RSA 664:3, I is repealed and reenacted to read as follows:

I. Any political committee shall register with the secretary of state as provided in this section. As of November 26, 2024 and thereafter, any political committee or candidate filing any statements pursuant to this chapter for the election of governor, executive council, and senate shall file all such statements pursuant to the online campaign finance system prescribed by the secretary of state. As of November 26, 2026 and thereafter, any political committee or candidate filing any statements pursuant to this chapter for the election of the house of representatives, county commissioner, and all other offices shall file all such statements pursuant to the online campaign finance system prescribed by the secretary of state. A political committee may register for an election cycle at any time after the final report is due following the then-most-recent general election. The political committee's registration shall be received by the secretary of state not later than 48 hours after the political committee meets the criteria under RSA 664:2, III. The registration shall be accompanied by an itemized statement of the receipts and expenditures, if any, made by the political committee in the current election cycle prior to registration. Such itemization shall be made pursuant to the manner set forth in RSA 664:6. The registration shall also be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that a candidate or a political committee of a political party that registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures. The registration shall also include a statement of the name, address, occupation, and principal place of business of its chairperson and treasurer, and the names and addresses of other officers. The committee shall file an amendment to its registration within 14 days of any change in the officers or purpose of the committee.

9 Validity of Registrations. Amend RSA 664:3, IV to read as follows:

IV. All political committees' registrations under this chapter shall be valid from the date of registration until ~~[10]~~ **21** days after the primary or general election, whichever is appropriate, unless terminated sooner, in writing, by the chairman and the treasurer of the committee. However, any committee which has a continuing obligation to report as required under RSA 664:6 shall continue to exist for the purpose of making such reports.

10 New Paragraph; Political Committees and Candidates. Amend RSA 664:3 by inserting after paragraph VI the following new paragraph:

VII. Any political committee or candidate with the following may apply to the secretary of state on a form under oath prescribed by the secretary of state asking for a waiver of the requirements of RSA 664:3, I, RSA 664:7, and RSSA 664:9-b to file all statements pursuant to the online campaign finance system prescribed by the secretary of state:

(a) With less than \$3,000 in receipts or expenditures; and

(b) That does not possess a computer or the skills to file statements pursuant to the online campaign finance system prescribed by the secretary of state.

11 Prohibited Political Contributions. Amend the introductory paragraph of RSA 664:4 to read as follows:

664:4 Prohibited Political Contributions. No contribution, whether tangible or intangible, shall be made to a candidate, a political committee, or political party, or in behalf of a candidate or political committee or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate, ***candidates measure, measures***, or political party at any state primary or general election:

12 Contribution Limits. RSA 664:4, IV - V is repealed and reenacted to read as follows:

IV. By an individual or corporation in excess of the following amounts:

Contributed to:	Maximum amount of contributions:
Candidate or candidate committee	\$15,000
Any other political committee or political party	\$30,000

V. By any candidate or political committee in excess of the following amounts:

Contributed to:	Maximum amount of contributions:
Candidate or candidate committee	Unlimited
Any other political committee or political party	Unlimited
Political advocacy organization	Unlimited

13 Prohibited Coercion of Political Contributions. Amend RSA the introductory paragraph of 664:4-a, II to read as follows:

II. No business organization, and no officer, director, executive, agent or employee acting in behalf of the business organization, and no enterprise representing or affiliated with one or more business organizations, and no officer, director, executive, agent or employee acting in behalf of such enterprise, shall knowingly coerce, or attempt to coerce, any employee of the business organization or of the enterprise, or any contractor or subcontractor or any employee of the contractor or subcontractor doing business with the business organization, to make a contribution to any political campaign or political committee, or to any candidate, party, ***measure***, or cause, for the purpose of promoting the success or defeat of any candidate or political party:

14 Surplus Campaign Contributions and Deficits. Amend RSA 664:4-b to read as follows:

664:4-b Surplus Campaign Contributions ***and Deficits***. Surplus campaign contributions ***and deficits at the end of an election cycle shall be reported as the opening balance in the next election cycle's first statement. Surplus contributions*** may be used ~~[after a general or special election]~~ for fund raising activities and any other politically related activity sponsored by the candidate, or for donations to charitable organizations. Such surplus campaign contributions, however, shall not be used for personal purposes ***or other prohibited expenditures under RSA 664:5. All expenditures shall be reported according to RSA 664:6 through RSA 664:9. Special election cycle surpluses and deficits shall continue to be reported according to RSA 664:6 until a zero balance is reported.***

15 Prohibited Political Expenditures. Amend RSA 664:5 to read as follows:

664:5 Prohibited Political Expenditures.

No expenditure or use of a contribution, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any political party, measure, or candidate:

I. By a political committee; except the political committee of a political party, unless the political committee meets the requirements of RSA 664:3, I.

II. ~~[By a political committee which is organized to support a candidate in any election, or to such candidate or the candidate's fiscal agent unless the committee secures and files the written consent of the candidate or the candidate's fiscal agent with the secretary of state in accordance with RSA 664:3, III.]~~

III. By any person, candidate, or political committee, for political advertising in ***any format, including, but not limited to*** a newspaper, periodical, or on a radio or television broadcast, or on a billboard, if at a rate more or less than the applicable rates to be filed with the secretary of state.

IV[, V. ~~[Repealed.]~~

~~VII]. By any foreign national, as defined in 52 U.S.C. section 30121(b) and 11 C.F.R. section 110.20(a)(3) [, for any purpose, including for the use of telephones, facsimile machines, vehicles, and computers for electioneering. For the purposes of this paragraph, "electioneering" means to act in any way specifically designed to influence the vote of a voter on any question or office].~~

16 Reporting by Political Committee. RSA 664:6, I-III is repealed and reenacted to read as follows:

I. Any political committee whose receipts or expenditures exceed \$1,000 in an election cycle, shall file with the secretary of state an itemized statement, in the form prescribed by the secretary of state, signed by its chairman and treasurer. The \$1,000 threshold shall not apply to political committees renewed under 664:6, IV; these political committees shall continue to file until a zero balance is reported. For each receipt over \$50, the statement shall detail the full name and postal address of each contributor in alphabetical order, the amount of the contribution, the date it was received, and the aggregate total for each election cycle for

each contributor of over \$200. Any receipts from a contributor with aggregate receipts of \$50 or under shall appear on the statements as unitemized receipts. Any receipt that exceeds a contributor's aggregate total of \$200 for each election cycle shall be reported with the contributor's occupation, the name of the contributor's employer, and the city or town of the contributor's principal place of business, if any. The statement shall also show each expenditure with the full name and postal address of the payee or promisee of payment, the date paid or obligated, whichever occurred first, and the specific nature and amount of each expenditure. Statements shall cover the period beginning the day after the last day covered in the prior statement period up to and including the Sunday before the statement is due.

II. Statements shall be filed not later than 5 PM according to the following schedule:

- (a) First Wednesday in June after the state general election;
- (b) First Wednesday in December one year after the state general election;
- (c) Wednesday 12 weeks before primary election;
- (d) Wednesday 3 weeks before primary election;
- (e) Wednesday before primary election;
- (f) Second Wednesday after the primary election;
- (g) Wednesday 3 weeks before general election;
- (h) Wednesday before general election;
- (i) Second Wednesday after the general election.

III. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the treasurer within 48 hours of any contribution exceeding \$500 that is received after the statement under subparagraph (8) is filed and prior to the election day.

17 Reporting by Political Committee. RSA 664:6, IV is repealed and reenacted to read as follows:

IV. Any political committee not subject to a registration fee under RSA 664:3 which has any outstanding debt, obligation, or surplus following the election cycle shall have its registration automatically renewed for the next election cycle. All other registered political committees will be conditionally renewed pending receipt by the secretary of state of the registration fee required under 664:3. Political committees that report a zero balance will expire. Statements shall continue to be filed according to RSA 664:6, I until a zero balance is reported.

18 Reporting by Political Committee. Amend RSA 664:6, VI to read as follows:

VI. Copies of the statements required by ~~[paragraphs H through V]~~ **this section** of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

19 Registering and Reporting by Candidates. Amend RSA 664:7 to read as follows:

664:7 **Registering and Reporting by Candidates. Prior to filing any campaign finance statements during an election cycle, each** ~~[Each]~~ candidate ~~[at the primary or general election]~~ for governor, councilor, state senator, **state** representative ~~[to general court]~~, or county officer **shall register with the secretary of state through the secretary of state's online campaign finance system. Additionally, any candidate,** who has **receipts or** expenditures exceeding \$1,000, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6, ~~[H, H-a, III, IV, and V,]~~ excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

20 Reporting by Candidates for Speaker of the House of Representatives. Amend RSA 664:7-b to read as follows:

664:7-b Reporting by Candidates for Speaker of the House of Representatives.

I. Each candidate seeking election to the office of speaker of the house of representatives shall:

(a) **Have filed all statements required under RSA 664 that are then due relating to the candidates most recent election for state representative.**

(b) File statements before and after ~~[such]~~ **the election for the speaker of the house of representatives** in like manner and detail prescribed in RSA 664:6, ~~[H, H-a, and III]~~ **I-IV-a**, except that the date of the respective election, rather than the date of the primary or general election, shall determine the dates of such statements; and

~~[(b)]~~ (c) Register as a political committee, pursuant to RSA 664:3, on the date that such person becomes a candidate for speaker of the house of representatives, notwithstanding the definition of the term "political committee" in RSA 664:2, III.

II. In this section, and notwithstanding RSA 664:2, II, the term "candidate" means ~~[a person]~~ **an individual** who seeks nomination for election, or election, to the office of the speaker of the house of representatives, and for purposes of this section, ~~[a person]~~ **an individual** shall be deemed to seek nomination for election, or election if such ~~[person]~~ **individual**:

(a) Has received gifts or contributions for such purposes; or

(b) Has given ~~[his or her]~~ consent to another person to receive gifts or contributions or make expenditures on behalf of such person and if such other person has received such gifts or contributions for such purposes.

III. No candidate shall be entitled to the office of speaker of the house of representatives until the sworn itemized statements, ~~[required to be filed by the candidate or on the candidate's behalf]~~ **except for the final statement required to be filed after the election**, have been filed as required by this section.

21 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a and RSA 664:9-b are repealed and reenacted to read as follows:

664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee or a candidate may file such candidate's report of receipts and expenditures, pursuant to RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire campaign finance system, which may also be used to register, file reports, and search information filed by candidates, political committees, and candidate committees.

664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee of a candidate or a candidate may file such candidate's required reports as an email attachment or a paper copy, provided that:

I. The font size of the document as printed is not less than an 8-point font.

II. Email attachments are to be in portable document format archive (PDF/A), or other acceptable format as determined by the secretary of state.

III. The report is mailed electronically or otherwise delivered, or sent to the secretary of state on or before the date and time that the report is due.

22 New Sections; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the following new sections:

664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The political committee of a candidate or a candidate shall file an amended copy of such candidate's report within one week after being notified by the secretary of state or attorney general's office that such report is non-compliant. Non-compliant reports shall not be accepted by the secretary of state as filed and shall not be published to the online campaign finance system, pursuant to 664:11, until a legible amendment is received.

664:9-d Statements of Receipts and Expenditures Filed via Online Campaign Finance System.

After the dates specified in RSA 664:3, I, a political committee, or a candidate shall electronically file their statements of receipts and expenditures, as required by RSA 664:6, 664:7, and 664:7-b, by utilizing the on-line campaign finance system permitted by the secretary of state. The political committee or candidate may publicly release receipt and expenditure information under this section more frequently than is required by RSA 664 provided the receipt and expenditure report is up to date when due. Statements of receipts and expenditures, as required by RSA 664 may also be filed by means of electronic mail to elections@sos.nh.gov through the end of the 2024 election cycle. Statements filed via electronic mail shall be publicly available on the secretary of state's website within seven days after the statement is filed.

23 Inspection, Treasurers. Amend RSA 664:11-13 to read as follows:

664:11 Public Inspection. All statements, assents, and registrations filed by ~~[state committees,]~~ candidates~~;~~ and political committees shall be open to public inspection. **Such statements, assents, and registrations shall be published on [The] the website of the** secretary of state~~[-shall publish on the Internet information on all contributions reported under this chapter, including the name of the contributor, the contributor's home state, and the date of the contribution].~~

664:12 ~~[Fiscal Agent]~~ **Treasurer.**

As part of the declaration of candidacies filed by candidates for governor, councilor, state senator, **state representative**, and county officer and other primary candidacies, every such candidate shall designate some person, who may be the **individual** candidate ~~[himself]~~, as ~~[his financial agent]~~ **the treasurer** for the purpose of the primary and general election campaign. If ~~[his]~~ candidacy for such office is established by a primary petition or nomination petitions, there shall be filed together with such petitions the name of the ~~[fiscal agent]~~ **treasurer** for such candidate. A candidate who is nominated by write-in vote at the primary shall, prior to making any campaign expenditures, file with the secretary of state the name of ~~[his fiscal agent]~~ **the treasurer**. ~~[At]~~ **The treasurer shall approve all** sums expended or contracted for payment in the ~~[primary or general election campaign in behalf of such candidate shall be reported by the candidate or his political committee or both to his fiscal agent, and the candidate or his fiscal agent shall make or approve all disbursements in behalf of his candidate subsequent to his designation as fiscal agent]~~ **election cycle** and join with the candidate in making and filing the statements required by this chapter.

664:13 Committee Treasurer.

If ~~[a political committee has no treasurer, or if]~~ the treasurer fails to make a report **required by this chapter**, it shall be the duty of each member of said **political** committee who received or pays out any money in behalf of said **political** committee to make such a report or to cause the same to be made. No member of such **political** committee shall make or permit any unlawful expenditure or act by said **political committee**, in whole or in part, or consent thereto, or aid, abet or conspire to make or permit the same.

24 Signature, Identification, and Lack of Authorization. RSA 664:14 is repealed and reenacted to read as follows:

664:14 Identification and Lack of Authorization.

I. All political advertising shall comply with the provisions of this section.

II. All political advertising shall be signed at the beginning or the end. The signature shall state, "Paid for by (name of the candidate or political committee), (address of the candidate or political committee), (name of the treasurer) treasurer or (name of chair) chair". Political advertising in the form of signs or placards may contain an Internet address in lieu of the signature requirements of this section, if the Internet address is printed or written in a size of type or lettering large enough to be clearly legible and the website immediately and prominently displays all of the information required by this section through the election cycle. In the case of political advertising made on behalf of a political committee registered with the secretary of state pursuant to RSA 664, the name and address on the advertisement shall match the name and address registered with the secretary of state.

III. Political advertising to promote the success or defeat of a candidate, candidates, measure, or measures by a business organization, labor union, or other enterprise or organization shall be signed. The name of the business organization, labor union, or other enterprise or organization shall be indicated in or on the political advertising, and the chairman or treasurer of the business organization, labor union, or other enterprise or organization shall sign the political advertisement, including the name, position, and address of the signer. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:4.

IV. Nothing in this section shall be construed to apply to communications at a town, school, or village district meeting, which communications shall be governed by the moderator.

V. Nothing in this section shall be construed to apply to a lone individual who independently authors, produces, and distributes political advertising in any format, including a leaflet, pamphlet, handbill, or digitally.

VI.(a) In the case of printed or written material, including material distributed by email, social media, or through other digital formats, the signature, position, and address of the signer shall be printed or written in a size or lettering large enough to be clearly legible.

(b) All political advertising via video media shall identify the name and address of the candidate or political committee paying for the political advertising. Such identification shall be made both aurally and visually whenever possible in the format of the political advertisement. The visual presentation shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be present for not less than 4 seconds at the conclusion of the political advertisement.

VII. Notwithstanding any other provision of this section, buttons or any printed or written political advertising which is attached to or displayed on any clothing or motor vehicle need not be signed.

VIII. If the political advertisement is not authorized by the candidate or candidate committee, the advertising shall so state and shall identify the sponsor of the communication or political advertisement. All such political advertisements shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate." Such statement shall be made both aurally and visually if broadcast on television or similar medium, including social media, YouTube, or cable. The visual presentation on video media shall be clearly legible and shall use letters equal to or greater than 12 percent of the vertical picture height and shall be broadcast for not less than 4 seconds at the conclusion of the political advertisement.

IX. Any political advertisement that mentions or depicts a candidate, shall include the statement: "This advertisement has been paid for by (name of sponsor) and has not been authorized by any candidate."

25 Prerecorded Political Messages. Amend RSA 664:14-a, I-II to read as follows:

664:14-a Prerecorded Political Messages.

I. In this section, "prerecorded political message" means a prerecorded audio message delivered [by telephone] by[:

(a)] A candidate, [or] political committee, **or any other person** [; or]

[~~(b) Any person~~] When the content of the message expressly [or implicitly] advocates **or is the functional equivalent of express advocacy, promoting** the success or defeat of any party, **candidate**, measure, or person at any election, or contains information about any candidate, **measure**, or party.

II. No person shall deliver or knowingly cause to be delivered a prerecorded political message unless the message contains, or a live operator provides, within the first 30 seconds of the message, the following information:

(a) The name of the candidate, **the measure**, or of any organization or organizations the person is calling on behalf of.

(b) The name of the person or organization paying for the delivery of the message and the name of the fiscal agent **or treasurer**, if applicable.

26 Approval of Candidate or Treasurer. Amend RSA 664:15 to read as follows:

664:15 Approval of Candidate or [Fiscal Agent] **Treasurer**.

A person or business organization publishing a newspaper or periodical or selling billboard space or operating a radio or television station or public address system shall not publish, print or broadcast any political advertising by or in behalf of a candidate in an election unless the same shall be signed by or authorized in writing by the candidate or [his fiscal agent] **treasurer**.

27 Complaints. Amend RSA 664:18, II to read as follows:

II. Following *an* investigation *under RSA 554:18, I*, the attorney general *determines that a provision of this chapter has been violated, the attorney general* is empowered~~[, if he determines that a provision of this chapter has been violated,]~~ to:

(a) Issue an order requiring the violator to cease and desist from ~~[his or her]~~ *the* violation. If the attorney general's order is not obeyed, the attorney general or designee may petition the superior court of the county in which the violation occurred for an order of enforcement.

(b) Prosecute to final judgment through ~~[his]~~ *a* designee if sufficient cause for such prosecution is found.

28 Subpoena Power. Amend RSA 664:20 to read as follows:

664:20 Subpoena Power.

In the exercise of ~~[his]~~ *the* powers and duties *of the attorney general* under this chapter, the attorney general is authorized to require the appearance of individuals and to secure testimony and evidence by use of a subpoena duces tecum.

29 Penalty; Cross Reference Removed. Amend RSA 664:21, IX to read as follows:

IX. Any individual, *political* committee, or organization responsible for reporting under RSA 664:6~~;~~ 664:6-a~~;~~ and 664:7 that files a report with illegible material content shall receive a written warning for a first offense and shall be charged a civil penalty of \$1,000 per offense for any subsequent offenses.

30 Repeal. The following are repealed:

I. RSA 664:3, III, relative to requiring the written consent of a candidate before a fiscal agent may receive contributions or make expenditures.

II. RSA 664:3-a, relative to registration of political advocacy organizations.

III. RSA 664:6-a, relative to reporting by political advocacy organizations.

IV. RSA 664:9-a, relative to itemized statements filed by facsimile transmission.

V. RSA 664:3, III, relative to registration of political committees.

31 Effective Date.

I. Sections 21-22 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect January 1, 2025.

Amendment to HB 1093

(2024-0911h)

Proposed by the Committee on Education-r

Amend the bill by replacing section 1 with the following:

1 New Section; Schools; Facial Coverings Policy. Amend RSA 189 by inserting after section 74 the following new section:

189:75 Facial Covering Policy for Schools. The school board of a school district or the chief executive officer of a chartered public school or public academy shall not adopt, enforce, or implement a policy that requires students or members of the public to wear a facial covering for any purpose while on the school's property unless the facial covering is necessary for a specific extracurricular or instructional purpose, or is required by some other section of the law. In this section, "facial covering" means any item worn on the face which covers a student's mouth, nose, or both. This provision shall not prohibit any public school board or governing person or body of a school from requiring participating students to wear athletic gear intended to protect against concussive or similar sports-related physical damage, or to wear protective equipment while handling chemicals, fire, or other similar hazardous elements for scientific or similar educational purposes. Further, this provision shall not prohibit policies that may require facial coverings as part of a student's individualized education program pursuant to RSA 186-C or accommodation plan pursuant to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq).

Amendment to HB 1095

(2024-1212h)

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 occupational boards by the office of professional licensure and certification.

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

1 Alcohol and Other Drug Use Professionals; Definitions. Amend RSA 330-C:2, IV to read as follows:

IV. "Certified recovery support worker," or CRSW, means an individual certified by the ~~[board]~~ *office of professional licensure and certification* to provide recovery support to persons with substance use disorders, who meets the qualifications in this chapter.

2 Alcohol and Other Drug Use Professionals; Definitions. Amend RSA 330-C:2, XIII-XV to read as follows:

XIII. "Licensed alcohol and drug counselor," or LADC, means an individual licensed by the ~~[board]~~ *office of professional licensure and certification* to practice substance use counseling who meets the qualifications set forth in this chapter.

XIV. “Licensed clinical supervisor,” or LCS, means an individual licensed by the [board] **office of professional licensure and certification** to practice and supervise substance use counseling, who meets the qualifications set forth in this chapter.

XV. “Master licensed alcohol and drug counselor,” or MLADC, means an individual licensed by the [board] **office of professional licensure and certification** to practice substance use, mental health, and co-occurring disorder counseling who meets the qualifications set forth in this chapter.

3 Alcohol and Other Drug Use Professionals; Advisory Committees. Amend RSA 330-C:6, II to read as follows:

II. The advisory committees may be assigned the following duties:

~~[(a) Application advisory committee, if established, shall review applications for licensure, reinstatement, and certification and] make recommendations to the board concerning such applications;~~

~~(b) [(a) Testing and examination advisory committee, if established, shall [carry out the testing requirements of this chapter and] review and evaluate the appropriate standards to be used for selecting examinations;~~

~~[(c) (b) Continuing education and collaboration advisory committee, if established, shall advise the board on continuing education requirements [and procedures to be adopted] for [documenting] peer collaboration [hours] requirements.~~

4 Alcohol and Other Drug Use Professionals; Rulemaking Authority. RSA 330-C:9 is repealed and reenacted to read as follows:

330-C:9 Rulemaking Authority. The board shall adopt rules, in accordance with RSA 541-A, relative to the following:

I. Eligibility requirements for the issuance of all initial and renewal licenses issued by the office including without limitation:

(a) The eligibility requirements for the issuance of such licenses to applicants holding a current license issued by the board of nursing or the board of medicine; and

(b) The eligibility requirements for the issuance of a MLADC license under RSA 330-C:16.

II. Eligibility requirements for the reinstatement of licenses after lapse and after disciplinary action.

III. Eligibility requirements, training requirements, and other criteria for the issuance of certification, renewal of certification, and reinstatement of certification for certified recovery support workers and certified recovery support worker supervisors.

IV. The criteria for approval of education programs for the continuing education requirements of this chapter and providers of such programs, and the criteria for approval of providers engaged in clinical supervision.

V. The criteria for approval of individuals engaged in clinical supervision.

VI. The requirements for clinical supervision and the documentation of clinical supervision hours.

VII. Ethical standards for the practice of substance use counseling and co-occurring disorder counseling and clinical supervision that are generally in keeping with standards established by NAADAC: The Association for Addiction Professionals, or its successor organization.

VIII. Continuing education requirements for license renewal and continuing education requirements for renewal of certification.

IX. The determination of disciplinary sanctions authorized by this chapter, including the assessment of administrative fines.

X. The criteria for required examinations.

XI. The requirements for peer collaboration and the documentation of peer collaboration hours, and the requirements for participation as a peer collaborator.

XII. Standards for the waiver of a felony conviction under RSA 330-C:27, III(f), and for determinations of whether an applicant has made sufficient restitution or been rehabilitated under RSA 330-C:15, I(e).

XIII. If rules on the topic are determined by the board to be necessary, determinations of equivalent academic fields for initial MLADC licensure or initial LADC licensure.

5 Licensed Alcohol and Other Drug Use Professionals; Completion of Survey; Rulemaking. Amend RSA 330-C:9-a to read as follows:

330-C:9-a Completion of Survey; Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, requiring, as part of the **criteria for** license renewal [~~process~~], completion by licensees of a survey or opt-out form provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey.

6 Alcohol and Other Drug Use Professionals; Telemedicine. Amend RSA 330-C:14-a to read as follows:

330-C:14-a Telemedicine. Persons licensed [by the board] **under this chapter** shall be permitted to provide services through the use of [telemedicine] **“telemedicine,” as defined in RSA 310:7.** [~~“Telemedicine” means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.~~]

7 Alcohol and Other Drug Use Professionals; Licensure and Certification; Applicants. Amend RSA 330-C:15, I(e) through II to read as follows:

(e) Have committed none of the following, unless the [board] **office of professional licensure and certification** finds, **using criteria established by the board**, that the applicant has made sufficient restitution or been rehabilitated:

- (1) Fraud or deceit in procuring or attempting to procure a license, certification, or other authorization to practice substance use counseling or treatment in this or another state or territory of the United States;
 - (2) Sexual relations with, solicitation of sexual relations with, or sexual abuse of, a client or past client;
 - (3) Failure to remain free from the use of a controlled substance or alcohol to the extent that use impairs the ability to conduct with safety to the public the practices authorized by this chapter;
 - (4) Conviction of a felony not waived by the board;
 - (5) An act or omission causing another state or territory of the United States to revoke or suspend a license, certification, or other authorization to practice substance use counseling or treatment or to discipline the person authorized to practice by placing him or her on probation;
 - (6) Failure to maintain confidentiality as described in RSA 330-C:26; and
 - (7) False or misleading advertising;
- (f) Have no mental disability that affects professional ability or judgment to the extent that it impairs the ability to conduct with safety to the public the practices authorized by this chapter, unless the board finds that measures have been taken to control the effects of the disability;
- (g) Meet education requirements for new applicants and continuing education requirements for renewals and reinstatements, as established by the board; and
- (h) Meet other criteria as established by the board.

II. The [board] **office of professional licensure and certification** shall make no final decision concerning the qualifications of a new or reinstatement applicant until it has received the results of all required examinations, criminal history record checks, and all third-party certifications required to be submitted with the application, and the time periods specified by RSA 541-A:29 shall be calculated from the date the last of the required documents is received by the [board] **office**.

8 Master Licensed Alcohol and Drug Counselor; Initial License. Amend RSA 330-C:16, I(b)-III to read as follows:

(b) Have graduated with a master's degree of less than 60 hours in a discipline described in subparagraph (a) and has completed the necessary additional hours of master's level course work as determined by the board pursuant to RSA 330-C:9, ~~I(d)~~ **I(b)**.

II. Pass testing procedures of a nationally recognized credentialing entity specified by the board. Such procedures shall be based on the core functions and practice dimensions of substance use and co-occurring disorders counseling.

III. Complete 3,000 hours of clinically supervised post-master's degree work experience in the treatment of substance use, **mental health**, and co-occurring disorders. Up to 1,500 hours of clinically supervised work experience accumulated by the applicant during his or her practice as an LADC may be counted toward the required 3,000 hours. A current license issued ~~[by the board of mental health practice under]~~ **pursuant to** RSA 330-A may be substituted for up to 1,500 hours of the required 3,000 hours of clinically supervised work experience. ~~[Where substitution of the full 1,500 hours is denied by the board, the applicant shall be provided the rationale for the board's denial. The board shall not deny the substitution of hours solely based on the applicant's clinical supervisor holding a license issued by the board of mental health practice.]~~

9 Alcohol and Other Drug Use Professionals; Certified Recovery Support Worker; Initial Certification. Amend RSA 330-C:19, I to read as follows:

I. Submit a completed application and fees established by the [board] **office of professional licensure and certification**;

10 Alcohol and Other Drug Use Professionals; Criminal Record Checks. Amend RSA 330-C:20 to read as follows:

330-C:20 Criminal Record Checks.

I. Every applicant for initial licensure or certification or reinstatement shall submit to the [board] **office of professional licensure and certification** a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the [board] **office**.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. If the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] **office** may, in lieu of the criminal history record check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [board] **office** shall submit the criminal history record release form and fingerprint form to the division of state police which shall conduct a criminal history record check through its records and through the Federal Bureau of Investigation. Upon completion of the record check, the division of state police shall release copies of the criminal history record to the [board] **office**.

IV. The [board] **office** shall review the criminal history record information prior to making a decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

11 Alcohol and Other Drug Use Professionals; Continuing Education. Amend RSA 330-C:24, I to read as follows:

I. As a prerequisite to renewal of licensure or certification, a licensee or certificate holder shall present satisfactory evidence [to the board] of having met the continuing education requirements of this chapter.

12 Repeals; Alcohol and Other Drug Use Professionals. The following are repealed:

I. RSA 330-C:5, I and X, relative to the powers and duties of the board of licensing for alcohol and other drug use professionals.

II. RSA 330-C:6, III, relative to advisory committees of the board of licensing for alcohol and other drug use professionals.

III. RSA 330-C:8, relative to fees and charges.

IV. RSA 330-C:16, V, relative to issuance of a MLADC license.

V. RSA 330-C:21, relative to applicants from other states.

VI. RSA 330-C:22, relative to renewals.

VII. RSA 330-C:23, relative to reinstatement.

13 Athletic Trainers; Eligibility for Initial Licensure. Amend RSA 326-G:4, I to read as follows:

I. Demonstrate sufficient evidence of good professional character and reliability to satisfy the **office of professional licensure and certification, using criteria established by the board**, that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F, and the board's rules.

14 Barbering, Cosmetology, and Esthetics; Definitions. Amend the introductory paragraph of RSA 313-A:1, II-a to read as follows:

II-a. "Master barber" means any person licensed by the [board] **office of professional licensure and certification** as a master barber to practice the following:

15 Barbering, Cosmetology, and Esthetics; Definitions. Amend RSA 313-A:1, XI-a to read as follows:

XI-a. "Operator" means a person age 18 or older who has received training through a program approved by the board in the safe operation of tanning devices, operates the tanning device, controls the length of the exposure to UV light, and instructs the consumer in the proper use of the device. ~~[A person age 16 or older who, prior to January 1, 2005, has been certified by a program that was subsequently approved by the board shall be an operator under this paragraph.]~~

16 Barbering, Cosmetology, and Esthetics; Maintenance of Records. Amend RSA 313-A:4 to read as follows:

313-A:4 Maintenance of Records. The [board] **office** shall maintain a record containing the names and addresses of all licensees and of all salons, barbershops and schools licensed pursuant to this chapter in accordance with the retention policy established by the office of professional licensure and certification. The [board] **office of professional licensure and certification** shall issue all notices, license, and registration certificates. The record shall include the date of issuance, renewal, suspension, or revocation of all licenses. This record shall be open to public inspection at all reasonable times.

17 Barbering, Cosmetology, and Esthetics; Duties. RSA 313-A:7 is repealed and reenacted to read as follows:

313-A:7 Duties.

I. The board shall:

(a) Prescribe the duties of its officers;

(b) Keep a record of its proceedings in accordance with the retention policy established by the office of professional licensure and certification; and

II. The board may establish criteria pursuant to RSA 541-A to license a school to operate either:

(a) Dedicated programs within secondary schools, the purpose of which is to teach cosmetology, manicuring, barbering, or esthetics; or

(b) Postsecondary programs conducted for the purpose of teaching cosmetology, manicuring, barbering, or esthetics, including postsecondary programs leading to a certificate in manicuring, barbering, cosmetology, or esthetics.

18 Barbering, Cosmetology, and Esthetics; Rulemaking Authority. RSA 313-A:8 is repealed and reenacted to read as follows:

313-A:8 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The qualifications of applicants for licensure, including the qualifications for satisfactory evidence of:

(a) A high school education or its equivalent; and

- (b) Good professional character;
 - II. Criteria for examination of applicants;
 - III. Criteria for the renewal of licensure under this chapter, including the requirements for continuing education;
 - IV. Ethical and professional standards required to be met by each holder of a license to practice under this chapter and how sanctions by the board shall be implemented for violations of these standards or for any violation of this chapter;
 - V. Conditions for practice under temporary licenses issued by the board;
 - VI. The regulation of tanning facilities including:
 - (a) Sanitation and hygiene standards to be met and maintained by tanning facilities.
 - (b) Standards for approving the training curricula and programs used for training tanning device operators.
 - (c) Registering tanning facilities.
 - (d) Standards for the inspection of tanning devices.
 - (e) Standards for the consumer consent form required under RSA 313-A:30, IV.
 - VII. Criteria for licensing and approval of schools and their curriculum;
 - VIII. Criteria for licensing and approval of instructors;
 - IX. Criteria for licensing and approval of mobile barbershops;
 - X. The occasional performance of services at locations other than the principal place of business by persons licensed under this chapter;
 - XI. The criteria for office of professional licensure and certification consideration of an applicant's "good professional character";
 - XII. The criteria for granting exemptions under RSA 313-A:10, II; 313-A:11, II; and 313-A:12, II; and
 - XIII. A schedule of administrative fines for violations of this chapter under RSA 313-A:22, III(e) and (f).
- 19 Barbering, Cosmetology, and Esthetics; Qualifications; Barbers. Amend RSA 313-A:10 to read as follows:
- 313-A:10 Qualifications; Barbers.
- I. In order to be issued a barber's license by the [board] **office of professional licensure and certification**, a person shall:
- (a) Be of good professional character;
 - (b) Have completed high school or its equivalent;
 - (c) Have received training of:
 - (1) A minimum of 800 hours of training in a school of barbering approved by the [board] **office of professional licensure and certification in accordance with criteria established by the board pursuant to RSA 541-A**; or
 - (2) A minimum of 1,600 hours distributed over a period of at least 12 months under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;
 - (d) Pass an examination [~~conducted by the board~~]; and
 - (e) Pay a fee established by the [board] **office of professional licensure and certification**.
- II. An applicant not meeting the conditions of RSA 313-A:10, I(b) through (c) may petition the [board] **office of professional licensure and certification** for exemption. The [board] **office**, [~~acting under~~] **following criteria established in** rules adopted under RSA 313-A:8, [XVI] **XII**, may grant the exemption.
- III. In order to be issued a master barber's license by the [board] **office of professional licensure and certification**, a person shall:
- (a) Be of good professional character;
 - (b) Have completed high school or its equivalent;
 - (c) Have received training of:
 - (1) A minimum of 1,500 hours of training in a school of master barbering approved by the board; or
 - (2) A minimum of 3,000 hours distributed over a period of at least 18 months under a licensed barber who has engaged in the practice of barbering within the state for at least 2 years;
 - (d) Pass an examination [~~conducted by the board~~]; and
 - (e) Pay a fee established by the [board] **office**.
- 20 Barbering, Cosmetology, and Esthetics; Qualifications; Cosmetologists. Amend RSA 313-A:11 to read as follows:
- 313-A:11 Qualifications; Cosmetologists.
- I. In order to be issued a cosmetologist's license by the [board] **office of professional licensure and certification**, a person shall:
- (a) Be of good professional character;
 - (b) Have completed high school or its equivalent;
 - (c) Have received training of:
 - (1) A minimum of 1,500 hours of training in a school of cosmetology approved by the board; or

(2) A minimum of 3,000 hours distributed over a period of at least 18 months under a licensed cosmetologist who has engaged in the practice of cosmetology within the state for at least 2 years;

(d) Pass an examination [~~conducted by the board~~]; and

(e) Pay a fee established by the [board] **office of professional licensure and certification**.

II. An applicant not meeting the conditions of RSA 313-A:11, I(b) through (c) may petition the [board] **office of professional licensure and certification** for exemption. The [board] **office**, [~~acting under~~] **following criteria established in** rules adopted under RSA 313-A:8, [XVI] **XII**, may grant the exemption.

21 Barbering, Cosmetology, and Esthetics; Qualifications; Manicurists. Amend RSA 313-A:12 to read as follows:

313-A:12 Qualifications; Manicurists. A person, to be issued a manicurist's license by the [board] **office of professional licensure and certification**, shall, in addition to satisfying the requirements of RSA 313-A:11, I(a), (b), and (e):

I. Have completed a course of at least 300 hours of professional training in manicuring, in a school approved by the board and passed an examination [~~conducted by the board~~]; or

II. Have satisfied the requirement set out in RSA 313-A:11, I(d) and, as an apprentice in a salon, received[, in the opinion of the board,] the equivalent, **pursuant to criteria established by the board**, of the course required under paragraph I.

22 Barbering, Cosmetology, and Esthetics; Qualifications; Estheticians. Amend RSA 313-A:13 to read as follows:

313-A:13 Qualifications; Estheticians. To be issued an esthetics license by the [board] **office of professional licensure and certification**, an applicant shall, in addition to satisfying the requirements of RSA 313-A:11, I(a), (b), and (e), have completed a course of at least 600 hours of training in a school approved by the board and have passed an examination [~~conducted by the board~~]. An apprenticeship approved by the board may [~~substitute~~] **be substituted** for the required training. Estheticians who have practiced professionally in this state for a period of at least 3 years prior to July 1, 1989, and who have satisfied the requirements of RSA 313-A:11, I(a), (b), and (e) and the training requirements of this section shall not be required to take the examination provided for in this section to be eligible for licensure under this chapter. Credit towards the hours requirement for esthetician training may be given to a licensed cosmetologist or barber for equivalent training in the cosmetology or barber program in a school approved by the board upon certification of the training by the school. Credit towards the hours requirement for esthetician training may be given to a licensed massage therapist for massage therapy training deemed equivalent by the board. Cosmetologists licensed [~~by the board~~] **under this chapter** may obtain the training hours in subjects required by the board in increments at separate schools, but must present certifications to the [board] **office** for all required hours and curriculum subjects.

23 Barbering, Cosmetology, And Esthetics; Examinations. Amend RSA 313-A:15 to read as follows:

313-A:15 Examinations. The [board] **office of professional licensure and certification** shall hold examinations in barbering, cosmetology, manicuring, and esthetics at least once every 6 months in such towns throughout the state as it may deem convenient for applicants and at such additional times as it may from time to time determine. The scope and content of the examinations shall be established by the board. The [board] **office** shall notify all applicants at least 10 days in advance as to the place, date, and time of examinations.

24 Barbering, Cosmetology, and Esthetics; Applications. Amend RSA 313-A:16 to read as follows:

313-A:16 Applications. Applicants shall make written application to the [board] **office of professional licensure and certification** on a form prescribed and supplied by the office [~~of professional licensure and certification~~] which shall contain satisfactory evidence of the qualifications required of the applicant; and the applicant shall also pay the examination fee **established by the office**.

25 Barbering, Cosmetology, and Esthetics; Temporary Permit. Amend RSA 313-A:18 to read as follows:

313-A:18 Temporary Permit.

I. Any person eligible to take an examination for a license under this chapter may apply to the [board] **office of professional licensure and certification** for a permit to professionally operate temporarily pending the holding of such examination. The application shall be accompanied by the payment of a fee established by the [board] **office** which shall be credited as the required examination fee.

II. A temporary permit shall authorize its holder to engage temporarily in the practice of the profession for which such permit was issued under the guidance of a licensed practitioner in a registered salon or barbershop. If, upon notice from the [board] **office**, the applicant fails without just cause to take the examination, the permit shall terminate. If the applicant fails to pass the examination, the [board] **office** in its discretion may grant a second temporary permit, under like conditions, which permit in all circumstances shall expire 60 days from its issuance, unless just cause for failure to take the examination shall be shown to the satisfaction of the board.

26 Barbering, Cosmetology, and Esthetics; Expiration and Renewal of Licenses and Certificates. RSA 313-A:20 is repealed and reenacted to read as follows:

313-A:20 Expiration and Renewal of Licenses. All licenses established under this chapter shall expire in accordance with RSA 310:8.

27 Barbering, Cosmetology, and Esthetics; Apprenticeship and Certificates. Amend RSA 313-A:24, I-IV to read as follows:

I. No person shall enter an apprenticeship or enroll in a school under this chapter unless such person has registered with the [board] **office of professional licensure and certification** as an apprentice and been issued an apprentice certificate. ~~[The board shall have sole authority to regulate apprentices and apprenticeship under this chapter.]~~ The [board] **office** shall issue an apprentice certificate to any student receiving instruction within a licensed school and/or shop to learn barbering, cosmetology, esthetics, or manicuring.

II. A person applying for an apprentice certificate under this section shall be granted such certificate upon:

- (a) Submitting proof sufficient to the board to show that such person is at least 16 years of age;
- (b) Paying a fee established by the office of professional licensure and certification; and

(c) Being deemed by the [board] **office** to be of good professional character **based upon criteria established by the board**.

III. No salon or barbershop shall at any one time have more than one apprentice per licensed professional, except as follows:

- (a) Each licensed barber may have up to 2 apprentices for barbering.

(b) Each licensed master barber may have up to 2 apprentices for barbering, or one apprentice master barber and one apprentice barber.

IV. Upon completing the number of hours specified in the board's apprentice rules, an apprentice shall be eligible to apply to the [board] **office** for certification.

28 Barbering, Cosmetology, and Esthetics; Compliance with Law. Amend RSA 313-A:27, II to read as follows:

II. The board shall enforce this chapter against a person who adulterates or misbrands a tanning device. The [board] **office of professional licensure and certification** may investigate a person accused of adulterating or misbranding a tanning device.

29 Barbering, Cosmetology, and Esthetics; Registration of Tanning Facility. Amend RSA 313-A:28, II to read as follows:

II. Any person, corporation, partnership, association, or other entity operating or intending to open or operate a tanning facility within this state shall file a registration statement annually with the [board] **office of professional licensure and certification** in accordance with rules adopted under RSA 541-A. Such registration statement shall be required for each facility location, shall be duly signed ~~[and verified]~~, and shall be posted in a prominent location at the tanning facility. Such registration statement shall include, but not be limited to, the name and the business address of the applicant; if an individual, the name under which the business will be conducted; if a partnership, the name and business address of each member thereof; the name under which the business is to be conducted; if a corporation, the name of the corporation and the name and business address of each of the officers of the corporation; and the place, including the complete mailing address and physical address, where the business is to be conducted. Registration statements shall also list the number and type of tanning devices at each tanning facility location.

30 Repeal. The following are repealed:

- I. RSA 313-A:14, relative to nonresidents.
- II. RSA 313-A:29, relative to registration fees.
- III. RSA 313-A:34, relative to unregistered tanning facilities.

31 Body Art; License Required; Fees. Amend RSA 314-A:2, III to read as follows:

III. Licenses shall be issued to any person who:

- (a) Makes application on a form prescribed by the executive director;
- (b) Makes payment of fees required ~~[under RSA 314-A:6, III]~~;
- (c) Has been practicing body piercing, branding, or tattooing in an establishment, under the supervision of a person practicing body piercing, branding, or tattooing in compliance with the applicable statutes and rules of the state for not less than 3 years ~~[- Out-of-state applicants shall provide proof of at least 3 years' experience as a licensed practitioner in another state];~~ and

(d) Has completed a course approved by the executive director in methods and techniques for the proper sterilization of instruments and materials used in body piercing, branding, or tattooing.

32 Body Art; Exemptions. Amend RSA 313-A:4, I to read as follows:

I. Any person licensed by the New Hampshire board of medicine **or the office of professional licensure and certification, as applicable, for anyone acting within the scope of practice in accordance with RSA 328-D, RSA 329, or RSA 329-C**.

33 Body Art; Renewal of License; Continuing Education Requirement. Amend RSA 314-A:5 to read as follows:

314-A:5 Renewal of License; Continuing Education Requirement. Renewal of licenses shall be contingent upon the licensee's completion of 3 hours of continuing education related to the practice of body piercing, branding, or tattooing during the ~~[preceding year]~~ **current term of licensure, in accordance with RSA 310:8**.

34 Body Art; License Revocation or Suspension. Amend the introductory paragraph of RSA 314-A:9 to read as follows:

314-A:9 License Revocation or Suspension. After ~~[notice and hearing]~~ **a finding of misconduct** the executive director may ~~[revoke or suspend]~~ **sanction, in accordance with RSA 310:12**, any ~~[license issued]~~ **licensee** under this chapter if the licensee:

35 Repeal. RSA 314-A:10, relative to administrative fines, is repealed.

36 Chiropractic; Rulemaking Authority and Practices. Amend RSA 316-A:3, IV-V to read as follows:

IV. ~~[Procedures]~~ **Board criteria** for oral examinations and interviews, if appropriate. Such rules shall include a listing of permissible areas of inquiry and a statement of the means by which the inquiry shall be recorded. Transcripts or recordings shall be maintained by the board or commission in accordance with the retention policy established by the office of professional licensure and certification.

V. ~~[Procedures]~~ **Board criteria** for practical examinations, if appropriate. Such rules shall provide that at least 2 experienced practitioners shall observe and pass on any practical examination.

37 Chiropractic; Fees; Qualifications. Amend RSA 316-A:11, I to read as follows:

I. Each applicant shall pay to the ~~[secretary-treasurer]~~ **office of professional licensure and certification** a fee, established by the ~~[board]~~ **office**, for which the applicant shall be entitled to an examination and to a reexamination, if necessary, within one year.

38 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the ~~[board]~~ **office of professional licensure and certification** as a chiropractor permitted to practice in New Hampshire. Each applicant who qualifies under this chapter shall pay a fee for an initial license and a license renewal. The initial license and license renewals shall be valid for the terms established under ~~[RSA 310]~~ **RSA 310:8**.

39 Chiropractic; Effect. Amend RSA 316-A:15 to read as follows:

316-A:15 Effect. Any chiropractor who has received and holds a certificate or license issued by the board **or office of professional licensure and certification** may practice chiropractic as defined in RSA 316-A:1 but shall not prescribe for, or administer to, any person any medicine or drugs now or hereafter included in materia medica, practice major or minor surgery, obstetrics or any branch of medicine or osteopathy.

40 Chiropractic; National Examination. Amend RSA 316-A:17 to read as follows:

316-A:17 National Examination; Examination Requirements. The board shall require that applicants pass parts 1, 2, and 3 and the written clinical competency examinations of the national examination given by the National Board of Chiropractic Examiners if an applicant was licensed after January 1, 1990, and parts 1, 2, 3, and 4 and the written clinical competency examinations of the national examination given by the National Board of Chiropractic Examiners if the applicant was licensed or applied for a license after January 1, 1996. Applicants having passed the national examinations shall be exempt from taking a written examination and, provided the applicant meets all other qualifications and requirements of this chapter, shall be registered and granted a license by the ~~[state board]~~ **office of professional licensure and certification** upon payment of the required fee and presentation of satisfactory proof that the applicant has passed the parts of such national examination.

41 Chiropractic; Renewal. Amend RSA 316-A:20 to read as follows:

316-A:20 Renewal.

I. The procedure and timeframe for license renewals shall be as described in ~~[RSA 310-A:1-h]~~ **RSA 310:8**.

II. Each applicant for renewal shall submit satisfactory evidence that the applicant has completed at least 20 hours of continuing education approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association, or the **office of professional licensure and responsibility on behalf of the** New Hampshire board of chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to the date of renewal. In the event of failure to comply with the provisions of this section, the applicant shall appear before the board to show cause why the license should not be suspended.

42 Chiropractic; Inactive List. Amend RSA 316-A:21 to read as follows:

316-A:21 Inactive List. A chiropractor licensed under this chapter and who is a resident of this state, who does not intend to engage in practice as a chiropractor, upon written ~~[request to the board]~~ **notification to the office of professional licensure and certification**, may be listed on an inactive list and shall not be required to renew such license biennially or pay any renewal fee as long as such chiropractor remains inactive. Any chiropractor whose name has been included in the inactive list as provided in this section shall be restored to active status by the ~~[board]~~ **office** upon the filing of a written request with the ~~[board]~~ **office**, accompanied by the required renewal fee, and after satisfactorily passing a competency test ~~[to be administered]~~ **for which criteria have been established in rule** by the board.

43 Repeal. The following are repealed:

I. RSA 316-A:5, relative to fees.

II. RSA 316-A:8, relative to income.

III. RSA 316-A:18, relative to applicants from other states.

IV. RSA 316-A:23-a, relative to investigations, subpoenas, and oaths.

44 Board of Dental Examiners; Duties. RSA 317-A:4, I is repealed and reenacted to read as follows:

I. The board of dental examiners shall establish criteria for the examination, registration, and licensure of applicants to be qualified as provided in this chapter to practice dentistry and dental hygiene.

45 Dentistry and Dental Hygiene; License Required. Amend RSA 317-A:7 to read as follows:

317-A:7 License Required. No person shall begin the practice of dentistry, or dental hygiene, without first obtaining a license for such purpose from the ~~[board]~~ **office of professional licensure and certification**.

46 Dentistry and Dental Hygiene; Telemedicine. Amend RSA 317-A:7-b to read as follows:

317-A:7-b Telemedicine. Persons licensed by the board shall be permitted to provide services through the use of "telemedicine", **as defined in RSA 310:7**. [~~"Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.~~]

47 Dentistry and Dental Hygiene; Applications. Amend RSA 317-A:8 to read as follows:

317-A:8 Applications.

I. Applications for licensure shall be made to the ~~[board]~~ **office of professional licensure and certification** in writing or online and shall be accompanied by a fee established in rules adopted under RSA 541-A by the ~~[board]~~ **office** and by satisfactory proof that the applicant is a graduate of a school that is recognized by the Commission on Dental Accreditation (CODA). The applicant shall be of good professional character and 18 years of age or older.

II. Any person applying for any license or privilege under this chapter, including any person seeking to convert from inactive to active status, shall provide the ~~[board]~~ **office** with information relating to dental competence and professional conduct, to permit the **office, based on criteria established by the board**, to make a ~~[fully informed]~~ decision that the applicant possesses sufficient competence and character to be issued a license under this chapter.

III. A temporary license may be issued, at the discretion of the **office, in consultation with the board**, to a person for research projects and programs of professional education having clinical dental components.

IV. A temporary license may be issued, at the discretion of the ~~[board]~~ **office, in consultation with the board**, to dentists and dental hygienists for the provision of voluntary dental or dental hygiene services. To qualify for licensure under this paragraph, the applicant shall be an active, inactive, or former licensee in New Hampshire or in another state or Canadian province as determined by the board.

V. No application shall be granted unless the ~~[board]~~ **office** finds that the applicant possesses the necessary educational, character, and other professional qualifications to practice dentistry or dental hygiene [~~and that no circumstances exist which would be grounds for disciplinary action against a licensed dentist or hygienist pursuant to RSA 317-A:17, II~~].

48 Dentistry and Dental Hygiene; Criminal History Record Checks. Amend RSA 317-A:8-a to read as follows:
317-A:8-a Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the ~~[board of dental examiners]~~ **office of professional licensure and certification** a criminal history record information authorization form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record information, if any, to the ~~[board]~~ **office**.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the ~~[board]~~ **office** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The ~~[board]~~ **office** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the ~~[board]~~ **office**.

IV. The ~~[board]~~ **office** shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

49 Dentistry and Dental Hygiene; Examinations. Amend RSA 317-A:9 to read as follows:

317-A:9 Examinations. Applicants for a license to practice dentistry or dental hygiene shall ~~[be examined]~~ **pass an examination as determined** by the board or have successfully passed a national or regional test ~~[accepted]~~ **approved** by the board. Examinations may be oral, clinical, written, or any combination at the discretion of the board and shall be of such character as to test the qualifications of the applicant to practice dentistry or dental hygiene. No license shall be granted to any applicant who shall not pass such examination.

50 Dentistry and Dental Hygiene; Rulemaking Authority. Amend RSA 317-A:12, III and IV to read as follows:

III. The qualifications of applicants in addition to those requirements set by statute [~~including experience requirements for application for license by endorsement~~];

IV. How an applicant shall be examined, including:

(a) [~~Time and place of examination~~];

(~~b~~) The subjects to be tested;

(~~c~~) (**b**) Passing grade; and

(~~d~~) (**c**) Disposition of examination papers;

51 Dentistry and Dental Hygiene; Rulemaking Authority. Amend RSA 317-A:12, XII and XII-a to read as follows:

XII. The imposition of administrative fines [~~authorized under RSA 317-A:17, III(f)~~];

XII-a. The use of general anesthesia, deep sedation, and moderate sedation, in dental treatment under RSA 317-A:20, including:

(a) Required credentials.

(b) Application.

(c) On-site evaluations of personnel, facility, equipment, and records as they pertain to the use of required drugs, general anesthesia, deep sedation, or moderate sedation, or any combination thereof.

(d) The **criteria for the** issuance of permits for use of general anesthesia, deep sedation, and moderate sedation, or of permits for use of moderate sedation.

(e) The **criteria for the** issuance of permits to dental facilities for use of general anesthesia, deep sedation, and moderate sedation at the dental facilities where the services are performed.

(f) The establishment of the qualifications and requirements of dental facilities where general anesthesia, deep sedation, and moderate sedation are performed.

(g) The requirement that the physical presence of the dentist licensed under RSA 317-A:7, an anesthesiologist licensed under RSA 329, or a nurse anesthetist licensed under RSA 326-B:18 is required while general anesthesia, deep sedation or moderate sedation is in effect.

(h) The establishment of the qualifications of dentists to administer general anesthesia or deep sedation, which may include a residency training program accredited by the Commission on Dental Accreditation (CODA) or equivalent, and which may include a method for established practitioners to document his or her qualifications. Administration of general anesthesia or deep sedation to patients under the age of 13 shall be subject to additional rules including:

(1) In addition to the dentist performing the procedure, there shall be a dedicated anesthesia provider present to monitor the procedure and recovery from anesthesia. The dedicated anesthesia provider shall be a dentist who is qualified to administer general anesthesia or deep sedation, a physician anesthesiologist, or a certified registered nurse anesthetist (CRNA). The board may exempt the dentist from this requirement if they are board-eligible or board certified in either dental anesthesiology or oral and maxillofacial surgery.

(2) The dentist shall be trained in pediatric advanced life support (PALS) and airway management, equivalent to the American Academy of Pediatrics and American Academy of Pediatric Dentistry (AAP-AAPD) guidelines or equivalent as determined by the board.

(3) Informed consent shall include the statement that the procedure may be performed in a hospital setting with additional anesthesia personnel, possibly at an increased expense.

(i) A physical evaluation and medical history shall be taken before the administration of moderate sedation, deep sedation, or general anesthesia. The board shall adopt rules regarding the minimum requirements for physical evaluation and medical history;

52 Dentistry and Dental Hygiene; Completion of a Survey; Rulemaking. Amend RSA 317-A:12-a to read as follows:

317-A:12-a Completion of Survey; Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, requiring, as part of the **criteria for** license renewal [~~process~~], completion by licensees of a survey or opt-out form provided by the office of rural health, department of health and human services, for the purpose of collecting data regarding the New Hampshire primary care workforce, pursuant to the commission established in RSA 126-T. Any rules adopted under this section shall provide the licensee with written notice of his or her opportunity to opt-out from participation in the survey.

53 Dentistry and Dental Hygiene; License Renewal. RSA 317-A:13 is repealed and reenacted to read as follows:

317-A:13 License Renewal.

I. License renewals and notifications shall be issued in accordance with RSA 310:8.

II. All persons licensed to practice dentistry or dental hygiene in this state shall notify the office of professional licensure and certification in writing within 30 days of any change of business or residential address which may occur during the period between biennial registrations.

54 Dentistry and Dental Hygiene; Inactive List. Amend RSA 317-A:16 to read as follows:

317-A:16 Inactive List. A dentist or dental hygienist licensed under this chapter who does not actively engage in such practice in New Hampshire within 2 years of his or her previous biennial registration shall have the licensee's name transferred to an inactive list and shall be required to register biennially and pay the inactive registration fee as long as the licensee remains inactive. Any dentist or dental hygienist holding an inactive license shall be restored to active status by the ~~[board]~~ **office of professional licensure and certification** upon the filing of a written request with the ~~[board]~~ **office** and the furnishing of evidence of continuing professional character and continuing education and upon payment of the full registration fee established in rules adopted by the ~~[board]~~ **office**. A licensee on inactive status who has been practicing in another state shall provide a letter of good standing from that state. A person's right to maintain a license with active status shall not be affected by any absence from active practice in New Hampshire while serving on active duty in the armed forces of the United States.

55 Practice of Dentistry. Amend RSA 317-A:20, II to read as follows:

II.(a) Any dentist or dental facility who wishes to administer general anesthesia, deep sedation, or moderate sedation shall apply to the ~~[board]~~ **office of professional licensure and certification** for the appropriate permit and pay an application fee.

(b) The ~~[board]~~ **office** shall require the documentation of competence according to the rules adopted under RSA 317-A:12, XII-a(f) and RSA 317-A:12, XII-a(h) before issuing such a permit.

(c) The rules of the board shall require an appropriate number of hours of continuing education as a condition for issuing or reissuing such a permit.

56 Dentistry and Dental Hygiene; Licensure. Amend RSA 317-A:21, II to read as follows:

II. Applications for licensure as a dental hygienist shall be made to the ~~[board in writing]~~ **office of professional licensure and certification** and shall be accompanied by a fee established by the office ~~[of professional licensure and certification]~~ and by satisfactory proof that the applicant is a graduate of a school of dentistry or a school of dental hygiene with a minimum of a 2-year program in an institution of higher education, the program of which is accredited by a national accrediting agency recognized by the United States Department of Education and the Commission on Dental Accreditation.

57 Dentistry and Dental Hygiene; Examinations. Amend RSA 317-A:21-a to read as follows:

317-A:21-a Examinations. Except as otherwise provided, applicants shall be examined ~~[by the board]~~ **in accordance with RSA 310:4, II(c)**. The examinations may be oral, clinical, written or a combination **thereof**, at the discretion of the board, and shall be of such character as to test the qualifications of the applicant to be licensed in dental hygiene. No license shall be granted to any applicant who shall not pass such examination satisfactorily. The ~~[board]~~ **office of professional licensure and certification** shall have the authority to grant a license in dental hygiene to applicants who have successfully passed the requirements of any national or regional testing agency acceptable to the board.

58 Practice of Dental Hygiene. Amend RSA 317-A:21-c, IV to read as follows:

IV. The practice of dental hygiene conducted under the authority of a health care charitable trust as provided in RSA 317-A:20, III(c) shall be performed by dentists or by dental hygienists licensed ~~[by the board]~~ **under this chapter** and who practice under the supervision of a dentist licensed ~~[by the board]~~ **under this chapter**. The health care charitable trust shall notify the ~~[board]~~ **office of professional licensure and certification** in writing of the name and location of the dental clinic and the name of the supervising dentist, and shall notify the ~~[board]~~ **office** within 10 days of any change of the supervising dentist.

59 Certified Public Health Dental Hygienist. Amend the introductory paragraph of RSA 317-A:21-e, I to read as follows:

I. A dental hygienist licensed under this chapter may obtain a certification to practice as a certified public health dental hygienist by submitting an application to the ~~[board in writing]~~ **office of professional licensure and certification** and completing additional educational and training requirements as required by the board. A certified public health dental hygienist practicing under this section may:

60 Dentistry and Dental Hygiene; Expanded Function Dental Auxiliary. Amend RSA 317-A:21-g, I to read as follows:

I. A dental hygienist licensed under this chapter, or a dental assistant may obtain a permit from the ~~[board]~~ **office of professional licensure and certification** to practice as an expanded function dental auxiliary by submitting an application to the ~~[board in writing]~~ **office** and completing additional educational and training requirements as required in rules adopted by the board.

61 Dentistry and Dental Hygiene; Repeal. The following are repealed:

I. RSA 317-A:7-a, relative to license by endorsement.

II. RSA 317-A:15, relative to penalties for failure to register.

III. RSA 317-A:17-a, relative to immunity from civil action.

IV. RSA 317-A:24, relative to applications from other states.

V. RSA 317-A:25, relative to certificates of good standing.

VI. RSA 317-A:34, relative to petitions for injunction filed by the board.

62 Dietitians; License Required. Amend RSA 326-H:5, I to read as follows:

I. No person shall practice or represent himself or herself as a dietitian in this state without first applying for and receiving a license from the [board] **office of professional licensure and certification** to practice as a licensed dietitian.

63 Dietitians; Rulemaking. RSA 326-H:10 is repealed and reenacted to read as follows:

326-H:10 Rulemaking. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The eligibility requirements for licensure or temporary licensure to practice as a licensed dietitian in this state.

II. Criteria for the renewal, suspension, revocation, and reinstatement of licenses.

III. Educational qualifications for licensure.

IV. Continuing education requirements.

64 Dietitians; Issuance, Expiration, and Renewal of License. RSA 326-H:14 is repealed and reenacted to read as follows:

326-H:14 Issuance, Expiration, and Renewal of License.

I. The office of professional licensure and certification shall license as a dietitian each applicant who proves to the satisfaction of the office his or her qualifications under this chapter and under rules adopted by the board under RSA 326-H:10. The office shall issue to each person qualified a license, which shall be prima facie evidence of the right of the person to whom it is issued to represent himself or herself as a licensed dietitian subject to the conditions and limitations of this chapter.

II. All licenses issued by the office shall be renewed in accordance with RSA 310:8.

III. Any person licensed under this chapter who seeks to renew his or her license shall provide to the office satisfactory documentation of the required continuing professional education.

65 Dietitians; Suspension and Revocation of License. RSA 326-H:16 is repealed and reenacted to read as follows:

326-H:16 Suspension and Revocation of License. Misconduct sufficient to support disciplinary proceedings under this chapter includes:

I. Obtaining a license by fraudulent or deceitful means.

II. Conviction of a class A felony or a finding of malpractice or gross misconduct in practice as a dietitian.

III. Engaging in actions inconsistent with the health of the person or persons under the care of the licensee through negligence, neglect, willful action, or other causes.

IV. Other violations of this chapter, and the rules and code of ethics adopted by the board.

66 Licensed Dietitians; Repeal. The following are repealed:

I. RSA 326-H:11, relative to immunity from civil action.

II. RSA 326-H:13, relative to reciprocity.

III. RSA 326-H:18, relative to reinstatement.

67 Board of Electrologists; Powers and Duties of the Executive Director. Amend RSA 314:2 to read as follows:

314:2 Powers and Duties of the Executive Director. The powers and duties of the executive director shall include:

I. Licensure of individuals to practice electrology [~~in accordance with RSA 314:3~~].

II. Renewal of licenses [~~in accordance with RSA 314:5~~].

III. Denial, suspension, or revocation of licenses [~~in accordance with RSA 314:6~~].

IV. The conduct of hearings [~~relative to administrative fines and the denial, suspension or revocation of licenses~~].

V. Conducting investigations [~~in accordance with RSA 314:9~~].

VI. Adopting rules [~~in accordance with RSA 314:8~~].

VII. Assessing administrative fines [~~in accordance with RSA 314:13~~] **and other sanctions, as appropriate.**

68 Electrologists; Licensure. Amend RSA 314:3 to read as follows:

314:3 Licensure.

I. It shall be unlawful for any person to practice electrology in this state without first obtaining a license, unless such person is exempt under RSA 314:1, III.

II. ~~[Except as provided in RSA 314:7,]~~ Licenses issued by the executive director shall be valid ~~[for a 2-year period]~~ **in accordance with RSA 310:8, II.**

III. Licenses shall be issued to any person:

(a) Upon application on a form prescribed by the executive director;

(b) Upon payment of **required** fees ~~[required under RSA 314:10]~~;

(c) Who is a high school graduate and has had training of at least 1,100 hours in a school of electrology approved by the executive director;

(d) Who satisfies any other condition for licensure, including passing a competency examination, pursuant to rules adopted under RSA 314:8, III; and

(e) Who demonstrates good professional character.

[IV. The executive director may grant a license to an individual who has been registered or licensed as an electrologist under the laws of another state which, in the opinion of the executive director, maintains standards substantially equivalent to those of this state. Such licensure shall not preclude completion of an application and payment of appropriate fees.

V. In the case of loss, mutilation or destruction of a license, the executive director shall issue a duplicate license upon proof of facts and payment of a fee in accordance with RSA 314:10, I.]

69 Electrologists; Renewal of License; Reinstatement; Continuing Education Requirement. Amend RSA 314:5 to read as follows:

314:5 Renewal of License; Reinstatement; Continuing Education Requirement. [Licenses issued under this chapter shall be subject to renewal every 2 years and shall lapse unless renewed or reinstated in accordance with rules adopted by the executive director under RSA 314:8, IV, and upon payment of any fees required under RSA 314:10.] Applicants for renewal shall [also] be required to complete 10 hours of continuing education related to the practice of electrology during the prior 2 years; provided that 5 hours of such continuing education shall be in didactic, live courses.

70 Electrologists; Denial, Suspension, or Revocation of License. Amend RSA 314:6 to read as follows:

314:6 Denial, Suspension, or Revocation of License. The executive director may [deny, suspend or revoke a license] **sanction, in accordance with RSA 310:12, a licensee** if it is determined after hearing that such [applicant or] licensee:

I. Has made a materially false statement or concealed a material fact in connection with application for licensure.

II. Has had a license issued under this chapter revoked or suspended previously.

III. Has been found guilty of fraud or fraudulent practices, or has used dishonest or misleading advertising.

IV. Has practiced electrology in an office or offices other than as stated on the license, or has not maintained the office or offices according to rules adopted under RSA 314:8, [VH] VI.

V. Has violated ethical or professional standards for the practice of electrology, as provided for in rules adopted under RSA 314:8, [VH] V.

VI. Has failed to comply with any other provision of this chapter or any rules adopted by the executive director.

71 Electrology; Rulemaking. Amend RSA 314:8 to read as follows:

314:8 Rulemaking. The executive director shall adopt rules, pursuant to RSA 541-A, relative to:

I. The license application form and content, and the license application procedures.

II. The qualifications of applicants for licensure under RSA 314:3.

III. The content and conduct of written and practical competency examinations.

IV. The application form, content and procedure for a renewal or reinstatement of a license to practice electrology [in accordance with RSA 314:5].

V. [Reciprocity.

VI. A schedule of fees, in accordance with RSA 314:10.

VH.] Ethical and professional standards required to be met by licensees.

[VH:] VI. Offices, including structures, equipment, and sanitation including required testing.

[IX. The conduct of investigations, in accordance with RSA 314:9.

X:] VII. A schedule of administrative fines pursuant to RSA 314:13 for the violation of the provisions of this chapter or rules adopted pursuant to this chapter.

[XI. Procedures for notice and hearing prior to denial, suspension or revocation of a license, and the imposition of administrative fines.

XII. Procedures for the handling of complaints.

XIII. Procedures for the approval or denial of an application.

XIV. Procedures for suspension or revocation of a license.

XV. Procedures for appeal of decisions of the executive director made pursuant to the provisions of this subdivision and rules adopted pursuant to this subdivision.

XVI:] VIII. Approval of schools of electrology, to include curriculum, equipment, and instructor qualifications.

[XVII:] IX. The appointment, qualifications, responsibilities, and requirements of the electrology advisory committee.

[XVIII:] X. Office inspections for licensees.

[XIX:] XI. Waivers of applicable rules.

[XX:] XII. Training requirements for the use of intense pulsed light hair removal.

72 Electrologists; Administrative Fines. Amend RSA 314:13 to read as follows:

314:13 Administrative Fines.

I. The executive director, after notice and hearing, [pursuant to RSA 314:7 and rules adopted under RSA 314:8, X, may impose an administrative fine not to exceed \$2,000 for each offense upon] **may sanction, in accordance with RSA 310:12**, any person who violates any provision of this chapter or rules adopted pursuant to this chapter.

II. Any administrative fine imposed under this section shall not preclude the imposition of further penalties or administrative actions under this chapter.

III. The executive director shall adopt rules in accordance with RSA 314:8, ~~[X]~~ **VII**, relative to administrative fines which shall be scaled to reflect the scope and severity of the violation.

~~[IV. The sums obtained from the levying of administrative fines under this chapter shall be forwarded to the state treasurer to be deposited into the general fund.]~~

73 Electrologists; Repeal. The following are repealed:

I. RSA 314:7, relative to administrative hearings and judicial review.

II. RSA 314:9, relative to investigations.

III. RSA 314:10, relative to fees.

IV. RSA 314:14, relative to injunctions.

74 Funeral Directors and Embalmers; Rulemaking. Amend RSA 325:9, III to read as follows:

III. ~~[How an applicant shall be examined, including the time and place of the]~~ **Criteria for applicant** examination;

75 Funeral Directors and Embalmers; Rulemaking. Amend RSA 325:9, VI to read as follows:

VI. Ethical and professional standards required to be met by each holder of the license to practice under this chapter and how ~~[disciplinary actions]~~ **sanctions** by the board shall be implemented for violation of these standards;

76 Embalmers; Qualifications. Amend RSA 325:13, V-VII to read as follows:

V. Have completed a full course of instruction in an embalming school ~~[maintaining at that time a standard satisfactory to]~~ **meeting, at the time of instruction, standards established by** the board;

VI. Pass such examinations ~~[as the board may deem proper]~~ **meeting criteria established by the board** to ascertain his **or her** efficiency and qualifications to engage in embalming; and

VII. Obtain the appropriate license from the ~~[board]~~ **office of professional licensure and certification**.

77 Funeral Directors; Qualifications. Amend RSA 325:14 to read as follows:

325:14 Funeral Directors; Qualifications. No person shall engage or hold himself **or herself** out as engaged in funeral directing, unless ~~[he]~~ **the person**:

I. Is the holder of an embalmer's license;

II. Has passed such examinations ~~[as the board may deem proper]~~ **approved by the board** to ascertain ~~[his]~~ efficiency and qualifications to engage in funeral directing; and

III. Obtains the appropriate license from the ~~[board]~~ **office of professional licensure and certification**.

78 Funeral Directors and Embalmers; Inspection. Amend RSA 325:17 to read as follows:

325:17 Inspection. The ~~[board]~~ **office of professional licensure and certification** may inspect all places where funeral directing is conducted or where embalming is practiced. No such place shall be inspected more frequently than twice yearly, unless the board shall find that just cause or evidence of repeated complaints exists.

79 Funeral Directors and Embalmers; Examinations. Amend RSA 325:18 to read as follows:

325:18 Examinations. Examinations of applicants for licensure shall be held at least annually. Any person who desires to engage in funeral directing or embalming shall submit ~~[in writing to the board on forms provided by it]~~ an application for licensure accompanied by a fee established by the ~~[board]~~ **office of professional licensure and certification**. The ~~[board]~~ **office** shall require the applicant to submit to such examinations as ~~[it may deem proper]~~ **established in rule**.

80 Funeral Directors and Embalmers; Licensure. Amend RSA 325:20 to read as follows:

325:20 Licensure. The ~~[board]~~ **office of professional licensure and certification** shall issue to each applicant successfully passing the examination, where an examination is required, and who otherwise satisfies the ~~[board of her or his qualifications]~~ **necessary requirements**, a license, entitling her or him to practice or engage in the business in this state as a funeral director, embalmer, or both, as the case may be.

81 Funeral Directors and Embalmers; Renewal of Licenses. Amend RSA 325:25 to read as follows:

325:25 Renewal of Licenses.

I. Every person licensed to practice under this chapter, except as provided in RSA 325:29, shall apply to the ~~[board]~~ **office of professional licensure and certification** every 2 years **from date of issuance** for license renewal. The ~~[board]~~ **office** shall require each licensee to show proof of meeting the continuing education requirement of RSA 325:28-a. Payment shall be made to the ~~[board secretary]~~ **office** of the renewal fee established in RSA 325:12-a.

II. All licenses shall automatically ~~[lapse]~~ **expire** unless a timely and complete renewal application has been filed.

82 Funeral Directors and Embalmers; Continuing Education Requirement. Amend RSA 325:28-a to read as follows:

325:28-a Continuing Education Requirement. As a condition of license renewal, ~~[the board shall require]~~ each licensee ~~[to]~~ **shall** attain a minimum number of continuing education credits every 2 years as specified in the rules adopted by the board.

83 Funeral Directors and Embalmers; Apprentice Licenses. Amend RSA 325:29 to read as follows:

325:29 Apprentice Licenses. No person shall assist in the embalming of dead human bodies for burial or cremation in any manner unless ~~he~~ **the person** holds a license as an apprentice.

84 Funeral Directors and Embalmers; Issuance; Term; Renewal. RSA 325:30 is repealed and reenacted to read as follows:

325:30 Issuance; Term; Renewal. Apprentice licenses shall be issued for a period established by RSA 310:8. The fees for an apprentice license shall be established by the office of professional licensure and certification.

85 Funeral Directors and Embalmers; Repeals. The following are repealed:

- I. RSA 325:12-a, relative to fees.
- II. RSA 325:19, relative to alternatives to the board's examination.
- III. RSA 325:22, relative to nonresidents.
- IV. RSA 325:22-a, relative to interstate agreements.
- V. RSA 325:23, relative to expiration.
- VI. RSA 325:24, relative to notices of expiration.
- VII. RSA 325:34-a, relative to license suspension.
- VIII. RSA 325:35, relative to immunity from civil action.
- IX. RSA 325:36, relative to reinstatement applications.

86 Cremation of Human Remains; Crematory; License Required. Amend RSA 325-A:2 to read as follows:

325-A:2 Crematory; License Required. A crematory shall not be established, operated, or maintained in this state except by a crematory authority licensed by the **office of professional licensure and certification in accordance with rules promulgated by the** board under this chapter. The ~~board~~ **office** shall issue a license to a crematory authority that satisfies the requirements for licensure under the chapter. Human remains shall not be cremated in this state except at a crematory operated by a crematory authority licensed under this chapter.

87 Cremation of Human Remains; License; Application; Requirements; Fee. Amend 325-A:4 to read as follows:

325-A:4 License; Application; Requirements; Fee. An applicant for an initial or renewal license as a crematory authority shall file a written application with the ~~board~~ **office**. The application shall be accompanied by the license fee ~~required under RSA 325-A:7~~ and a certificate confirming that the crematory operator has attended, prior to issuance of the license, a training course provided by the Cremation Association of North America or by the manufacturer of the cremation chamber maintained and operated by the crematory authority and shall set forth the full name and address of the applicant, the address and location of the crematory, the name of the crematory operator, the name and address of the owner of the crematory, and additional information as required by the board, including affirmative evidence of the applicant's ability to comply with rules adopted under this chapter. The application shall include the applicant's social security number if the applicant is an individual. The social security number shall not be public record and shall only be used for administrative purposes.

88 Cremation of Human Remains; Change in Location, Ownership, or Name. Amend 325-A:6 to read as follows:

325-A:6 Change in Location, Ownership, or Name.

I. A crematory authority desiring to relocate a crematory shall file a written application ~~with the board~~ **to the office** at least 30 days prior to the designated date of such relocation. The application shall be accompanied by ~~a fee as determined by the board in rules adopted under RSA 541-A~~ **the required fee**.

II. A crematory authority desiring to change ownership of a crematory shall file a written application ~~with the board~~ **to the office** at least 30 days prior to the designated date of such change. The application shall be accompanied by ~~a fee as determined by the board in rules adopted under RSA 541-A~~ **the required fee**.

III. A crematory authority desiring to change its name shall file a written application ~~with the board~~ **to the office** at least 30 days prior to such change. The application shall be accompanied by ~~a fee as determined in rules adopted under RSA 541-A~~ **the required fee**.

89 Cremation of Human Remains; Inspection; Board; Duties; Authority for Appointments. Amend 325-A:8 to read as follows:

325-A:8 Inspection; Board; Duties; Authority for Appointments.

I. The ~~board~~ **office of professional licensure and certification** shall at least once every 3 years inspect or provide for the inspection of any crematory operated by a crematory authority licensed under this chapter in ~~such manner and at such times as provided in rules adopted by the board~~ **accordance with standards established by the board in rules adopted pursuant to RSA 541-A**.

II. The ~~board~~ **office** shall issue an inspection report and provide a copy of the report to the crematory authority within 10 working days after the completion of an inspection. The board shall review any findings of noncompliance contained in such report within 20 working days after such inspection.

III. If the board determines, after such review, that the evidence supports a finding of noncompliance by a crematory authority with any applicable provisions of this chapter or rules adopted under this chapter, the board may send a letter to the crematory authority requesting a statement of compliance. The letter shall

include a description of each alleged violation, a request that the crematory authority submit a statement of compliance within 10 working days, and a notice that the board may take further action if the statement of compliance is not submitted. The statement of compliance shall indicate any actions by the crematory authority which have been or will be taken and the period of time estimated to be necessary to correct each alleged violation. If the crematory authority fails to submit such statement of compliance or fails to make a good faith effort to correct the alleged violations, the board may take further action as provided in this chapter **and RSA 310.**

~~[IV.(a) The board may appoint technical advisors or other investigators to assist with any investigation or adjudication, and may, with the approval of the attorney general, appoint legal counsel for such purposes.~~

~~(b) To the extent the board lacks budgeted funds to conduct a significant investigation or adjudication, it may, with the approval of the attorney general, petition governor and council to receive funds not otherwise appropriated in order to retain professional advisors in the proceeding.~~

~~(c) If the governor and council approve the use of funds not otherwise appropriated, the governor is authorized to issue a warrant for the approved amount out of any moneys in the treasury not otherwise appropriated. The board shall then promptly increase its licensing fees to the extent necessary to repay the amount advanced to the general fund during the next fiscal year by means of a fee surcharge.]~~

90 Deny or Refuse to Renew License; Grounds. Amend RSA 325-A:11 to read as follows:

325-A:11 Deny or Refuse to Renew License; Grounds. The ~~[board]~~ **office of professional licensure and certification** may deny or refuse to renew a license under this chapter or take disciplinary action against a crematory authority licensed under this chapter as provided in RSA 325-A:12 on any of the following grounds:

I. Violation of this chapter or rules adopted and pursuant to this chapter;

II. ~~[Conviction of any crime involving moral turpitude;]~~

III. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony and which has a rational connection with the fitness or capacity of the crematory authority to operate a crematory;

IV. Conviction of a violation pursuant to RSA 325-A:15;

V. Obtaining a license as a crematory authority by false representation or fraud;

VI. Misrepresentation or fraud in the operation of a crematory; or

VII. Failure to allow access by an agent or employee of the ~~[board]~~ **office** to a crematory operated by the crematory authority for the purposes of inspection, investigation, or other information collection activities necessary to carry out the duties of the **office or** board.

91 Cremation of Human Remains; Rulemaking. Amend RSA 325-A:28, I to read as follows:

I. ~~[Procedures]~~ **Criteria** for licensure of crematory authorities.

92 Cremation of Human Remains; Repeals. The following are repealed:

I. RSA 325-A:5, relative to license expiration.

II. RSA 325-A:7, relative to fees.

III. RSA 325-A:14, relative to license reinstatement.

IV. RSA 325-A:16, relative to injunctions.

V. RSA 325-A:28, II, relative to fees.

VI. RSA 325-A:28, VI, relative to inspection procedures.

93 Repeals; Medical Imaging and Radiation Therapy. The following are repealed:

I. RSA 328-J:15, II, relative to license renewal

II. RSA 328-J:18, relative to hearings

III. RSA 328-J:19, II-III, relative to penalties

IV. RSA 328-J:21, relative to injunctive relief.

V. RSA 328-J:23, relative to investigative costs.

94 Naturopathic Health Care Practice; License Required. Amend RSA 328-E:3, I to read as follows:

I. No persons shall practice or represent themselves as practicing naturopathic medicine in this state without first applying for and receiving a license from the ~~[board]~~ **office of professional licensure and certification** to practice naturopathic medicine.

95 Naturopathic Health Care Practice; Exemptions. Amend RSA 328-E:5, II(a) to read as follows:

(a) Be subject to all eligibility requirements to practice naturopathic medicine pursuant to RSA 328-E:9, except that they shall be exempt from RSA 328-E:9, I~~(a)~~.

96 Naturopathic Health Care Practice; Powers and Duties of Board. Amend RSA 328-E:8, I to read as follows.

I. The board shall:

(a) ~~Insure~~ **Ensure** that doctors of naturopathic medicine serving the public meet minimum standards of proficiency and competency to protect the health, safety, and welfare of the public.

(b) ~~Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the board under the authority granted in this chapter.~~

~~(c) Maintain a record of its acts and proceedings, including the issuance, refusal, renewal, suspension or revocation of licenses in accordance with the retention schedule established by the office of professional licensure and certification.~~

~~(d) Keep all applications for licensure in accordance with the retention policy established by the office of professional licensure and certification.~~

~~(e) Maintain a record of the results of all examinations it gives in accordance with the office of professional licensure and certification.~~

~~(f) Keep all examination records including written examination records and tape recordings of the questions and answers in oral examinations in accordance with the retention policy established by the office of professional licensure and certification.~~

~~(g) Keep the records of the board open to public inspection at all reasonable times.~~

~~(h) Adopt and use a seal, the imprint of which, together with the signatures of the chairman or vice-chairman and the secretary-treasurer of the board, shall evidence its official acts.~~

~~(i) Annually compile and publish a directory.]~~

97 Naturopathic Health Care Practice; Qualifications for Licensure. Amend RSA 328-E:9 to read as follows:

328-E:9 Qualification for Licensure.

[I.] To be eligible for a license to practice naturopathic medicine, the applicant shall:

[~~(a)~~] **I.** Be a graduate of a naturopathic medical college which is accredited by the Council on Naturopathic Medical Education, or another such accrediting agency recognized by the federal government; and pass a competency-based examination prescribed by the board covering the appropriate naturopathic subjects; or,

[~~(b)~~] **II.** Be a graduate of a naturopathic medical college which has been approved by the board as having appropriate education standards for naturopathic medical programs which granted degrees prior to 1981.

[~~(c)~~] **III.** Possess a good moral and professional reputation.

[~~(d)~~] **IV.** Be physically and mentally fit to practice naturopathic medicine.

[~~(e)~~] **V.** Have had no license, certification, or registration to practice naturopathic medicine refused, revoked, or suspended by any other state or country for reasons which relate to the applicant's ability to skillfully and safely practice naturopathic medicine.

[~~(f)~~] **VI.** Take and pass a New Hampshire jurisprudence examination to ensure that licensed naturopathic doctors understand the laws, rules, and scope of practice.

[~~(g)~~] **VII.** File an application and pay the [~~\$300~~ license] *requisite* fee.

[H.] To obtain a license to practice naturopathic medicine by reciprocity, the applicant shall:

(a) Qualify under paragraph I, except that no written examination shall be required.

(b) Be licensed, certified, or registered by another state or the District of Columbia to practice naturopathic medicine which requires a written examination which is substantially equivalent to the written examination required by the board of this state.]

98 Naturopathic Health Care Practice; Criminal History Records Checks. Amend RSA 328-E:9-a to read as follows:

328-E:9-a Criminal History Record Checks.

I. Every applicant for initial licensure shall submit to the [board] *office of the professional licensure and certification* a criminal history record information authorization form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record information, if any, to the [board] *office*.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] *office* may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [board] *office* shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [board] *office*. The [board] *office* shall maintain the confidentiality of all criminal history records information received pursuant to this section.

IV. The applicant shall bear the cost of a criminal history records check.

99 Naturopathic Health Care Practice; License Renewal and Continuing Education. Amend RSA 328-E:13, I to read as follows:

I. The license to practice naturopathic medicine shall be renewed [biennially] *every two years in accordance with RSA 310:8*. [A fee in the amount of \$300 shall accompany the application for renewal.]

100 Repeal; Naturopathic Health Care. RSA 328-E:17, relative to severability, is repealed.

101 Nurse Practice Act; Powers and Duties of the Board. RSA 326-B:4 is repealed and reenacted to read as follows:

326-B:4 Powers and Duties of the Board. The board may:

I. Establish reasonable and uniform standards for nursing practice consistent with the criteria identified by the National Council of State Boards of Nursing.

II. Establish eligibility criteria for licensure and renewal of licensure, including examination requirements and continuing education requirements. The board shall select an appropriate nationally approved licensing examination.

III. Determine and enforce appropriate disciplinary action against all individuals found in violation of this chapter or the rules adopted under this chapter.

IV. Establish criteria for denial or withdrawal of approval of nursing educational programs that do not meet the minimum requirements of this chapter.

V. In accordance with state due process laws, limit the multistate licensure privilege of any registered nurse or licensed practical nurse to practice in New Hampshire and may take any other actions under applicable state laws necessary to protect the health and safety of New Hampshire citizens. If the board does take such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such action taken by the state of New Hampshire.

VI. Establish a liaison committee, a practice and education committee, and such additional subcommittees as may be appropriate to assist the board in the performance of its duties.

102 Nurse Practice Act; Rulemaking Authority. Amend RSA 326-B:9 to read as follows:

326-B:9 Rulemaking Authority. The board shall adopt rules, in accordance with RSA 541-A, relative to the following:

I. Eligibility requirements for the issuance of all initial, temporary, and renewal licenses, specialty licenses, and certificates issued by the [board] **office of professional licensure and certification**, including the issuance of such licenses to applicants holding a currently valid license or other authorization to practice in another jurisdiction.

II. Eligibility requirements for the reinstatement of licenses after [~~lapse~~] **expiration** and after disciplinary action.

III. Recognition of national certifying bodies issuing specialty certifications required for licensure as an APRN which shall also be recognized by the National Council of State Boards of Nursing.

IV. The standards to be met by[, and the process for approval of,] education programs designed to prepare applicants to qualify for licensure or certification in any of the disciplines regulated by the board under RSA 326-B:32, including the time period within which noncompliance must be corrected before such approval is withdrawn.

V. The standards to be met by[, and the process for approval of,] education programs designed to prepare LPNs in intravenous therapy and by programs designed to prepare LNAs to perform tasks not addressed in the basic curriculum required for licensure.

VI. The determination of disciplinary sanctions authorized by this chapter **and in accordance with RSA 310:12**, including the determination of administrative fines.

VII. The **criteria for** administration of examinations authorized by this chapter, and the manner in which information regarding the contents of any licensing examinations may be disclosed, solicited, or compiled.

VIII. Ethical standards for the practice of nursing and nursing-related activities.

IX. Continuing competence requirements.

X. Designations that may be used by persons regulated by the board and retired persons regulated by the board.

XI. The implementation and coordination of the nurse licensure compact adopted in RSA 326-B:46. The board shall use model rules developed for the nurse licensure compact by the National Council of State Boards of Nursing as the basis for adopting rules which shall be modified as necessary to comply with state statutes.

XII. Prescribing controlled drugs pursuant to RSA 318-B:41.

XIII. [~~A process for registering~~] **Requirements for registration of** practitioners who have been granted a special registration to prescribe controlled substances via telemedicine pursuant to 21 U.S.C. section 831(h).

XIV. The implementation of strategies and [~~procedures~~] **criteria** necessary to increase the acceptance of military training and experience towards licensure for military veterans seeking to be licensed as a nurse. For the purposes of this subparagraph, "veterans" means veterans as defined in 38 U.S.C. section 101(2).

XV. Implementation of the nursing assistant registry pursuant to 42 C.F.R. section 483.156, including scope of duties for nursing assistants and placement of qualified individuals on the nursing assistant registry.

103 Nurse Practice Act; Criminal History Records Checks. Amend RSA 326-B:15 as follows:

326-B:15 Criminal History Record Checks.

I. Every applicant for initial licensure shall submit to the [board] **office of professional licensure and certification** a criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the [board] **office**.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the [board] **office** may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [board] **office** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [board] **office**. The [board] **office** shall maintain the confidentiality of all criminal history records information received pursuant to this section.

IV. The applicant shall bear the cost of a criminal history record check.

104 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16, I, to read as follows:

I. Submit a completed application and **required** fees ~~[as established by the board]~~.

105 Nurse Practice Act; Registered Nurse and License Practical Nurse; Initial Licensure by Examination. Amend RSA 326-B:17, II to read as follows:

II. The [board] **office** may employ, contract, and cooperate with any entity in the preparation and process for determining results of a valid, reliable, legally defensible, and uniform licensure examination. When such an examination is utilized, the board **and the office** shall restrict access to questions and answers.

106 Nurse Practice Act; License Renewals. Amend RSA 326-B:22 to read as follows:

326-B:22 License Renewal; All Licensees.

I. All license renewals shall be issued ~~[biennially]~~ **every two years in accordance with RSA 310:8**.

II. Any person licensed who intends to continue practicing as a nurse or nursing assistant shall:

(a) ~~[By midnight on his or her date of birth in the renewal year submit a completed application and fees as established by the board;~~

(b) ~~[Report any pending criminal charges, criminal convictions, or plea arrangements in lieu of convictions;~~

(c) ~~(b)~~ Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary action, the board has found, after investigation, that sufficient restitution has been made;

(d) ~~(c)~~ Meet continuing competence requirements as defined in rules adopted under RSA 541-A;

(e) ~~(d)~~ For those licensees applying for renewal following disciplinary action, comply with all board licensure requirements as well as any specific requirements set forth in the board's discipline order; and

(f) ~~(e)~~ Meet other criteria as established by the board.

~~[III. Failure to renew the license shall result in forfeiture of the ability to practice nursing or nursing activities in the state of New Hampshire.]~~

107 Nurse Practice Act; Modified License; Registered Nurse or Licensed Practical Nurse. Amend RSA 326-B:25 to read as follows:

326-B:25 Modified License; Registered Nurse or Licensed Practical Nurse. The [board] **office** may issue a modified license to an individual who has met licensure requirements and who is able to practice without compromising public safety within a modified scope of practice or with accommodations or both as specified by the board.

108 Nurse Practice Act; Nursing Assistant Registry. Amend RSA 326-B:26 to read as follows:

326-B:26 Nursing Assistant Registry. The [board] **office** shall maintain a registry of nursing assistants who qualify pursuant to 42 C.F.R. section 483.156. Nursing assistants who are registered shall comply with all provisions of the Omnibus Budget Reconciliation Act (OBRA) of 1987, sections 1819 and 1919 of the Social Security Act, and all provisions of this chapter.

109 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing Assistants. Amend the introductory paragraph of RSA 326-B:27, I to read as follows:

I. The [board] **office** may issue a certificate of medication administration to a current LNA who:

110 Continuing Education. Amend introductory paragraph to RSA 326-B:31 to read as follows:

326-B:31 Continuing Education. Applicants for license renewal and license reinstatement ~~[after lapse]~~ shall complete continuing education as follows:

111 Nurse Practice Act; Education Programs. Amend RSA 326-B:32, III-IV to read as follows:

III. The board[:

(a) shall set requirements for establishment of[:

(1) new nursing education programs, including requirements relative to affiliation, accreditation, and site visits required for initial nursing education program approval and subsequent evaluations[.] **and**

[(2)] new nursing assistant education programs.

IV. Pursuant to criteria established by the board, the office:

[(b)] (a) Shall periodically review nursing and nursing assistant education programs and require such programs to submit evidence of compliance with standards.

[(c)] (b) Shall grant continuing approval if, upon review of evidence, the board determines that the program meets the established standards. ~~[The board shall publish a list of approved programs.]~~

[(d)] (c) Shall deny or withdraw approval or take such action as deemed necessary when nursing or nursing assistant education programs fail to meet the standards established by the board.

[(e)] (d) Shall reinstate approval of a nursing or nursing assistant education program upon submission of satisfactory evidence that its program meets the standards established by the board.

[(f)] (e) Shall establish the process for nursing and nursing assistant programs that cease operation.

[IV] V. Any education program conducted in another state shall be deemed to be an education program approved by the **office using criteria established by the** board if that program meets the requirements for approval established by this section and the program has been approved by the regulatory authority of its state.

112 Nurse Practice Act; Repeals. The following are repealed:

I. RSA 326-B:6, relative to collection and expenditure of funds.

II. RSA 326-B:8, relative to fees and charges.

III. RSA 326-B:18, II, relative to advanced practice registered nurse.

IV. RSA 326-B:20, relative to licensure by endorsement.

V. RSA 326-B:21, relative to licensure by endorsement.

VI. RSA 326-B:23, relative to license reinstatement.

VII. RSA 326-B:40, relative to injunctive relief.

113 Occupational Therapy; Repeal. RSA 326-C:5, III, relative to eligibility for licensure, is repealed.

114 Ophthalmic Dispensing; Application for Registration. Amend the introductory paragraph of RSA 327-A:3 to read as follows:

327-A:3 Application for Registration. An application for a certificate of registration for ophthalmic dispensing under this chapter shall be filed with the ~~[department]~~ **office** in such form and detail as the executive director shall require in accordance with rules adopted under RSA 541-A, shall be duly signed ~~[and verified, shall be available for public inspection,]~~ and shall include, but not be limited to:

115 Ophthalmic Dispensing; Application for Registration; Application and Registration Fees. Amend RSA 327-A:7 to read as follows:

327-A:7 Application and Registration Fees. Every application for a certificate of registration for ophthalmic dispensing shall be accompanied by a non-refundable registration fee. Upon approval of the application by the ~~[executive director]~~ **office**, the applicant shall be issued a certificate of registration for ophthalmic dispensing, which shall be renewed ~~[biennially on or before June 30 upon payment of the renewal fee]~~ **every two years in accordance with RSA 310:8.**

116 Ophthalmic Dispensing; Telemedicine. Amend RSA 327-A:12-a to read as follows:

327-A:12-a Telemedicine. Registered ophthalmic dispensers shall be permitted to provide services through the use of telemedicine, **as defined in RSA 310:7.** ~~["Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.]~~

117 Ophthalmic Dispensing; Repeal. The following are repealed:

I. RSA 327-A:10, relative to return of certificate.

II. RSA 327-A:11, relative to procedure for complaints.

III. RSA 327-A:15, relative to an injunction.

IV. RSA 327-A:17, relative to administrative fines.

118 Optometry; Licenses; Qualifications. Amend RSA 327:6 to read as follows:

327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall practice optometry without a license. The ~~[board]~~ **office** shall not issue a license to any applicant until the person has passed an examination approved by the board, and has presented satisfactory evidence in the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral character, has completed a minimum of 2 years at a college of arts and sciences and has graduated from a school or college of optometry approved by the board, maintaining a minimum of 4 years in optometric training. Persons who submit an application which demonstrates that they meet the eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A, and pay the licensing fee, shall be licensed by the ~~[board]~~ **office.**

119 Optometry; Authorization for Pharmaceutical Agents. Amend RSA 327:6-a, V-VIII to read as follows:

V. Notwithstanding any other provision of law, an optometrist who is certified to use pharmaceutical agents in the practice of optometry shall be permitted to administer:

(a) Diphenhydramine, epinephrine, or an equivalent medication administered by injection to counter anaphylaxis or anaphylactic reaction.

(b) Vaccines by injection to individuals 18 years of age or older. In order to administer vaccines an optometrist shall:

(1) Hold a current license to practice optometry in the state of New Hampshire.

(2) Complete and remain current with an immunization training program endorsed by the CDC, a course approved by the National Board of Examiners in Optometry, or an equivalent course approved by the board of optometry, that at a minimum includes hands-on injection techniques, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines.

(3) Have at least \$1,000,000 of professional liability insurance coverage.

(4) Hold active certification in basic cardiopulmonary resuscitation.

(5) Provide to the ~~[board of optometry]~~ **office** evidence of compliance under RSA 327:6-a, paragraph I through IV.

(6) Review the vaccine registry or other vaccination records before administering the vaccination.

(7) Record the vaccination in the state vaccine registry in accordance with RSA 141-C:20-f and when required by state or federal law and maintain a record of the vaccination as required by state and federal law.

(8) When designated by the patient, provide notice to the primary care provider of the administration of any vaccine.

(9) Submit reports of any adverse reactions following vaccination to the Centers for Disease Control (CDC) Vaccine Adverse Event Reporting System (VAERS).

VI. To the extent approval of pharmaceuticals is referenced in RSA 327:1, III, the board shall have the authority to review and approve pharmaceuticals for use by optometrists certified to use pharmaceutical agents in the practice of optometry.

VII. ~~[The board shall provide the pharmacy board with a current list of pharmaceutical agents approved pursuant to paragraph VI.]~~ The current optometric formulary shall be available from the board and posted on the board's website.

VIII. Upon certification to treat glaucoma patients pursuant to RSA 327:6-c, the ~~[board]~~ **office** shall issue a license to the optometrist with a "tpa/g" certification. ~~[A current list of "tpa/g" certified optometrists with date of certification shall be available from the board and posted on the board's website.]~~

120 Optometry; Renewal of Licenses. RSA 327:13 is repealed and reenacted to read as follows:

327:13 Renewal of Licenses. All licenses issued under this chapter shall be renewed every two years in accordance with RSA 310:8.

121 Optometry; Reinstatement. Amend RSA 327:13-a to read as follows:

327:13-a Reinstatement. Any person who has voluntarily surrendered a license, has allowed a license to expire, or whose license has been revoked by the board, may request reinstatement of the license by filing an application with the ~~[board]~~ **office**. The board ~~[pursuant to RSA 541-A]~~ shall establish criteria in rules adopted ~~[by the board for]~~ **pursuant to RSA 541-A, relative to** reinstatement which include reasonable professional character and ~~[competence]~~ **competency** requirements.

122 Optometry; Contact Lens Prescription to be Provided to Patient. Amend RSA 327:25-a, IV to read as follows:

IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail of contact lenses to individuals within the state unless such business is registered with a permit issued by the ~~[board of pharmacy if the out-of-state business is a pharmacy, or by the board of registration in optometry if the out-of-state business is not a pharmacy]~~ **office in accordance with rules adopted by the board.**

(b) The ~~[board of pharmacy or the board of registration in optometry]~~ **office** shall issue a permit to such out-of-state business if the business discloses and provides proof:

(1) That the business is in compliance with all applicable laws and rules in the state in which the business is located;

(2) Of the operating locations and the names and titles of all principal corporate officers;

(3) That the business complies with all lawful directions and requests for information from the board of pharmacy and the board of registration in optometry of all states in which it conducts business;

(4) ~~[That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of contact lenses; and~~

(5) ~~] That the business has paid the established fee.~~

123 Optometry; Telemedicine. Amend RSA 327:25-c to read as follows:

327:25-c Telemedicine. Persons licensed by the ~~[board]~~ **office of professional licensure and certification** shall be permitted to provide services through the use of telemedicine, **as defined in RSA 310:7.**

124 Optometry; Rulemaking Authority. Amend RSA 327:31 to read as follows:

327:31 Rulemaking Authority. The board shall adopt rules, pursuant to RSA 541-A, relative to:

I. The qualifications of applicants in addition to those requirements set by RSA 327:6 and RSA 327:6-a;

II. How an applicant shall be examined including:

(a) Time and place of examination, and

(b) **what constitutes a** passing grade;

III. ~~[How a license to practice optometry shall be renewed or reinstated]~~ **Criteria for the renewal or reinstatement of licensure;**

IV. Ethical and professional standards, in addition to those specified by RSA 327:20, required to be met by each holder of a license to practice optometry ~~[and how disciplinary actions by the board shall be implemented pursuant to RSA 327:21, RSA 327:22, and RSA 327:27 for violations of these standards];~~

V. Requirements for continuing education in addition to those requirements set by RSA 327:33 and RSA 327:33-a;

VI. Additions or alterations to the defined pharmaceutical agents for diagnostic purposes as set forth in RSA 327:1, III;

VII. ~~[Procedural and substantive requirements]~~ **Criteria** for assessing, compromising, and collecting administrative fines as authorized by RSA 327:20, III(e); and

VIII. Prescribing controlled drugs pursuant to RSA 318-B:41.

125 Optometry; Repeal. The following are repealed:

I. RSA 327:5-a, relative to fees.

II. RSA 327:6-b, relative to the joint credentialing committee.

III. RSA 327:9, relative to applicants licensed in other jurisdictions.

IV. RSA 327:11, relative to the record of licenses.

V. RSA 327:21, relative to complaints.

126 Pharmacy; Definitions. Amend RSA 318:1, XI-XI-aa to read as follows:

XI. "Pharmacy," when not otherwise limited, means the place registered by the [board] **office of professional licensure and certification** where the profession of pharmacy is practiced and where drugs, chemicals, medicines, prescriptions, or poisons are compounded, dispensed, stored, or retailed.

XI-a. "Pharmacy benefits manager" means "pharmacy benefits manager" as defined in RSA 402-N:1, VIII.

XI-b. "Pharmacy technician" means a person, other than a pharmacist or a pharmacy intern, either registered or certified by the [board] **office of professional licensure and certification** for the purpose of assisting a pharmacist in the practice of pharmacy.

XI-aa. "Pharmacy intern" means a person who is registered by the [board] **office of professional licensure and certification** pursuant to RSA 318:15-b and:

(a) Is enrolled in a professional degree program of a school or college of pharmacy that has been approved by the board and is satisfactorily progressing toward meeting the requirements for licensure as a pharmacist starting no earlier than 4 months prior to the third year of study; or

(b) Is a graduate of an approved professional degree program of a school or college of pharmacy or is a graduate who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) Certificate, who is currently licensed by the [board of pharmacy] **office** for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist; or

(c) Is a qualified applicant awaiting examination for licensure or meeting board requirements for re-licensure; or

(d) Is participating in a residency or fellowship program.

127 Pharmacy; Definitions. Amend RSA 318:1, XXXII-XXXIII to read as follows:

XXXII. "Researcher" means a qualified person representing a research organization licensed by the [board] **office of professional licensure and certification** pursuant to RSA 318:51-f.

XXXIII. "Licensed advanced pharmacy technician" means a person licensed by the [board] **office of professional licensure and certification** who:

(a) May perform all functions allowed by federal or state law and approved by the board, under the supervision of a licensed pharmacist who is physically on premises and holds an unrestricted license issued by the [board] **office**.

(b) May conduct product verification, process refills, verify repackaging of drugs, and perform other pharmacist tasks not required to be completed by a licensed pharmacist.

(c) May perform duties allowed by either certified or registered pharmacy technicians.

(d) Shall not interpret or evaluate a prescription or drug order, verify a compounded drug, or counsel or advise individuals related to the clinical use of a medication.

128 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, IV to read as follows:

IV. How an applicant shall be examined, including:

(a) ~~[Time and place of examination];~~

~~(b)]~~ The subjects to be tested;

~~[(c)]~~ **(b)** Passing grade; and

~~[(d)]~~ **(c)** Disposition of examination papers;

129 Pharmacy; Rulemaking Authority. Amend RSA 318:5-a, XX to read as follows:

XX. The standards ~~[and procedures]~~ for licensure of drug or device distribution agents.

130 Pharmacy; Examinations. Amend RSA 318:10 to read as follows:

318:10 Examinations.

The board shall hold meetings ~~[for the granting of licenses and the transaction of other business]~~ at least quarterly, and at such time and place as they may see fit. ~~[They shall evaluate through an examination all persons, in the art and science of pharmacy and its allied branches, who meet the requirements herein provided and who make application for licensure as licensed pharmacists.]~~

131 Pharmacy; Pharmacy Technicians. Amend RSA 318:15-a to read as follows:

318:15-a Pharmacy Technician. No person shall perform the functions or duties of a pharmacy technician unless such person is either registered by the [board] **office of professional licensure and certification** to perform certain functions or, upon completion of training, certified to perform certain functions, and does so under standards of supervision established by rules of the board adopted pursuant to RSA 541-A.

132 Pharmacy; Licensed Advanced Pharmacy Technician. Amend RSA 318:15-c, I to read as follows:

I. No person employed as a licensed advanced pharmacy technician shall perform the functions or duties of a licensed advanced pharmacy technician as defined in RSA 318:1, XXXIII unless such person is issued a license by the [board] **office of professional licensure and certification** and does so under standards of supervision established by rules of the board adopted pursuant to RSA 318:5-a, XI-c.

133 Pharmacy; Unauthorized practice of Pharmacy. Amend RSA 318:40 to read as follows:

318:40 Unauthorized Practice of Pharmacy. Except as provided by RSA 318:42, no person shall engage in the practice of pharmacy without first being licensed by the [board] **office**. No person shall impersonate a pharmacist or falsely claim to be a pharmacist. No person owning, managing, or conducting any store, not being a licensed pharmacist or having one in his employ, shall exhibit within or outside of such store, or include in any advertisement, the words “drug store”, “pharmacy”, “apothecary”, “drug”, “drugs”, “medicine”, or “medicine shop”, or any combination of these terms or other words indicating that such store is a place where medicines are compounded or sold, or exhibit within or without his place of business or in connection with his business any show bottle or globe of colored glass or globe filled with colored liquid which creates the impression that prescription drugs are being offered for sale.

134 Pharmacy; Licensing of Manufacturers and Wholesalers Required. Amend RSA 318:51-a to read as follows:

318:51-a Licensing of Manufacturers and Wholesalers Required.

I. No person shall manufacture legend drugs or controlled drugs as that term is defined in RSA 318-B:1, VI and no person as a wholesaler, distributor, or reverse distributor shall supply the same without first having obtained a license to do so from the [board] **office of professional licensure and certification according to the eligibility requirements set forth in rule by the pharmacy board**. ~~[Such license shall expire biennially on June 30 of every even-numbered year. An application together with a reasonable fee as established by the board shall be filed biennially by midnight on June 30 of every even-numbered year.]~~

II. No license shall be issued under this section unless the applicant has furnished proof ~~[satisfactory to the board of pharmacy]:~~

(a) That the applicant is of good moral character or, if that applicant is an association or corporation, that the managing officers are of good moral character.

(b) That the applicant has sufficient land, buildings, and such security equipment so as to properly carry on the business described in his application.

III. No license shall be granted to any person who has within 5 years been convicted of a violation of any law of the United States, or of any state, relating to drugs, as defined in this chapter or RSA 318-B, or to any person who is a drug-dependent person.

IV. Any person licensed pursuant to this section is subject to the provisions of RSA 318:29.

V.(a) The manufacturer, wholesaler, distributor, reverse distributor, or broker to which a license has been issued shall, within 30 days of any change of information supplied in the original application, notify the [board] **office**.

(b) The notice required pursuant to subparagraph (a) shall contain:

(1) Current New Hampshire license number of the manufacturer, wholesaler, distributor, reverse distributor, or broker.

(2) Name of the manufacturer, wholesaler, distributor, reverse distributor, or broker, old and new, if applicable.

(3) Address of the manufacturer, wholesaler, distributor, reverse distributor, or broker, old and new, if applicable.

(4) [Repealed.]

(c) A new license shall be required for a change of ownership of an established manufacturer, wholesaler, distributor, reverse distributor, or broker to a successor business entity which results in a change in the controlling interest in the manufacturer, wholesaler, distributor, reverse distributor, or broker.

135 Repeal; Pharmacy. RSA 318:47-h, III, relative to the price of filling prescriptions, is repealed.

136 Cross Reference Removed; Complaints Relative to Pharmacy Benefit Managers. Amend RSA 402-N:5, II to read as follows:

II. The commissioner shall adopt rules, pursuant to RSA 541-A, to implement paragraph I. Such rules shall include procedures for addressing complaints, provisions for enforcement[, ~~the receipt of complaints referred to the insurance department under RSA 318:47-h, III(b),~~] and for reporting to the board of pharmacy on the status of complaints referred.

137 Cross Reference Removed; Price of Filling Prescriptions. Amend RSA 415:26, III to read as follows:

III. The commissioner shall adopt rules under RSA 541-A to implement this paragraph. Such rules shall include procedures for addressing complaints[, ~~provisions for enforcement, the receipt of complaints referred to the insurance department under RSA 318:47-h, III(b),~~] and for reporting to the [board of pharmacy] **office of professional licensure and certification** on the status of complaints referred.

138 Cross Reference Removed; Prescription Drugs. Amend RSA 420-J:7-b, X(c) to read as follows:

(c) The commissioner shall adopt rules under RSA 541-A to implement this paragraph. Such rules shall include procedures for addressing complaints, provisions for enforcement[, ~~the receipt of complaints referred to the insurance department under RSA 318:47-h, III(b),~~] and for reporting to the [board of pharmacy] **office of professional licensure and certification** on the status of complaints referred.

139 Physical Therapy; Powers and Duties of the Board. Amend RSA 328-A:3, I to read as follows:

I. Provide for the **criteria of** examinations for physical therapists and physical therapist assistants and adopt passing scores for these examinations.

140 Physical Therapists; Rulemaking. RSA 328-A:4, VIII is repealed and reenacted to read as follows:

VIII. Regarding the establishment of and criteria for initial renewal, and reinstatement of licensure for certified animal physical therapists under RSA 328-A:15-b.

141 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, I(d) to read as follows:

(d) Have successfully passed the national examination [approved] **specified** by the board.

142 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, II(h) to read as follows:

(h) Have successfully passed the national examination [approved] **specified** by the board.

143 Physical Therapists; Eligibility for Licensure. Amend RSA 328-A:5, IV(d) to read as follows:

(d) Have successfully passed the national examination [approved] **specified** by the board.

144 Physical Therapy; Unlawful Practice; Penalties and Injunctive Relief. RSA 328-F:12 is repealed and reenacted to read as follows:

328-F:12 Unlawful Practice; Penalties and Injunctive Relief.

I. It is unlawful for any person to practice or in any manner to represent, imply, or claim to practice physical therapy or use any word or designation that implies that the person is a physical therapist unless that person is licensed pursuant to this chapter. An unlicensed person who engages in an activity requiring a license pursuant to this chapter or uses any title, letters, or any description of services that incorporates one or more of the terms, designations, or abbreviations in violation of RSA 328-A:10 that implies that the person is licensed to engage in the practice of physical therapy is guilty of a misdemeanor.

II. It is unlawful for any person who is not licensed as a physical therapist assistant under this chapter to assist in selected components of physical therapy intervention requiring the knowledge and skill of a physical therapist assistant. A person licensed as a physical therapist assistant who engages in an activity requiring a license as a physical therapist or uses any title, letters, or any description of services that incorporates one or more of the terms, designations, or abbreviations in violation of RSA 328-A:10, I or II is guilty of a misdemeanor.

145 Repeal; Physical Therapy. RSA 328-A:15, VII-VIII, relative to rights of consumers and confidentiality, is repealed.

146 Speech-language Pathology and Hearing Care Providers; Definitions. Amend RSA 326-F:1, XI to read as follows:

XI. "Speech-language assistant" means any person certified by the [board] **office of professional licensure and certification** who meets minimum qualifications established by the board which are less than those established by this chapter as necessary for licensing as a speech-language pathologist, and who does not act independently but works under the direction and supervision of a speech-language pathologist licensed under this chapter.

147 Speech-Language Pathology; Eligibility for an Initial License. Amend RSA 326-F:3, I(a) to read as follows:

(a) Demonstrate sufficient evidence of good professional character and reliability to satisfy the [board] **office of professional licensure and certification** that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F and the board's rules.

148 Speech-language Pathology; Eligibility for Initial License. Amend RSA 326-F:3, III(a) to read as follows:

(a) Demonstrate sufficient evidence of good professional character and reliability to satisfy the [board] **office** that the applicant shall faithfully and conscientiously avoid professional misconduct and otherwise adhere to the requirements of this chapter.

149 Speech-language Pathology; Provisional License. Amend RSA 326-F:4 to read as follows:

326-F:4 Provisional License.

I. The purpose of a provisional license is to permit an individual to practice speech-language pathology while completing the postgraduate professional experience required for initial licensure. The [board] **office of professional licensure and certification** shall issue a provisional license to an applicant who has met the eligibility requirements for initial licensure except for completion of the required postgraduate professional experience and has completed the application procedure for initial licensure except for submitting documentation of completion of the postgraduate professional experience.

II. A holder of a provisional license is authorized to practice speech-language pathology under the direction and supervision of a speech-language pathologist currently licensed in this state.

III. A holder of a provisional license practicing speech-language pathology full time shall complete 9 months of postgraduate professional experience in accordance with rules adopted by the board.

IV. A holder of a provisional license practicing speech-language pathology less than full time shall complete the postgraduate professional experience within the time period specified by the board in rules adopted pursuant to RSA 541-A.

V. A provisional license shall expire automatically on the date stated on the license.

VI. The [board] **office** is authorized to issue conditional provisional licenses in accordance with rules adopted **by the board** pursuant to RSA 541-A.

150 Speech-language Pathology; Rulemaking. Amend RSA 326-F:5, VI-VIII to read as follows:

VI. The [application and qualification] **eligibility requirements** for initial certification, certification renewal, and certification reinstatement of speech-language assistants.

~~[VII. The investigation and discipline of certified speech-language assistants.~~

~~VIII. The sale and fitting of hearing aids.]~~

151 Renewal of Certification. Amend RSA 326-F:6-a to read as follows:

326-F:6-a Renewal of Certification. Certification shall be renewed ~~[biennially]~~ **every two years** in accordance with **RSA 310:8 and the** rules adopted pursuant to RSA 541-A.

152 Speech-language Pathology; Professional Identification. Amend RSA 326-F:8, IV to read as follows:

IV. No person shall represent himself or herself by using the letters "SLA" or "SLPA," or the words "speech-language assistant," "speech assistant," or "speech therapy assistant," unless the person is certified by the [board] **office** pursuant to rules adopted under RSA 326-F:5, VI.

153 Speech-language Pathology Registration of Hearing Aid Dealers Required. Amend RSA 326-F:9 to read as follows:

326-F:9 Registration of Hearing Aid Dealers Required. No person shall engage in the business of selling or offering for rent hearing aids unless such person is registered in accordance with this chapter and unless the registration of such person is current and valid. ~~[The fee for an initial registration under this section shall not exceed \$300.]~~ This section includes the selling or renting of hearing aids by mail in this state by a person outside the state. Registration certificates shall be renewed ~~[biennially on or before June 30]~~ **every two years in accordance with RSA 310:8** upon payment of a renewal fee.

154 Speech-language Pathology; Out-of-State Sales Regulated. Amend RSA 326-F:16 to read as follows:

326-F:16 Out-of-State Sales Regulated.

I. No person shall conduct or operate a business outside of the state for the sale at retail of hearing aids to individuals within the state unless such business is registered with a permit issued by the [board] **office of professional licensure and certification**.

II. The [board] **office** shall issue a permit to such out-of-state business if the business discloses and provides proof:

(a) That the business is in compliance with all applicable laws and rules in the state in which the business is located;

(b) Of the operating locations and the names and titles of all principal corporate officers;

(c) That the business complies with all lawful directions and requests for information from the board of all states in which it conducts business; and

(d) That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of hearing aids.

~~[III. The board shall assess fees as established by rules adopted by the board, pursuant to RSA 541-A, for out-of-state hearing aid sales companies.]~~

155 Speech-language Pathology; Repeal. The following are repealed:

I. RSA 326-F:7, relative to reinstatement.

II. RSA 326-F:7-a, relative to reinstatement.

III. RSA 326-F:10, relative to temporary licensure for audiologists.

IV. RSA 326-F:11, relative to audiologists from outside of New Hampshire.

156 New Hampshire Accountancy Act; Definitions. Amend RSA 309-B:3, XVIII to read as follows:

XVIII. "Substantial equivalency" is a determination by the [board] **office** or its designee that the education, examination, and experience requirements contained in the statutes and administrative rules of another

jurisdiction are comparable to or exceed the education, examination, and experience requirements contained in the Uniform Accountancy Act, or that the individual certified public accountant's education, examination, and experience qualifications are comparable to or exceed the education, examination, and experience requirements contained in the Uniform Accountancy Act. In ascertaining substantial equivalency as used in this statute, the ~~[board]~~ **office** shall take into account the qualifications without regard to the sequence in which experience, education, or examination requirements were attained.

157 New Hampshire Accountancy Act; Board of Accountancy; Appointment; Disposition of Fees; Rulemaking. Amend RSA 309-B:4, II(b) to read as follows:

(b) The board shall meet at such times and places as may be fixed by the board. Meetings of the board shall be open to the public, except insofar as they are concerned with investigations ~~[under RSA 309-B:11]~~ and except as may be necessary to protect information that is required to be kept confidential by board rules or by the laws of this state. A majority of the board members then in office shall constitute a quorum at any meeting duly called.

158 New Hampshire Accountancy Act; Qualifications for a Certificate as a Certified Public Accountant. Amend RSA 309-B:5 to read as follows:

309-B:5 Qualifications for a Certificate as a Certified Public Accountant.

I. The certificate of "certified public accountant" shall be granted to persons of good character who meet the education, experience, and examination requirements of this section, who make application therefor pursuant to RSA 309-B:7, and who pay the fees prescribed by the ~~[board]~~ **office of professional licensure and certification**.

II. Good character for purposes of this section means the lack of a history of dishonest or felonious acts.

III. The education requirements for a certificate shall be as follows:

(a) Until January 1, 2005, a baccalaureate degree or its equivalent conferred by a college or university acceptable to the board, with an accounting concentration or equivalent as determined by board rule to be appropriate.

(b) After January 1, 2005 and until June 30, 2014, at least 120 semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate; provided however, that candidates for a certificate may sit for the examination described in paragraph IV if they have at least 120 semester hours of college education including a baccalaureate degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate.

(c) On or after July 1, 2014, at least 150 semester hours of college education including a baccalaureate or higher degree conferred by a college or university acceptable to the board, the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate; provided however, that candidates for a certificate may sit for the examination described in paragraph IV if they have at least 120 semester hours of college education including a baccalaureate degree conferred by a college or university acceptable to the board the total educational program to include an accounting concentration or equivalent as determined by board rule to be appropriate. The applicant's degree shall include 30 semester hours of accounting courses. The accounting credits shall include coverage in financial accounting auditing, taxation, and management accounting. In addition, the degree shall include, or be supplemented by, 24 semester hours of business courses other than accounting courses. These business courses may include, but not be limited to, coverage in the areas of business law, business information systems, finance, professional ethics, business organizations, and economics.

IV. The examination required to be passed as a condition for the granting of a certificate shall ~~[be held as often as the board may specify by rule, and shall]~~ test the applicant's knowledge of the subjects of accounting and auditing and such other related subjects as the board may specify by rule. The board shall prescribe by rule the methods of ~~[applying for and]~~ conducting the examination, including methods for grading papers and determining a passing grade required of an applicant for a certificate, provided, however, that the board shall, to the extent possible, see to it that the examination itself, the grading of the examination and the passing grades are uniform with those applicable in all other states. The board may make such use of all or any part of the Uniform Certified Public Accountant Examination and Advisory Grading Service of the American Institute of Certified Public Accountants, and may contract with third parties **through the office** to perform such administrative services with respect to the examination as it deems appropriate to assist it in performing its duties under this section.

V. An applicant shall be required to pass all sections of the examination provided for in paragraph IV in order to qualify for a certificate. A passing grade for each section shall be 75. The applicant shall pass all sections of the examination within 18 months of the examination at which the first section was passed.

VI. An applicant shall be given credit for any and all sections of an examination passed in another state if such credit would have been given, under applicable requirements at that time, had the applicant taken the examination in this state.

VII. The board may in particular cases waive or defer any of the requirements of paragraphs V and VI regarding the circumstances in which the various sections of the examination must be passed, upon a showing that, by reason of circumstances beyond the applicant's control, the applicant was unable to meet such requirement.

VIII. The ~~board~~ **office** may charge, or provide for a third party administering the examination to charge, each applicant a fee in an amount prescribed by the ~~board~~ **office** by rule, for each section of the examination or reexamination taken by the applicant.

IX. The experience requirement shall consist of public accounting experience in providing one or more kinds of services involving the use of accounting or auditing skills, including the issuance of reports on financial statements, or one or more kinds of management advisory, financial advisory, or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters, or the equivalent, all of which was under the direction of a licensee in any state in practice as a certified public accountant or as a public accountant, or in any state in employment as a staff accountant by a certified public accountant or anyone practicing public accounting, or a combination of either of such types of experience and for the following periods of time:

(a) Until June 30, 2014, 2 years for a candidate with a 4-year college degree, or the equivalent, and one year for a candidate holding a master's degree in accounting, taxation, finance, or business administration.

(b) On or after July 1, 2014, one year.

X. Experience obtained in the employment of a governmental agency for the periods of time provided in paragraph IX in the following areas shall be accepted by the ~~board~~ **office** as qualifying experience under this section:

(a) In auditing the tax returns or books and accounts of nongovernmental entities in 3 or more distinct lines of commercial or industrial business in accordance with generally accepted auditing standards under the direction of a licensee; or

(b) In auditing the books and accounts or activities of 3 or more governmental agencies or distinct organizational units in accordance with generally accepted auditing standards under the direction of a licensee and reporting on their operations to a third party, to the Congress, or to a state legislature; or

(c) In reviewing financial statements and supporting material covering the financial condition and operations of nongovernmental entities engaged in 3 or more distinct lines of commercial or industrial business under the direction of a licensee to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles and applicable government regulations for the protection of investors and consumers.

XI. [Repealed.]

159 Repeal. RSA 309-B:6, relative to substantial equivalency, is repealed.

160 New Hampshire Accountancy Act; Issuance and Renewal of Certificates; Maintenance of Competency. RSA 309-B:7 is repealed and reenacted to read as follows:

309-B:7 Issuance and Renewal of Certificates; Maintenance of Competency.

I. The office shall grant or renew certificates to persons who make application and demonstrate that their qualifications, including where applicable the qualifications prescribed by RSA 309-B:5, are in accordance with the requirements of this section. The holder of a certificate issued under this section may provide attest services as defined in RSA 309-B:3, I(a), and compilation services as defined in RSA 309-B:3, III-a, only in a CPA firm that holds a permit issued under RSA 309-B:8.

II. Certificates shall be initially issued, and renewed as required by RSA 310:8.

III. For renewal of a certificate under this section each licensee shall participate in a program of learning designed to ensure continuing professional competence. The requirements established by the board shall specify any reasonable approach to meeting this requirement, including but not limited to, the setting of hours and the conducting of random audits of reports submitted to the board. The approach to meeting this requirement specified by the board shall be comparable to guidelines specified in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by the National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA). The board may by rule create an exception to this requirement for licensees who do not perform or offer to perform for the public one or more kinds of services involving the use of accounting or auditing skills, including issuance of reports on financial statements or of one or more kinds of management advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters. Licensees granted such an exception by the board shall place the word "inactive" adjacent to their CPA title or PA title on any business card, letterhead, or any other document or device, with the exception of their CPA certificate or PA registration, on which the CPA or PA title appears.

IV. The office shall charge a fee for each application for initial issuance or renewal of a certificate under this section in an amount prescribed by the office by rule.

V. Applicants for initial issuance or renewal of certificates under this section shall in their applications list all states in which they have applied for or hold certificates, licenses, or permits and list any past denial,

revocation, or suspension of a certificate, license, or permit, and each holder of or applicant for a certificate under this section shall notify the board in writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a certificate, license, or permit by another state.

VI. The office shall issue a certificate to a holder of a substantially equivalent foreign designation, granted in a foreign country, provided that:

(a) The foreign authority which granted the designation makes similar provision to allow a person who holds a valid certificate issued by this state to obtain such foreign authority's comparable designation; and

(b) The foreign designation:

(1) Was duly issued by a foreign authority that regulates the practice of public accountancy and the foreign designation has not expired or been revoked or suspended;

(2) Entitles the holder to issue reports upon financial statements; and

(3) Was issued upon the basis of educational, examination, and experience requirements established by the foreign authority or by law; and

(c) The applicant:

(1) Received the designation, based on educational and examination standards substantially equivalent to those in effect in this state, at the time the foreign designation was granted;

(2) Completed an experience requirement, substantially equivalent to the requirement set out in RSA 309-B:5, IX, in the jurisdiction which granted the foreign designation or has completed at least 4 years of professional experience in this state; or meets equivalent requirements prescribed by the board by rule, within the 10 years immediately preceding the application; and

(3) Passed a uniform qualifying examination in national standards acceptable to the board.

VII. An applicant under paragraph VI shall in the application list all jurisdictions, foreign and domestic, in which the applicant has applied for or holds a designation to practice public accountancy, and each holder of a certificate issued under this paragraph shall notify the board in writing, within 30 days after its occurrence, of any issuance, denial, revocation, or suspension of a designation or commencement of a disciplinary or enforcement action by any jurisdiction.

VIII. The board shall by rule require as a condition for renewal of a certificate under this section, by any certificate holder who issues compilation reports for the public other than through a CPA firm, that such individual undergo, no more frequently than once every 3 years, a peer review conducted in such manner as the board shall by rule specify, and such review shall include verification that such individual has met the competency requirements set out in professional standards for such services.

IX. The office of professional licensure and certification may contract with the NASBA Qualification Appraisal Service to assess any applications made under this section.

161 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer Review. Amend RSA 309-B:8, I-III to read as follows:

I. The ~~[board]~~ **office** shall grant or renew permits to practice as a CPA firm to applicants that demonstrate their qualifications therefor in accordance with this section.

(a) The following are required to hold a permit issued under this section:

(1) Any firm with an office in this state performing attest services as defined in RSA 309-B:3, I, or compilation services under RSA 309-B:3, III-a;

(2) Any firm with an office in this state that uses the designation "CPAs" or "CPA firm"; or

(3) Any firm that does not have an office in this state but offers or renders attest services as described in RSA 309-B:3 for a client having its home office in this state, unless it meets each of the following requirements:

(A) It has the qualifications described in paragraphs III and VIII of this section;

(B) It performs such services through an individual with practice privileges under RSA 309-B:6 **and RSA 310:17**; and

(C) It can lawfully do so in the state where said individuals with practice privilege have their principal place of business.

(b) A firm which is not subject to the requirements of subparagraphs (a)(3) or (b) of this paragraph may perform other professional services while using the title "CPA" or "CPA firm" in the state without a license issued under this section only if:

(1) It performs such services through an individual with practice privileges under RSA 309-B:6 **and RSA 310:17**; and

(2) It can lawfully do so in the state where said individuals with practice privileges have their principal place of business.

II. Permits shall be initially issued and renewed for periods **in accordance with RSA 310:8**. ~~[of not more than 3 years. Annual periods shall coincide with the state's fiscal year, beginning on July 1 and ending on the subsequent June 30. Applications for such permits shall be made in such form and in the case of applications for renewal, between such dates, as the board shall by rule specify. A permit shall remain valid for~~

the period of time that the board requires to act on the application for renewal, provided that the renewal was submitted in accordance with the rules adopted by the board. The board shall grant or deny any application no later than 90 days after the application is filed in proper form. In any case where the applicant seeks the opportunity to show that issuance or renewal of a permit was mistakenly denied or where the board is not able to determine whether it should be granted or denied, the board may issue to the applicant a provisional permit, which shall expire 90 days after its issuance or when the board determines whether or not to issue or renew the permit for which application was made, whichever shall first occur.]

III. An applicant for initial issuance or renewal of a permit to practice under this section shall be required to show that:

(a) Notwithstanding any other provision of law, at least a simple majority of the ownership of the firm, in terms of financial interests and voting rights of all partners, officers, shareholders, members or managers, belongs to holders of a certificate who are licensed in some state of the United States and such partners, officers, shareholders, members, or managers, whose principal place of business is in this state, and who perform professional services in this state, hold a valid certificate issued under RSA 309-B:5 or the corresponding provisions of prior law or are public accountants licensed under RSA 309-B:9. Firms may include non-licensee owners but the firm and its ownership shall comply with rules adopted by the board. For firms of public accountants, at least a simple majority of the ownership of the firm, in terms of financial interests and voting rights, shall belong to holders of registration under RSA 309-B:9. [An individual who has practice privileges under RSA 309-B:6 and who performs services for which a firm permit is required under RSA 309-B:6, IV shall not be required to obtain a certificate from this state pursuant to RSA 309-B:5.]

(b) Any CPA or PA firm may include non-licensee owners provided that:

(1) The firm designates a licensee of this state[, or in the case of a firm which must have a permit pursuant to RSA 309-B:6, IV a licensee of another state who meets the requirements in RSA 309-B:6, I,] who is responsible for the proper registration of the firm and identifies that individual to the [board] **office**.

(2) All non-licensee owners are of good moral character and are active individual participants in the CPA or PA firm or affiliated entities.

(3) The firm complies with such other requirements as the board may impose by rule.

(c) Any individual licensee and any individual qualifying for practice privileges under RSA 309-B:6 **and RSA 310:17** who is responsible for supervising attest services, and signs or authorizes someone to sign the accountant's report on behalf of the firm, shall meet the appropriate experience requirements for such services as required by professional standards for such services.

(d) Any individual licensee and any individual qualifying for practice privileges under RSA 309-B:6 **and RSA 310:17** who signs or authorizes someone to sign the accountant's report on behalf of the firm shall meet the experience requirement of RSA 309-B:8, III(c).

162 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer Review. Amend RSA 309-B:8, VI to read as follows:

VI. Applicants for initial issuance or renewal of permits under this section shall in their application list all states in which they have applied for or hold permits as CPA firms and list any past denial, revocation, or suspension of a license or permit by any other state, and each holder of or applicant for a permit under this section shall notify the [board] **office** in writing, within 30 days after its occurrence, of any change in the identities of partners, officers, shareholders, members, or managers whose principal place of business is in this state, any change in the number or location of offices within the state, any change in the identity of the persons in charge of such offices, and any issuance, denial, revocation, or suspension of license or permit by any other state.

163 New Hampshire Accountancy Act; Firm Permits to Practice; Attest Experience and Peer Review. Amend RSA 309-B:8, VIII(d) to read as follows:

(d) Shall require, with respect to peer reviews contemplated by subparagraph (b), that the peer review processes be operated, and documents maintained in a manner designed to preserve confidentiality, and that neither the board nor any third party, other than the peer review oversight body, shall have access to documents furnished or generated in the course of such peer review. This subparagraph shall not [be construed to limit the board's subpoena power under RSA 309-B:11, I; nor shall it] be construed to prevent the board from obtaining from the applicant, its peer review report, the related letter of comment, and the related letter of response.

164 New Hampshire Accountancy Act; Enforcement Against Holders of Certificates, Permits, and Registrations. Amend RSA 309-B:10, I-a(c) to read as follows:

(c) Failure, on the part of a holder of a certificate under RSA 309-B:7 or permit under RSA 309-B:8 or registration under RSA 309-B:9, to maintain compliance with the requirements for issuance or renewal of such certificate, permit, or registration or to report changes [to the board] **as required** under RSA 309-B:7[, VII] and 309-B:8, VI.

165 New Hampshire Accountancy Act; Unlawful Acts. Amend RSA 309-B:14 to read as follows:

309-B:14 Unlawful Acts.

I. Only licensees, individuals who have practice privileges under RSA 309-B:6 **and RSA 310:17**, and firms exempt from the permit requirement under RSA 309-B:8, may issue a report on financial statements of any other person, firm, organization, or governmental unit or otherwise offer to render or render any attest service. This restriction shall not prohibit any act of a public official or public employee in the performance of that person's duties as such; or prohibit the performance by any person from the use of accounting skills, or analyzing and preparing projections of financial data in the performance of management advisory services, financial advisory services, consulting services, the preparation of tax returns, or the furnishing of advice on tax matters. This restriction also does not apply to non-licensees who may prepare financial statements and issue reports thereon which do not purport to be in compliance with the Statements on Standards for Accounting and Review Services (SSARS).

II. Licensees, individuals who have practice privileges under RSA 309-B:6 **and RSA 310:17**, and firms exempt from the permit requirement under RSA 309-B:8, performing attest services shall provide those services pursuant to statements on standards relating to those services adopted by reference or directly by the board.

III. No person not holding a valid certificate or a practice privilege under RSA 309-B:6 **and RSA 310:17** shall use or assume the title or designation "certified public accountant," or the abbreviation "CPA" or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a certified public accountant.

IV. No firm shall provide attest services or assume or use the title or designation "certified public accountants," or the abbreviation "CPAs," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm is a CPA firm unless ~~(+)~~ the firm holds a valid permit issued under RSA 309-B:8 or is in compliance with a valid exemption from the permit requirement pursuant to RSA 309-B:8.

V. No person shall assume or use the title or designation "public accountant," or the abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such person is a public accountant unless such person holds a valid registration issued under RSA 309-B:9.

VI. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-B:7, 309-B:8, or 309-B:9, unless they qualify for a practice privilege under RSA 309-B:6 **and RSA 310:17** or are exempt from the permit requirement under RSA 309-B:8, shall provide attest services or assume or use the title or designation "public accountant," the abbreviation "PA," or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that such firm is composed of public accountants.

VII. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-B:7, 309-B:8, or 309-B:9, or qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or an exemption from the permit requirement under RSA 309-B:8, shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," or any other title or designation likely to be confused with the titles "certified public accountant" or "public accountant," or use any of the abbreviations "CA," "LA," "RA," "AA," or similar abbreviation likely to be confused with the abbreviations "CPA" or "PA." The title "Enrolled Agent" or "EA" may only be used by individuals so designated by the Internal Revenue Service.

VIII. Persons not licensed under this chapter, unless they qualify for a practice privilege under RSA 309-B:6 **and RSA 310:17** or are exempt from the permit requirement under RSA 309-B:8, shall not use language in any statement relating to the affairs of a person or entity which is conventionally used by licensees in reports on financial statements or any attest service. In this regard, the board shall issue safe harbor language that persons not licensed under this chapter, or not qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or not exempt from the permit requirement under RSA 309-B:8 may use in connection with such financial information. Such disclaimer language shall include the following:

"I (we) have prepared the accompanying (financial statements) of (name of entity) as of (time period) for the (period) then ended. This presentation is limited to preparing in the form of financial statements information that is the representation of management (owners).

I (we) have not audited or reviewed the accompanying financial statements and accordingly do not express an opinion or any form of assurance on them."

IX. No person or firm not holding a valid certificate, permit, or registration issued under RSA 309-B:7, 309-B:8, or 309-B:9, or qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or an exemption from the permit requirement under RSA 309-B:8, shall assume or use any title or designation that includes the words "accountant," "auditor," or "accounting," in connection with any other language, including the language of a report, that implies that such person or firm holds such a certificate, permit, or registration or has special competence as an accountant or auditor. This paragraph shall not prohibit any officer, partner, or employee of any firm or organization from affixing a signature to any statement in reference to the financial affairs of such firm or organization with any wording designating the position, title, or office that person holds, nor

shall it prohibit any act of a public official or employee in the performance of that person's duties. Nothing in this chapter shall prohibit non-licensees who perform services involving the use of accounting skills from describing such services as "bookkeeping", "tax preparation" or "general accounting" services, or describing themselves as "accountants."

X. No persons holding a certificate or registration, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm holding a permit under this chapter or an exemption from the permit requirement under RSA 309-B:8, shall use a professional or firm name or designation that is misleading about the legal form of the firm, or about the persons or number of persons who are partners, officers, members, managers, or shareholders of the firm, or about any other matter; provided, however, that names of one or more of the former partners, members, managers or shareholders may be included in the name of a firm or its successor.

XI. No provision of this section shall have any application to a person holding a certification, designation, degree, license, or permit granted in a foreign country entitling the holder to engage in the practice of public accountancy or its equivalent in such country, whose activities in this state are limited to the provision of professional services to persons or firms who are residents of, governments of, or business entities of the country in which the person holds such entitlement, who performs no attest services as defined, and who issues no reports with respect to the information of any other persons, firms, or governmental units in this state, and who does not use in this state any title or designation other than the one under which that person practices in such country, followed by a translation of such title or designation into English, if it is in a different language, and by the name of such country.

XII. No holder of a certificate issued under RSA 309-B:7 or a registration issued under RSA 309-B:9 shall perform attest services described in RSA 309-B:3, I(a) or compilation services described in RSA 309-B:3, III-a in any firm that does not hold a valid permit issued under RSA 309-B:8.

XIII.(a) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, shall not for a commission recommend or refer to a client any product or service, or for a commission recommend or refer any product or service to be supplied by a client, or receive a commission, when the licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, also performs for that client an attest service as defined in RSA 309-B:3, I or a compilation of a financial statement when the licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, expects, or reasonably might expect, that a third party will use the financial statement and the compilation report does not disclose a lack of independence.

(b) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, who is not prohibited by this section from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, recommends or refers a product or service to which the commission relates.

(c) Any licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, who accepts a referral fee for recommending or referring any service of a licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, to any person or entity or who pays a referral fee to obtain a client shall disclose such acceptance or payment to the client.

XIV.(a) A licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, shall not:

(1) Perform for a contingent fee any professional services for, or receive such a fee from a client for whom the licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, or the licensee's firm or firm of the individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17** performs an attest service as defined in RSA 309-B:3, I or a compilation of a financial statement when the licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, expects, or reasonably might expect, that a third party will use the financial statement and the compilation report does not disclose a lack of independence; or

(2) Prepare an original or amended tax return or claim for a tax refund for a contingent fee for any client; provided however that a licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, may prepare an amended return or claim for refund for a contingent fee if that licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, has a reasonable expectation that the amended return or claim for refund will be the subject of substantive review by the taxing authority.

(b) The prohibition in subparagraph (a) applies during the period in which the licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, is engaged to perform any of the services listed in subparagraph (a) and the period covered by any historical financial statements involved in any such listed services.

(c) Except as otherwise provided in this subparagraph, a contingent fee is a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service. Solely for purposes of this section, fees are not regarded as being contingent if fixed by courts or other public authorities, or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies. The fees of a licensee, individual qualifying for a practice privilege under RSA 309-B:6 **and RSA 310:17**, or firm exempt from the permit requirement under RSA 309-B:8, may vary depending, for example, on the complexity of services rendered.

XV. Nothing within this section shall prohibit a practicing attorney or firm of attorneys from preparing or presenting records or documents customarily prepared by an attorney or firm of attorneys in connection with the attorney's professional work in the practice of law, or from billing a client or receiving a fee from a client in conformity with the professional conduct rules that govern the practice of law by such attorney or firm of attorneys.

XVI. Notwithstanding any provision of this section, it shall not be a violation of this section for a firm which does not hold a valid permit under RSA 309-B:8 and which does not have an office in this state to provide its professional services in this state if it complies with the requirements of ~~[RSA 309-B:8, I(b) or (c)]~~ **RSA 309-B:8, I(a)(3) or I(b)**, whichever is applicable.

166 New Hampshire Accountancy Act; Single Act as Evidence of Practice. Amend RSA 309-B:17 to read as follows:

309-B:17 Single Act as Evidence of Practice. In any action brought under ~~[RSA 309-B:12, RSA 309-B:15, or]~~ RSA 309-B:16, evidence of the commission of a single act prohibited by this chapter shall be sufficient to justify the imposition of a ~~[penalty, injunction, restraining order, or]~~ conviction, ~~[respectively,]~~ without evidence of a general course of conduct.

167 New Hampshire Accountancy Act; Confidential Communications. Amend RSA 309-B:18 to read as follows:

309-B:18 Confidential Communications. Except by permission of the client for whom a licensee performs services, or the heirs, successors, or personal representatives of such client, a licensee or any partner, officer, member, manager, shareholder, or employee of a licensee shall not voluntarily disclose information communicated to such person by the client relating to and in connection with services rendered to the client by the licensee. Such information shall be deemed confidential, provided, however, that nothing in this chapter shall be construed as prohibiting the disclosure of information required to be disclosed by the standards of the public accounting profession in reporting on the examination of financial statements or as prohibiting disclosures in court proceedings or administrative proceedings before governmental agencies in instances where a subpoena or summons has been issued, in investigations or proceedings under ~~[RSA 309-B:11 or RSA 309-B:12]~~ **RSA 310**, in ethical investigations conducted by private professional organizations, or in the course of peer reviews, or to other persons active in the organization performing services for that client on a need to know basis or to persons in such professional organization, peer review entity, or organization performing services for that client who need this information for the sole purpose of assuring quality control.

168 Repeal; Accountancy. The following are repealed:

- I. RSA 309-B:4, VI(e), relative to rules on substantial equivalency.
- II. RSA 309-B:8, V, relative to fees for application for initial issuance or renewal of a permit.
- III. RSA 309-B:12, relative to hearings by the board.
- IV. RSA 309-B:15, relative to injunctions against unlawful acts.
- V. RSA 309-B:16, I, relative to board investigations.

169 Architects; Definitions. Amend RSA 310-A:28, I to read as follows:

I. "Architect" means a person who, by reason of having acquired through professional education and practical experience an advanced training in building construction and architectural design and an extensive knowledge of building standards created to safeguard the public from hazards such as fire, panic, structural failure, and unsanitary conditions, is technically and legally qualified to practice architecture and who is licensed by the ~~[board]~~ **office of professional licensure and certification** or otherwise authorized by this subdivision to engage in the practice of architecture.

170 Architects; Preliminary Requirements for Licensure as an Architect. Amend RSA 310-A:38 to read as follows:

310-A:38 Preliminary Requirements for Licensure as an Architect.

I. The following preliminary requirements shall be considered as minimum evidence satisfactory to the ~~[board]~~ **office of professional licensure and certification** that an applicant is qualified for licensure to practice architecture in this state:

(a) Applicant shall be at least 21 years of age and shall have graduated from an approved high school or its equivalent; and

(b) Applicant shall hold a professional degree in architecture from an accredited school and have had such diversified practical experience, including academic training, as the board shall deem appropriate; or

(c) In lieu of a professional degree in architecture, the [board] **office** may accept evidence of additional diversified practical experience, including academic training, as the board shall deem appropriate.

II. The [board] **office** shall have the discretion to reject an applicant who is not of good professional character, as evidenced by:

(a) Conviction for commission of a felony;

(b) Misstatement of facts by the applicant in connection with the application;

(c) Violation of any of the standards of conduct required of architects as they are set forth in this subdivision or in rules adopted by the board; or

(d) Practicing architecture without being licensed in violation of laws of the jurisdiction in which the practice took place.

III. Upon complying with the preliminary requirements set forth in this section, the applicant shall, in order to become licensed, pass written examinations as provided in RSA 310-A:43[~~except as otherwise provided in RSA 310-A:45~~].

171 Architects; Applications. Amend RSA 310-A:42 to read as follows:

310-A:42 Applications. Applications for licensure shall be on forms prescribed and furnished by the [board] **office of professional licensure and certification**, [~~shall contain statements made under oath,~~] showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed architects having personal knowledge of the applicant's professional experience. [~~The board shall establish fees for application and any examination required under this subdivision.~~] Should the [board] **office** deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an application fee.

172 Architects; Certificates for Business Organizations. Amend RSA 310-A:42-a to read as follows:

310-A:42-a Certificates for Business Organizations.

I. The practice of, or offer to practice, architecture for others by individual architects, licensed under this subdivision, through a business organization as officers, partners, associates, employees, or agents is permitted, subject to the provisions of this subdivision; provided that:

(a) One or more of the corporate officers of a corporation or one or more general partners or associates is designated as being responsible for the architectural activities and architectural decisions of the business organization and is a licensed architect under this subdivision.

(b) All personnel of the business organization who act in its behalf as architects are licensed under this subdivision.

(c) The business organization has been issued a certificate of authorization by the [board] **office of professional licensure and certification**, as provided in this section.

II. The requirements of this subdivision shall not affect a business organization or its employees in performing services for such business organization or its subsidiary or affiliated business organizations. All final drawings, specifications, plans, reports, or other architectural papers or documents involving the practice of architecture, when issued or filed for public record, shall be dated, and bear the signature and seal of the architect who prepared them or under whose direct supervisory control they were prepared.

III. A business organization desiring a certificate of authorization shall file with the [board] **office** an application, using a form provided by the [board] **office**, listing the names and addresses of all officers and board members, general and limited partners, associates, and any individuals duly licensed to practice architecture in this state who shall be in responsible charge of the practice of architecture in this state through the business organization, and any other information required by the board. The same form, giving the same information, shall accompany the [annual] renewal fee. If there is a change in any of these persons during the year, such change shall be designated on the same form and filed with the [board] **office** within 30 days after the effective date of such change. If all requirements of this section are met, the [board] **office** shall issue a certificate of authorization to such business organization, and such business organization shall be authorized to contract for and to collect fees for furnishing architectural services.

IV. No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners, by reason of its compliance with the provisions of this section, nor shall any individual practicing architecture be relieved of responsibility for architectural services performed by reason of such individual's employment by or relationship with such business organization.

V. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign business organization which includes the words Architect, Architectural, or Architecture or any modification or derivative thereof in its corporate or business name or which includes the practice of architecture among the objects for which it is established unless the [board] **office** shall have

issued, with respect to such applicant, a certificate of authorization or eligibility for authorization, a copy of which shall have been presented to the secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to partnerships, sole proprietorships and associations holding certificates of authorization issued under the provisions of this subdivision, a copy of which shall have been presented to the secretary of state.

VI. An architect who renders occasional, part-time, or consulting architectural services to or for a business organization may not, for the purposes of this section, be designated as being responsible for the architectural activities and decisions of such business organization.

173 Architects; Examinations. Amend RSA 310-A:43 to read as follows:

310-A:43 Examinations. Examinations in architecture shall be held as the [board] **office of professional licensure and certification** shall determine. The applicant shall be permitted to take the examination upon fulfilling the requirements established by the board. The board shall prescribe [the methods of procedure and] the scope of the examination which shall include the following subjects: pre-design, general structures, lateral forces, mechanical and electrical systems, materials and methods, construction documents and services, site planning, building planning, and building technology.

174 Architects; Certificates; Seals. Amend RSA 310-A:44 to read as follows:

310-A:44 Certificates; Seals. The [board] **office of professional licensure and certification** shall issue a license upon payment of the registration fee established by the office [of professional licensure and certification], to any applicant who [~~in the opinion of the board,~~] has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and have a serial number. The issuance of a license by the [board] **office** shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Architect." All papers or documents involving the practice of a profession under this subdivision, when issued or filed for public record, shall be dated, and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

175 Architects; Expiration and Renewals. Amend RSA 310-A:46 to read as follows:

310-A:46 Expiration and Renewals. All licenses issued by the [board] ~~shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The board shall cause notification of the impending license expiration to be sent to each licensee at least one month prior to the expiration date of the license. If the renewal fee is not submitted within 12 months after the expiration date of the license, the licensee's name shall be removed from the mailing list. An application for reinstatement shall be required to return to active status. The office of professional licensure and certification shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee]~~ **office of professional licensure and certification shall expire in accordance with RSA 310:8.**

176 Architects; Continuing Education Required. Amend RSA 310-A:46-a to read as follows:

310-A:46-a Continuing Education Required. Any person holding a license shall be required to complete 12 units of continuing education each year in the area of health, safety, and welfare. Each person shall be responsible for maintaining evidence of his or her continuing education units and shall submit such evidence of continuing education units to the [board] **office** biennially upon renewal of his or her license.

177 Repeal; Architects. The following are repealed:

I. RSA 310-A:33, relative to fees.

II. RSA 310-A:45, relative to reciprocal licensure.

III. RSA 310-A:49, relative to reissuance of licenses.

178 Auctioneers; Definitions. Amend RSA 311-B:1, IV to read as follows:

IV. "Authorized business organization" means any entity organized for gain or profit and carrying on any business activity within the state of New Hampshire which is:

(a) A corporation or business association having at least one officer holding a valid license issued by the [board] **office of professional licensure and certification**;

(b) A partnership in which at least one partner holds a valid license issued by the [board] **office**;

(c) A limited liability company in which the managing member holds a valid license issued by the [board] **office**;

(d) A sole proprietorship or sole-shareholder corporation in which the sole proprietor or sole shareholder holds a valid license issued by the [board] **office**; or

(e) A trust in which at least one trustee holds a valid license issued by the [board] **office**.

179 Auctioneers; Use of Name by Business Organization. Amend RSA 311-B:4, III to read as follows:

III. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign business organization which includes the words "auction," "auctioneer," or

“auctioneering” or any modification or derivative thereof in its corporate or business name or which includes the practice of auctioneering among the objectives for which it is established unless the [board] **office** shall have issued, with respect to such applicant, a certificate of authorization, a copy of which shall have been presented to the secretary of state. The [board] **office** shall issue such a certificate only to an authorized business organization. The secretary of state shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except for trade names and service marks of business entities which have presented to the secretary of state proof that they qualify as authorized business organizations under this chapter.

180 Electricians. Amend RSA 319-C:1 to read as follows:

319-C:1 Electricians. No electrician installation shall be made for compensation, unless made by an electrician or other person licensed by the [electrician’s board] **office of professional licensure and certification**, except as provided in this chapter.

181 Electricians; Definitions. Amend RSA 319-C:2, IV to read as follows:

IV. “Journeyman electrician” means a person doing work of installing electrical wires, conduits, apparatus, fixtures, and other electrical equipment. A journeyman electrician shall be employed by a **New Hampshire licensed master electrician or entity licensed pursuant to RSA 319-C:10**. [Each journeyman electrician shall work under the direction and supervision of a master electrician.]

182 Electricians; Exceptions. Amend RSA 319-C:3, IX-a to read as follows:

IX-a. Any electrical installations in residential or commercial buildings performed by students enrolled in a high school vocational electrical program, college vocational electrical program, and apprenticeship training program, approved by the department of education, provided such work is performed under the supervision of either a teacher holding an electrician’s license or by a licensed electrician who is a supervisor of students in cooperative education placements from such programs; and in those cases where the installation is in a new building being constructed as a part of the vocational program, that the installation will be inspected and approved by an individual or group of individuals chosen by the local school districts from persons nominated by the state board of electricians. Any person nominated by the state board shall hold a master’s license issued by the [board] **office of professional licensure and certification**.

183 Electricians; Third Party Electrical Inspections. Amend RSA 319-C:5-a, I to read as follows:

I. The board shall adopt rules under RSA 319-C:6-a requiring any entity engaging a person who conducts residential electrical inspections for up to 4 contiguous units, which shall be considered a level 1 inspector, or a person who conducts all types of electrical inspections, which shall be considered a level 2 inspector, who is conducting third-party electrical inspections of electrical installations in this state to have the person conducting the inspection be approved by the board **office of professional licensure and certification in accordance with criteria established by the board**. The board shall determine the qualifications necessary for approval as a level 1 or level 2 electrical inspector. The [board] **office of professional licensure and certification** shall maintain and make available a list of such persons approved for level 1 or level 2 third-party electrical inspections. The approval of a person to conduct either level of third-party electrical inspections shall not prohibit a city or town that has established inspections under RSA 47:22 or RSA 674:51 from contracting with any person of its choice to perform third-party electrical inspections.

184 Electricians; Continuing Education; NFPA 70 Changes. Amend RSA 319-C:6-c to read as follows:

319-C:6-c Continuing Education, NFPA 70 Changes. The board shall adopt rules relative to continuing education applicable to all licensees for training and compliance with the latest published edition of the NFPA 70, National Electrical Code, as published by the National Fire Protection Association. Each licensee shall show proof of completion of continuing education requirements adopted under this section within 12 months from the January 1 following the publication date of the latest version of the NFPA 70. Proof of completion shall be furnished to the [board] **office** by the continuing education provider. Failure to complete the continuing education shall render the electrician’s license invalid until the licensee demonstrates to the board that he or she has completed the requisite number of continuing education hours.

185 Electricians; Licensing Requirements. Amend RSA 319-C:7 to read as follows:

319-C:7 Licensing Requirements.

I. [Repealed.]

II. The [board] **office** shall issue a license as a master or journeyman electrician to any person who files an application and meets the following qualifications:

(a) Completion of 8,000 hours of service as an apprentice electrician. The board may give credit toward such service for the satisfactory completion of a course of instruction in the field at a school recognized by the board or experience in the field received in military service, in accordance with rules adopted by RSA 541-A; and

(b) Satisfactory passing of an examination approved by said board as provided in RSA 319-C:8 to determine the person’s fitness to receive such license.

II-a. The [board] **office** shall issue a license as a high/medium voltage electrician to any person who files an application and meets the following qualifications:

(a) Shows proof of successfully completing a state, national, or employer certification program approved by the board or;

(b) Prior to January 1, 2003, shows proof of having been employed for a minimum of 5 years as a high/medium voltage electrician working for a company with an approved training program.

III. All persons licensed by the [board] **office** shall receive a certificate which must be publicly displayed at the principal place of business of said electrician, or, if no such place of business, must be carried on his or her person and displayed at any time upon request to any electrical inspector appointed by the board under this chapter, as long as said person continues in the business as herein defined. The certificate shall specify the name of the person licensed who, in the case of a firm, shall be one of its members or employees and, in the case of a corporation, one of its officers or employees passing the examination. In the case of a firm or corporation, the license shall be void upon the death of or the severance from the company of said person.

IV. Apprentice electricians shall register with the [board] **office**.

186 Electricians; Examinations for License. Amend RSA 319-C:8 to read as follows:

319-C:8 Examinations for License. Each applicant for licensure shall present to the [board] **office**, ~~[on forms furnished by the board,]~~ a written application for examination and license, containing such information as the board may require, accompanied by the required application fee established by the [board] **office**. Proctored examinations shall be written, written and oral, oral, or computerized as approved by the board, and shall be of a thorough and practical character. They shall include such provisions of the National Electrical Code as the board may deem appropriate. Any person failing to pass his or her first examination may be reexamined ~~[at any subsequent examination meeting of the board or]~~ by an examination entity approved by the board, and thereafter may be examined as often as he or she may desire upon submitting the written application for examination and license and payment of the required application fee as set forth in this chapter.

187 Electricians; Corporations and Partnerships. Amend RSA 319-C:10 to read as follows:

319-C:10 Corporations and Partnerships.

I. The [board] **office** may issue a license to corporations and partnerships engaged in the business of making electrical installations, provided that one or more officers or employees of any such corporation directly in charge of the business affairs of such corporation, or a member of such partnership directly in charge of its business affairs, is a licensed master electrician.

II. The [board] **office** may issue a license to corporations or partnerships engaged in the business of making electrical installations on high or medium voltage distribution systems operating over 600 volts, provided that one or more officers or employees of any such corporation directly in charge of the electrical business affairs of such corporation, or a member of a partnership directly in charge of its business affairs, is a licensed master electrician or a licensed high/medium voltage electrician.

188 Foresters; Rulemaking. Amend RSA 310-A:102, III to read as follows:

III. Examination ~~[procedures]~~ **requirements**.

189 Foresters; Qualifications for License. Amend RSA 310-A:104 to read as follows:

310-A:104 Qualifications for License. Applicants for licensure as foresters shall qualify under one of the following categories:

I. Possession of a 4-year forestry degree and 2 years' experience of a nature satisfactory to the board **in accordance with rules adopted under RSA 541-A**. The board may ~~[require]~~ **adopt rules requiring** an applicant to pass an ~~[oral or written]~~ examination~~[-, or otherwise meet the approval of the board]~~.

II. Possession of a 2-year forestry degree and 4 years' experience of a nature satisfactory to the board **in accordance with rules adopted under RSA 541-A**. The board may ~~[require]~~ **adopt rules requiring** an applicant to pass an ~~[oral or written]~~ examination~~[-, or otherwise meet the approval of the board]~~.

III. Possession of a 4-year degree in a related field and 4 years' experience of a nature satisfactory to the board **in accordance with rules adopted under RSA 541-A**. The board may ~~[require]~~ **adopt rules requiring** an applicant to pass an ~~[oral or written]~~ examination~~[-, or otherwise meet the approval of the board]~~.

IV. Possession of a 2-year degree in a related field and 6 years' experience of a nature satisfactory to the board **in accordance with rules adopted under RSA 541-A**. The board may ~~[require]~~ **adopt rules requiring** an applicant to pass an ~~[oral or written]~~ examination~~[-, or otherwise meet the approval of the board]~~.

V. There shall be no minimum educational requirement for licensure as a forester for applicants who have 8 years of experience within the last 10 years of a nature satisfactory to the board **in accordance with rules adopted under RSA 541-A**. The board may ~~[require]~~ **adopt rules requiring** an applicant to pass an ~~[oral or written]~~ examination~~[-, or otherwise meet the approval of the board]~~.

190 Foresters; Applications; Fees. Amend RSA 310-A:105 to read as follows:

310-A:105 Applications; Fees. Applications for licensing shall ~~[be made on forms prescribed and furnished by the board, and shall]~~ contain statements made under oath as to citizenship, residence, the applicant's education, a detailed summary of the applicant's technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be individuals having personal or professional knowledge of the applicant's forestry experience. The fee for a license as a forester shall be fixed by the [board] **office** *pursu-*

~~ant to RSA 541-A. [One-half of the fee shall accompany the application, the balance to be paid before the issuance of the license. Should the applicant fail to remit the remaining balance within 30 days after being notified by certified mail, return receipt requested, that the application has been accepted, the applicant shall forfeit the right to have the license issued and the applicant may be required to again submit an original application and pay an original fee on such application. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application fee.]~~

191 Foresters; Examination; Re-Examination; Fee. Amend RSA 310-A:106 to read to as follows:

310-A:106 Examination; Re-Examination; Fee. ***The requirements for examination, if any,*** [The methods and procedure for written and oral examinations] shall be prescribed by the board. [A candidate failing an examination may apply for re-examination at the expiration of 6 months and shall be entitled to one re-examination without payment of an additional fee. Subsequent re-examinations may be granted upon payment of a fee to be fixed by the board.]

192 Foresters; Issuance of License; Endorsement of Documents. Amend RSA 310-A:107 to read as follows:

310-A:107 Issuance of License; Endorsement of Documents. The [board] ***office of professional licensure and certification*** shall issue a license upon payment of the fee as provided in this subdivision to any applicant, who[, in the opinion of the board,] has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and shall have a serial number. The issuance of a license by the [board] ***office of professional licensure and certification*** shall be evidence that the person named in the license is entitled to all rights and privileges of a licensed forester while such license remains unrevoked or unexpired. Plans, maps, and reports issued by the licensee shall be endorsed with the licensee's name and license number during the life of the license. It shall be a class B misdemeanor for anyone to endorse any document with such name and license number after the license of the named licensee has expired or has been revoked, unless said license has been renewed or reissued. It shall be a class B misdemeanor for any licensed forester to endorse any plan, map, or report unless the licensed forester shall have actually prepared such plan, map, or report, or shall have been in the actual charge of the preparation of the same.

193 Foresters; Expiration. Amend RSA 310-A:108 to read as follows:

310-A:108 Expiration. All licenses issued by the board shall expire ~~[on the last day of the month of the licensee's birth in the year 2 years following the year of issuance]~~ ***as set forth in RSA 310:8.***

194 Foresters; License Renewal. Amend RSA 310-A:109 to read as follows:

310-A:109 License Renewal. Licenses may be renewed ~~[by written application prior to the expiration date and by payment of the prescribed renewal fee]~~ ***every two years in accordance with RSA 310:8.*** ~~[The secretary shall notify each forester one month prior to the expiration of such certificate.]~~ The applicant shall ~~[submit proof of completion of]~~ ***have completed*** 20 hours of continuing education approved by the board at the time of license renewal, ~~[together with a]~~ ***and shall submit a*** record of any legal action brought against the applicant for services as a forester.

195 Foresters; Repeals. The following are repealed:

- I. RSA 310-A:101, relative to procedures.
- II. RSA 310-A:110, relative to failure to renew.
- III. RSA 310-A:111, relative to reciprocity.
- IV. RSA 310-A:113-a, relative to additional powers.
- V. RSA 310-A:115, relative to injunctions.
- VI. RSA 310-A:116, relative to administrative costs.

196 Professional Geologists; Definitions. Amend RSA 310-A:118, IV to read as follows:

IV. "Licensed professional geologist" means a person who, by reason of advanced knowledge of geology and the supporting physical and life sciences, acquired by education and experience, is technically and legally qualified to engage in the practice of geology as defined in this section and has successfully passed the examination as may be required in this subdivision and who is licensed by the [board] ***office*** or otherwise authorized by this subdivision to engage in the practice of the profession of geology.

197 Professional Geologists; Rulemaking; Fees. Amend RSA 310-A:121, I to read as follows:

- I. The board shall adopt rules, pursuant to RSA 541-A, relative to:
 - (a) [Repealed.]
 - (b) The qualifications of applicants in accordance with applicable statutes, and the ethical standards required for licensure;
 - (c) The examination ~~[procedures]~~ ***criteria*** in accordance with applicable statutes;
 - (d) License renewal, including requirements for continuing education;
 - (e) Ethical and professional standards required to be met by each holder of a license under this subdivision and how disciplinary actions by the board shall be implemented for violations of these standards;
 - (f) [Repealed.]
 - (g) The design of an official seal;
 - (h) What constitutes geology experience for the purposes of RSA 310-A:125; ***and***

(i) ~~[Procedures]~~ **Requirements** for a waiver of the fundamentals of geology examination under RSA 310-A:129~~]; and~~

~~(j) Interstate licensure and temporary permits under RSA 310-A:131].~~

198 Professional Geologists; Licensure. Amend RSA 310-A:124 to read as follows:

310-A:124 Licensure. No person shall practice professional geology or represent oneself as a professional geologist who is not licensed by the ~~[board]~~ **office** or whose license expired, or was canceled, suspended, or revoked, except as otherwise provided in this subdivision. Licensure to practice geology shall not be required until after the one-year period set forth in RSA 310-A:125, II has ended.

199 Professional Geologists; Requirements for Licensure as a Professional Geologist. Amend RSA 310-A:125 to read as follows:

310-A:125 Requirements for Licensure as a Professional Geologist.

I.(a) Applicants for licensure as a professional geologist shall meet the ethical standards set forth in this subdivision and shall have committed no misconduct as set forth in RSA 310-A:133, II. In addition, each applicant shall have a bachelor's degree in geology or a bachelor's degree in a related field which included 30 credit hours or 45 quarter hours in geology from an accredited 4-year college, or a master's or doctoral degree from an accredited graduate program in geology, including but not limited to degrees or credit hours in geochemistry, geohydrology, geomorphology, geophysics, groundwater geology, hydrogeology, hydrology, marine geology, mineralogy, mining geology, paleontology, petrography/petrology, sedimentology/stratigraphy/historical geology, or water resources studies; and shall present evidence suitable to the board of at least 5 years of experience in the practice of geology, of which at least 3 years must have been under the supervision of a licensed professional geologist or a geologist who otherwise meets the requirements of a licensed professional geologist as determined by the board. Applicants meeting these ethics, education and experience requirements shall be eligible to sit for an examination ~~[to be administered by the board]~~. Unless otherwise provided, applicants shall take the examination and receive a passing score.

(b) Experience in the practice of geology, obtained before the expiration of the period described in paragraph II of this section, may count towards the experience in the practice of geology under the supervision of a professional geologist required in subparagraph I(a) of this section if the supervising geologist met the education and experience qualifications of paragraph II at the time of the relevant experience. For purposes of this section, experience in the practice of geology does not include routine sampling, laboratory work or geological drafting.

(c) A completed academic year of graduate study in geology may be applied either towards a year of the experience requirement of this section up to a total maximum of 2 years, or to the education requirement of this section, but not both.

(d) A completed academic year of college or graduate level teaching in geology may be applied towards a year of the experience requirement of this section.

II. Following the effective date of the initial adoption by the board of rules under RSA 541-A, the ~~[board]~~ **office** may issue licenses without examination to applicants whose applications for licensure have been received during a one-year period following the effective date of adoption of rules and who either meet the education and experience requirements of subparagraph I(a) of this section, or who provide evidence satisfactory to the board of knowledge and experience equivalent to such requirements.

III. Whenever information presented in an application for licensure or renewal is determined by the ~~[board]~~ **office** to be incomplete or insufficient, the ~~[board]~~ **office** may require additional information as necessary to determine if the application requirements of this section have been met.

200 Professional Geologists; Continuing Education. Amend RSA 310-A:127 to read as follows:

310-A:127 Continuing Education. ~~[Evidence satisfactory to the board of the]~~ Completion in each biennial renewal period of a minimum of 24 hours of continuing education shall be required for license renewal. The board shall identify the types of educational courses and activities that would further the professional competence of licensees. In general, the continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.

I. Applications for licensure shall be made using the method prescribed and furnished by the office of professional licensure and certification. Applications shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be professional geologists having personal knowledge of the applicant's professional experience.

II. References relating to experience in the practice of geology performed prior to the effective date of this subdivision may be provided by either a professional geologist or a person determined by the board **according to rules** to be of equivalent ethical standards, education, and experience who may or may not have been licensed.

III. If the ~~[board]~~ **office** denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

201 Professional Geologists; Examinations. Amend RSA 310-A:129 to read as follows:

310-A:129 Examinations. ~~[Written technical examinations in geology shall be held at least annually as the board shall determine.]~~ The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. ~~[A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the examination.]~~

202 Professional Geologists; Certificates; Seals. Amend RSA 310-A:130 to read as follows:

310-A:130 Certificates; Seals. The ~~[board]~~ **office** shall issue a license, upon payment of the licensing fee established by the office of professional licensure and certification, to any applicant who has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and have a serial number. The issuance of a license by the board shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional geologist while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Licensed Professional Geologist." All papers or documents involving the practice of geology affecting public health, safety, and welfare, under this subdivision, when issued or filed for public record, shall be dated, and bear the signature and seal of the licensed professional geologist who prepared or had responsibility for and approved them.

203 Professional Geologists; License Renewals. RSA 310-A:132 is repealed and reenacted to read as follows:

310-A:132 License Expiration and Renewals. All licenses issued by the board shall expire in accordance with RSA 310:8. Licensees in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the board of completion of the continuing education requirements established by the board. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

204 Professional Geologists; Repeals. The following are repealed:

- I. RSA 310-A:122, relative to immunity.
- II. RSA 310-A:131, relative to interstate licensure.
- III. RSA 310-A:134, relative to enforcement.
- IV. RSA 310-A:136, relative to reissuance of licenses.
- V. RSA 310-A:138, relative to restraint of violations.

205 Home Inspectors; Rulemaking Authority. Amend RSA 310-A:187 to read as follows:

310-A:187 Rulemaking Authority.

I. The board shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The qualifications of applicants in addition to requirements of this subdivision, and including the qualifications for satisfactory evidence of good professional character.

(b) The criteria for a license to be renewed or reinstated, including any requirements for continuing education.

(c) ~~[Repealed.]~~

(d) ~~[Repealed.]~~

(e) ~~[Procedures for approving education courses for eligibility for licensure and for a continuing education program.]~~

~~[(f)]~~ How an applicant shall be examined, including the form of the examination.

~~[(g)]~~ **(f)** The design of an official seal.

~~[(h)]~~ **(g)** The establishment of administrative fines which may be levied in the administration of this subdivision.

II. The board shall adopt one eligibility examination required for licensure that is an independent nationally recognized proctored examination.

~~[III. At least 40 days prior to any hearing to be held pursuant to RSA 541-A:11, the board shall furnish a copy of any proposed rules of or amendments thereto, to all affected professionals licensed by the board.]~~

206 Home Inspector Licensure Requirements. Amend RSA 310-A:190 to read as follows:

310-A:190 Eligibility Requirements for Licensure as a Home Inspector.

I. Each applicant for licensure as a home inspector shall meet the following minimum requirements:

(a) Completion of no less than 80 hours of board-approved education covering all of the following core components of a residential building of 4 units or less:

- (1) Heating system.
- (2) Cooling system.
- (3) Plumbing system.
- (4) Electrical system.
- (5) Structural components.

- (6) Foundation.
- (7) Roof covering.
- (8) Exterior and interior components.
- (9) Site aspects as they affect the building.
- (b) Have successfully completed high school or its equivalent.
- (c) Proof of passing the board-adopted examination required for licensure.
- (d) Be at least 18 years of age.
- (e) Submit to the [board] **office of professional licensure and certification** a public criminal history record information authorization form as provided by the New Hampshire state police, which authorizes the release of the applicant's public criminal history record information, if any. The applicant shall bear the cost of the public criminal history record information check.

II. A person who was actively engaged in the business of home inspection in this state as a means of his or her livelihood for at least 12 months preceding the effective date of this subdivision shall be eligible for licensure by the [board] **office of professional licensure and certification** without completion of the requirements of subparagraph I(a). An applicant under this paragraph shall be issued a license by providing evidence satisfactory to the board of the knowledge and experience equivalent to the requirements of subparagraph I(a). All applicants shall meet the requirements of subparagraphs I(b) through (e), pay an initial fee, and fulfill all other license application requirements.

III. The board shall approve all education programs under subparagraph I(a) of organizations or education institutions providing acceptable education and training.

IV. The board shall have the discretion to reject an applicant who is not of good professional character, as evidenced by:

- (a) Conviction for commission of a felony;
- (b) Misstatement of facts by the applicant in connection with the application;
- (c) Violation of any of the standards of practice or code of ethics as they are set forth in this subdivision or in rules adopted by the board; or
- (d) Practicing home inspections without being licensed in violation of laws of the jurisdiction in which the practice took place.

207 Home Inspectors; Continuing Education. Amend RSA 310-A:192 to read as follows:

310-A:192 Continuing Education. ~~[Evidence satisfactory to the board of the]~~ Completion in each 2-year renewal period of a minimum of 20 hours of continuing education shall be required for license renewal, provided that one hour of the 20 required hours shall be from a board-approved course on appropriate building regulations including any recent revisions to regulations. The board shall approve educational courses and activities that would further the professional competence of licensees. The continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.

208 Home Inspectors; Issuance of Licenses. Amend RSA 310-A:193 to read as follows:

310-A:193 Issuance of Licenses. The [board] **office** shall issue a license upon payment of the license fee established by the office of professional licensure and certification, to any applicant who~~[-in the opinion of the board,]~~ has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and have a serial number. The issuance of a license ~~[by the board]~~ shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed home inspector while the license remains valid. It shall be a class B misdemeanor for the licensee to perform home inspections after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

209 Home Inspectors; Expirations and Renewals. Amend RSA 310-A:195 to read as follows:

310-A:195 Expiration and Renewals.

I. ~~[The board shall send, by mail or otherwise, notification of the impending license expiration to each licensee at least one month prior to the expiration of the license, along with a request for payment of a renewal fee.]~~ Licensees in good standing may renew their licenses ~~[by paying the renewal fee prior to the expiration date of the license , and by presenting evidence satisfactory to the board of completion of the continuing education requirements]~~ **every two years in accordance with RSA 310:8**. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the board for just cause.

II. ~~[All licenses issued by the board shall expire on the last day of the licensee's month of birth in the second year following the year of issuance, or upon such other biennial date as the board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the licensee's name shall be removed from current status, and application for reinstatement shall be required to return to current status. The board shall charge a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal application received 12 months after the expiration date shall be rejected, unless accompanied by proof of successful completion of the examination required by the board.]~~ A

licensed home inspector shall complete at least 20 hours of board-approved continuing education during each license period in order to maintain his or her license. ~~[If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be re-examined for licensure.]~~

~~HH. Licensees who have been activated by the military shall be exempt from any penalties or fees for renewal or reinstatement due to their absence, as approved by the board.]~~

210 Office of Professional Licensure and Certification; Repeals. The following provisions of RSA 310-A are repealed:

- I. RSA 310-A:188, relative to fees.
- II. RSA 310-A:194, relative to reciprocity.
- III. RSA 310-A:198, relative to re-issuance of licenses.
- IV. RSA 310-A:200 relative to restraint of violations.

211 Land Surveyors; General Provisions. Amend RSA 310-A:53, IV and V to read as follows:

IV. The practice of or the offer to practice land surveying in this state by individual licensed land surveyors as a business organization, a material part of the business which includes land surveying, is permitted provided certain personnel of such entity who shall act in its behalf are licensed land surveyors under the provisions of this subdivision and provided such entity has been issued a certificate of authorization by the ~~[board]~~ **office** as provided in this subdivision. Any entity issued a certificate under this section shall be required to comply with all of the provisions of this subdivision.

V. Each such entity shall file with the ~~[board]~~ **office** of licensure a designation of an individual or individuals licensed to practice land surveying in this state who shall be in charge of land surveying by such entity in this state. The person designated shall be a full-time officer, partner, owner, or full-time employee of that entity. Such entity shall notify the ~~[board]~~ **office** of licensure of any change in the entity's designation within 30 days after such change becomes effective.

212 Land Surveyors; Definitions. Amend RSA 310-A:54, I-b to read as follows:

I-b. "Certificate of authorization" means any certificate issued by the ~~[board]~~ **office** to a business organization to engage in the practice of land surveying.

213 Land Surveyors, Licensure. RSA 310-A:63 is repealed and reenacted to read as follows:

310-A:63 Licensure.

I. As minimum evidence satisfactory to the board according to rules adopted under 541-A that a person is qualified for licensure as a land surveyor, such person shall have a specific record of 6 years or more accumulated experience in land surveying work indicating that such person is competent to practice land surveying and has passed a proctored examination, prescribed by the board.

II. A year of accumulated experience for the purpose of paragraph I shall include, but not be limited to:

(a) Any year during which the applicant was enrolled at an institution of higher learning pursuing a curriculum of surveying, engineering, forestry, or forestry technician, so long as the applicant completed at least one course in land surveying during the said enrollment; provided such education credits towards accumulated experience shall not exceed 4 years of accumulated experience;

(b) Any year during which the applicant was actively engaged in land surveying work as a land surveyor-in-training under the supervision of a licensed land surveyor; or

(c) Any substantial period of time, even if less than a full calendar year, during which the applicant, in the discretion of the board, was considered to be actively engaged in land surveying work.

214 Land Surveyors; Application. Amend RSA 310-A:65 to read as follows:

310-A:65 Application. Applications for licensure ~~[shall be on forms prescribed and furnished by the board,]~~ shall contain statements made under oath, showing the applicant's education and detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom 3 shall be land surveyors having personal knowledge of the applicant's land surveying experience. All applications shall be accompanied by a fee established by the ~~[board]~~ **office**.

215 Land Surveyors; Application for Certificate of Authorization. Amend RSA 310-A:65-a to read as follows:

310-A:65-a Application for Certificate of Authorization. The ~~[board]~~ **office** shall issue a certificate of authorization to any business organization in accordance with the following:

I. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any proprietorship under this subdivision, the proprietorship shall file with the ~~[board]~~ **office** an application on a form ~~[provided by the board]~~, which specifies:

(a) The name and address of the owner of the proprietorship.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the proprietorship.

(c) Any other information required by the board relevant to the practice of land surveying.

II. As a requirement of the issuance of any certificate of authorization or any renewal of certificate to any corporation under this subdivision, a business organization, other than a proprietorship or partnership, shall file with the ~~[board]~~ **office** an application on a form ~~[provided by the board]~~, which specifies:

(a) The names and addresses of all officers and board members of the business organization.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the business organization.

(c) Any other information required by the board relevant to the practice of land surveying.

III. As a requirement of the issuance of any certificate of authorization or renewal of any certificate to any partnership under this subdivision, the partnership shall file with the [board] **office** an application on a form~~[-provided by the board]~~, which specifies:

(a) The names and addresses of all general and limited partners.

(b) Any person licensed under this subdivision and designated to engage in the practice of land surveying for the partnership.

(c) Any other information required by the board relevant to the practice of land surveying.

IV. Any change in any of the information reported to the [board] **office** by a business organization under paragraphs I, II and III shall be reported to the [board] **office** within 30 days of the change.

216 Land Surveyors; Examinations. RSA 310-A:66 is repealed and reenacted to read as follows:

310-A:66 Examinations. The board shall prescribe the examination requirements in rules adopted pursuant to RSA 541-A.

217 Land Surveyors; Licenses. Amend RSA 310-A:67, I to read as follows:

I. The [board] **office** shall issue a license upon payment of the required fee to any applicant who, in the opinion of the board, has satisfactorily met all the requirements for such license. This license shall authorize the practice of land surveying. The issuance of a license ~~[by the board]~~ shall be prima facie evidence that the licensee is entitled to all rights and privileges of a licensed land surveyor while the license remains valid.

218 Land Surveyors; Expiration and Renewals. Amend RSA 310-A:68 to read as follows:

310-A:68 Expiration and Renewals. All licenses issued ~~[by the board]~~ shall expire ~~[on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall notify every licensee of the date of the expiration of the license and the amount of the fee that shall be required for its renewal for 2 years. Such notice shall be mailed at least one month in advance of the date of expiration]~~ **in accordance with RSA 310:8**. Renewal may be effected at any time during the month of expiration by the payment of the fee ~~[established by the board]~~ and submission of evidence satisfactory to the board showing fulfillment of continuing education requirements. ~~[The failure on the part of any licensee to renew the license in the month of expiration as required above shall not deprive such person of the right of renewal, provided that the board shall charge a 20 percent reinstatement fee for each month or fraction of a month the renewal is late. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply and to be reexamined for licensure as required in this section.]~~

219 Land Surveyors; Nonresidents. RSA 310-A:69 is repealed and reenacted to read as follows:

310-A:69 Nonresidents. The secretary of state shall not issue a certificate of incorporation to any applicant for incorporation or for registration as a foreign business organization which includes the words "surveyor" or "surveying" or any modification or derivative thereof in its business name, or which includes the practice of land surveying among the objects for which it is established, unless the office shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization under this subdivision, a copy of which shall have been presented to the secretary of state. The secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to business organizations holding certificates of authorization issued under the provisions of this subdivision, a copy of which shall have been presented to the secretary of state.

220 Land Surveyors; Violations and Penalties. Amend RSA 310-A:72, II to read as follows:

II. The [board] **office** may investigate any actual, alleged, or suspected unlicensed activity and report the findings of such investigations to the attorney general for prosecution.

221 Land Surveyors; Repeals. The following provisions are repealed:

I. RSA 310-A:59, relative to relative to additional powers.

II. RSA 310-A:60, relative to fees.

III. RSA 310-A:64, relative to surveyors in training.

IV. RSA 310-A:73, relative to injunctions.

222 Landscape Architects; Applications. Amend RSA 310-A:149 to read as follows:

310-A:149 Applications.

I. Applications for licensure shall ~~[be on forms prescribed and furnished by the board, shall]~~ contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed landscape architects having personal knowledge of the applicant's professional experience. ~~[The board shall establish fees for application and any examination required under this subdivision. Should the board deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an application fee.]~~

II. References relating to experience in the practice of landscape architecture performed prior to the effective date of this subdivision may be provided by either a landscape architect or a person determined by the board ***in rules adopted pursuant to RSA 541-A*** to be of equivalent ethical standards, education, and experience who may or may not have been licensed.

223 Landscape Architects; Continuing Education. Amend RSA 310-A:150 to read as follows:

310-A:150 Continuing Education. ~~[Evidence satisfactory to the board of the]~~ Completion in each biennial renewal period of a minimum of 30 hours of continuing education shall be required for license renewal. The board shall identify the types of educational courses and activities that would further the professional competence of licensees. In general, the continuing education credits shall be determined on the basis of one credit for each contact hour of course instruction or professional development activity actually attended by a licensee.

224 Landscape Architects; Examinations. Amend RSA 310-A:151 to read as follows:

310-A:151 Examinations. ~~[Written technical examination in landscape architecture shall be held at least annually as the board shall determine.]~~ The scope of the technical and professional examination and the methods of procedure shall be prescribed by the board. ~~[A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the board and shall be reexamined on the next regularly scheduled examination date.]~~

225 Landscape Architects; Certificates; Seals. Amend RSA 310-A:152 to read as follows:

310-A:152 Certificates; Seals. The ~~[board]~~ **office** shall issue a license upon payment of the license fee established by the office of professional licensure and certification, to any applicant who ~~[in the opinion of the board,]~~ has satisfactorily met all the requirements of this subdivision. Licenses shall show the full name of the licensee and have a serial number. The issuance of a license ~~[by the board]~~ shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed landscape architect while the license remains valid. Each licensee shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "licensed landscape architect." All papers or documents involving the practice of landscape architecture under this subdivision, when issued or filed for public record, shall be dated, and bear the signature and seal of the licensed professional who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

226 Landscape Architects; Expiration and Renewals. RSA 310-A:154 is repealed and reenacted to read as follows:

310-A:154 Expiration. All licenses shall expire in accordance with RSA 310:8.

227 Landscape Architects; Repeals. The following provisions are repealed:

I. RSA 310-A:143, II, relative to rulemaking authority.

II. RSA 310-A:144, relative to fees.

III. RSA 310-A:153, relative to interstate licensure.

IV. RSA 310-A:157, relative to reissuance of licenses.

V. RSA 310-A:159, relative to injunctions.

228 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29 to read as follows:

153:29 Examinations; Licenses.

I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, ~~[in consultation with the office of professional licensure and certification] and with the approval of the executive director of the office of professional licensure and certification,~~ shall establish, through rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure shall be prescribed by the board. This may include an outside organization approved by the board.

II. Each license issued by the ~~[board]~~ **office** shall identify which of the following special licenses or license endorsements apply to the licensee:

(a) Hearth system installation and service technician.

(b) Fuel gas installation technician.

(c) Fuel gas service technician.

(d) Fuel gas piping installer.

(e) Fuel gas trainee.

(f) Domestic appliance technician.

(g) Master plumber.

(h) Journeyman plumber.

(i) Apprentice plumber.

III. No licensee shall engage in any activity not covered by his or her specialty license.

IV. The license issued shall be available for inspection on request. ~~[The board shall issue a license suitable to be carried by the individual licensee.]~~

229 State Board of Fire Control; Mechanical License; Business Entities. Amend RSA 153:29-a to read as follows:

153:29-a Mechanical License; Business Entities.

I. The [board] **office** may issue a business entity a license *in accordance with the rules adopted by the board. The rules may permit licensure* without examination or continuing education requirements to corporations, partnerships, or limited liability companies engaged in fuel gas fitting and/or plumbing, provided one or more officers of the corporation, or designee, or one or more members of the partnership, or designee, or one or more managing members of the limited liability company, or designee, hold an active and current license as a domestic appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel gas installation technician, fuel gas service technician, or master plumber for the appropriate mechanical business entity license, or any combination thereof, provided that the licensee of record is properly licensed for each of the business entities listed by the applicant under this subdivision. Within 30 days after the death or withdrawal of the licensed person as a corporate officer, or designee, or member of the partnership, or designee, or one or more managing members of the limited liability company, or designee, the licensed person, corporation, partnership, or limited liability company shall give notice thereof to the board and, if no other officer, partner, manager or designee, is licensed as a domestic appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel gas installation technician, fuel gas service technician, or master plumber, the corporation, or partnership, or limited liability company shall not act as a fuel gas fitter or plumber until some other officer, member, or designee, has obtained a license as a domestic appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel gas installation technician, fuel gas service technician, or master plumber. ~~[Notwithstanding any other provision of law, the board shall not require a fee for a business entity engaged in fitting and/or plumbing where a licensed domestic appliance technician, hearth system installation and service technician, fuel gas piping installer, fuel gas installation technician, fuel gas service technician, or master plumber is the sole individual holding the license of the business entity.]~~

II. All licenses issued under this section shall expire every 2 years ~~[on the last day of January]~~ *in accordance with RSA 310:8*. The [board] **office** shall renew a valid license issued under this section on receipt of an application for renewal and the required fee before the expiration date of the license.

III. ~~[Notwithstanding RSA 21-G:9,]~~ The board, with an affirmative vote of at least 4 of the appointed board members, ~~[in consultation with the office of professional licensure and certification and with the approval of the executive director of the office of professional licensure and certification,]~~ shall adopt rules, pursuant to RSA 541-A, relative to the application and renewal ~~[procedure and any]~~ eligibility requirements in addition to those in this subdivision for a fuel gas fitter license or plumber for business entities issued pursuant to this section.

~~[IV. The board shall establish a fee structure for mechanical business entities by providing the following:~~

~~(a) Fees not to exceed \$250 for a business entity which employs no less than one additional licensee and not more than 5 employees required to be licensed under this subdivision.~~

~~(b) Fees not to exceed \$400 for a business entity employing not more than 20 employees required to be licensed under this subdivision.~~

~~(c) Fees not to exceed \$600 for a business employing 21 or more employees required to be licensed under this subdivision.~~

~~(d) Application, renewal, late renewal and re-instatement fees.]~~

~~[V:]~~ IV. A licensed business entity may apply for and receive a permit from any municipality within the state.

~~[VI:]~~ V. All business entities shall provide proof of good standing with the secretary of state and proof of liability insurance prior to issuance and renewal of a business entity license.

230 Natural Scientists; Definitions. Amend RSA 310-A:76, II and II-a to read as follows:

II. "Certified soil scientist" means a person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience, as specified by RSA 310-A:84, I and II, is qualified to identify, classify, and prepare soil maps according to the standards of the National Cooperative Soil Survey, or standards adopted by the New Hampshire department of environmental services, or standards adopted by the board, and who has been duly certified by the [board] **office**.

II-a. "Certified wetland scientist" means a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and to prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of wetlands adopted by the New Hampshire department of environmental services or the United States Army Corps of Engineers or their successors, and who has been duly certified by the [board] **office**.

231 Natural Scientists; Qualifications for Certification. Amend RSA 310-A:84, II-b and III to read as follows:

II-b.(a) Experience in the practice of wetland science shall be of a quality and character that indicates ~~[to the board]~~ that the applicant is competent to practice as a wetland scientist. Experience shall be defined as one or more of the following:

(1) Teaching wetland science courses or performing research in wetland science at an accredited college, university, or institution offering an approved wetland science or wetland ecology curriculum.

(2) Actual field experience gained in an acceptable apprenticeship program.

(3) Actual field mapping experience, defined as the delineation of wetland boundaries and the preparation of wetland maps; the classification of wetlands; the preparation of wetland function and value assessments; the design of wetland mitigation; the implementation of wetland mitigation; the monitoring of wetlands functions and values; and preparation of associated reports, all in accordance with standards for the identification of wetlands adopted by the department of environmental services or the United States Army Corps of Engineers or their successors.

(b) For the purposes of this paragraph, educational training shall not be considered as experience; summer employment shall be considered experience.

(c) For the purposes of this paragraph, each advanced degree in a related field may be counted as one year of experience, however, a minimum of one year of actual field experience shall be required for all candidates.

III. A candidate failing an examination may apply for a re-examination upon payment of an additional fee ~~[as determined by the board in its rules and shall be re-examined on the next regularly scheduled semi-annual examination date]~~. A candidate failing the examination 3 consecutive times shall be required to furnish **to the office of professional licensure and certification** evidence of additional experience, study, or education credits ~~[acceptable to]~~ **established by** the board before being allowed to proceed with the examination.

232 Natural Scientists; Certification Procedure. Amend RSA 310-A:86, I to read as follows:

I. Application for certification ~~[shall be on forms prescribed and furnished by the board. Such forms]~~ shall include the applicant's educational background, including transcripts from educational institutions attended, a detailed work experience history, and such other information as the board may by rule require. All applications shall be signed under oath by the applicant.

233 Natural Scientists; Expiration of Certification. Amend RSA 310-A:88 to read as follows:

310-A:88 Expiration. A certification shall expire **in accordance with RSA 310:8**. ~~[on the last day of the certificate holder's month of birth in the year 2 years following the year of issuance.]~~

234 Natural Scientists; Certificate Renewal. Amend RSA 310-A:89 to read as follows:

310-A:89 Certificate Renewal. Certificates may be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. ~~[The secretary shall notify each certified individual one month prior to expiration of such certificate.]~~

235 Repeal; Natural Scientists. The following are repealed:

I. RSA 310-A:80, relative to reciprocity.

II. RSA 310-A:83, relative to additional powers.

III. RSA 310-A:90, relative to failure to renew.

IV. RSA 310-A:92, relative to fees.

V. RSA 310-A:96, relative to injunctions.

236 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company; Adherence to Standards. Amend RSA 310-B:12-j, I and II to read as follows:

I. Each appraisal management company seeking to be registered in this state shall certify to the ~~[board]~~ **office** on an annual basis that it requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice including the requirements for geographic and product competence.

II. Each appraisal management company seeking to be registered in this state shall certify to the ~~[board]~~ **office** on an annual basis that it has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer.

237 State Licensed or Certified Real Estate Appraisers; Appraisal Management Company; Recordkeeping. Amend RSA 310-B:12-k to read as follows:

310-B:12-k Appraisal Management Company; Recordkeeping. Each appraisal management company seeking to be registered in this state shall certify to the ~~[board]~~ **office** on an annual basis that it maintains a detailed record of each service request that it receives and the appraiser that performs the appraisal for the appraisal management company. Such records must be retained for a period of at least 5 years after an appraisal is completed or 2 years after final disposition of a judicial proceeding related to the assignment, whichever period expires later.

238 State Licensed or Certified Real Estate Appraisers; Principal Place of Business. Amend RSA 310-B:15 to read as follows:

310-B:15 Principal Place of Business.

I. Each licensed or certified real estate appraiser shall advise the ~~[board]~~ **office** of the address of his principal place of business and all other addresses at which he is currently engaged in the business of preparing real estate appraisal reports.

II. Whenever a licensed or certified real estate appraiser changes a place of business, he shall, within 10 days of such change, give written notification of the change to the ~~[board]~~ **office** and apply for an amended license or certificate.

III. Every licensed or certified real estate appraiser shall notify the ~~[board]~~ **office** of his or her current residence address and electronic address. Residence addresses and electronic addresses on file with the board are exempt from disclosure as public records.

239 State Licensed or Certified Real Estate Appraisers; Appraisal Management Companies. Amend RSA 310-B:16-a, I and II to read as follows:

I. The board shall adopt rules under RSA 541-A which shall establish minimum requirements for the annual registration of appraisal management companies. Such minimum requirements shall include that such companies:

(a) Register with the ~~[board]~~ **office** by each January 1 and be subject to supervision by the New Hampshire real estate appraiser board;

(b) Verify that only licensed or certified appraisers are used for federally related transactions;

(c) Comply with the Uniform Standards of Professional Appraisal Practice in coordinating appraisals; and

(d) Conduct appraisals independently and free from inappropriate influence and coercion pursuant to the appraisal independence standards established under section 129E of the federal Truth in Lending Act.

II. An appraisal management company shall not be registered by the ~~[board]~~ **office** or included on the national registry if such company, in whole or in part, directly or indirectly, is owned by any person who has had an appraiser license or certificate refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state. Additionally, each person that owns more than 10 percent of an appraisal management company shall be of good moral character, as determined by the board, and shall submit to a background investigation carried out by the board.

240 New Hampshire Real Estate Practice Act; Commission; Duty. Amend RSA 331-A:5, VI to read as follows:

VI. The commission shall annually elect, from among its members, a chairperson, and a clerk. ~~[Each member of the commission shall receive \$50 for each day actually engaged in the duties of the office, and shall be reimbursed for actual travel expenses while performing official duties.]~~

241 New Hampshire Real Estate Practice Act; Qualifications for Licensure. Amend RSA 331-A:10 to read as follows:

331-A:10 Qualifications for Licensure.

I. The ~~[commission, or designee,]~~ **office** shall issue a salesperson's license to any applicant who:

(a) Has attained the age of 18;

(b) Has successfully completed an examination administered or approved by the commission which demonstrates satisfactory knowledge and understanding of the principles of real estate practice. The executive director shall only accept for licensure, an applicant who shows proof of completion of 40 hours of approved study which shall have been completed prior to the date of the applicant's examination;

(c) Demonstrates no record of unprofessional conduct;

(d) Furnishes any evidence required by the commission relative to good reputation for honesty, trustworthiness, and integrity; and

(e) Complies with the criminal records check under RSA 331-A:10-a.

II. The ~~[commission, or designee,]~~ **office** shall issue a broker's license to any applicant who:

(a) Has attained the age of 18;

(b) Has successfully completed an examination administered or approved by the commission which demonstrates satisfactory knowledge and understanding of the principles of real estate practice. The ~~[commission, or designee,]~~ **office** shall only accept for licensure, an applicant who shows proof of completion of 60 hours of approved study which shall have been completed prior to the date of the applicant's examination;

(c)(1) Has been employed full time by an active principal broker for at least one year within 5 years of the date of application; or

(2) Has at least 2,000 part-time hours as a licensed salesperson in this state within 5 years of the date of application; or

(3) Proves to the ~~[commission]~~ **office, based on criteria provided by the commission**, that the applicant has experience equivalent to the experience required by subparagraph (c)(1) or (c)(2);

(d) Demonstrates no record of unprofessional conduct;

(e) Furnishes any evidence required by the commission relative to good reputation for honesty, trustworthiness, and integrity;

(f) For a broker acting as a principal broker or a managing broker, but excluding associate brokers or a corporation, partnership, limited liability company, or association, files a surety bond with the ~~[commission]~~ **office** which shall be held in accordance with RSA 331-A:14;

(g) Submits evidence ~~[acceptable to the commission]~~ of at least 6 separate real estate transactions in which the applicant was actively involved and was compensated or proves to the ~~[commission]~~ **office, based on criteria set by the commission**, that the applicant has equivalent experience **in accordance with rules adopted pursuant to 541-A**; and

(h) Complies with the criminal records check under RSA 331-A:10-a.

242 New Hampshire Real Estate Practice Act; Examinations. RSA 331-A:11 is repealed and reenacted to read as follows:

331-A:11 Examinations. Any applicant seeking a salesperson's or broker's license shall first pass a reasonable written examination approved by the board. Any person who has passed the examination for broker or salesperson shall become licensed within 6 months of the date of the examination. Any person who fails to become licensed within the 6-month period shall be required to retake the examination.

243 New Hampshire Real Estate Practice Act; Supervision of Real Estate Office; Branch Offices. Amend RSA 331-A:16, I to read as follows:

I. Every real estate office or real estate branch office, whether operated as a corporation, partnership, or sole proprietorship, shall be directed, supervised, and managed by a licensed real estate broker. The principal broker shall submit to the ~~[commission]~~ **office** a branch office application form prior to the opening of any branch office. The principal broker shall designate a managing broker for each branch office the principal broker opens. The principal broker shall notify the ~~[commission]~~ **office** when any licensee associated with the principal broker transfers from one branch office to another branch office within the same association.

244 New Hampshire Real Estate Practice Act; Programs of Study. Amend RSA 331-A:20 to read as follows:

331-A:20 Programs of Study; Preparatory Education; Continuing Education.

I. An individual, institution, or organization seeking accreditation or renewal of accreditation to ~~[offer]~~ **teach** a preparatory or continuing education program of study shall meet criteria and submit documentation **to the office** as required by the commission prior to approval.

I-a. The commission shall require any individual, institution, or organization seeking accreditation or renewal of accreditation of a real estate **preparatory or continuing education** course to submit documents, statements, and forms prior to approval.

II. ~~[In reviewing and approving an application for a continuing education course, the commission shall assess the content with the primary purpose of assuring that real estate licensees possess the knowledge, skills, and competence necessary to perform the licensee's duties in the real estate business].~~ The subject matter of the **preparatory or continuing education** course must be directly related to real estate practice in New Hampshire ~~[-]~~ **and satisfy all requirements established by the commission pursuant to RSA 541-A**. Continuing education courses shall consist of the following:

(a) Continuing education 3-hour core courses shall cover, but not be limited to, changes in state and federal laws dealing with real estate brokerage, housing, financing of real property and consumer protection as well as changes in state enabling laws dealing with zoning and subdivision practices. The core courses shall be designed to assist the licensee in keeping abreast of changing laws, rules and practices which will affect the interest of the licensee's clients or customers.

(b) Continuing education elective courses shall cover, but not be limited to, property valuation, construction, contract and agency law, ethics, financing and investment, land use and zoning, property management, taxation, environmental issues, and supervision and office management. The elective courses shall be designed to assist the licensee in keeping abreast of changing laws, rules, and practices which affect the interest of the licensee's clients or customers.

~~[III. The commission shall establish a program of continuing education for license renewal to be administered in at least 5 geographical locations including, but not limited to, locations in or near Berlin, Concord, Keene, Nashua and Portsmouth, depending upon local requirements and the ability to engage accredited individuals, corporations or educational institutions:~~

~~IV.]~~ **III.** The ~~[commission]~~ **office** may establish a fee for educational program evaluation.

~~[V.]~~ **IV.** Any **instructors accredited by the office to teach** ~~[individual, institution, or organization offering]~~ a preparatory or continuing education program who commits any of the following acts, conduct, or practices shall, after a hearing under RSA 331-A:30, be subject to disciplinary action as provided in RSA 331-A:28:

(a) Obtaining or attempting to obtain an accreditation or re-accreditation by means of fraud, misrepresentation, or concealment.

(b) Violating any of the provisions of this chapter, or any rules adopted, or order issued pursuant to this chapter.

- (c) Advertising the availability of accredited courses in a false, misleading, or deceptive manner.
- (d) Failing to include in any advertisement the individual, institution, or organization's legal name or reasonable derivative thereof accredited to teach the course.
- (e) Offering or providing a course with curriculum or subject matter which is not the curriculum or subject matter submitted for accreditation.
- (f) Engaging in conduct which demonstrates incompetence.
- (g) Providing an affidavit of completion of an accredited course to a licensee or a potential licensee who has not completed the required hours of such course.
- (h) Providing outdated, inappropriate, or inaccurate teaching materials or information.
- (i) Receiving poor student evaluations or commission audits.
- (j) Failing to take corrective action toward unsatisfactory performance or issues identified in commission audits.
- (k) Demonstrating unprofessional conduct as defined by RSA 331-A:2, XV, or, when presenting a course to licensees or potential licensees, engaging in inappropriate conduct.
- (l) Discriminating against an individual based on age, sex, race, creed, color, marital status, physical or mental disability, religious creed, national origin, or sexual orientation.
- (m) Offering or providing a course for credit that has not yet been accredited or whose accreditation has expired.
- (n) Failing to preserve, for at least 3 years from the beginning date of an accredited course, attendance records, documentation, and materials relating to the course.

245 New Hampshire Real Estate Practice Act; Temporary Licenses. Amend RSA 331-A:21 to read as follows:

331-A:21 Temporary Licenses. In the event of the death or total incapacity of a licensed real estate principal broker of a real estate business, the ~~[commission]~~ **office** may, upon application by the principal broker's legal representative, issue without examination a temporary license to such legal representative or to an individual designated by the legal representative and approved by the commission, and by the payment of the prescribed fee, which shall authorize such temporary licensee to continue to transact real estate business for a period not to exceed one year from the date of death or incapacitation.

246 New Paragraphs; New Hampshire Real Estate Practice Act; Rulemaking. Amend RSA 331-A:25 by inserting after paragraph XV the following new paragraphs:

XVI. The supervision requirements for salespersons.

XVII. The accreditation of instructors of preparatory and continuing education courses.

XVIII. The requirements for accreditation of preparatory and continuing education courses.

247 Repeals; Real Estate Practice Act. The following are repealed:

I. RSA 331-A:5, VII, relative to an official seal.

II. RSA 331-A:12, I, relative to application forms.

III. RSA 331-A:24-a, relative to notice of rulemaking.

248 Cremation of Human Remains; Deny or Refuse to Renew License; Grounds. Amend RSA 325-A:11 to read as follows:

325-A:11 Deny or Refuse to Renew License; Grounds.

The ~~[board]~~ **office of professional licensure and certification** may deny or refuse to renew a license under this chapter or take disciplinary action against a crematory authority licensed under this chapter as provided in RSA 325-A:12 on any of the following grounds:

I. Violation of this chapter or rules adopted and pursuant to this chapter;

II. ~~[Conviction of any crime involving moral turpitude;]~~

III. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony and which has a rational connection with the fitness or capacity of the crematory authority to operate a crematory;

IV. Conviction of a violation pursuant to RSA 325-A:15;

V. Obtaining a license as a crematory authority by false representation or fraud;

VI. Misrepresentation or fraud in the operation of a crematory; or

VII. Failure to allow access by an agent or employee of the ~~[board]~~ **office of professional licensure and certification** to a crematory operated by the crematory authority for the purposes of inspection, investigation, or other information collection activities necessary to carry out the duties of the board **or office of professional licensure and certification**.

249 Physician Assistants; License Required. Amend RSA 328-D:2, I to read as follows:

I. No person shall practice as a physician assistant in the state of New Hampshire unless he or she is licensed ~~[by the board of medicine]~~ in accordance with this chapter.

250 Physician Assistants; Criminal History Records Check. Amend RSA 328-D:3-a to read as follows:

328-D:3-a Criminal History Record Checks.

I. Every applicant for initial permanent licensure or reinstatement shall submit to the [board] **office** a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of his or her criminal history record, if any, to the [board] office.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the board may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The [board] **office** shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the [board] **office**.

IV. The [board] **office** shall review the criminal record information prior to making a licensing decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

251 Physicians Assistants; Renewal of License. Amend RSA 328-D:5 to read as follows:

328-D:5 Renewal of Licenses. Every person licensed to practice under this chapter shall apply to the [board] **office** for biennial renewal of license on forms provided by the office of professional licensure and certification and shall pay a renewal fee as established by the office of professional licensure and certification. ~~[Applications for renewal shall be filed no later than December 31 of every other year.]~~ A license issued under this chapter shall **expire unless renewed in accordance with RSA 310:8** ~~[not expire until the board has taken final action upon the application for renewal].~~

252 Repeal. RSA 328-D:5-a, relative to physicians assistants failure to renew, is repealed.

253 Office of Professional Licensure and Certification; Complaints and Investigations. Amend RSA 310:9, V(a) to read as follows:

V. To carry out investigations, the executive director is authorized to:

(a) Retain qualified experts according to criteria established by the relevant board. ***If the board has not established criteria, or under extraordinary circumstances, the executive director may retain qualified experts*** ~~[or]~~ who have sufficient knowledge on appropriate statutes or professions and their practices.

254 Professional Engineers; Definitions. Amend RSA 310-A:2, II to read as follows:

II. "Professional engineer" means a person who by reason of advanced knowledge of mathematics and the physical sciences, acquired by professional education and practical experience, is technically and legally qualified to practice engineering, and who is licensed by the [board] **office** or otherwise authorized by this subdivision to engage in the practice of engineering.

255 Professional Engineers; Receipts and Disbursements. RSA 310-A:8 is repealed and reenacted to read as follows:

310-A:8 Disbursements.

The office may make expenditures for the reasonable expenses of the board's delegate to meetings of, and membership dues to, the National Council of Examiners for Engineering and Surveying (NCEES).

256 Professional Engineers; Applications. Amend RSA 310-A:16 to read as follows:

310-A:16 Applications. Applications for licensure or for a temporary permit shall be on forms prescribed and furnished by the [board] **office**, shall contain statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall be licensed professional engineers having personal knowledge of the applicant's professional experience. ~~[The board shall establish fees for application and any examination required under this subdivision.]~~ If the [board] **office** denies the issuance of a license or a temporary permit to any applicant, any initial fee deposited shall be retained as an application fee.

257 Professional Engineers; Examinations. Amend RSA 310-A:17 to read as follows:

310-A:17 Examinations. Proctored technical examinations in engineering shall be held at least annually as the [board] **office of professional licensure and certification** shall determine. If examinations are required on fundamental subjects, the applicant shall be permitted to take this part of the examination upon completion of the requisite years of professional experience. The [board] **office** may issue to each applicant, upon successfully passing the examination in fundamental subjects, a certificate stating that the applicant has passed the examination. The scope of the technical and professional examination ~~[and the methods of procedure]~~ shall be prescribed by the board. A candidate failing an examination may apply for reexamination upon payment of an additional fee determined by the [board] **office** and shall be reexamined on the next regularly scheduled examination date. A candidate failing the examination 3 consecutive times shall be required to furnish evidence of additional experience, study, or education credits acceptable to the board before being allowed to proceed with the examination.

258 Professional Engineers; Certificates; Seals. Amend RSA 310-A:18 to read as follows:

310-A:18 Certificates; Seals. The [board] **office** shall issue a license, upon payment of the registration fee established by the office of professional licensure and certification, to any applicant who ~~in the opinion of the board,~~ has satisfactorily met all the requirements of this subdivision. ~~[Licenses shall show the full name of the licensee and have a serial number.]~~ The issuance of a license by the [board] **office** shall be prima facie evidence that the person named in the license is entitled to all the rights and privileges of a licensed professional engineer while the license remains valid. Each licensee shall upon licensure obtain a seal of the design ~~[authorized]~~ **meeting the criteria established** by the board, bearing the registrant's name and the legend, "Licensed Professional Engineer." All papers or documents involving the practice of engineering under this subdivision, when issued or filed for public record, shall be dated, and bear the signature and seal of the licensed professional engineer who prepared or had responsibility for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the license of the licensee has expired or has been revoked, unless such license shall have been renewed or reissued.

259 Professional Engineers; Interstate Licensure; Temporary Permit. Amend RSA 310-A:19, II-III to read as follows:

II. Applicants who are certified by the National Council of Engineering Examiners (NCEE) may apply for licensure by having their NCEE record sent to the [board] **office** and by furnishing such other information on a standard application form as the [board] **office** may direct.

III. A person not a resident of and having no established place of business in this state who wishes to practice or to offer to practice engineering in this state may make application to the [board] **office** for a temporary permit. A temporary permit shall be limited to practice on a specific project in this state for a period not to exceed 6 months in any one calendar year, provided such person is a licensed professional engineer in a state or country where the requirements and qualifications for obtaining a certificate of licensure are substantially equivalent to or higher than those specified in this subdivision.

260 Professional Engineers; Engineering Certificates for Business Organizations. Amend RSA 310-A:20 to read as follows:

310-A:20 Engineering Certificates for Business Organizations.

I. The practice of or offer to practice professional engineering for others by individual engineers licensed under this subdivision through a business organization as officers, partners, associates, employees, or agents is permitted, subject to the provisions of this subdivision; provided that:

(a) One or more of the corporate officers, of a corporation or one or more general partners, or associates is designated as being responsible for the engineering activities and engineering decisions of the business organization, and is a licensed engineer under this subdivision.

(b) All personnel of the business organization who act in its behalf as professional engineers are licensed under this subdivision.

(c) The business organization has been issued a certificate of authorization by the [board] **office of professional licensure and certification**, as provided in this section.

II. The requirements of this subdivision shall not affect a business organization or its employees in performing services for such business organization or its subsidiary or affiliated business organizations. All final drawings, specifications, plans, reports, or other engineering papers or documents involving the practice of engineering, when issued or filed for public record, shall be dated, and bear the signature and seal of the professional engineer who prepared them or under whose direct supervisory control they were prepared.

III. A business organization desiring a certificate of authorization shall file with the [board] **office of professional licensure and certification** an application, using a form provided by the [board] **office of professional licensure and certification**, listing the names and addresses of all officers and board members, general and limited partners, associates, and any individuals duly licensed to practice engineering in this state who shall be in responsible charge of the practice of engineering in this state through the business organization, and any other information required by the board. The same form, giving the same information, must accompany the [annual] renewal fee. If there is a change in any of these persons during the year, such change shall be designated on the same form and filed with the [board] **office of professional licensure and certification** within 30 days after the effective date of such change. If all requirements of this section are met, the [board] **office of professional licensure and certification** shall issue a certificate of authorization to such business organization, and such business organization shall be authorized to contract for and to collect fees for furnishing engineering services.

IV. No business organization shall be relieved of responsibility for the conduct or acts of its agents, employees, officers, or partners, by reason of its compliance with the provisions of this section, nor shall any individual practicing engineering be relieved of responsibility for engineering services performed by reason of such individual's employment by or relationship with such business organization.

V. The secretary of state shall not issue a certificate of incorporation to an applicant for incorporation or for registration as a foreign business organization which includes the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name or which includes the practice of

engineering among the objects for which it is established unless the [board] **office** shall have issued, with respect to such applicant, a certificate of authorization or eligibility for authorization, a copy of which shall have been presented to the secretary of state. Similarly, the secretary of state, after a reasonable transition period, shall decline to register any trade name or service mark which includes such words or modifications or derivatives thereof in its firm or business name except to partnerships, sole proprietorships and associations holding certificates of registration or authorization issued under the provisions of this subdivision, a copy of which shall likewise have been presented to the secretary of state. However, the requirements of this subdivision shall not apply to any business formed and registered with the secretary of state prior to January 1, 1999, which uses the words "Engineer" or "Engineering" or any modification or derivative thereof in its corporate or business name, and which does not perform or require the services of a professional engineer.

VI. A professional engineer who renders occasional, part-time or consulting engineering services to or for a business organization may not, for the purposes of this subdivision, be designated as being responsible for the engineering activities and decisions of such business organization.

261 Professional Engineers; Investigations and Disciplinary Proceedings. Amend RSA 310-A:22, II(k) to read as follows:

(k) Failure to provide, within 30 calendar days of receipt of notice by certified mail, return receipt requested, information requested by the [board] **office** as a result of any formal complaint to the [board] **office** alleging a violation of this subdivision.

262 Repeal. The following are repealed:

- I. RSA 310-A:5-a, relative to notice of rulemaking proceedings.
- II. RSA 310-A:6, I(o), relative to rulemaking authority on interstate licensure and temporary permits.
- III. RSA 310-A:6, I(p), relative to rulemaking authority on waiver of certain renewal fees.
- IV. RSA 310-A:6, I(q), relative to rulemaking authority on civil penalties.
- V. RSA 310-A:6, III, relative to notice of proposed rules of professional conduct.
- VI. RSA 310-A:6-a, relative to immunity from civil liability.
- VII. RSA 310-A:7, relative to fees.
- VIII. RSA 310-A:11, relative to licensure required.
- IX. RSA 310-A:19, I, relative to interstate licensure.
- X. RSA 310-A:21, relative to license expiration and renewals.
- XI. RSA 310-A:23, relative to hearings, appeals, and penalties.
- XII. RSA 310-A:24, relative to reissuances of licenses.
- XIII. RSA 310-A:25, II, relative to attorney general as a legal advisor.

263 New Hampshire Veterinary Practice Act; License Required and Exceptions. Amend the introductory paragraph of RSA 332-B:2 to read as follows:

Except as provided in RSA 332-B:9, no person may practice veterinary medicine in the state who is not a licensed veterinarian, or the holder of a valid temporary permit issued by the [board] **office of professional licensure and certification**. This chapter shall not be construed to prohibit:

264 New Hampshire Veterinary Practice Act; Meetings and Duties. Amend RSA 332-B:5 to read as follows:

332-B:5 Meetings and Duties. The board shall meet at least 6 times a year at the time and place fixed by rule of the board. Other necessary meetings may be called by the president of the board by giving notice as may be required by rule. The quorum and the actions of the board shall be in accordance with RSA 91-A. At its annual meeting, the board shall organize by electing a president and such other officers as may be prescribed by rule. Officers of the board serve for terms of one year and until a successor is elected, without limitation on the number of terms an officer may serve. The president shall preside at board meetings ~~and serve as administrative head of the board~~. Records shall be kept pursuant to RSA 91-A:3 and in accordance with the retention policy established by the office of professional licensure and certification.

265 New Hampshire Veterinary Practice Act; Powers of the Board. Amend RSA 332-B:7, I to read as follows:

I. ~~[Examine and]~~ Determine **the criteria for examinations and** the qualifications and fitness of applicants for a license to practice veterinary medicine in this state.

266 New Hampshire Veterinary Practice Act; Rulemaking Authority. Amend RSA 332-B:7-a, XII to read as follows:

XII. Establishing ~~[and enforcing]~~ standards for veterinary facilities; and

267 New Hampshire Veterinary Practice Act; Application for License; Qualifications. Amend RSA 332-B:9 to read as follows:

332-B:9 Application for License; Qualifications. Any person desiring a license to practice veterinary medicine in this state shall make written application to the [board] **office of professional licensure and certification**. The application shall show that the applicant is 18 years of age or more, a graduate of an AVMA accredited school of veterinary medicine or other veterinary school acceptable to the board, or the holder of an ECFVG certificate or a PAVE certificate, a person of good professional character, and such other information and proof as the board may require by rule. The application shall be accompanied by [a] **the requisite** fee ~~[in the amount established and published by the board]~~.

268 New Hampshire Veterinary Practice Act; Examinations. Amend RSA 332-B:10 to read as follows:

332-B:10 Examinations. The [board] **office of professional licensure and certification** shall hold at least one examination during each year and may hold such additional examinations as are necessary. The [board] **office** shall give public notice of the time and place for each examination at least 90 days in advance of the date set for the examination. A person desiring to take an examination shall make application at least 30 days before the date of the examination. The preparation~~[-administration,]~~ and grading of examinations shall be governed by rules prescribed by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools and familiarity with the law and rules governing veterinary medicine in this state. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove that he or she is a competent person to practice veterinary medicine in ~~[the judgment of]~~ **accordance with criteria established by** the board. All examinees shall be tested by a written examination, supplemented by such oral interviews and practical demonstrations as the board may deem necessary. The board may adopt and use a national examination as adopted in rules of the board. For purposes of licensure~~[-except by reciprocity,]~~ an individual's results from a national examination shall be valid for 5 years from the date of the examination. After each examination, the [board] **office** shall notify each examinee of the results of the examination~~[-and the board shall issue licenses to the persons successfully completing the examination].~~ The [board] **office** shall record the new licenses and issue a certificate of registration to the new licensees. Any person failing an examination shall be admitted to any subsequent examination on payment of the application fee.

269 New Hampshire Veterinary Practice Act; Reciprocity. Amend RSA 332-B:11, II to read as follows:

II. Applicants who are not graduates of schools of veterinary medicine accredited by the AVMA~~[-other than those described in paragraph I,]~~ shall possess a certificate issued by the ECFVG, PAVE, or a Certificate of Qualification issued by the Canadian Veterinary Medical Association, unless at the time such applicant became licensed in the state, province, or U.S. territory from which they are applying, an ECFVG certificate or a PAVE certificate was not required by this state.

270 New Hampshire Veterinary Practice Act; Temporary Permit. Amend RSA 332-B:12 to read as follows:

332-B:12 Temporary Permit. The [board] **office of professional licensure and certification** may issue without examination a temporary permit to practice veterinary medicine in this state to any person who is a graduate of a veterinary college recognized as provided for in RSA 332-B:9 for a period not to exceed one year, providing that the person write the next available set of examinations and also providing said person is employed by and practices the profession under the supervision of a duly licensed veterinarian practicing in the state. ~~[A temporary permit may be summarily revoked by a majority vote of the board.]~~

271 New Hampshire Veterinary Practice Act; License Renewal and Lapse. Amend RSA 332-B:13 to read as follows:

332-B:13 License Renewal and Lapse.

I. ~~[The procedure and timeframe for license renewals shall be as described in RSA 310-A:1-h. Persons previously licensed who allow their license to lapse shall be required to file a reinstatement application containing such information as required by the board. Persons who have allowed their license to lapse more than 5 years shall apply for reinstatement of licensure in accordance with RSA 332-B:17.]~~ **All licenses established under this chapter shall be renewed in accordance with RSA 310:8.**

~~[H. The board may by rule waive the payment of the renewal fee of a licensed veterinarian during the period when the person is on active duty with any branch of the armed services of the United States, not to exceed 3 years or the duration of a national emergency, whichever is longer.]~~

~~[HH.]~~ **II.** As a condition of renewal of license, each licensed veterinarian shall be required to show proof that he or she has attended an approved educational program or programs totaling at least 24 hours in the 2-year period preceding each renewal date. Approved educational programs shall be ~~[at the discretion of the board,]~~ in accordance with rules adopted by the board. The board may excuse a licensee from all or a portion of the educational requirement upon the filing of a petition establishing good cause for the waiver as set forth in rules adopted by the board.

272 New Hampshire Veterinary Practice Act; Enforcement. Amend RSA 332-B:19 to read as follows:

332-B:19 Enforcement.

I. Any person who shall practice veterinary medicine without a currently valid license or temporary permit shall be guilty of a misdemeanor, and each act of such unlawful practice shall constitute a distinct and separate offense.

II. No person who shall practice veterinary medicine without a currently valid license or temporary permit may receive any compensation for services so rendered.

~~[HH. The board or any citizen of this state may bring an action to enjoin any person from practicing veterinary medicine without a currently valid license or temporary permit. If the court finds that the person is violating, or is threatening to violate, the provisions of this chapter, it shall enter an injunction restraining the person from such unlawful acts.]~~

~~IV. The successful maintenance of an action based on any one of the remedies set forth in this section shall in no way prejudice the prosecution of an action based on any other of the remedies.~~

~~V. In addition to other penalties imposed by this section, a person who practices veterinary medicine without a currently valid license or temporary permit shall be subject to civil penalties assessed by the board in the amount of \$2,000 per violation, or, in the case of continuing violations, \$200 for each day the violation continues, whichever is greater. A person who disputes such an assessment may request a hearing by the board, and any final disposition rendered by the board shall be enforceable as any other civil judgement.]~~

273 New Hampshire Veterinary Practice Act; Animal Physical Therapy Certification. Amend RSA 332-B:20, I to read as follows:

I. Any physical therapist practicing physical therapy on any animal shall meet the requirements of this section and any additional requirements set by the board of veterinarians pursuant to RSA 332-B:7-a, XIV and shall be certified by the [board of veterinary medicine] **office of professional licensure and certification**.

274 Repeal. The following are repealed:

I. RSA 332-B:6, relative to revenues.

II. RSA 332-B:7, II, relative to board power relevant to licenses and temporary permits.

III. RSA 332-B:7, VI, relative to board employment and office space.

IV. RSA 332-B:7-a, IV(a), relative to rulemaking authority regarding the time and place of examination.

V. RSA 332-B:7-a, XIII, relative to rulemaking authority regarding civil penalties.

VI. RSA 332-B:11, I, relative to interstate reciprocity.

VII. RSA 332-B:17, relative to reinstatement applications.

275 Mental Health Practice; Clinical Social Workers. Amend the section heading of RSA 330-A:18 to read as follows:

330-A:18 **Licensed Independent** Clinical Social Workers (**LICSW**).

276 Mental Health Practice; Social Work; Conditional License. Amend the introductory paragraph of RSA 330-A:18-d, I(a) to read as follows:

(a) **Licensed Independent** Clinical Social Worker:

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

2024-1212h

AMENDED ANALYSIS

This bill makes various changes to the procedures and terminology of the office of professional licensure and certification and the occupational regulatory boards thereunder to coordinate with regulatory changes made in recent legislative sessions.

Amendment to HB 1113 (2024-1077h)

Proposed by the Committee on Resources, Recreation and Development-r

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

3 Waterfront Property Sale; Site Assembly Study. RSA 485-A:39 is repealed and reenacted to read as follows:

485-A:39 Waterfront Property Transfer; Septic System Evaluation Required.

I. Prior to the transfer of any developed waterfront property using a septic system, where any portion of the septic system is within 250 feet of the reference line as defined in RSA 483-B:4, XVII, the buyer of the property shall, at the buyer's expense, engage a New Hampshire licensed septic system evaluator to conduct a septic system evaluation. However, the buyer may accept an evaluation prepared for the seller of the property if the evaluation was completed within 3 years of the date of property transfer. The septic system evaluation prepared for the seller, with stated findings, shall be given to the buyer and acceptance of the evaluation shall be acknowledged in writing by the buyer.

II. For developed waterfront properties where any portion of the septic system is within 250 feet of the reference line as defined in RSA 483-B:4, XVII, if the existing septic system is not approved by the department per RSA 485-A:29 or the department's approval was prior to September 1, 1989, the buyer shall also hire a New Hampshire permitted septic system designer to determine the elevation of the bottom of the effluent disposal area relative to the elevation of the seasonal high water table. Based on this information, the designer shall determine if the system is in failure, as defined in RSA 485-A:2, IV. The determination from the permitted septic system designer shall be completed prior to the transfer of the property.

III. The commissioner shall adopt rules pursuant to RSA 541-A relative to the enforcement of this section.

IV. The findings of the septic system evaluator or septic system designer shall not prohibit the sale of the property, but shall be disclosed to the buyer as full and proper notice of the possible limitations of the septic system.

V. If the septic system evaluator, utilizing board-approved standards of practice, determines that the septic system shows signs of failure or, if the septic system designer determines that the system is in failure:

(a) The buyer shall sign a document, prepared by the evaluator, authorizing the evaluator to conduct notifications to the department and the local health officer;

(b) The evaluator shall notify the department and the local health officer;

(c) The buyer shall replace the system within one year of the transfer of the property; and

(d) The buyer shall file a report with the department and the local health officer after the system is replaced with a copy of the state approval for operation for the replacement system.

VI. The buyer is not required to comply with the other paragraphs of this section if they replace or repair the septic system within one year of the transfer of the property. Prior to the transfer of the property, the buyer shall notify the department and the local health officer that a septic system evaluation was not performed because the system will be replaced. The buyer shall file a report with the department and the local health officer with a copy of the state approval for operation for the replacement system within one year of the close of the property sale. Timely receipt of this report by the department and the local health officer shall satisfy all obligations of the buyer relative to this section.

VII. Notwithstanding any other provision of this section, if snow cover or frozen ground conditions preclude the evaluation or, if needed, replacement of the septic system, the department shall, upon request, grant an extension for the required action of up to 180 days.

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

Amendment to HB 1121

(2024-1102h)

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

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Excavating and Dredging Permit; Certain Exemptions. Amend RSA 482-A:3, IV by inserting after subparagraph (c) the following new subparagraph:

(d) Removal of woody debris and blockages from the channels of watercourses, or from culverts or bridges by the owners of said structure, by the property owner, is allowed without a permit provided sediment disturbance is minimized and the work results in no new permanent impacts to the bed of the watercourse.

Amendment to HB 1129

(2024-0871h)

Proposed by the Committee on Commerce and Consumer Affairs-c

Amend the bill by replacing section 2 with the following:

2 Condominium Act; Voting RSA 356-B:39, IV is repealed and reenacted to read as follows:

IV.(a) The votes appertaining to any unit may be cast in person at a properly noticed meeting of the unit owners' association or pursuant to a directed or undirected proxy or proxies duly executed by or on behalf of the unit owner, or, in cases where the unit owner is more than one person, by or on behalf of all such persons. The option of a directed or undirected proxy shall be the choice of the unit owner. A person may not cast undirected proxies representing more than 10 percent of the votes in the association for a condominium of more than 20 units. A person may not cast undirected proxies representing a majority of the votes in the association for a condominium of 20 units or fewer. There shall be no limit on directed proxies. The board of directors or the association secretary shall implement a process to ensure the integrity of all votes cast in person or by directed or undirected proxy in order to properly register the votes cast.

(b) The complete text of all voting articles must be included in the properly noticed meeting agenda. Voting on articles amended during a meeting must be deferred until the next properly noticed meeting. Proper notice must be delivered to all condominium owners in accordance with the provisions in RSA 356-B:37.

(c) The proxy or proxies shall list the name of the person who is to vote. No such proxy shall be revocable except by actual notice to the person presiding over the meeting, by the unit owner or by any of such persons, that it be revoked. Any proxy shall be void if it is not dated or if it purports to be revocable without the required notice. The proxy of any person shall be void if not signed by a person having authority, at the time of the execution thereof, to execute deeds on behalf of that person. Any proxy shall terminate automatically upon the adjournment of the first meeting held on or after the date of that proxy. The board of directors shall deliver to the unit owners, together with their notice of meeting and agenda, both directed and undirected proxy forms bearing a control number which the board of directors shall correlate to the list of all unit owners then entitled to vote. At the noticed meeting, the board of directors shall recover all proxies and compare them to the control list maintained for that purpose. Any proxies which are on a form other than that provided by the board of directors or which do not correlate with the control list maintained by the board of directors shall be disregarded for purposes of determining whether a quorum was present at the meeting and for purposes of casting any vote at that meeting.

(d) The board of directors shall retain all proxies delivered to the board of directors and all independent written confirmation of any such proxies for inspection by the unit owners for a period of not less than 3 years from the date of the unit owners' association meeting.

(e) This section shall not apply if the condominium is comprised of time sharing interests.

**Amendment to HB 1131
(2024-1071h)**

Proposed by the Committee on Executive Departments and Administration—c

Amend the bill by replacing section 1 with the following:

1 Mental Health Practice; Persons Exempted. Amend RSA 330-A:34, I(d) to read as follows:

(d) The psychotherapy activities and services of any other person providing mental health services as an employee of or consultant [to] ~~of an [institution, facility, or nonprofit institution or agency]~~ **organization** which provides clinical mental health services, **employs licensed mental health practitioners**, [and which] provides clinical supervision of its staff, and [which] assumes professional, ethical, and legal responsibility for such mental health services.

2024-1071h

AMENDED ANALYSIS

This bill expands the persons exempted list to include any organization which provides clinical mental health services, employs licensed mental health practitioners, provides clinical supervision of its staff, and which assumes professional, ethical, and legal responsibility for such mental health services.

**Amendment to HB 1151
(2024-0768h)**

Proposed by the Committee on Commerce and Consumer Affairs—c

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

AN ACT relative to the carrying of alcoholic beverages on hotel premises and monthly deposits from the liquor commission to the general fund.

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

1 New Paragraphs; Restrictions on Serving and Congregating of Patrons. Amend RSA 179:27 by inserting after paragraph II the following new paragraphs:

III. Stages or designated performing areas and areas designated for entertainers may be approved areas of service.

IV. Notwithstanding paragraphs I and II, a hotel guest may purchase an alcoholic beverage, or bottle of wine, at a hotel lounge, as described in RSA 178:22, V(k) or hotel full-service restaurants as described in RSA 178:21, II(b) and may carry the alcoholic beverage or partially consumed bottle of wine from the lounge or dining room to the guest's room. For the purposes of this paragraph, the number of alcoholic beverages shall be limited to the number of registered guests to that room who are 21 years of age or older. For the purposes of this paragraph, any partially consumed bottle of wine shall be securely sealed.

2 The Liquor Commission; Funds. Amend RSA 176:16, I to read as follows:

I. Except as provided in paragraph II, the state treasurer shall credit all gross revenue derived by the commission from the sale of liquor, or from license fees, and interest received on such moneys, to a special fund, to be known as the liquor commission fund, from which the treasurer shall pay all expenses of the commission incident to the administration of this title. Any balance left in such fund after such expenses are paid shall be deposited in the general fund on a [daily] **monthly** basis.

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

2024-0768h

AMENDED ANALYSIS

This bill allows a guest of a hotel to purchase a drink at a hotel bar or restaurant and carry it back to the guest's room.

This bill also requires the liquor commission to make a monthly deposit to the general fund.

**Amendment to HB 1155
(2024-0885h)**

Proposed by the Committee on Commerce and Consumer Affairs—c

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

1 New Paragraph; Unfair Insurance Trade Practices; Coverage of Living Organ Donors. Amend RSA 417:4 by inserting after paragraph VIII the following new paragraph:

VIII-a. Living Organ Donors.

(a) No individual or group life insurance policy, long-term care insurance policy, or policy providing disability income protection, shall:

(1) Deny or cancel coverage to a covered person solely on the basis of the person's status as a living organ donor.

(2) Deny a covered person eligibility or continued eligibility to enroll or to renew coverage under the terms of a policy, contract, or certificate, solely on the basis of the person's status as a living organ donor.

(3) Reduce or limit coverage or benefits, increase the premiums or otherwise adversely affect the coverage or cost for a covered person's policy, contract, or certificate solely on the basis of the person's status as a living organ donor without any additional separate actuarial risk involved.

(4) Preclude a covered person from donating all or part of an organ or tissues as a condition of receiving or continuing to receive coverage under a policy, contract, or certificate.

(5) Otherwise discriminate against an individual or covered person in the offering, issuance, amount of coverage, premium, or any other policy conditions based solely and without any additional actuarial risks because the individual is a living organ donor.

(b) In this section:

(1) "Covered person" means a policyholder, subscriber, enrollee, member, or individual covered by any policy, contract, or certificate or by any life insurance policy, long-term care insurance policy, or a policy providing disability income protection.

(2) "Living organ donor" means a person who is not deceased and who has donated all or part of one or more of the person's own organs or tissue to another person for transplant.

2 Applicability. This act shall apply to any individual or group life insurance policy, long-term care insurance policy, or a policy providing disability income protection offered, issued, renewed, delivered, or issued for delivery in this state on or after July 1, 2024.

2024-0885h

AMENDED ANALYSIS

This bill prohibits disparate treatment of a life insurance, long-term care insurance, or disability insurance policy holder based on their status as a living organ donor.

Amendment to HB 1168

(2024-0927h)

Proposed by the Committee on Special Committee on Housing-c

Amend the bill by replacing sections 3-5 with the following:

3 Duties.

I. The committee shall consider the scope and severity of the housing problem for individuals with disabilities, the current availability of housing for people with disabilities, and potential remedies for increasing the supply of housing that is both affordable and suitable for people with disabilities.

II. The committee shall solicit information and testimony from state agencies, advocates, and members of the disability community in furtherance of its objectives. Such agencies and organizations shall include, but not be limited to, the following: the New Hampshire Council on Developmental Disabilities, ABLE NH, the Institute on Disability, the department of health and human services, division of long term support and services, Community Support Network Inc., Granite State Independent Living, Private Provider Network, New Hampshire housing finance authority, Southern New Hampshire Services, Manchester department of housing stability, Easterseals, Our Place, and Visions for Creative Housing Solutions.

III. The committee shall hold a minimum of 6 meetings in order to have adequate opportunity to solicit testimony, compile research and information regarding the scope and severity of the housing shortage, and develop potential legislative remedies.

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. On or before November 1, 2024, 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 house of representatives special committee on housing, the governor, the executive council, the department of health and human services oversight committee, New Hampshire housing finance authority, the United States Department of Housing and Urban Development, the Institute on Disability, and the state library.

Amendment to HB 1181

(2024-1048h)

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 Solid Waste Management Districts; Services for Public Entities. Amend RSA 53-B:7, XIX to read as follows:

XIX. To accept at a district facility solid waste generated inside and outside the boundaries of the district[-], ***and to direct solid waste generated inside the boundaries of the district to contracted third parties.***

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

2024-1048h
AMENDED ANALYSIS

This bill permits a solid waste district to direct solid waste generated inside the boundaries of the district to contracted third parties.

**Amendment to HB 1181
(2024-1054h)**

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

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

1 Solid Waste Management Districts; Services for Public Entities. Amend RSA 53-B:7, XIX to read as follows:

XIX. To accept at a district facility solid waste generated inside and outside the boundaries of the district[.], **and to direct solid waste generated by political subdivisions inside the boundaries of the district to contracted third parties.**

2 Solid Waste District Committee; Authority to Pay Debt. Amend RSA 53-B:8, II to read as follows:

II. The committee shall choose a chairman by ballot from its membership. It shall appoint a secretary and a treasurer, who may be the same person, but who need not be members of the committee, and such other officers as may be provided for in the district agreement. The treasurer shall receive and take charge of all money belonging to the district and shall pay any debt of the district which has been approved by the committee[.], **or by a non contemporaneously signed manifest signed by 2 or more members of the district committee empowered by the district committee as a whole to authorize payments.** The treasurer may, by vote of the committee, be compensated for his services. Proceedings of the committee shall be held in accordance with RSA 91-A.

3 Solid Waste Management District; Expenditures. New Section; Expenditures. Amend RSA 53-B by inserting after section 9 the following new section:

53-B:9-a Emergency Expenditures and Overexpenditures. When an unusual circumstance arises during the year which makes it necessary to expend money in excess of amount budgeted pursuant to this chapter which may result in an overexpenditure of the total amount budgeted for all purposes, the district committee, upon application to the commissioner of revenue administration, may be given authority to make such expenditure, provided that:

I. The district has appealed to the governing bodies of the member municipalities for a commensurate adjustment to the apportionment established by the district budget and one or more boards have denied the request.

II. The commissioner of revenue administration may accept and approve an application after an expenditure if caused by a sudden or unexpected emergency, in which case paragraph I shall not apply.

III. The commissioner of revenue administration shall not approve such an expenditure unless the governing body designates the source of revenue to be used. The commissioner shall not have the authority to compel the member communities to increase the apportionment rate in order to fund such an expenditure.

IV. Notwithstanding the provisions of this section, if the district committee has by warrant article established a contingency fund in the annual budget for the purpose of unanticipated expenses, the district committee may expend funds from such account to meet the costs of such expenses.

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

**Amendment to HB 1187
(2024-1229h)**

Proposed by the Committee on Municipal and County Government-c

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

AN ACT relative to prohibiting lease agreements of equipment for building or facility improvements.

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

1 Lease Agreements of Equipment. Amend RSA 33:7-e to read as follows:

33:7-e Lease Agreements of Equipment. The governing body may enter into leases of equipment as required by the municipality. Appropriations to fund lease agreements with nonappropriation clauses may be approved by a simple majority vote of the legislative body. Lease agreements with nonappropriation clauses shall not be treated as debt under RSA 33:4-a. For the purposes of this section, "lease" shall include lease-purchase, sale and lease back, installment sale, or other similar agreement to acquire use or ownership of such equipment as is from time to time required by the municipality. ~~[For purposes of this section and RSA 382-A,]~~ Building or facility improvements **that become fixtures** related to the installation, purpose, or operation of such equipment shall **not** ~~[be deemed to constitute equipment and the costs of such improvements may]~~ be financed through lease agreements under this section.

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

2024-1229h

AMENDED ANALYSIS

This bill specifies that building or facility improvements that become fixtures related to the installation, purpose, or operation of leased equipment shall not be financed through lease agreements.

**Amendment to HB 1188-FN
(2024-1025h)**

Proposed by the Committee on Executive Departments and Administration—c

Amend the bill by replacing section 1 with the following:

1 Nurse Practice Act; Licensure; All Applicants. Amend RSA 326-B:16 to read as follows:

326-B:16 Licensure; All Applicants.

I. All applicants *seeking licensure as an APRN, RN, or LPN* shall:

~~[I.]~~ **(a)** Submit a completed application and fees as established by the ~~[board]~~ ***executive director***.

~~[H.]~~ **(b)** Have the ability to read and write in the English language.

~~[HH.]~~ **(c)** Report any pending criminal charges, criminal convictions, or plea arrangement in lieu of convictions.

~~[IV.]~~ **(d)** Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary action, the board has found, after investigation, that sufficient restitution has been made.

~~[V.]~~ **(e)** Meet continuing competence requirements as defined in rules adopted under RSA 541-A.

~~[VI.]~~ **(f)** Meet other criteria as established by the board.

II. All applicants *seeking licensure as an LNA* shall:

(a) *Submit a completed application and fees as established by the executive director.*

(b) *Have sufficient aptitude in the English language as defined in rules adopted under RSA 541-A.*

(c) *Report any pending criminal charges, criminal convictions, or plea arrangement in lieu of convictions.*

(d) *Have committed no acts or omissions which are grounds for disciplinary action as set forth in this chapter, or, if such acts have been committed and would be grounds for disciplinary action, the board has found, after investigation, that sufficient restitution has been made.*

(e) *Meet continuing competence requirements as defined in rules adopted under RSA 541-A.*

(f) *Meet other criteria as established by the board.*

**Amendment to HB 1195
(2024-1125h)**

Proposed by the Committee on Education—c

Amend RSA 194-C:91 as inserted by section 1 of the bill by replacing it with the following:

IV. In addition to the method of apportionment set forth in paragraph I, the school administrative unit board may consider other methods. Any method of apportionment to be used shall have been approved by the constituent school districts pursuant to RSA 194-C:2.

**Amendment to HB 1215
(2024-1080h)**

Proposed by the Committee on Special Committee on Housing—c

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

AN ACT relative to development approvals and appeals.

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

1 Regulation of Subdivision of Land; Exemption. Amend RSA 674:39 to read as follows:

674:39 ~~[Five]~~ **Ten**-Year Exemption.

I. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of ~~[5]~~ **10** years after the date of approval; provided that:

(a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within ~~[24 months]~~ **5 years** after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the

costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;

(b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and

(c) At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.

II. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.

III. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

(a) "Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and

(b) "Active and substantial development or building," for the purposes of fulfilling paragraph I.

IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the ~~[5-year]~~ **10-year** exemption described in paragraph I. The planning board may, for good cause, extend the ~~[24-month]~~ **5-year** period set forth in subparagraph I(a).

V. The 5-year period and 10-year exemption in this section shall apply to any approval granted on after July 1, 2019.

2 Powers of Building Code Board of Appeals. Amend RSA 674:34, I to read as follows:

I. The building code board of appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in RSA 155-A:1. ***If the zoning board of adjustment is acting as the building code board of appeals under either RSA 673:1, V or RSA 673:3, IV, its jurisdiction shall be limited to hearing appeals of local amendments to the state building code or state fire code, and all other appeals shall be made to the building code review board under RSA 155-A:11-b.*** An application for appeal shall be based on a claim that the true intent of the code or the rules adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of the state building code or the state fire code.

3 New Hampshire Building Code; Appeal of Decisions of Local Building Code Board of Appeals. Amend RSA 155-A:11-b, I to read as follows:

I. The board ***shall hear and decide appeals of orders, decisions, or determinations made by the local building official relative to the application and interpretation of the state building code and state fire code as defined in RSA 155-A:1*** and shall hear appeals of final decisions of any local building code board of appeals established under RSA 674.

4 Register of Deeds; Site Plans. Amend RSA 478:1-a by inserting after paragraph XIII the following new paragraph:

XIV. The register of deeds shall not refuse to record a plat under this section for failure to comply with a law, regulation, or ordinance adopted after the date the site plan or plat was approved by the municipal planning board.

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

2024-1080h

AMENDED ANALYSIS

This bill extends the existing 5-year exemption for subdivision plats to 10 years, and increases the preliminary step from 2 years to 5 years. The bill also changes the building code and fire code appeals process, limiting the jurisdiction of the local building code board of appeals to hearing decisions made under local amendments to those codes.

Amendment to HB 1221

(2024-1027h)

Proposed by the Committee on Environment and Agriculture—c

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

1 Development of Regional Impact; Definition. Amend RSA 36:55, VI to read as follows:

VI.(a) Shared facilities such as schools and solid waste disposal facilities; **and**

(b) Solid waste disposal facilities includes a solid waste landfill requiring a department of environmental service permit under the department of environmental services administrative rules contained in Env-Sw 800.

2 New Paragraph; Regional Impact. Amend RSA 36:56 by inserting after paragraph II the following new paragraph:

III. All proposed solid waste landfills shall be projects of regional impact and notice shall be made to all communities located within New Hampshire that are:

(a) Located within any watershed (as defined by the 8-digit Hydrologic Units from the National Hydrography Dataset 2011 and as may be from time to time amended) where such landfill may be proposed; and

(b) If outside the watershed, located within 10 miles of the boundaries of such proposed landfill location.

3 Procedure; Regional Planning Commissions. Amend RSA 36:57, II to read as follows:

II. Not more than 5 business days after reaching a decision regarding a development of regional impact, the local land use board having jurisdiction shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The local land use board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant. **When a solid waste facility as defined in RSA 36:55, VI(b) is found to affect a watershed area outside the boundaries of the state of New Hampshire, notification of a development of regional impact shall be mailed to the secretary of state of that state.**

4 Applicability. Nothing in this act shall be construed to include landfill facilities on any site on which, as of December 1, 2022, a RCRA Subtitle D landfill exists that has been fully permitted. For the purposes of this section, the term "site" shall mean a single parcel or adjacent parcels, owned in its entirety by a landfill operator or its affiliates as of December 1, 2022, including a site where one or more public utility easements traverse the site; perennial water bodies traversing a footprint shall still be monitored in accordance with or exceeding United States Environmental Protection Agency regulations and guidelines.

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

Amendment to HB 1222

(2024-0454h)

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

Amend the bill by replacing section 1 with the following:

1 Physician Assistants; Definitions. Amend RSA 328-D:1, II-a to read as follows:

II-a. "Collaboration" means a physician assistant's consultation with or referral ~~[to an appropriate physician or other health care professional]~~ **to the appropriate member of the health care team** as indicated based on the patient's condition, the physician assistant's education, training, and experience, and the applicable standards of care.

Amend the bill by replacing section 4 with the following:

4 Physician Assistants; Licensure Requirements Suspended. Amend RSA 328-D:2-a, I-II to read as follows:

I. New Hampshire state licensure laws, rules, and regulations for physician assistants are hereby suspended for those physician assistants licensed by another state or territory of the United States or another country who are employed by the United States Department of Veterans Affairs and who are offering medical services to patients offered through the Veterans Administration Medical Center (VAMC), provided that such physician assistants are acting within the scope of their employment at the VAMC and possess a current license in good standing in their respective state, territory, or country of licensure. ~~[Physician assistants who are employed by the United States Department of Veterans Affairs and who are offering medical services to patients of the Veterans Administration Medical Center (VAMC) and requesting licensure in New Hampshire may collaborate with physicians licensed in any state or territory of the United States provided the participating physician possesses a current license in good standing in their respective state or territory of the United States.]~~

II. The acting director of the Manchester VAMC shall submit to the executive director of the New Hampshire office of professional licensure and certification, or designee, a list of all out-of-state or out-of-country licensed physician assistants offering services in the state of New Hampshire ~~[and out-of-state licensed physicians collaborating with physician assistants]~~.

Amend the bill by replacing section 5 with the following:

5 Repeal. The following are repealed:

I. RSA 328-D:1, II-b, relative to the definition of collaboration agreement.

II. RSA 328-D:1, II-c, relative to the definition of a participating physician.

III. RSA 328-D:3-b, I-VI, relative to the requirements for collaboration agreements.

IV. RSA 328-D:6, V, relative to operating outside of a collaboration agreement.

V. RSA 328-D:12, relative to physician liability.

VI. RSA 328-D:15, III, relative to suspension of the need for collaboration agreements during disaster and emergency care.

VII. RSA 328-D:16, II, relative to suspension of the need for collaboration agreements during volunteer care.

2024-0454h

AMENDED ANALYSIS

This bill eliminates the requirement for a collaboration agreement for physician assistants, and makes other changes to implement this elimination.

Amendment to HB 1223

(2024-1218h)

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

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

AN ACT creating local options for games of chance.

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

1 New Section; Local Option; Games of Chance. Amend RSA 287-D by inserting after section 287-D:31 the following new section:

287-D:32 Local Option; Games of Chance.

I. Any applicant applying to the lottery commission after July 1, 2024, for a game operator employer license under RSA 287-D to operate games of chance in a municipality who has not previously made an application for a game operator employer license in that municipality shall first obtain the approval of the municipality where the applicant seeks to operate games of chance. Said approval shall be obtained from the town or city to allow the operation of games of chance according to the provisions of this subdivision, in the following manner:

(a) In a town, the question shall be placed on the warrant of an annual town meeting under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative body may vote to place the question on the official ballot for any regular municipal election, or, in the alternative, shall place the question on the official ballot for any regular municipal election upon submission to the legislative body of a petition signed by 5 percent of the registered voters.

(b) The selectmen, aldermen, or city council shall hold a public hearing on the question at least 15 days, but not more than 30 days before the question is to be voted on. Notice of the hearing shall be posted in at least 2 public places in the municipality, on the website of the municipality, and by publication in a newspaper of general circulation at least 14 days before the hearing.

(c) The wording of the question shall be substantially as follows: "Shall we allow the operation of games of chance within the town or city?"

II. If a majority of those voting on the question vote "Yes," games of chance may be operated within the town or city.

III. If the question is not approved, the question may later be voted upon according to the provisions of paragraph I as early as the next annual town meeting or regular municipal election. Notwithstanding any other provision of law, including RSA 287-D:32, I and II, the requirement for obtaining local approval to apply for a license as a game operator employer shall not apply to:

(a) Any game operator employer licensed by the lottery as of May 1, 2021 and still licensed as of the effective date of this act; or

(b) Any applicant for a game operator license who applied to the lottery between January 1, 2023 and October 15, 2023.

IV.(a) A city or town may rescind its approval for operation of games of chance under RSA 287-D or disallow such operation by following procedures in paragraph I in this section where one of the following exists:

(1) A facility allowed to operate games of chance pursuant to this section that has not begun operation within 7 years of the grant of permission;

(2) A facility that applied to the lottery for a game operator employer license prior to July 1, 2024 and has not begun operation within 7 years of the date of application approval or by July 1, 2024, whichever is later; or

(3) A gaming operation where the operator has ceased its operation and does not reopen the operation in the same municipality for 7 years after such cessation; or where a facility exists that has been inoperative for the most recent 7 continuous years beginning any time after July 1, 2024.

(b) The wording of the question shall be substantially as follows: "Shall we prohibit the operation of games of chance within the town or city?" If 60 percent of those voting on the question vote "Yes," the town or city shall not permit the operation of games of chance.

V. An unincorporated place may allow the operation of games of chance by majority vote of the county delegation, after a public hearing is held.

VI. In an unincorporated place, if no facility exists that was allowed to operate games of chance pursuant to this section, or which, having been licensed prior to July 1, 2024, has begun operation within 7 years of the grant of permission or the period starting July 1, 2024, whichever is later, or if there exists no facility in operation for the most recent 7 continuous years beginning any time after July 1, 2024, the delegation may consider rescinding its action or disallowing the operation in the same manner as paragraph V. with the requirement that a 60 percent “yes” vote would be required to rescind the action or disallow the operation.

VII. The lottery commission shall maintain a list of municipalities where games of chance are available.

VIII. If the town, city, or unincorporated place has voted within this section to prohibit games of chance, that municipality may pass an ordinance allowing only a specified number of charitable gaming events per year, or certain number of dates per year to be determined by the town, hosted by local charitable organizations pursuant to RSA 287-D:4, and specifying how the municipality shall determine how charitable organizations register for a gaming event.

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

2024-1218h

AMENDED ANALYSIS

This bill gives municipalities a local option for games of chance.

Amendment to HB 1243 (2024-0157h)

Proposed by the Committee on Commerce and Consumer Affairs–c

Amend RSA 361-A:1, XXIX as inserted by section 1 of the bill by replacing it with the following:

XXIX. “Significant event” means:

(a) The filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 U.S.C. Section 101-110, as amended or recodified from time to time, for bankruptcy or reorganization;

(b) The filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for its dissolution or reorganization, or the making of a general assignment for the benefit of its creditors;

(c) An indictment or conviction of the licensee, any of the licensee’s principals, or any person in control of the licensee for a felony;

(d) The filing of a civil lawsuit in any court located in New Hampshire or by any resident of New Hampshire, except small claims actions, naming the licensee as a defendant that concerns the licensee’s practices under this chapter;

(e) The commencement of a proceeding to revoke or suspend the licensee’s license in a state or country in which the licensee engages in business or is licensed;

(f) Receiving notification of a license denial, cease and desist, consent agreement or order, suspension or revocation or any other formal administrative action in any state against the licensee;

(g) Receiving notification of any enforcement action or formal investigation by the attorney general of the state of New Hampshire or of any other state pursuant to any consumer protection statute, and the reasons thereof, except routine investigations of consumer complaints; or

(h) Entering into a consent agreement, settlement agreement, memorandum of understanding, or similar agreement with any regulatory body by the licensee that concerns the licensee’s practices under this chapter.

Amend RSA 361-A:5, III as inserted by section 1 of the bill by replacing it with the following:

III. The initial license term shall begin on the day the application is approved. The license shall expire on December 31 of the year in which the license term began, unless the initial license date is between November 1 and December 31, in which instance the initial license term shall run through December 31 of the following year. Licenses issued pursuant to this chapter shall be renewed annually. The renewal term shall be for a period of 1 year and shall begin on January 1 of each year after the initial license term and shall expire on December 31 of the year the renewal term begins.

Amend RSA 361-A:12 as inserted by section 1 of the bill by replacing it with the following:

361-A:12 Examinations and Investigations.

I. The commissioner or the commissioner’s representative may, with or without notice to the licensee or any other person subject to this chapter, examine the business affairs of any licensee or any other person subject to this chapter, whether licensed or not, at any time the commissioner deems necessary, for the purpose of determining whether the licensee or other person subject to this chapter is in compliance with the laws of this chapter and any rules adopted thereunder. In determining compliance, the commissioner or the commissioner’s representative may examine relevant books, accounts, records, files, and other documents, whether electronically stored or otherwise. Upon request, the commissioner or the commissioner’s representative shall be provided with access to the licensee’s or unlicensed person’s principal place of business and additional offices, if applicable, where files, records, safes, and vaults that are relevant to the examination

may be located. The commissioner or the commissioner's representative may require the attendance of any licensee's principal or control person and may examine him or her under oath concerning the subject matter of any examination or investigation, and may require that person to produce relevant books, accounts, papers, and records.

II. The commissioner may, in his or her discretion, accept all or part of a report of examination of another state agency or an agency of another state or of the federal government. To avoid unnecessary duplication of examinations, the commissioner may, insofar as he or she deems practicable in administering this section, cooperate with and conduct examinations in conjunction with the regulators of other states, the Federal Trade Commission, other federal regulators, or their successors in conducting examinations and investigations.

III. The department may subpoena witnesses, administer oaths, and compel, by subpoena duces tecum, the production of all books, records, files, and other documents and materials whether electronically stored or otherwise relevant to its investigation at any time in any matter over which the department has jurisdiction, control, or supervision pertaining to the provisions of this chapter.

IV. Upon request, every person being examined, and all of the officers, directors, employees, agents, and representatives of such person shall make freely available to the commissioner or the commissioner's examiners the accounts, records, documents, files, information, assets, and matters in their possession or control that are relevant to the subject of the examination and shall facilitate the examination.

V. The expense of such examination or investigation shall be chargeable to and paid by the licensee or other person subject to this chapter being examined. No licensee shall be charged for more than one examination or investigation within a 24 month period, unless good cause exists to conduct more than one examination or investigation within a 24 month period. Under such circumstances, the expense of any examination or investigation shall continue to be chargeable to and paid by the licensee or other person subject to this chapter being examined. The examination and investigation costs shall be calculated as set forth in RSA 383:11.

VI.(a) The affairs and records of any licensee or person subject to this chapter shall be subject at any time to periodic, special, regular, or other examination by the department with or without notice. Any licensees, including those that maintain their files and business records in another state, or other person subject to this chapter, shall:

(1) Deliver to the commissioner or the commissioner's representative a list of all New Hampshire consumers who have contracted with the licensee or with whom the licensee is otherwise engaged in business regulated under this chapter, and any other requested lists or information summarizing the business of the licensee, within 30 days of receipt of the commissioner or commissioner representative's written request; and

(2) Deliver to the commissioner or the commissioner's representative files selected by the commissioner or the commissioner's representative from the lists delivered in subparagraph (a)(1), and any other files or documents requested, within 60 days of receipt of the commissioner or commissioner representative's written request.

(b) The commissioner or commissioner representative's written requests, as described herein, shall be sent to the licensee. Upon proof of valid delivery of such a written request, a licensee's failure to provide the requested files or documents within the time established by this paragraph shall subject a licensee or person subject to this chapter to a fine of \$50 per day for each day the files or documents are not provided. Failure to provide files or documents to the commissioner within 60 days after receipt of the request shall be sufficient cause for license revocation, suspension, or denial.

VII. The commissioner or the commissioner's representative may investigate at any time any person that the commissioner reasonably believes is engaged in the business of a sales finance company or retail seller or participating in such business as principal, agent, broker, or otherwise; or any person that the commissioner has reasonable cause to believe is violating or is about to violate any provision of this chapter, or any rule or order under this chapter.

VIII. In addition to the costs of any investigation, as set forth herein, the commissioner may recover the costs of any investigation conducted under this chapter, in addition to any other penalty provided for under this chapter.

IX. If the commissioner or examiner finds any accounts or records to be inadequate, or kept or posted in a manner not in accordance with generally accepted accounting principles, the commissioner may employ experts to reconstruct, rewrite, post, or balance the inadequate accounts or records for purposes of the examination at the expense of the person being examined, but only after the commissioner or examiner has given the licensee or person subject to this chapter written notice and a reasonable opportunity to do so.

X.(a) Before a report of examination is finalized, the examiner shall offer the licensee an opportunity to discuss the initial findings of the examination with the examiner.

(b) Upon receipt of the written report of examination, the licensee shall have 30 days or such additional reasonable period as the commissioner for good cause may allow, within which to review the report, recommend any changes, and set forth in writing the remedial course of action the licensee will pursue to correct any deficiencies outlined in the report.

(c) All reports of examination under this section shall be confidential and shall not be available for public inspection and shall not be subject to disclosure under RSA chapter 91-A. The comments and recommendations of the examiner shall also be confidential information and shall not be available for public inspection and shall not be subject to disclosure under RSA chapter 91-A.

Amend the bill by replacing section 4 with the following:

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

Amendment to HB 1298

(2024-1127h)

Proposed by the Committee on Education–c

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

1 New Section; Part-time Teachers. Amend RSA 189 by inserting after section 39-b the following new section: 189:39-c Part-time Teachers; Adjunct Authorization.

I. For a part-time teacher to be eligible for adjunct authorization in a content area, the following conditions must be met:

(a) A public school or school district in the state shall employ the individual to work as a teacher on a part-time basis for less than 20 hours per week in a local or statewide teacher shortage content area.

(b) The individual must have earned a bachelor's degree or higher with a major in, or related to, the field of authorization and must submit passing scores on the content knowledge exam or exams required for the authorization area if one exists.

(c) The individual must submit verification of 5 years of occupational experience in or related to the content field of the authorization for which the individual is applying. If the New Hampshire department of education determines that this requirement is not met, the individual and the employing public school or district may apply to the New Hampshire department of education for a determination as to whether adequate occupational experience is documented to justify the issuance of an adjunct authorization.

II. The local school district shall seek a criminal history record check clearance authorization from the department of education as outlined in RSA 189:13-a prior to receiving a final offer of employment.

III. The adjunct authorization issued under this option shall not lead to a standard educator certificate, but may be renewed as indicated for the content area. An educator who has been issued an adjunct authorization who wishes to pursue a standard educator certificate may do so through completion of an approved traditional educator preparation program or through an approved alternative program.

IV. Any person who has had a teaching credential, teaching license, or other teaching certification revoked under RSA 189:14-c or RSA 189:14-d, or who has been rendered ineligible to be employed as a teacher under another provision of law, shall not be eligible to teach under this section.

V. The state board of education shall adopt rules pursuant to RSA 541-A to implement this section.

2 Rulemaking; Professional Code of Ethics. Amend RSA 21-N:9, II(cc)(2) to read as follows:

(2) The professional code of ethics and the professional code of conduct shall apply to all teachers, *part-time teachers*, specialists, and administrators who are licensed or certified by the department.

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

Amendment to HB 1241

(2024-1245h)

Proposed by the Committee on Commerce and Consumer Affairs–c

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

AN ACT relative to the regulation of money transmitters and relative to license applications and renewals for certain consumer credit entities.

Amend RSA 399-G:1, XVIII as inserted by section 1 of the bill by replacing it with the following:

XVIII. "Money transmission" means any of the following:

(a) Selling or issuing payment instruments to a person located in this state.

(b) Selling or issuing stored value to a person located in this state.

(c) Receiving money for transmission from a person located in this state.

Amend RSA 399-G:2, XXVIII as inserted by section 1 of the bill by replacing it with the following:

XXVIII. "Stored value" means monetary value representing a claim against the issuer evidenced by an electronic or digital record, and that is intended and accepted for use as a means of redemption for money or monetary value, or payment for goods or services. The term includes, but is not limited to, "prepaid access" as defined by 31 C.F.R. Section 1010.100, as amended or recodified from time to time. Notwithstanding the foregoing, the term "stored value" does not include a payment instrument or closed loop stored value, or stored value not sold to the public but issued and distributed as part of a loyalty, rewards, or promotional program. Pursuant to RSA 399-G:3, VII, nothing in this paragraph shall be construed so as to affect persons engaged in the business of selling or issuing payment instruments or stored value solely in the form of convertible virtual currency or who receive convertible virtual currency for transmission to another location.

Amend RSA 399-G:3 as inserted by section 1 of the bill by inserting the following after paragraph XVII:

XVIII. A person performing payroll processing services, solely to the extent of its operation as a payroll processor. Provided, however, that this exemption shall not apply to any person providing stored value cards, including digital stored value cards, directly to individual employees.

Amend section 1 of the bill by deleting RSA 399-G:26 and renumbering RSA 399-G:27-40 as RSA 399-G:26-39, respectively.

Amend RSA 399-G:26, IV as inserted by section 1 of the bill by replacing it with the following:

IV. For purposes of this section, a licensee that issues proprietary cryptocurrency, non-fungible tokens, or other digital assets shall not include the value of such assets when calculating tangible net worth. For purposes of calculating net worth under this section, cryptocurrency, non-fungible tokens, or other digital assets shall be considered “proprietary” when such assets are developed or created by the licensed entity. Nothing in this paragraph shall prevent a licensed entity from including the reasonable value of cryptocurrency, non-fungible tokens, or other digital assets developed or created by other entities and held as assets when calculating tangible net worth.

Amend RSA 399-G:39 as inserted by section 1 of the bill by replacing it with the following:

399-G:39 Transition Period.

I. A person licensed in this state to engage in the business of money transmission shall not be subject to the provisions of this chapter, to the extent that they conflict with current law or establish new requirements not imposed under current law, until January 1, 2026.

II. Notwithstanding paragraph I, a licensee shall only be required to amend its authorized delegate contracts for contracts entered into or amended after the effective date or the completion of any transition period contemplated under paragraph I. Nothing herein shall be construed as limiting an authorized delegate’s obligations to operate in full compliance with this chapter as required by RSA 399-G:21, III.

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

2 New Subparagraph; Mortgage Loan Originators; License Renewal. Amend RSA 397-A:5, IV-d by inserting after subparagraph (c) the following new subparagraph:

(d) The initial license term shall begin on the day the application is approved. The license shall expire on December 31 of the year in which the license term began, unless the initial license date is between November 1 and December 31, in which instance the initial license term shall run through December 31 of the following year.

3 New Paragraph; Mortgage Bankers, Brokers, and Servicers; License Renewal. Amend RSA 397-A:8 by inserting after paragraph II the following new paragraph:

II-a. The initial license term shall begin on the day the application is approved. The license shall expire on December 31 of the year in which the license term began, unless the initial license date is between November 1 and December 31, in which instance the initial license term shall run through December 31 of the following year.

4 New Paragraph; Small Loan Lender; License Renewal. Amend RSA 399-A:5 by inserting after paragraph IV the following new paragraph:

V. The initial license term shall begin on the day the application is approved. The license shall expire on December 31 of the year in which the license term began, unless the initial license date is between November 1 and December 31, in which instance the initial license term shall run through December 31 of the following year.

5 New Paragraph; Debt Adjustment Services; License Renewal. Amend RSA 399-D:5 by inserting after paragraph VIII the following new paragraph:

VIII-a. The initial license term shall begin on the day the application is approved. The license shall expire on December 31 of the year in which the license term began, unless the initial license date is between November 1 and December 31, in which instance the initial license term shall run through December 31 of the following year.

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

2024-1245h

AMENDED ANALYSIS

This bill adopts the model money transmission modernization act. This bill also adjusts renewal procedures for certain consumer credit entities to align with those in the model money transmission.

Amendment to HB 1259 (2024-0762h)

Proposed by the Committee on Commerce and Consumer Affairs–c

Amend the bill by inserting after section 4 the following and renumbering the original section 5 to read as 6:

5 New Subparagraph; Insurance Claims Adjusters; Definitions; Exemptions. Amend RSA 402-B:2, III by inserting after subparagraph (e) the following new subparagraph:

(f) A person who solely investigates, negotiates, settles, or completes a first notice of loss form for automobile glass replacement or repair claims.

2024-0762h

AMENDED ANALYSIS

This bill clarifies the distinction between personal and commercial lines in homeowners policies; permits the use of electronic communication for auditable basis policies; requires the insurer to state the specific reason for cancellation or refusal to renew a policy; and provides an exemption to the insurance claims adjusters statute for persons who solely handle automobile glass claims.

Amendment to HB 1271**(2024-1248h)****Proposed by the Minority of the Committee on Executive Departments and Administration—r**

Amend the bill by replacing sections 1-10 with the following:

1 New Paragraph; Acupuncture; Findings and Purpose. Amend RSA 328-G:1 by inserting after paragraph II the following new paragraph:

III. To provide state supervision over regulatory bodies comprised of active market participants, the responsibility for implementation of this chapter shall be transferred to the executive director of the office of professional licensure and certification. The executive director shall consult with the advisory board when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the executive director of the office of professional licensure and certification or until the rules expire, whichever occurs first.

2 Acupuncture; Definitions. Amend RSA 328-G:2, III to read as follows:

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

3 Acupuncture; Board Established. RSA 328-G:3 is repealed and reenacted to read as follows:

328-G:3 Advisory Board Established.

I. The office of professional licensure and certification shall establish an advisory board of acupuncture licensing consisting of 3 members appointed by the executive director. One member shall be a certified acupuncture detoxification specialist. Two members shall be licensed acupuncturists. Each member shall be appointed to a term of 3 years. No member shall serve more than 2 consecutive full terms. The board shall advise the executive director regarding the implementation of this chapter.

II. The office of professional licensure and certification, in consultation with the board, shall adopt rules pursuant to RSA 541-A relative to the practice of acupuncture and acupuncture detoxification, including rules regarding the procedure for granting, revoking, and reinstating a license.

4 Acupuncture; Meetings; Rulemaking Authority. Amend RSA 328-G:6 and 328-G:7 to read as follows:

328-G:6 Organization and Meetings. The board shall hold regular meetings at least semi-annually and shall give notice to its members of the time and place for holding all regular and special meetings. A quorum of the board shall consist of a majority of the members of the board ~~[who have been approved by the governor and council]~~. The board shall biennially elect a chairperson~~], a vice-chairperson, and a secretary from among its members]~~.

328-G:7 Rulemaking Authority.

The **office of professional licensure and certification, in consultation with the** board, shall adopt rules, under RSA 541-A, relative to:

I. Eligibility requirements for an acupuncture license.

II. Scope of practice.

III. Eligibility requirements for license renewal, including continuing education requirements, testing, peer review, and methods to ensure compliance with such requirements.

IV. ~~[Repealed.]~~

V. Establishing and enforcing ethical and professional standards to be met by each licensee including, as necessary, requirements for proficiency in specialty practice.

VI. Maintaining a register of approved acupuncture schools.

VII. ~~[Repealed.]~~

VIII. The definition of acupuncture consistent with RSA 328-G:2, I.

IX. Methods for ensuring appropriate display of licenses, including, but not limited to, signs and other forms of advertising.

X. A student practicing acupuncture under the direct supervision of a licensed acupuncturist as part of a course of study approved by the ~~[board]~~ **office of professional licensure and certification**.

~~[XI. Temporary licensure of a visiting acupuncture teacher.]~~

~~[XII.]~~ **XI.** Establishing a schedule of administrative fines.

~~[XIII.]~~ **XII.** Requirements relative to student observers and office assistants.

~~[XIV.]~~ **XIII.**(a) Eligibility requirements for certification as an acupuncture detoxification specialist.

(b) Renewal, revocation, or suspension of certification of an acupuncture detoxification specialist.

5 Acupuncture; Licensure Required; Renewal; Reissuance; Continuing Education. Amend RSA 328-G:9 to read as follows:

328-G:9 Licensure Required; Renewal; Reissuance; Continuing Education.

I. No person shall practice acupuncture within this state without first obtaining a license from the [board] **office of professional licensure and certification** except physicians licensed under RSA 329 and doctors of naturopathic medicine certified under RSA 328-E:12.

II. The [board] **office of professional licensure and certification** shall issue a license to any applicant who satisfies all of the following requirements:

(a) Has reached the age of [majority] **18 years**.

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

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

(d) Is of good professional character.

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

(2) Has successfully completed a post-secondary acupuncture college program which is approved by the Accreditation Commission for Acupuncture and Herbal Medicine ("ACAHM"), including its successors or predecessors, or the board; or

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

III. Only a person licensed under this chapter, or a physician licensed under RSA 329, or a doctor of naturopathic medicine certified under RSA 328-E:12, shall hold out to members of the public that such person is practicing acupuncture, or use a title or description which suggests such, including any of the following:

(a) C.A. or Certified Acupuncturist.

(b) Acupuncturist.

(c) M.D., C.A. or M.D., Certified Acupuncturist.

(d) Any other letters or words denoting that the person practices acupuncture.

IV. Notwithstanding paragraph III, the title, "Licensed Acupuncturist", and its abbreviations, "L.Ac." or "Lic. Ac.", shall be used only by persons licensed under this chapter.

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

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

VI. Persons licensed pursuant to this chapter who engage in the practice of acupuncture without complying with this chapter shall be subject to refused renewal, limitation, revocation, or suspension of their license.

VII. Nothing in this chapter is intended to limit, interfere with, or prevent any other licensed health care professionals from practicing within the scope of their licenses as defined by each profession's New Hampshire licensing statutes, but they shall not hold themselves out to the public or any private group of business by any title or description of services that includes any of the terms in paragraphs III or IV unless they are licensed under this chapter, RSA 329, or RSA 328-E:12.

VIII. Notwithstanding any other provisions of law to the contrary, those health care professionals licensed under RSA 316-A who are practicing acupuncture as of July 1, 1997 may petition the [board] **office of professional licensure and certification** for an exemption to the licensure requirements of this chapter. The [board] **office** shall consider the educational qualifications and the clinical experience of those individuals licensed under RSA 316-A seeking exemption to the licensure requirements of this chapter.

IX. The procedure and timeframe for license renewals shall be as described in ~~[RSA 310]~~ **RSA 310:8**.

X. As a condition of renewal of license, the [board] **office** shall require each licensee to show proof of having completed for each biennial period continuing education units at approved institutions or as approved by the board in accordance with rules adopted by the board. Maintaining continuous NCCAOM certification shall fulfill the continuing education requirement.

6 Acupuncture; Certified Acupuncture Detoxification Specialist. Amend RSA 328-G:9-a to read as follows:
328-G:9-a Certified Acupuncture Detoxification Specialist.

I. The [board] **office of professional licensure and certification** shall certify as an acupuncture detoxification specialist a qualified individual, not licensed by the [board] **office** as an acupuncturist, who has successfully completed NADA training or other training in acupuncture detoxification protocols as determined by the board and complied with the rules of the board adopted pursuant to RSA 328-G:7, XIV.

II.(a) A “qualified individual” shall mean a licensed health care professional, recovery coach, peer counselor, or other [board] **office of professional licensure and certification** approved professional, trained in acu-detox, a standardized auricular acupuncture protocol developed by the NADA, or a training that meets or exceeds the NADA training, as determined by the [board] **office**, provided she or he is under the general supervision of a licensed acupuncturist, trained in the NADA protocol or equivalent for the purposes of behavioral health applications, including addictions, mental health, and disaster and emotional trauma.

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

III. Nothing in this chapter is intended to limit, interfere with, or prevent an acupuncture detoxification specialist certified by the [board] **office of professional licensure and certification** from practicing within the scope of his or her certification.

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

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

II. Notwithstanding paragraph I, the scope of practice may be further defined by the [board] **office of professional licensure and certification** in accordance with RSA 541-A.

III. Nothing in this section is intended to limit, interfere with, or prevent any other health care professionals from practicing within their defined scopes of practice, including professionals licensed under RSA 316-A using limited adjunctive procedures.

IV. Needles used in acupuncture practice shall be sterile, disposable, one-use needles.

V. Persons licensed by the [board] **office of professional licensure and certification** to practice acupuncture shall be permitted to provide services through the use of “**telemedicine**,” as defined in RSA 310:7. [telemedicine. “Telemedicine” means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.]

8 Acupuncture; Powers and Duties of the Executive Director. RSA 328-G:11 and RSA 328-G:12 are repealed and reenacted to read as follows:

328-G:11 Powers and Duties of the Office of Professional Licensure and Certification.

I. The office of professional licensure and certification shall:

(a) Ensure that licensed acupuncturists serving the public meet minimum standards of proficiency and competency to protect the health, safety, and welfare of the public.

(b) Administer and enforce all provisions of this chapter, which pertain to licensees and applicants, and all rules adopted by the office under the authority granted in this chapter.

(c) Maintain an accurate account of all receipts, expenditures, and refunds granted under this chapter through the office and in accordance with the retention policy established by the office.

(d) Maintain a record of its acts and proceedings, including the issuance, refusal, suspension, or revocation of licenses in accordance with the retention policy established by the office.

(e) Keep all applications for licensure in accordance with the retention policy established by the office.

(f) Maintain a record of the results of all examinations it gives in accordance with the retention policy established by the office.

(g) Keep all examination records including written examination records and tape recordings of the questions and answers in oral examinations in accordance with the retention policy established by the office.

II. The office of professional licensure and certification may appoint qualified personnel to administer any part or all of any examinations provided for under this chapter.

328-G:12 Misconduct. Misconduct sufficient to support disciplinary proceedings under RSA 310:10 shall include:

I. The practice of fraud or deceit in procuring or attempting to procure a license to practice under this chapter.

II. Conviction of any crime which demonstrates unfitness to practice acupuncture.

III. Violation of the standards adopted under RSA 328-G:7, V.

IV. Demonstrable gross incompetence of the licensee.

V. Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the licensee unfit to practice under this chapter.

VI. A legal finding of mental incompetence.

VII. Willful or repeated violation of the provisions of this chapter.

VIII. Suspension or revocation without subsequent reinstatement of a license, similar to one issued under this chapter, in another jurisdiction.

9 Repeal. The following are repealed:

I. RSA 328-G:6, relative to acupuncture board meetings.

II. RSA 328-G:8, disposition of receipts.

10 Family Mediators; Purpose. Amend RSA 328-C:1 to read as follows:

328-C:1 Purpose. The purpose of this chapter is to protect and assist the public by providing standards for the practice of family mediation, training and continuing education for certified family mediators and certified family mediator training programs, and disciplinary procedures for violating ethical rules and requirements. ***The responsibility for implementation of this chapter shall be transferred to the office of professional licensure and certification. The office shall consult with the advisory board established when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the office of professional licensure and certification or until the rules expire, whichever occurs first.***

Amend RSA 328-C:4, II(a) as inserted by section 12 of the bill by replacing it with the following:

II.(a) Members shall be appointed for 3-year terms and not more than 2 terms shall expire in any calendar year. ***No member shall be appointed to more than 2 consecutive full terms.*** ~~[One mediator term shall expire each year, on December 31. The public member and lawyer terms shall expire on June 30 of different years. Appointments for terms of less than 3 years shall be made in order to comply with these provisions. No member appointed by the governor shall be eligible to serve more than 3 full consecutive terms, provided that for this purpose only a period actually served which exceeds 25 months shall be deemed a full term.]~~

Amend the bill by replacing sections 14-15 with the following:

14 Family Mediators; Qualifications. Amend RSA 328-C:5 to read as follows:

328-C:5 Qualifications.

I. To be eligible for certification, conditional certification, reinstatement of certification, renewal of certification and temporary renewal of certification as a family mediator, an applicant shall be of good character.

II. To be eligible for certification or conditional certification as a family mediator, an applicant shall meet the following requirements:

(a) Satisfactory completion of a program of instruction approved by the [board] ***office of professional licensure and certification*** and at least 48 hours in length, including at least 8 hours in domestic violence, and components in family dynamics and relevant law.

(b) Completion of an internship approved by the [board] ***office of professional licensure and certification*** and at least 20 hours in length with a certified family mediator or certified family mediation program.

(c) Submission of a completed application to the [board] ***office of professional licensure and certification***.

(d) Submission of at least 3 recommendations satisfactory to the [board] ***office of professional licensure and certification*** from persons who have participated with the applicant in family mediation work. These recommendations shall meet any additional requirements established by rules adopted by the board pursuant to RSA 541-A.

III. Notwithstanding subparagraphs II(a) and (b), the [board] ***office of professional licensure and certification*** may accept applicants found to have training and internship experience equivalent to the programs of instruction and internship approved by the [board] ***office***.

IV. Qualified interns shall meet the requirements of RSA 328-C:5, I and II(a) and (c).

V. A supervisor shall plan the responsibilities of the intern prior to beginning a mediation and spend time with the intern in pre-mediation planning and post-mediation debriefing. The debriefing shall include a critique of the intern's part in the mediation.

VI. Certification of a mediator or a mediator training program shall be valid ~~for 3 years from the date of issuance, and shall expire 3 years from the date of issuance, unless renewed pursuant to rules adopted by the board pursuant to RSA 541-A.~~

VII. ~~If timely and sufficient application has been made in accordance with board rules for renewal of certification, the existing certification shall not expire until the board has taken final action on the application for renewal. If the application is either untimely or insufficient, it shall lapse and be subject to reinstatement in accordance with rules adopted by the board pursuant to RSA 541-A.]~~ ***for the duration established by RSA 310:8.***

15 Family Mediators; Confidentiality of Information. Amend RSA 328-C:5-a through 328-C:6 to read as follows:

328-C:5-a Confidentiality of Information.

I. Unless waived by the person to whom the information pertains, the following information relative to certified family mediators, applicants for certification, qualified interns, and formerly certified family mediators which may be in the possession of the [board] **office of professional licensure and certification** shall be confidential and shall not be subject to disclosure, except as provided in paragraph II, absent an order of the court:

(a) The person's date of birth, social security number, residence address, and home telephone number.

(b) The person's reason for leaving any past employment or the facts giving rise to any reprimand, censure, license revocation or suspension, disbarment, disqualification, or discipline given by any professional organization or entity supervising or overseeing a profession, other than the board.

(c) Whether or not the person has been a defendant in any criminal proceeding, information concerning such proceedings, any executed criminal records release, and the results of any criminal records check.

(d) The addresses and telephone numbers of the individuals who have submitted letters of reference in support of any application for certification.

(e) Any photograph identification card or other document issued by a governmental agency submitted in support of an application that includes an applicant's date of birth, social security number, residence address, or home telephone number.

(f) Any information deemed confidential under RSA 91-A or other applicable law.

II. Notwithstanding paragraph I and RSA 91-A, the [board] **office of professional licensure and certification** may disclose to any New Hampshire court with the authority to appoint a family mediator, or which possesses oversight authority over the professional activities of individuals who may serve as family mediators, any records, documents, or information in the possession of the board relating to a certified family mediator, an applicant for certification, or a formerly certified family mediator, except for his or her social security number.

328-C:5-b Immunity From Civil Action. No civil action shall be maintained against the board or any member of the board 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 any determination, action, statement, report, communication, disclosure or testimony by the board in relation to any proceeding or communication under this chapter.

328-C:6 Continuing Education. ~~[To renew a certification,]~~ Each family mediator shall ~~[provide evidence of attendance within the last 3 years of at]~~ **complete** least 24 hours of continuing education approved by the board **as a condition of renewal**. A certified family mediator training program seeking renewal shall provide evidence that it has met any reporting requirements established under RSA 328-C:4-a and that each of the family mediators associated with the program has met the annual continuing education requirements.

Amend the bill by replacing section 19 with the following:

19 Repeal. The following are repealed:

I. RSA 328-C:4-a, I, relative to duties of the board.

II. RSA 328-C:5-b, relative to immunity from liability.

Amend the bill by replacing sections 21-23 with the following:

21 Guardian Ad Litem Advisory Board; Advisory Board Established. Amend RSA 490-C:1 to read as follows:

490-C:1 **Advisory** Board Established. There is hereby established a guardian ad litem **advisory** board which shall be responsible for ~~[overseeing the credentialing and activities, and discipline of guardians ad litem in New Hampshire who are or have been certified by the board.]~~ **advising the office of professional licensure and certification concerning the implementation of this chapter. The responsibility for implementation of this chapter shall be transferred to the office of professional licensure and certification. The office shall consult with the advisory board established when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the office of professional licensure and certification or until the rules expire, whichever occurs first.**

22 Guardian Ad Litem Advisory Board; Membership. RSA 490-C:2 is repealed and reenacted to read as follows:

490-C:2 Membership.

I. The advisory board shall consist of the following members:

(a) One member representing the New Hampshire supreme court, appointed by the chief justice of the New Hampshire supreme court.

(b) One member of Court Appointed Special Advocates (CASA), nominated by the director of CASA and appointed by the executive director.

(c) One member representing a child protection organization in the state, appointed by the executive director.

(d) One member who is a member of the New Hampshire Bar Association and who is experienced as an appointed guardian ad litem, appointed by the executive director.

(e) One member of the general public who is a parent representing the interests of those individuals receiving the services of guardians ad litem, appointed by the executive director. The public member shall not have, and shall never have had, a material financial interest in either the provision of guardian ad litem services or an activity directly related to guardian ad litem services, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.

II. The members of the board shall serve without compensation.

III. All members of the board shall be New Hampshire residents. Each appointment shall be valid for 3 years and until a successor is appointed; provided, however, that the term of the member representing CASA shall expire if he or she ceases to be a member of CASA. Members shall serve no more than 2 full terms. Any member who is absent from at least 3 consecutive meetings of the advisory board may be replaced by such member's appointing authority.

23 Guardian Ad Litem Advisory Board; Duties of the Board and Office. RSA 490-C:4 is repealed and reenacted to read as follows:

490-C:4 Duties of the Advisory Board and Office.

I. The advisory board shall advise the office of professional licensure and certification regarding the following:

(a) Recommended legislative changes and changes to the current cost and fee structure established under New Hampshire supreme court rules 48 and 48-A.

(b) Eligibility requirements for the certification, recertification, reinstatement, and renewal of certification of guardians ad litem, including requirements for temporary or conditional certification.

(c) Educational requirements for licensure, including continuing educational requirements.

(d) Ethical standards and standards of practice for certified guardians ad litem.

(e) The office of professional licensure and certification shall notify the appropriate court of receipt of a complaint received pursuant to RSA 310:9 relating to a trial or judicial proceeding in process. The complaint shall be stayed pending the conclusion of the proceeding, unless the office decides to proceed immediately with such complaint for good cause. The court shall notify the office of professional licensure and certification upon conclusion of the proceeding.

II. The office of professional licensure and certification may, with the advice of the advisory board:

(a) Commission the participation of appropriate in-state educational institutions to provide training for guardians ad litem on a tuition basis.

(b) Disclose to and communicate with any courts that appoint guardians ad litem or oversee individuals serving as guardians ad litem, or any other entity or group which possesses oversight authority over any type of professional activity of persons who may serve as a guardian ad litem, about any discipline imposed upon guardians ad litem, grants and denials of certification, the content of any of the office's files or records on guardians ad litem, whether or not presently certified, or applicants for certification, and other activities of, or information held by, the office. In assessing whether to make a disclosure or engage in a communication under this subparagraph, consideration shall be given to whether it is likely that information conveyed will be further disseminated in a manner contrary to New Hampshire law.

Amend RSA 490-C:5-b, I-II, as inserted by section 26 of the bill by replacing it with the following:

I.(a) Unless waived by the person to whom the information pertains, the following information, if any, relative to certified guardians ad litem, applicants for certification, and formerly certified guardians ad litem which may be submitted to the [board] **office of professional licensure and certification** on or in conjunction with application, supplemental application, application renewal, recertification, and reinstatement forms shall be confidential and exempt from the disclosure requirements of RSA 91-A, unless disclosure is required pursuant to an order of the court:

(1) The person's date of birth, social security number, residence address, unless that address is also the person's business address, and home telephone number, unless that number is also the person's business phone number.

(2) The person's reason for leaving any past employment or the facts giving rise to any reprimand, censure, license revocation or suspension, disbarment, disqualification, or discipline given by any professional organization or entity supervising or overseeing a profession, other than the board.

(3) Whether or not the person has been a defendant in any criminal proceeding, information concerning such proceedings, any executed criminal records release, and the results of any criminal records check.

(4) The addresses and telephone numbers of the individuals who have submitted letters of reference in support of any application for certification as a guardian ad litem.

(5) Any photograph identification card or other document issued by a governmental agency submitted in support of an application that includes an applicant's date of birth, social security number, residence address, or home telephone number.

(6) Any information submitted on or in conjunction with the forms noted above that is otherwise deemed confidential under RSA 91-A or other applicable law.

(b) The provisions of subparagraph (a) shall not prohibit disclosure of such information in the circumstances described in paragraph II and shall not apply to such material disclosed, without prohibition, limitation, or other instruction, at a hearing, proceeding, or other matter before the [board] **office of professional licensure and certification**, or a portion thereof, that is open to the public.

(c) The following information shall also be held confidential and shall be specifically exempt from the disclosure requirements of RSA 91-A, unless required to be disclosed by court order or disclosed, without limitation, at a hearing, proceeding, or other matter, or a portion thereof, that is open to the public:

(1) Allegations of misconduct or executed complaint forms received by the [board] **office of professional licensure and certification**, or drafts or portions thereof, and supporting materials submitted therewith.

(2) Information and records acquired by the [board] **office of professional licensure and certification** or its representatives during its investigation of any complaint, including any answer submitted by a guardian ad litem in response to a complaint, or drafts or portions thereof, and supporting materials submitted therewith.

(3) Reports and records made by the [board] **the office of professional licensure and certification, the advisory board**, or its agents, representatives, or employees as a result of its investigation.

(4) Case or client records, including written or oral guardian ad litem reports, files, and oral and written information from which the identity of recipients of services or other persons whose identities are protected from disclosure can be derived.

(d) The provisions of subparagraph (c) shall not prohibit disclosure of information in the circumstances described in paragraph II.

II. Notwithstanding paragraph I, and notwithstanding the provisions of any other law relative to confidentiality, including but not limited to confidentiality provisions applicable to any case out of which an allegation or complaint against a guardian ad litem may arise:

(a) Persons involved in matters before the [board] **office of professional licensure and certification**, or persons seeking to address or respond to issues involving a guardian ad litem's misconduct or certification, may, without a specific court order allowing such disclosure, disclose to the [board] **office**, its representatives, or its agents, records, documents, or information in their possession, whether oral or in writing, relating to a guardian ad litem, an applicant for certification as a guardian ad litem, or cases in which a guardian ad litem is or has been involved, unless such disclosure is prohibited by court order.

(b) If the [board] **office** concludes that to do so would advance the effective and fair resolution of the matter, the [board] **office**, its representatives, or its agents may, without a specific court order allowing such disclosure, disclose to persons involved in matters before the [board] **office**, or to persons seeking to address or respond to issues involving a guardian ad litem's misconduct or certification, any records, documents, or information in its possession, whether oral or in writing, that have a bearing upon the matter, unless such disclosure is prohibited by court order.

(c) Persons involved in matters before the [board] **office of professional licensure and certification**, or persons seeking to address or respond to issues involving a guardian ad litem's misconduct or certification, may, without a specific court order allowing such disclosure, disclose to other persons involved in the matter documents or information in their possession, whether oral or in writing, to the extent, and only to the extent, that such disclosure is necessary in order to comply with the procedures of the [board] **office**, unless such disclosure is prohibited by a court order.

(d) The [board] **office of professional licensure and certification**, its representatives, or its agents may, without a specific court order, disclose to any court that appoints or oversees guardians ad litem, or any other entity or group which possesses oversight authority over any type of professional activity of persons who may serve as a guardian ad litem, any records, documents, or information in the possession of the **office of professional licensure and certification or advisory board**, whether oral or in writing, including but not limited to that information described in RSA 490-C:4, II(b), unless such disclosure is prohibited by court order. In assessing whether or not to make a disclosure or engage in a communication under this subparagraph, consideration shall be given to whether or not it is likely that information conveyed will be further disseminated in a manner contrary to New Hampshire law.

Amend the bill by replacing section 31 with the following:

31 Manufactured Housing Installation Standards; Advisory Board Established. Amend RSA 205-D:2 to read as follows:

205-D:2 **Advisory** Board Established; Members; Terms; Chairperson.

I. There is hereby created an installation standards **advisory** board consisting of [9] **3** members appointed by the [governor and council] **office of professional licensure and certification in consultation with the board** as follows:

(a) One installer of manufactured housing[, nominated by the New Hampshire Manufactured Housing Association].

(b) One structural engineer or architect licensed in this state for a minimum of 5 years[~~, nominated by the board of professional engineers established under RSA 310-A:3].~~

(c) One dealer or retailer[~~, nominated by the New Hampshire Manufactured Housing Association.~~

(d) ~~Two owners or operators of a manufactured housing park with 100 or fewer lots, nominated by the New Hampshire Manufactured Housing Association.~~

(e) ~~One owner or operator of a manufactured housing park with more than 100 lots, nominated by the New Hampshire Manufactured Housing Association.~~

(f) ~~One member of a cooperative manufactured housing park, nominated by the Mobile/Manufactured Homeowner and Tenants Association of New Hampshire.~~

(g) ~~One municipal building code official, nominated by the New Hampshire Building Officials Association.~~

(h) ~~One municipal fire chief, nominated by the New Hampshire Association of Fire Chiefs.]~~

II. Each member shall serve a [3-year] **4-year** term and until a successor is appointed and qualified **and shall serve no more than 2 consecutive full terms.** [If there is a vacancy on the board, the provisions of RSA 21:33-a and RSA 21:34 shall apply.]

III. ***The responsibility for implementation of this chapter shall be transferred to the office of professional licensure and certification. The office of professional licensure and certification shall consult with the advisory board established when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the office of professional licensure and certification or until the rules expire, whichever occurs first.*** [The board shall biennially elect a chairperson and vice-chairperson. Five members of the board shall constitute a quorum.]

IV. ~~Members of the board shall receive \$25 for each day they are engaged in the duties of their office and shall be reimbursed for all actual travel, incidental, and clerical expenses incurred in carrying out the provisions of this chapter.~~

V. ~~The board shall hold meetings as deemed necessary by the board or the chairperson.~~

VI. ~~[Repealed.]~~

Amend the bill by replacing section 32 with the following:

32 Manufactured Housing Installation Standards; Duties of the Advisory Board. Amend the heading and introductory paragraph in RSA 205-D:3 to read as follows:

205-D:3 Duties of the **Advisory** Board.

The duties of the **office of professional licensure and certification, in consultation with the advisory board**, shall be to:

I. Assure compliance with the Federal Manufactured Housing Construction and Safety Standard, including compliance with the standard as amended by the Manufactured Housing Improvement Act of 2000, Public Law 106-569.

II. Establish uniform manufactured housing installation standards in order to protect the quality, durability, safety, and affordability of manufactured housing in this state.

III. **Adopt rules to** adequately license and train manufactured housing installers in order to ensure the proper performance of the house and protect the safety and welfare of the public.

IV. Ensure compliance with state installation standards by conducting appropriate inspections of the installation of manufactured housing.

V. Provide a fair and effective recourse for consumers relative to installation standards; and provide a dispute resolution program for timely resolution of disputes between manufacturers, retailers, and installers of manufactured houses regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured houses that are reported during the one year period beginning on the date of installation.

Amend RSA 205-D:5, II as inserted by section 34 of the bill by replacing it with the following:

II. Whenever a local enforcement agency, or if there is no local enforcement agency, the [board or the board's designee] **executive director of the office of professional licensure and certification or the executive director's designee** orders the correction of a violation under subparagraph I(c), he or she shall immediately notify the [board] **executive director.**

Amend the bill by replacing section 50 with the following:

50 New Paragraph; Midwifery; Purpose. Amend RSA 326-D:1 by inserting after paragraph V the following new paragraph:

VI. To provide state supervision over regulatory bodies comprised of active market participants, the responsibility for implementation of this chapter shall be transferred to the office of professional licensure and certification. The office shall consult with the advisory council established when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the office of professional licensure and certification or until the rules expire, whichever occurs first.

Amend the bill by replacing sections 52 and 53 with the following:

52 Midwifery; Council Established. Amend RSA 326-D:3 to read as follows:

326-D:3 Council Established.

[E.] There shall be a midwifery **advisory** council consisting of [6] **5** members to be appointed by the [governor with the advice and consent of the executive council] **office of professional licensure and certification in consultation with the council**. Members shall be appointed for 4-year terms. No member shall be appointed to more than 2 **full** consecutive terms. [AH] Members of the council [shall have been residents of this state for at least 5 years preceding appointment and] shall include:

(a) An obstetrician licensed to practice medicine under RSA 329 with experience in working with midwives certified pursuant to this chapter.

(b) A pediatrician licensed to practice medicine under RSA 329 with experience in working with midwives certified pursuant to this chapter.

(c) Three midwives certified under this chapter, who have each attended at least 50 deliveries as midwives.

~~[(d) One member of the general public who has familiarity with the practice of midwifery. The public member shall be a resident of the state of New Hampshire who is not, and never has been, a member of the midwifery profession or the spouse of any such person. The public member shall not have, and shall never have had, a material financial interest in either the provision of midwifery services or an activity directly related to midwifery, including the representation of the council or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.~~

~~II. Members appointed to the council shall serve without compensation.~~

~~III. [Repealed.]~~

~~IV. Members of the council shall elect a chairperson annually from among their members. The council shall meet at least quarterly and may hold additional meetings at such times as it may deem necessary. A quorum of the council shall consist of a majority of the members of the council who have been approved by the governor and council.]~~

53 Midwifery; Rulemaking. Amend RSA 326-D:5, I to read as follows:

I. The **office of professional licensure and certification, in consultation with the advisory** council, shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Qualifications for the practice of midwifery.

(b) The teaching of midwifery.

(c) The scope of practice and procedures in the practice of midwifery, including policies for professional direction and supervision.

(d) Eligibility requirements for the certification of midwives ~~[and the issuance of certificates of midwifery, including procedures for provisional certification and recertification after certification has lapsed].~~

(e) Renewal eligibility requirements, including requirements for continuing education and peer review.

(f) Diagnostic and laboratory tests midwives may administer and perform and the proper administration of RSA 326-D:12.

~~[(g) Standards for reciprocity.~~

~~[(h)]~~ (g) Establishing all administrative fines authorized under RSA 326-D:8, III(a)(4).

~~[(i)]~~ (h) Reporting requirements relative to client information and notification of transfers.

Amend RSA 326-D:6, I as inserted by section 54 of the bill by replacing it with the following:

I. No person shall practice midwifery in this state without first obtaining certification from the [council] **office of professional licensure and certification**. The [council] **office** shall certify for the practice of midwifery any person applying for such certification who meets the qualifications adopted under RSA 326-D:5, I(a) and who submits ~~[a-\$110]~~ **the requisite** certification fee.

Amend the bill by replacing section 55 with the following:

55 Midwifery; Qualifications. Amend RSA 326-D:7 to read as follows:

326-D:7 Qualifications. In order to be certified as a midwife by the [council] **office of professional licensure and certification**, a person shall:

I. Have completed high school or its equivalent.

II. Complete one college-level course in human anatomy and physiology, or pass a college-level equivalency program or credit by exam.

III. Express an intent to engage in the active practice of midwifery in the state.

IV. Submit an affidavit disclosing any criminal convictions. If the [council] **office** determines that such conviction has a direct bearing on the applicant's ability to serve as a midwife, such conviction may serve as a basis for denial of certification.

V. Meet practical experience requirements prescribed by the [council] **office**, including specific numbers of prenatal visits, post-partum follow-up exams, attendance at live births as an observer and primary birth attendant under supervision, performance of newborn examinations, performance of laceration repairs, performance of postpartum visits, and observation of in-hospital births.

VI. Present evidence of technical skills as prescribed by the [council] **office**.

VII. Present evidence of a passing grade on a certification examination approved by the [council] **office**.

VIII. Pass [both] a written [and an oral] examination [administered] **approved** by the [council] **office**. Such examinations shall include, but shall not be limited to, questions relative to New Hampshire laws and rules governing midwives.

Amend the bill by replacing section 57 with the following:

57 Septic System Evaluators; Purpose. Amend RSA 310-A:202 to read as follows:

310-A:202 Purpose. The purpose of this subdivision is to assure that a septic system evaluator performs professional services only when the septic system evaluator is qualified by education and training in the specific technical areas involved. **To provide state supervision over regulatory bodies comprised of active market participants, the responsibility for implementation of this chapter shall be transferred to the office of professional licensure and certification. The office shall consult with the advisory board when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the office of professional licensure and certification or until the rules expire, whichever occurs first.**

Amend the bill by replacing section 60 with the following:

60 Septic System Evaluators; Advisory Board of Septic System Evaluators. RSA 310-A:206 is repealed and reenacted to read as follows:

310-A:206 Advisory Board of Septic System Evaluators.

The office of professional licensure and certification shall establish an advisory board of septic system evaluators. The board shall consist of a septic system installer, a septic system designer, and a septic system evaluator. Board members shall serve for 3-year terms and may not serve more than 2 consecutive full terms. The advisory board shall advise the office of professional licensure and certification on the implementation of this chapter.

Amend RSA 310-A:210, III-IV as inserted by section 63 of the bill by replacing it with the following:

III. A person who was actively engaged in the business of septic system evaluation in this state as a means of his or her livelihood for at least 5 years and who provides the [board] **office of professional licensure and certification** with a sworn affidavit that he or she has performed a minimum of 25 septic evaluations preceding the effective date of this subdivision shall be eligible for licensure [by the board] without completion of the requirements of subparagraph I(a) or I(b). An application for licensure under this paragraph shall be made within one year following the effective date of this subdivision. The applicant shall be issued a license by providing evidence satisfactory to the [board] **office of professional licensure and certification** of the knowledge and experience equivalent to the requirements of subparagraphs I(a) and I(b).

IV. A person who currently holds a New Hampshire septic designer permit and who provides the [board] **office of professional licensure and certification** with a sworn affidavit that he or she has performed a minimum of 25 septic evaluations preceding the effective date of this subdivision shall be issued a license [by the board] without completion of the requirements of subparagraph I(a) or I(b) upon request of the applicant. An application for licensure under this paragraph shall be made within one year following the effective date of this subdivision.

Amend the bill by replacing section 70 with the following:

70 Repeal. The following are repealed:

- I. RSA 310-A:208, relative to fees.
- II. RSA 310-A:214, relative to reciprocity.
- III. RSA 310-A:218, relative to reissuance of licenses.
- IV. RSA 310-A:220, restraint of violations by septic system evaluators.

Amend RSA 151-A:3, I as inserted by section 72 of the bill by replacing it with the following:

I. **To provide state supervision over regulatory bodies comprised of active market participants, the responsibility for implementation of this chapter shall be transferred to the executive director of the office of professional licensure and certification effective July 1, 2024. The executive director shall consult with the advisory board established when implementing this chapter. Rules in effect upon the effective date of this section shall remain in effect until repealed by the executive director of the office of professional licensure and certification or until the rules expire, whichever occurs first.**

Amend the bill by replacing section 73 with the following:

73 Nursing Home Administrators; Functions and Duties of the Advisory Board. Amend RSA 151-A:4 to read as follows:

151-A:4 Functions and Duties of the **Advisory** Board.

I. It shall be the function and duty of the **office of professional licensure and certification, in consultation with the** board, to:

(a) Develop, impose, and enforce standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall be designed to insure that nursing home

administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators; **and**

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards[;].

~~(c) Issue licenses and registrations to qualified individuals and invoke disciplinary actions for violations of the provisions of licensure or practice under this chapter. The disciplinary actions may include revocation or suspension of a license or registration, imposition of a fine, or reprimand or censure of the licensee. All disciplinary proceedings by the board shall meet due process requirements for notice and hearings as provided in RSA 541-A.~~

~~(d) Establish and carry out procedures designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements of such standards;~~

~~(e) [Repealed.]~~

~~(f) Conduct a continuing study and investigation of nursing homes and administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of such administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who have been licensed as such.]~~

II. [Repealed.]

III. [Repealed.]

Amend the bill by replacing section 78 with the following:

78 Nursing Home Administrators; Licenses. Amend RSA 151-A:7 to read as follows:

151-A:7 Licenses.

I. An applicant for a license as a nursing home administrator who has:

(a) Successfully complied with the requirements of RSA 151-A:5 and the standards provided for therein; and

(b) Passed the examination provided for in RSA 151-A:6 shall be issued a license ~~[on a form provided for that purpose by the board, certifying that such applicant has met the requirements of the laws and rules entitling the applicant to serve, act, practice and otherwise hold such applicant out as a duly licensed nursing home administrator].~~

II. Under emergency conditions the **office of professional licensure and certification** ~~[secretary of the board in the secretary's discretion subject to the confirmation of the board]~~ may issue a non-renewable temporary emergency permit to a person of good character and suitability to act in the capacity of an administrator under the supervision of a licensed administrator pending ~~[action by the board until]~~ the next examination or not to exceed 6 months.

~~[H-a. If the board is satisfied that a candidate for licensure under the reciprocity provisions of RSA 151-A:9 meets all the requirements and needs only sit for the state examination, the board may, if an urgent need is demonstrated, provide the candidate with a temporary permit to work as an administrator in a nursing home within the state of New Hampshire. This temporary permit shall only be valid for a period of 6 months and shall not be renewable or reissued to the same candidate.]~~

III. If the ~~[board]~~ **office of professional licensure and certification** finds that programs of training and instruction conducted within the state are not sufficient in number or content to enable nursing home administrators to meet requirements established pursuant to this chapter, the ~~[board]~~ **office** may request the department of health and human services to institute and conduct or arrange with others to conduct one or more such programs, and shall make provision for their accessibility to residents of this state. The department of health and human services may approve programs conducted within and without this state as sufficient to meet education and training requirements established pursuant to this chapter. For purposes of this paragraph, the department of health and human services shall have the authority to receive and disburse state funds allocated for this purpose and federal funds received pursuant to section 1908(e)(1) of the Social Security Act.

Amend section 79 of the bill by inserting after paragraph VI the following new paragraph:

VII. RSA 151-A:6, II, relative to examinations of nursing home administrators.

Amend the bill by deleting section 80-89 and renumbering the original sections 90-91 to read as 80-81, respectively.

Amend RSA 310:1, II(jj) as inserted by section 80 of the bill by deleting subparagraph (jj) and renumbering the remaining subparagraphs (kk) - (aaa) to read as (jj) - (zz), respectively.

Amend the bill by replacing all after section 80 with the following:

81 Repeals; Massage Therapists and Massage Establishments. The following are repealed:

I. RSA 328-B:4, VII(h), relative to procedures for temporary permits.

II. RSA 328-B:4, VII(k)-(l), relative to administrative fines.

III. RSA 328-B:5-a, relative to temporary licenses for massage therapists.

IV. RSA 328-B:6, relative to license issuance.

V. RSA 328-B:7, relative to license renewal.

VI. RSA 328-B:11-a, relative to administrative fines.

VII. RSA 328-B:15, relative to injunctive relief.

82 Reflexologists, Structural integrators, and Asian Bodywork Therapists; Renewal of Practitioner License; Reinstatement. Amend RSA 328-H:9, II to read as follows:

II. All licenses issued pursuant to this chapter shall be renewed biennially ~~[on or before June 30]~~ **pursuant to RSA 310:8** upon approval by the executive director of the renewal application and submission of the required renewal fee.

83 Cross Reference Removed; Reflexology; Powers and Duties of the Executive Director. Amend RSA 328-H:5, VIII(i) to read as follows:

(i) A schedule of administrative fines which may be imposed under ~~[RSA 328-H:15 for violation of this chapter or the]~~ rules adopted ~~[pursuant to it]~~ **under RSA 541-A and in accordance with RSA 310:12.**

84 Repeal; Reflexologists, Structural integrators, and Asian Bodywork Therapists. The following are repealed:

I. RSA 328-H:15, relative to administrative fines.

II. RSA 328-H:16, relative to injunctive relief.

85 Midwifery; Telemedicine. Amend RSA 326-D:12-a to read as follows:

326-D:12-a Telemedicine. A midwife certified under this chapter shall be permitted to provide services through the use of ~~[telemedicine]~~ **“telemedicine,” as defined in RSA 310:7.** ~~["Telemedicine" means the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment.]~~

86 Septic System Evaluators; Expiration and Renewals. Amend RSA 310-A:215 to read as follows:

310-A:215 Expiration and Renewals.

I. ~~[The board shall send, by mail or otherwise, notification of the impending license expiration to each license holder at least one month prior to the expiration of the license, along with a request for payment of a renewal fee].~~ License holders in good standing may renew their licenses by paying the renewal fee prior to the expiration date of the license, and by presenting evidence satisfactory to the ~~[board]~~ **office of professional licensure and certification** of completion of the continuing education requirements. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked by the ~~[board]~~ **office of professional licensure and certification** for just cause.

II. All licenses issued by the ~~[board]~~ **office of professional licensure and certification** shall expire ~~[on the last day of the license holder's month of birth in the second year following the year of issuance, or upon such other biennial date as the board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the license holder's name shall be removed from current status, and application for reinstatement shall be required to return to current status provided that the license holder provides satisfactory proof that all required continuing education requirements have been met. The board shall charge a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee. Any renewal application received 12 months after the expiration date shall be rejected, unless accompanied by proof of successful completion of the examination required by the board. If a license holder fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the license holder shall be required to reapply and to be re-examined for licensure]~~ **in accordance with RSA 310:8.**

~~[III. License holders who have been activated by the military shall be exempt from any penalties or fees for renewal or reinstatement due to their absence, as approved by the board.]~~

87 Office of Professional Licensure and Certification; Telemedicine and Telehealth Services. Amend RSA 310:7, II to read as follows:

II. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-D; RSA 328-E; RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; ~~[RSA 328-I;]~~ RSA 328-J; or RSA 332-B may provide services through telemedicine or telehealth, provided the services rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of practice for individuals regulated under this chapter.

88 Repeal. The following are repealed:

I. RSA 328-I, relative to the board of registration of medical technicians.

II. RSA 151:3-d, relative to verification of medical technician registration.

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

2024-1248h

AMENDED ANALYSIS

This bill, at the request of the office of professional licensure and certification:

1. Converts the board of acupuncture licensing into an advisory board and makes other amendments implementing this change.

2. Converts the board of family mediator certification into an advisory board and makes other amendments implementing this change.

3. Converts the guardian ad litem board into an advisory board and makes other amendments implementing this change.

4. Converts the manufactured housing installations standards board into an advisory board and makes other amendments implementing this change.

5. Combines the advisory board of massage therapists with the advisory board of reflexology, structural integration, and Asian bodywork therapy and makes other amendments implementing this change.

6. Converts the midwifery council into an advisory council and makes other amendments implementing this change.

7. Converts the board of septic system evaluators into an advisory board and makes other amendments implementing this change.

8. Converts the board of examiners of nursing home administrators into an advisory board and makes other amendments implementing this change.

9. Repeals the board of registration of medical technicians.

Amendment to HB 1291

(2024-1203h)

Proposed by the Majority of the Committee on Special Committee on Housing-c

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

1 Accessory Dwelling Units; Definition. Amend RSA 674:71 to read as follows:

674:71 Definition. As used in this subdivision[;]:

I. "Accessory dwelling unit" means a residential living unit that is ~~[within or attached to]~~ located on a lot containing a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. ***Accessory dwelling units may be constructed at the same time as the principal dwelling unit.***

II. "Attached unit" means a unit that is within or physically connected to the principal dwelling unit, or completely contained within a preexisting detached structure.

III. "Detached unit" means a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.

2 Accessory Dwelling Units. Amend RSA 674:72 to read as follows:

674:72 Accessory Dwelling Units.

I. A municipality that adopts a zoning ordinance pursuant to the authority granted in this chapter shall allow accessory dwelling units ~~[as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception,]~~ in all zoning districts that permit single-family dwellings. One accessory dwelling unit, which may be either attached or detached, shall be allowed as a matter of right, and a second accessory dwelling unit shall be allowed as a matter of right or by either conditional use permit pursuant to RSA 674:21 or special exception. If a detached accessory dwelling unit is established on a property, the municipality may require that any additional accessory dwelling units must be attached. The municipality shall ~~[be allowed]~~ allow at least 2 accessory dwelling units without additional requirements for lot size, except as described by this section, setbacks, aesthetic requirements, design review requirements, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an accessory dwelling unit. The municipality is not required to allow more than ~~[one]~~ 2 accessory dwelling ~~[unit]~~ units for any single-family dwelling. The municipality may prohibit accessory dwelling units associated with multiple single-family dwellings attached to each other such as townhouses~~[, and with manufactured housing as defined in RSA 674:31]~~. Subsequent condominium conveyance of any accessory dwelling unit separate from that of the principal dwelling unit shall be prohibited, notwithstanding the provisions of RSA 356-B:5, unless allowed by the municipality.

II. If a zoning ordinance contains no provisions pertaining to accessory dwelling units, then ~~[one]~~ 2 accessory dwelling ~~[unit]~~ units shall be deemed a permitted accessory use, as a matter of right, to any single-family dwelling in the municipality, and no municipal permits or conditions shall be required other than a building permit, if necessary.

III. ~~[An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but a municipality shall not require that it remain unlocked.] Attached accessory dwelling units shall have either an independent means of ingress and egress, or ingress and egress through a common space shared with the principal dwelling, but the municipality shall not limit the choice of ingress and egress.~~

IV. Any municipal regulation applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit, including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States

Department of Housing and Urban Development, ***provided that such municipal regulations shall not be more restrictive for accessory dwelling units than for any single-family use in the same zoning district.*** ~~[A municipality may require adequate parking to accommodate an accessory dwelling unit.]~~ ***If a municipality has established regulations requiring parking for the principal dwelling unit, it may require up to one additional parking space for each accessory dwelling unit; required parking spaces may be provided either on-site or at a legally dedicated off-site location, at the property owner's discretion.***

V. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38, but separate systems shall not be required for the principal and accessory dwelling units. In order to comply with this paragraph and prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.

VI. A municipality may require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. A municipality may require that the owner demonstrate that one of the units is his or her principal place of residence, and the municipality may establish reasonable regulations to enforce such a requirement.

VII. A municipality may ~~[establish]~~ ***apply aesthetic*** standards ~~[for]~~ ***to*** accessory dwelling units ~~[for the purpose of maintaining the aesthetic continuity with]~~ ***only if the municipality has also applied such standards to*** the principal dwelling unit ~~[as a single-family dwelling]~~. A municipality may also establish minimum and maximum sizes for an accessory dwelling unit, provided that size may not be restricted to less than ~~[750]~~ ***1,000 square feet for one of the units by right, and 850 square feet for any other units.***

VIII. A municipality may not require a familial relationship between the occupants of an accessory dwelling unit and the occupants of a principal dwelling unit.

IX. A municipality may not limit an accessory dwelling unit to only one bedroom.

X. An accessory dwelling unit may be deemed a unit of workforce housing for purposes of satisfying the municipality's ***regional fair share*** obligation under RSA ~~[674:59]~~ ***674:59, III*** if the unit meets the criteria in RSA 674:58, IV for rental units. ***The municipality may require that if a property has more than one accessory dwelling unit, the additional units shall meet the definition of workforce housing in RSA 674:58, IV as it pertains to rental housing, and shall meet the definition of affordable in RSA 674:58, I. A municipality may require a restrictive covenant to be recorded in the registry of deeds to enforce compliance with these definitions.***

XI. ***A municipality shall allow accessory dwelling units to be converted from existing structures, including, but not limited to detached garages, regardless of whether such structure violates current dimensional requirements for setbacks or lot coverage.***

3 Accessory Dwelling Units; Definition. Amend RSA 674:73 to read as follows:

674:73 Detached Accessory Dwelling Units. A municipality ~~[is not required to but may]~~ ***shall*** permit ***at least one*** detached accessory dwelling ~~[units]~~ ***unit, but may require any other units to be attached.*** Detached accessory dwelling units shall comply with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72, IV through IX. ~~[If a municipality allows detached accessory dwelling units, it may require an increased lot size.]~~ ***A municipality may require a property have a minimum lot size of up to one half acre in order to have more than one accessory dwelling units.***

4 Effective Date. This act shall take effect July 1, 2025.

Amendment to HB 1296-FN (2024-1133h)

Proposed by the Committee on –c

Amend the bill by replacing section 2 with the following:

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

Amendment to HB 1300 (2024-1223h)

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 Terminal Patients' Right to Try Act. Amend RSA 126-Z to read as follows:

CHAPTER 126-Z [TERMINAL PATIENTS'] RIGHT TO TRY ACT

126-Z:1 Definitions.

In this chapter:

I. “Eligible patient” means a person to whom all of the following apply:

(a) The person has ~~[a terminal illness as determined by the person’s physician and a consulting physician]~~ ***been diagnosed by the person’s physician with a life-threatening disease or condition.***

(b) The ~~[person’s physician has determined that the person has no comparable or satisfactory]~~ ***person has already tried or is not a candidate for eligible*** United States Food and Drug Administration (FDA) approved treatment options ~~[available to diagnose, monitor, or treat the disease or condition involved and that the probable risk to the person from the investigational drug, biological product, or device is not greater than the probable risk from the]~~ ***for their*** disease or condition.

(c) The person ~~[has received a prescription or recommendation from the person’s physician for an investigational drug, biological product, or device]~~ ***is unable to participate in a clinical trial involving the eligible investigational drug, biologic or device.***

(d) The person has given written informed consent for the use of the investigational drug, biological product, or device or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian has given written informed consent on the patient’s behalf.

(e) The ~~[person has documentation from the person’s physician that the person has met the requirements of this paragraph]~~ ***physician providing access to an investigational drug, biologic, or device will not be compensated directly by the manufacturer for providing access to this therapy.***

II. “Investigational drug, ~~[biological product]~~ ***biologic***, or device” means a drug, ~~[biological product]~~ ***biologic***, or device that has successfully completed phase one of a clinical trial, but has not been approved for general use by the FDA and remains under investigation in a clinical trial.

II-a. “Life-threatening disease” means:

(a) ***Diseases or conditions where the likelihood of death is high unless the course of the disease is interrupted; and***

(b) ***Diseases or conditions with potentially fatal outcomes, where the end point of clinical trial analysis for new drugs, biologics, or devices for that disease or condition is survival.***

II-b. “Other protected access” includes:

(a) ***“Expanded access” whereby the treating physician requests access to an investigational drug, biologic, or device from the FDA and is subject to oversight from an Institutional Review Board; and***

(b) ***“Off-label use” means prescribing an FDA approved drug, biologic, or device for a use not approved for that specific indication consistent with RSA 329:17, VI-b.***

III. “Physician” means the licensed physician who is providing medical care or treatment to the eligible patient for the terminal illness.

~~[IV. “Terminal illness” means a disease that, without life-sustaining procedures, will result in death in the near future or a state of permanent unconsciousness from which recovery is unlikely.]~~

126-Z:2 Availability of Investigational Drugs, ~~[Biological Products]~~ ***Biologics***, or Devices; Costs; Coverage.

I. A manufacturer of an investigational drug, ~~[biological product]~~ ***biologic***, or device may make available an investigational drug, ~~[biological product]~~ ***biologic***, or device to eligible patients pursuant to this chapter. A manufacturer may:

(a) Provide an investigational drug, ~~[biological product]~~ ***biologic***, or device to an eligible patient without receiving compensation.

(b) Require an eligible patient to pay the costs of or associated with the manufacture of the investigational drug, ~~[biological product]~~ ***biologic***, or device.

(c) Require an eligible patient to participate in data collection relating to the use of the investigational drug, ~~[biological product]~~ ***biologic***, or device.

II. This chapter shall not require a health care insurer or any state agency to provide coverage for the cost of any investigational drug, ~~[biological product]~~ ***biologic***, or device.

III. Nothing in this chapter shall require the manufacturer of an investigational drug, ~~[biological product]~~ ***biologic***, or device to include an eligible patient in a particular clinical trial or study.

126-Z:3 Liability of Physician; Facility.

I. Notwithstanding any provision of law to the contrary, the board of medicine shall not revoke, fail to renew, or take any other action against a physician’s license issued pursuant to RSA 329 based ~~[solely]~~ ***primarily*** on a physician’s recommendation to an eligible patient regarding or prescription for or treatment with an investigational drug, ~~[biological product]~~ ***biologic***, or device.

II. Notwithstanding any provision of law to the contrary, the department of health and human services shall not take action against a facility licensed under RSA 151 based ~~[solely]~~ ***primarily*** on the institution’s participation in the treatment or use of an investigational drug, ~~[biological product]~~ ***biologic***, or device under this chapter.

126-Z:4 Private Cause of Action. Nothing in this chapter shall be construed to create a private cause of action against a manufacturer of an investigational drug, ~~[biological product]~~ ***biologic***, or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, ~~[biologi-~~

cal product] **biologic**, or device for any harm done to the eligible patient resulting from the investigational drug, [biological product] **biologic**, or device, if the manufacturer or other person or entity is complying in good faith with the terms of this chapter and has exercised reasonable care.

126-Z:5 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the chapter which can be given effect without the invalid provisions or applications and to this end the provisions of this chapter are severable.

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

2024-1223h

AMENDED ANALYSIS

This bill renames RSA 126-Z as the right to try act; revises eligibility criteria and definitions, and replaces the term biological products with biologics.

Amendment to HB 1301

(2024-1107h)

Proposed by the Committee on Resources Recreation and Development-r

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

2 New Section; Wake Surfing Restrictions; Petition and Hearing. Amend RSA 270-D by inserting after section 3 the following new section:

270-D:3-a Wake Surfing Restrictions; Petition and Hearings.

I. The commissioner of the department of safety shall adopt rules pursuant to RSA 541-A establishing scheduling and procedures for the public hearing process contained in this section.

II. Any group of 25 or more residents or property owners of a town in which a lake, pond, or river is located may petition the commissioner to prohibit or restrict wake surfing on the lake, pond, or river, or a portion thereof.

III. The commissioner shall hold a public hearing to determine whether to grant a petition submitted pursuant to paragraph II. In determining whether to grant the petition, the commissioner shall take into consideration the following factors:

- (a) The impact of wake surfing on the environment, the shoreline, and wildlife.
- (b) The surface area of the lake, pond, or river, or portion thereof, being considered.
- (c) The use or uses which have been established on the lake, pond, or river, or portion thereof.
- (d) The depth of the water.
- (e) The amount of water-borne traffic.

(f) The necessity of ensuring access to and use of the lake, pond, or river for all individuals and the right of those individuals to appropriate use of the public waters.

- (g) Whether a determination is necessary to ensure the safety of persons and property.

IV. For this paragraph, “abutter “ means any person who owns property immediately adjacent and contiguous to the area on which the change of use or restriction of use will take place. “Abutter” shall not include the owner of a parcel of land located more than 1/4 mile from the limits of the proposed change or restriction. Persons petitioning the commissioner requesting such a restriction shall notify, by certified mail, all abutters in New Hampshire with deeded waterfront property or deeded water access rights of the time and location of the public hearing as well as the proposed change or restriction. In addition, the time and location of the public hearing shall be printed in a newspaper of general circulation in the cities or towns with abutting properties at least 24 hours, excluding Sundays and legal holidays, prior to such hearings. The department shall post the petition on its official website at least 2 weeks prior to a public hearing scheduled by the department of safety.

V. The commissioner shall render a decision within 30 business days after the hearing. If wake surfing on a body of water is prohibited or restricted, the effective date of such prohibition shall be no sooner than October 1 of the year in which the order is issued. Hearings under this section shall be held in the vicinity of the body of water under consideration during the months of June, July, August, and September following the date of the petition.

VI. Any person aggrieved by a decision of the commissioner pursuant to this section may appeal to the commissioner for a review of the record and may appeal from such decision pursuant to RSA 541.

VII. Any prohibition or restriction of wake surfing on a lake, pond, or river, or portion thereof, imposed pursuant to this section shall have the full force and effect as if enacted as law.

VIII. The commissioner shall post any lake, pond, or river, or portion thereof, from which wake surfing is prohibited or restricted pursuant to this section.

**Amendment to HB 1320
(2024-1247h)**

Proposed by the Committee on Commerce and Consumer Affairs–c

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

1 Conveyances of Realty; Notification Required; Flood Risk. Amend RSA 477:4-a to read as follows:

477:4-a Notification Required; Radon, Arsenic, and Lead ***and Flood***

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.”

“Flood: Properties in coastal areas and along waterways may be subject to increased risk of flooding over time. A standard homeowners insurance policy typically does not cover flood damage. The buyer is encouraged to determine whether separate flood insurance is required and consult the Federal Emergency Management Agency's flood maps (FEMA.GOV) in order to determine if the property is in a designated flood zone.”

II. Nothing in this section shall be construed to have any impact on the legal validity of title transferred pursuant to a purchase and sale contract in paragraph I, or to create or place any liability with the seller or seller's agent for failure to provide the notification described in paragraph I.

2 New Subparagraph; Conveyances of Realty; Notification Required. Amend RSA 477:4-d by inserting after subparagraph (c) the following new subparagraph:

(d) Information relative to the property's location within a flood zone and whether or not the seller has flood insurance.

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

2024-1247h

AMENDED ANALYSIS

This bill requires that prior to the execution of a purchase and sale agreement for real property that flood risks be disclosed to the buyer.

**Amendment to HB 1321
(2024-0123h)**

Proposed by the Committee on Commerce and Consumer Affairs–c

Amend RSA 322:12-a as inserted by section 2 of the bill by replacing it with the following:

322:12-a No junk or scrap metal dealer licensed by a governing body under the authority of this chapter shall purchase any metal keg for malt beverages[, as defined in RSA 179:5-a, V,] or pieces of such metal keg, unless the seller is the brewer whose name or marking appears on the keg. If the brewer's name or marking has been removed or obliterated, the licensee shall not purchase the keg. ***As used in this section, “keg” means any refillable brewery-sealed, individual container of malt beverage having a liquid capacity of more than 64 fluid ounces.***

**Amendment to HB 1323-FN-A
(2024-0909h)**

Proposed by the Committee on Finance–r

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

AN ACT relative to the furnishing of copies of the state constitution by the secretary of state to the public.

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

1 New Section; Copies of State Constitution to be Furnished. Amend RSA 5 by inserting after section 5-b the following new section:

5:5-c Copies of State Constitution to be Furnished. The secretary of state is hereby directed to furnish such number of copies of the state constitution to the general public as he or she may deem necessary. The secretary of state may assess a fee to cover costs for bulk orders of copies of the state constitution requested by members of the legislative, judicial, and executive branches as well as members of the public.

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

2024-0909h

AMENDED ANALYSIS

This bill requires the secretary of state to furnish copies of the state constitution to the general public.

Amendment to HB 1352

(2024-0981h)

Proposed by the Committee on Executive Departments and Administration—c

Amend the bill by replacing section 1 with the following:

1 Firefighting Personal Protective Equipment; Limit Exposure to PFAS Chemicals. Amend RSA 154:8-c to read as follows:

154:8-c Firefighting Personal Protective Equipment.

I. In this section:

(a) “Department” means the department of safety.

(b) “Firefighting personal protective equipment” means any clothing designed, intended, or marketed to be worn by firefighting personnel in the performance of their duties, designed with the intent for use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets, hoods, and respiratory equipment.

(c) ***“Firefighting station wear” means uniforms, garments, or apparel worn by firefighting personnel while in the performance of their duties, often worn under their personal protective equipment. For the purpose of this section, firefighting station wear shall refer to uniform shirts or pants only.***

[~~(c)~~] (d) “Manufacturer” includes any person, firm, association, partnership, corporation, governmental entity, organization, joint venture, importer, or domestic manufacturer or distributor of firefighting agents or firefighting equipment. For the purposes of this section, “importer” means the owner of the product.

[~~(d)~~] (e) “Municipalities” means any county, city, town, fire district, regional fire district, or other special purpose district that provides firefighting services.

[~~(e)~~] (f) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS chemicals” means, for the purposes of firefighting agents and firefighting equipment, a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

II. Beginning January 1, 2020, a manufacturer or other person that sells firefighting personal protective equipment to any person, municipality, or state agency shall provide written notice to the purchaser at the time of sale ***that*** [~~if~~] the firefighting personal protective equipment ***does or does not*** [~~contains~~] ***contain*** PFAS chemicals. The written notice shall include a statement that the firefighting personnel protective equipment ***does or does not*** [~~contains~~] ***contain*** PFAS chemicals. All notices shall be included in all personnel files of all employees using the firefighting personal protective equipment ***and a copy of the same shall be provided directly to the employee,***

III. The manufacturer or person selling firefighting personal protective equipment and the purchaser of the equipment shall retain the notice in procurement files for at least 3 years from the date of the transaction. Upon the request of the department, a person, manufacturer, or purchaser shall furnish the notice, or written copies, and associated sales documentation to the department within 60 days.

IV. The department shall assist other state agencies, fire protection districts, and other municipalities to give priority and preference to the purchase of firefighting personal protective equipment that does not contain PFAS chemicals.

V.(a) Should a safe alternative to the current firefighting personal protective equipment be designed and manufactured, fire departments may give preference to that alternative as part of their existing personal protective equipment replacement program.

(b) Until such time that a safe alternative is provided to the employee, fire departments shall have in place a policy that limits the unnecessary exposure to firefighting personal protective equipment. Nothing in this sub-section shall refute that it remains the best practice for firefighting personal protective equipment to be worn while operating in an environment that poses an immediate danger to life or health.

VI. Beginning January 1, 2025, fire departments shall not provide as an option the purchasing of firefighting station wear that contains intentionally added PFAS or fire-resistive chemicals which contain fluorine, chlorine, bromine, lead, or antimony, and beginning July 1, 2025 fire departments shall not provide as an option the wearing of the same. Manufacturers of firefighting station wear shall provide fire departments with safer alternatives should they exist.

**Amendment to HB 1358
(2024-1072h)**

Proposed by the Committee on Commerce and Consumer Affairs--c

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

AN ACT relative to tenant and contract manufacturers of beer, wine, and liquor.

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

1 Contract Brewer; Definitions. RSA 175:1, XXV-a and XXV-b is repealed and reenacted to read as follows:

XXV-a. "Contract brewer" means a beverage manufacturer, hired to produce a beverage on the behalf of another beverage manufacturer, nano brewery, or brewpub, licensed by the commission or holding a license to manufacture a beverage issued by another state.

XXV-b. "Contract brewing arrangement" means a business relationship in which a beverage manufacturer is hired to produce a beverage on the behalf of another beverage manufacturer, nano brewery, or brewpub, licensed by the commission or holding a license to manufacture a beverage issued by another state.

2 New Paragraphs; Contract Wine Manufacturer; Contract Liquor Manufacturer; Definitions. Amend RSA 175:1 by inserting after paragraph XXV-b the following new paragraphs:

XXV-c. "Contract wine manufacturer" means a wine manufacturer, hired to produce a wine on the behalf of another wine manufacturer, licensed by the commission or holding a license to manufacture wine issued by another state.

XXV-d. "Contract wine arrangement" means a relationship in which a wine manufacturer is hired to produce a wine on the behalf of another wine manufacturer, licensed by the commission or holding a license to manufacture wine issued by another state.

XXV-e. "Contract liquor manufacturer" means a liquor manufacturer, hired to produce a liquor on the behalf of another liquor manufacturer, licensed by the commission or holding a license to manufacture liquor issued by another state.

XXV-f. "Contract liquor arrangement" means a business relationship in which a liquor manufacturer is hired to produce a liquor on the behalf of another liquor manufacturer, licensed by the commission or holding a license to manufacture liquor issued by another state.

3 Host Manufacturer; Definitions. RSA 175:1, XXXVI-b is repealed and reenacted to read as follows:

XXXVI-b. "Host manufacturer" means a beverage manufacturer, wine manufacturer, or liquor manufacturer facility involved in a host-tenant relationship. In this relationship, the tenant party holds a tenant manufacturer license under RSA 178:12-b; 178:8-a or 178:6-a, allowing them to produce or package beverages, wine, or liquor as permitted by their specific license type on the premises of the host manufacturer.

4 Tenant Manufacturer; Definition. RSA 175:1, LXIV-cc is repealed and reenacted to read as follows:

LXIV-cc. "Tenant manufacturer" means a person who has a permit or notice approved by the United States Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau allowing the person to engage in an alternating proprietorship.

5 Tenant Manufacturing License; Brewer Option. RSA 178:12-b is repealed and reenacted to read as follows:

178:12-b Tenant Brewer Manufacturing License; Brewer Option.

I. A holder of a tenant manufacturer license may manufacture and/ or package alcoholic beverages on the premises of a host manufacturer, and shall be consistent with all terms and conditions contained in Title XIII for their license type.

II. A holder of a tenant manufacturer license may transport in bulk alcoholic beverages produced on the Tenant's premises to a host manufacturer for the purpose of packaging alcoholic beverages on the host manufacturer's premises.

III. To be eligible for a tenant manufacturer license, the applicant shall have all applicable licenses or permits required by the United States Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau allowing the person to use the facilities, equipment, and employees of a host manufacturer.

IV. A tenant manufacturer shall be subject to the same requirements regarding production of alcoholic beverages as if the manufacturer conducted its manufacturing on its own premises independently.

V. The commission may require a tenant brewer manufacturer to maintain a record or log indicating which equipment is being used at any time by the tenant brewer manufacturer in the production of alcoholic beverages and which employees are working on production of the tenant brewer manufacturer's product.

VI. A tenant manufacturer is subject to the same reporting requirements as a beverage manufacturer, wine manufacturer, and liquor manufacturer as required by their New Hampshire manufacturer's license.

VII. A tenant manufacturer license shall have the right to transport beverages it manufactures in barrels, kegs, bottles, or other closed containers within the state for sale to licensees and to the state border for transportation and sale outside the state.

VIII. The annual fee for each license issued under this section shall be \$240.

6 New Paragraphs; Wine Manufacturer License; Tenant Option. Amend RSA 178:8 by inserting after paragraph VIII the following new paragraphs:

IX. A wine manufacturer licensee may be issued a tenant wine manufacturer license under RSA 178:8-a if the licensee meets the requirements of RSA 178:8-a. Wines produced or packaged by a wine manufacturer licensee as a tenant wine manufacturer at a host manufacturers' facility shall be included in the production reports submitted to the commission. No alcohol may be sold by the wine manufacturer in any manner which is inconsistent with the provisions of this title.

X. A wine manufacturer may enter into a contract wine manufacturer arrangement with a contract wine manufacturer, manufacturing in the state of New Hampshire after the wine manufacturer has been in operation for one year. Wine produced by a contract wine manufacturer intended for sale outside the state may be warehoused at the contract wine manufacturer's facility or at some other facility accessible only to the wine manufacturer. A contract wine manufacturer shall not deliver wine to on-premises and off-premises licensees within the state. A wine manufacturer shall file all contract wine manufacturer arrangements with the commission.

XI. The wine manufacturer shall submit to the liquor commission an annual report of all wines by:

- (a) The wine manufacturer on-site.
- (b) Any tenant wine manufacturer.

(c) Any contract wine manufacturer the wine manufacturer has contracted with under paragraph X.

XII. All taxes due on product that is made by a contract wine manufacturer shall be paid by the wine manufacturer.

7 New Section; Tenant Wine Manufacturer License; Tenant Option. Amend RSA 178 by inserting after section 8 the following new section:

178:8-a Tenant Wine Manufacturer License; Tenant Option.

I. A holder of tenant wine manufacturer license may manufacture and/ or package wine on the premises of a host manufacturer, and shall be consistent with all terms and conditions contained in Title XIII for their license type.

II. A holder of a tenant manufacturer license may transport in bulk wine produced on the tenant's premises to a host manufacturer for the purpose of packaging wine on the host manufacturer's premises.

III. To be eligible for a tenant wine manufacturer license, the applicant shall have all applicable permits or notices required by the United States Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau allowing the person to use the facilities, equipment, and employees of a host manufacturer.

IV. A tenant wine manufacturer is subject to the same requirements regarding production of wine as if the manufacturer conducted its manufacturing on its own premises independently.

V. Each tenant wine manufacturer shall maintain records and prepare reports for the commission which shall indicate the sales made under this section and shall pay to the commission monthly a fee equal to 5 percent of such sales on or before the fifteenth day of the month following the sale.

VI. The annual fee for each license issued under this section shall be \$240.

VII. The commission may require a tenant wine manufacturer to maintain a record or log indicating which equipment is being used at any time by the tenant wine manufacturer in the production of alcoholic beverages and which employees are working on production of the tenant wine manufacturer's product.

8 New Paragraphs; Liquor Manufacturer Licenses; Tenant Option. Amend RSA 178:6 by inserting after paragraph X the following new paragraphs:

XI. A liquor manufacturer may be issued a tenant manufacturer license under RSA 178:6-a if the licensee meets the requirements of RSA 178:6-a. Liquor produced or packaged by a liquor manufacturer licensee, as a tenant liquor manufacturer at a host manufacturers' facility, shall be included in the production reports submitted to the commission. No alcohol may be sold by the liquor manufacturer in any manner which is inconsistent with the provisions of this title.

XII. A liquor manufacturer may enter into a contract liquor manufacturer arrangement with a contract liquor manufacturer, manufacturing in the state of New Hampshire after the liquor manufacturer has been in operation for one year. Liquor produced by a contract liquor manufacturer intended for sale outside the state may be warehoused at the contract liquor manufacturer's facility or at some other facility accessible only to the liquor manufacturer. A contract liquor manufacturer shall not deliver liquor to on-premises and off-premises licensees within the state. A liquor manufacturer shall file all contract liquor manufacturer arrangements with the commission.

XIII. The liquor manufacturer shall submit to the liquor commission an annual report of all liquor by:

- (a) The liquor manufacturer on-site.
- (b) Any tenant liquor manufacturer.

(c) Any contract liquor manufacturer the liquor manufacturer has contracted with under paragraph X.

XIV. All taxes due on product that is made by a contract liquor manufacturer shall be paid by the liquor manufacturer.

9 New Section; Tenant Liquor Manufacturer License; Tenant Option. Amend RSA 178 by inserting after section 6 the following new section:

178:6-a Tenant Liquor Manufacturer License; Tenant Option.

I. A holder of tenant liquor manufacturer license may manufacture and/ or package liquor on the premises of a host manufacturer, and shall be consistent with all terms and conditions contained in Title XIII for their license type.

II. A holder of a tenant manufacturer license may transport in bulk liquor produced on the tenant's premises to a host manufacturer for the purpose of packaging liquor on the host manufacturer's premises.

III. To be eligible for a tenant liquor manufacturer license, the applicant shall have all applicable permits or notices required by the United States Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau allowing the person to use the facilities, equipment, and employees of a host manufacturer.

IV. A tenant liquor manufacturer is subject to the same requirements regarding production of liquor as if the manufacturer conducted its manufacturing on its own premises independently.

V. Each tenant liquor manufacturer shall maintain records and prepare reports for the commission which shall indicate the sales made under this section and shall pay to the commission monthly a fee equal to 8 percent of such sales or 8 percent of the retail value of such samples on or before the fifteenth day of the month following the sale or the sample distribution.

VI. The annual fee for each license issued under this section shall be \$240.

VII. The commission may require a tenant liquor manufacturer to maintain a record or log indicating which equipment is being used at any time by the tenant liquor manufacturer in the production of alcoholic beverages and which employees are working on production of the tenant liquor manufacturer's product.

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

2024-1072h

AMENDED ANALYSIS

This bill expands tenant brewing to include manufacturers of wine and liquor.

Amendment to HB 1361

(2024-1040h)

Proposed by the Committee on Special Committee on Housing-c

Amend the bill by replacing section 1 with the following:

1 Local Land Use Planning and Regulatory Powers; Manufactured Housing. RSA 674:32, I is repealed and reenacted to read as follows:

I.(a) Municipalities shall afford reasonable and realistic opportunities for the siting of manufactured housing as required in subparagraph (b) and a municipality shall not exclude manufactured housing completely from the municipality by regulation, zoning ordinance or by any other police power.

(b) A municipality that adopts land use control measures shall allow, in its sole discretion, manufactured housing to be located:

(1) On individual lots in most, but not necessarily all, land areas and lots in districts zoned to permit residential uses within the municipality; or

(2)(A) In manufactured housing parks, as defined in RSA 205-A:1, II, in most, but not necessarily all, land areas and lots in districts zoned to permit residential uses within the municipality; and

(B) In subdivisions created for the placement of manufactured housing on individually owned lots in most, but not necessarily all, land areas and lots in districts zoned to permit residential uses within the municipality; or

(3) In all 3 types of locations.

(c) Manufactured housing located on individual lots pursuant to subparagraph (b)(1) shall comply with lot size, frontage requirements, space limitations and other reasonable controls that conventional single-family housing in the same district must meet. No special exception or special permit shall be required for manufactured housing located on individual lots pursuant to subparagraph (b)(1) or manufactured housing subdivisions pursuant to subparagraph (b)(2)(B) unless such special exception or permit is required by the municipality for single family housing located on individual lots or in subdivisions.

(d) Municipalities permitting manufactured housing parks pursuant to subparagraph (b)(2)(A) shall afford reasonable and realistic opportunities for their development. In order to provide such opportunities, lot size and overall density requirements for manufactured housing parks shall be reasonable and realistic.

(e) Municipalities shall allow reasonable and realistic opportunities for the expansion of manufactured housing parks existing as of July 1, 2024. For expansion of existing manufactured housing parks, municipalities shall not require standards stricter than NFPA 501A, "Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities".

2024-1040h

AMENDED ANALYSIS

This bill requires municipalities that adopt land use control measures to provide reasonable and realistic opportunities for the siting of manufactured housing on individual lots and in manufactured housing parks and subdivisions within residential districts. The bill also directs municipalities to provide reasonable and realistic opportunities for expansion of existing manufactured housing parks.

Amendment to HB 1365

(2024-1243h)

Proposed by the Majority of the Committee on Commerce and Consumer Affairs-r

Amend RSA 318:47-dd, IV as inserted by section 1 of the bill by replacing it with the following:

IV. When a pharmacist dispenses an interchangeable biological product for the prescribed biological product, the pharmacist or his or her designee shall inform the patient *and the prescriber*.

Amend RSA 318:47-dd, VII as inserted by section 1 of the bill by replacing it with the following:

VII. The label of all biological products dispensed by a pharmacist shall include the proper name and the name of the manufacturer of the product.

VIII. A pharmacist shall not substitute an interchangeable biological product that results in an increased cost to the patient.

2024-1243h

AMENDED ANALYSIS

This bill allows for the substitution by a pharmacist of an interchangeable biological product for another interchangeable biological product, and prohibits the substitution of an interchangeable biological product if the substitution would result in an increase in cost to the patient.

Amendment to HB 1366-FN

(2024-0111h)

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

Amend RSA 270:29-b as inserted by section 2 of the bill by replacing it with the following:

270:29-b Reckless Operation of Boats. Any person who shall operate a power boat upon any waters of the state in a reckless manner or so that the lives and safety of the public are endangered shall be guilty of a misdemeanor. A violation of this section shall include payment of a fine of not less than \$500, a loss of the person's driver's license for 60 days, and loss of the person's privilege to operate a boat for 60 days. The period for the loss of the person's privilege to operate a boat shall be between Memorial day and Labor day. Any unserved suspension will be continued to the following year's boating season.

Amendment to HB 1380-FN

(2024-0872h)

Proposed by the Committee on Commerce and Consumer Affairs-c

Amend RSA 178:13, XV(b) as inserted by section 1 of the bill by replacing it with the following:

(b) An on-premises or off-premises licensee holding 2 or more brew pub licenses shall not sell more than 2,500 barrels of beer or cider to any New Hampshire licensed retailer.

Amendment to HB 1382-FN

(2024-1129h)

Proposed by the Committee on Education-c

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

AN ACT granting witness fee reimbursement to unrepresented parents in the armed forces who prevail in special education hearings.

Amend the bill by deleting sections 1 and 2 and renumbering the original sections 3 and 4 to read as 1 and 2, respectively.

2024-1129h

AMENDED ANALYSIS

This bill authorizes witness fee reimbursement for a parent in the armed forces who represents themselves at a special education hearing and prevails.

Amendment to HB 1383

(2024-1123h)

Proposed by the Committee on Education-r

Amend the bill by replacing section 1 with the following:

1 Composition of Cooperative School Boards. Amend RSA 195:19-a to read as follows:

195:19-a Composition of Cooperative School Boards.

The number, composition, method of selection, and terms of members of cooperative school boards shall be as provided in the bylaws or articles of agreement of the cooperative school district, as the case may be; provided, however, that such bylaws and articles of agreement shall be limited to the alternatives contained herein where applicable; and provided further that no cooperative school district in existence on August 22, 1971 shall be required to conform hereto unless it is so voted pursuant to RSA 671:9.

I. All members of the cooperative school board shall be elected at large; or

II. The cooperative school district shall be divided into single board member districts according to population with as nearly equal population in each district as possible; or

III. The cooperative school district shall be divided into multi-board member districts or a combination of single member or multi-member districts so that proportional representation will be most nearly achieved; or

IV. The members of the cooperative school board shall each be domiciled in and represent a pre-existing district with each pre-existing district having at least one such resident representative ~~[but all members of the cooperative school board shall be elected at large]~~ ***who shall be elected within their own district;*** or

V. Such other method of selection of cooperative school board members compatible with proportional representation, one-man one-vote principle as may be approved by the state board of education.

VI. The terms of the members of the cooperative school board shall be as provided in the bylaws or articles of agreement provided that in no case shall such terms exceed 3 years.

VII. Whenever the bylaws or articles of agreement provide for the election of cooperative school board members pursuant to this chapter, said election shall be with the use of the non-partisan ballot system under RSA 669.

2024-1123h

AMENDED ANALYSIS

This bill requires cooperative school boards to elect representatives from pre-existing districts only from voters within the district.

Amendment to HB 1385-FN

(2024-1090h)

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 establishing the veteran licensing acceleration program and making an appropriation therefor.

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

1 New Section; Veterans Licensing Acceleration Program. Amend RSA 110-B by inserting after section 90 the following new section:

110-B:91 Veterans Licensing Acceleration Program.

I. For this section:

(a) "Board" means a regulatory body with jurisdiction over professions within the office of professional licensure and certification under RSA 310.

(b) "License" shall include licenses, certifications or registrations required to practice a regulated occupation, or commensurate training and experience in a military occupational specialty as determined by the OPLC.

(c) "OPLC" means the office of professional licensure and certification.

(d) "Scope of practice" means the procedures, actions, processes, and work that a person may perform under an occupational license issued in this state.

(e) "Written confirmation" means confirmation by any writing, including email or text message.

II. The veteran licensing acceleration program (VLAP) is hereby established to provide accelerated licensing and certification processes for veterans seeking to enter licensed occupational professions overseen by boards organized under the OPLC.

III. VLAP shall be administered by the department of military affairs and veterans services, in consultation with the OPLC, United States Department of Veterans Affairs, relevant licensing boards, relevant educational institutions, state and national veterans service organizations, and relevant professional organizations. The department of military affairs and veterans services shall designate a VLAP administrator within its office.

IV. The VLAP administrator shall:

(a) Provide veterans with comprehensive resources and support to assist them in navigating the licensing process, including, but not limited to, the requirements of this section, as well as educational materials and access to mentors or subject matter experts;

(b) Collaborate with the United States Department of Veterans Affairs and other appropriate agencies to provide employment counseling and assistance to participating veterans.

(c) Conduct an annual assessment of VLAP's impact on licensure and employment outcomes of participating veterans; and

(d) Submit an annual report to the senate and house of representatives committees with jurisdiction over veterans affairs detailing program activities, participant outcomes, and recommendations for program improvements; and

(e) Assist the OPLC in determining what military experience or training satisfies licensure requirements under RSA 310:16.

2 Military Service Members and Spousal Temporary Licensure. Amend RSA 310:16 to read as follows:

310:16 Military Service Members, ~~[and Spousal Temporary Licensure]~~ **Spouse and Veterans.**

I. The office of professional licensure and certification shall issue temporary licenses to a member of the armed forces or their spouse, if the applicant holds a current, valid unencumbered occupational or professional license in good standing issued by a state or territory of the United States, in accordance with rules adopted **under RSA 541-A** by ~~the~~ executive director ~~[of the office of professional licensure and certification under RSA 541-A, provided that the]~~. **Provided an** applicant meets the requirements of this section, **the executive director shall issue the temporary license** within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of having received the results of a criminal records check. The rules shall contain the following provisions:

~~[I.]~~ **(a)** The applicant shall obtain a temporary license for a period of not less than 180 days while completing any requirements for licensure in New Hampshire so long as no cause for denial of a license exists under this title, or under any other law.

~~[II.]~~ **(b)** The ~~[license]~~ applicant must submit a notarized affidavit affirming, under penalty of law, that the applicant is the person described and identified in the application, that all statements made on the application are true and correct and complete, that the applicant has read and understands the requirements for licensure, ~~[and]~~ certifies that they meet those requirements, and that the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license **or was not subject to discipline in a jurisdiction where the applicant previously held a license that resulted in the loss of licensure.**

~~[III.]~~ **(c)** The applicant may request a one-time 180-day extension of the temporary license if necessary to complete the New Hampshire licensing requirements. The applicant must make this request within 15 days prior to the ~~[temporary license's]~~ expiration date **of the temporary license.**

~~[IV.]~~ **(d)** All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

II. Notwithstanding any general or special law to the contrary, the executive director shall facilitate the issuance of a license or certification for a person:

(a) Licensed in a state other than New Hampshire;

(b) Whose spouse is a member of the armed forces in the United States;

(c) Whose spouse is the subject of a military transfer to New Hampshire; and

(d) Who left employment to accompany a spouse to New Hampshire.

III. The executive director shall, in consultation with the boards, councils, and commissions, adopt rules, under RSA 541-A for what constitutes commensurate military education, training, or service acceptable for the specific regulated occupation or profession, as required pursuant to RSA 332-G:7, I.

3 Appropriation. For the fiscal year ending June 30, 2025, or effective upon receipt of sufficient funding, funds to implement and sustain the VLAP shall be appropriated from the general fund to the New Hampshire department of military affairs and veterans services. For each biennium thereafter, appropriations of state general funds for such program shall be made through the New Hampshire department of military affairs and veterans services biennial operating budget. Such funds shall be nonlapsing. 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.

2024-1090h

AMENDED ANALYSIS

This bill establishes the veteran licensing acceleration program for occupational licensure administered by the office of professional licensure and certification, and makes an appropriation therefor.

Amendment to HB 1390

(2024-1085h)

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

Amend RSA 270-D:1, XVI as inserted by section 1 of the bill by replacing it with the following:

XVI. “Wakesports zone” means an area of a waterbody that has a minimum of 50 contiguous acres that are at least 300 feet from shore on all sides, located on a lake, pond, or reservoir on which vessels powered by internal combustion motors are allowed and may be used at speeds exceeding 5 miles per hour.

Amend RSA 270-D:3-a, I(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Wakesports shall not be permitted:

- (1) On a body of water smaller than 50 contiguous acres.
- (2) Within 300 feet of a shoreline or in-water structures.

Amendment to HB 1399

(2024-1157h)

Proposed by the Majority of the Committee on Special Committee on Housing-r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Planning and Zoning; Regulatory Powers; Single-family Expansion. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI.(a) For all lots 2 acres or less in size, and for at least 50 percent of all lots in a municipality zoned for single-family residences, a proposed housing development of building or expanding a single family residence within a residential zone with no more than 2 residential units shall be allowed by right, without special application, discretionary review, or a hearing, if the proposed development meets all of the following requirements:

(1) The proposed development does not require demolition or alteration of the housing if it is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(2) The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions:

(A) If a local ordinance so allows.

(B) The site has not been occupied by a tenant in the last 12 months.

(3) The development is located outside of hazard risk areas, as identified by either:

(A) A hazard risk map that has been developed specifically for and adopted by a particular municipality, or

(B) A Risk Factor rating of “Minimal” or “1” for both Flood and Fire Risk from the First Street Foundation.

(b) A municipality may impose objective zoning standards, objective subdivision standards, and objective design review standards. The municipality shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to 2 units and each being at least 1,250 square feet in floor area. However, no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure, or to the same dimensions as immediate abutters; and, in all other circumstances, a municipality may require a setback of up to 3 feet from the side and rear lot lines.

(c) A municipality may require any of the following conditions when considering an application for 2 residential units:

(1) Off-street parking of up to one space per unit.

(2) For residential units connected to an on-site wastewater treatment system, the owner shall provide proof of New Hampshire department of environmental services subsurface construction approval for the increased septic system loading. Upon the department’s issuance of an approval for septic system operation, the municipality may issue a certificate of occupancy.

(3) A municipality may charge impact fees for new connections to municipal water and sewer services.

(4) If the municipality has proven through an engineering study that it does not have adequate water or sewer capacity to allow this development in parcels subject to municipal water or sewer, proposed housing developments of 2 units under this statute may be disallowed by the municipality for those subject parcels for a term of up to 10 years after the first proposed housing development, but then after the expiration of that term, all previously delayed housing development projects must be allowed by the municipality by right. Notwithstanding municipal water or sewer capacity, proposed housing developments must meet all other state regulations for water and sewer.

(d) A municipality may deny a proposed housing development project if the state makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project under this section would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A municipality may require that a rental of any unit created pursuant to this paragraph be for a term longer than 30 days.

(f) An application shall not be rejected solely because it proposes adjacent or connected structures, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

**Amendment to HB 1400
(2024-0853h)**

Proposed by the Committee on Special Committee on Housing-c

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

AN ACT relative to residential parking spaces.

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

1 New Paragraph; Zoning and Planning; Grant of Power; Parking. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI. In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places may regulate accessory parking for vehicles, but shall not require more than one residential parking space per unit.

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

2024-0853h

AMENDED ANALYSIS

This bill provides that zoning and planning regulations shall not require more than one residential parking space per unit.

**Amendment to HB 1413
(2024-1076h)**

Proposed by the Committee on Executive Departments and Administration-c

Amend the bill by replacing section 1 with the following:

1 Mental Health Practice; Candidates for Mental Health Licensure. Amend RSA 330-A:22, II(b) to read as follows:

(b) The supervisor shall assume professional, *ethical, and legal* responsibility for *mental health services provided by* the candidate in a written agreement on record with the board. ~~[The supervisor must assume both professional and legal responsibility in the agreement.]~~

2024-1076h

AMENDED ANALYSIS

This bill revises the requirements for the written agreement that must be on record with the board of mental health practice concerning a supervisor's responsibilities with respect to a candidate for mental health licensure.

**Amendment to HB 1450
(2024-0964h)**

Proposed by the Committee on Education-c

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

AN ACT requiring the university system of New Hampshire and the community college system of New Hampshire to further work toward implementing comprehensive higher education alignment strategies and findings identified in the governor's public higher education task force report.

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

1 New Section; Public Higher Education Strategic Alignment. Amend RSA 187-A by inserting after section 28-d the following new section:

187-A:28-e Public Higher Education Strategic Alignment.

The university system of New Hampshire and the community college system of New Hampshire shall consider and work collaboratively toward the implementation of strategies identified in the report of the public higher education task force, established by Executive Order 2023-06, as necessary to successfully meet projected demands for New Hampshire higher education.

I. The university system of New Hampshire and the community college system of New Hampshire shall, in accordance with findings identified in the public higher education task force report, develop and implement system-wide higher education alignment strategies to:

- (a) Increase opportunities to raise education attainment levels, in part to meet workforce needs;
- (b) Improve accessibility and compatibility for New Hampshire students;
- (c) Minimize duplication of academic programs as appropriate while optimizing access for students;
- (d) Create potential for economies of scale and synergy;

- (e) Enhance regional growth and development;
- (f) Streamline administrative costs and obligations; and
- (g) Continue collaborative work establishing curricular pathways for the transfer of program and degree credit across institutions in the 2 systems pursuant to RSA 187-A:16-c and RSA 188-F:6-a.

II. The board of trustees of the university system of New Hampshire and the board of trustees of the community college system of New Hampshire are encouraged to collaboratively develop and implement pilot projects to align administrative functions under guidance, monitoring, and legislative oversight of the public higher education study committee established pursuant to RSA 187-A:28-a. The public higher education study shall include technical support from the director of higher education, New Hampshire department of education, who shall serve as a non-voting committee member.

III. The chancellors of the university system of New Hampshire and the community college system of New Hampshire shall submit joint quarterly progress reports, addressing higher education strategic alignment outcomes, to the public higher education study committee beginning with the calendar quarter ending June 30, 2024, or as requested by the committee. Beginning November 1, 2024, and each November 1 thereafter, the chancellors shall submit an annual report regarding implementation of comprehensive higher education alignment strategies and findings to the governor and council, the senate finance and education committees, the house finance and education committees, the board of trustees of the university system of New Hampshire and the community college system of New Hampshire, and the commissioner of the department of education.

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

2024-0964h

AMENDED ANALYSIS

This bill directs the university system of New Hampshire and the community college system of New Hampshire to work collaboratively toward implementation of the comprehensive higher education alignment strategies identified in the report of the public higher education task force, established in Executive Order 2023-06.

Amendment to HB 1452-FN (2024-0535h)

Proposed by the Committee on Education-r

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

1 New Sections; School Superintendent and School Business Officer; Required Credentials. Amend RSA 186 by inserting after section 8 the following new sections:

186:8-a School Superintendent; Credentials Required.

I. An individual shall have the following entry level requirements to be certified as superintendent:

- (a) Have completed at least 3 years of experience as an education administrator in a k-12 setting;
- (b) Have completed a state board of education approved educational administration collegiate program at the post-master's certificate of advanced graduate study (CAGS), educational specialist, or doctoral level; or having held a related position in a public or private school for a minimum of three years and has 18 post-masters credits in educational leadership; and provided the individual has enrolled in a State Board approved New Hampshire superintendent mentoring program;
- (c) Have acquired the competencies, skills, and knowledge itemized in (d) below through experience in comparable leadership positions in education or other professions.

II. The application procedures for certification shall be as follows:

- (a) The candidate may obtain the necessary forms and information from the bureau of credentialing; and
- (b) The candidate shall file the following materials and documents with the bureau of credentialing:
 - (1) Completed application forms;
 - (2) Previous work record;
 - (3) Education record; and
 - (4) A minimum of 3 confidential references from persons who can attest to the candidate's proficiencies in the required leadership area.

III. If the bureau of credentialing determines that the materials described in paragraph IV attest to the candidate's successful completion of the requirements for certification, the candidate shall receive initial certification as superintendent from the bureau of credentialing. This certification shall enable the holder to apply for employment as a New Hampshire superintendent.

IV. Qualifications for superintendent shall include the following skills, competencies, and knowledge:

- (a) As relating to vision, mission and goals, the candidate shall understand and demonstrate knowledge of, or competency in, promoting the success of all students by facilitating the development, articulation, implementation, and stewardship of a vision of learning and strong organization mission setting high expectations for every student that is shared and supported by the school community, including but not limited to:

- (1) Creating a vision that establishes high, measurable goals for all students and educators;

(2) Creating shared commitments in that the process of creating and sustaining the vision, mission, and goals is inclusive, building common understandings and genuine commitment among all school community members to implement vision and goals; and

(3) Monitoring and evaluating progress toward the vision, mission, and goals, based on systematic evidence to foster continuous improvement and ensure that the vision, mission, goals and implementation plans are realized.

(b) As relating to district culture and instructional programs, the candidate shall understand and demonstrate knowledge of, or competency in, promoting the success of all students by advocating, nurturing, and sustaining a district organizational culture and instructional program conducive to student learning and staff professional growth including, but not limited to:

(1) Promoting achievement and success of all students by monitoring and continuously improving teaching and learning, establishing a strong professional culture of growth, openness and collaboration wherein educators engage in analyzing student data and planning program improvements that result in closing achievement gaps;

(2) Providing support, time, and resources for leaders and staff to examine their own beliefs, values, and practices in relation to the vision and goals for teaching and learning;

(3) Developing shared understanding of rigorous curriculum and standards-based instructional programs, working with teams to analyze student work, monitor student progress, and redesign curricular and instructional programs to meet diverse needs; and

(4) Promoting assessment and accountability by using various kinds of information and assessments such as test scores, work samples, and teacher judgment, to evaluate student learning, effective teaching, and program quality resulting in communication of progress toward vision, mission, and goals.

(c) As relating to district management, the candidate shall understand and demonstrate knowledge of, or competency in, promoting the success of all students by ensuring effective management of the organizational systems, finances, operations, and resources for a safe, efficient, high performing and positive learning environment, including, but not limited to:

(1) Using effective problem solving strategies to plan and maintain physical plant safety and student access, and evaluate and revise processes to continuously improve operational systems;

(2) Aligning fiscal and human resources by establishing an infrastructure for finance and personnel that directs resources toward teaching and learning, within federal and state rules, that recruits and retains quality personnel, addresses the diverse needs of students, and conducts personnel evaluation processes in keeping with state and local policies;

(3) Overseeing and directing labor relations, conflict resolution, collective bargaining, budget preparation, and budget administration; and

(4) Protecting the welfare and safety of students and staff by proactively involving parents, teachers, community members, and students to ensure a safe environment, and by addressing challenges to the physical and emotional safety and security of students and staff that interfere with teaching and learning.

(d) As relating to district, school and community, the candidate shall understand and demonstrate knowledge of, or competency in, promoting the success of all students by collaborating with families and community members, responding to diverse community interests and needs, and mobilizing community resources to improve teaching and learning, including, but not limited to:

(1) Collaborating with families and community members by using effective communication strategies to engage parents, staff, families, and community members to participate in achieving the mission, vision, and goals for teaching and learning;

(2) Promoting community interests and needs by being actively involved with aspects of the greater district community using a variety of media, including various digital formats, to communicate with the community and capitalizing on diversity as an asset of the district community; and

(3) Building on community resources by developing mutually beneficial partnerships to secure community support to sustain existing resources and add new resources that address the emerging needs of students.

(e) As relating to integrity and ethics, the candidate shall understand and demonstrate knowledge of, or competency in, promoting the success of all students by acting with integrity, fairness, and in an ethical manner, including, but not limited to:

(1) Following ethical and legal standards, behaving in a trustworthy manner consistent with legal standards, and using professional influence and authority to enhance education and the common good;

(2) Examining personal values and beliefs; assessing personal assumptions and practices that guide improvement of student learning; and modeling those behaviors in day to day practice; and

(3) Maintaining high standards for self and others, modeling lifelong learning by continually deepening understanding and practice related to content, standards, assessment, data, teacher support, evaluation, and professional development strategies.

(f) As relating to social and cultural contexts, the candidate shall understand and demonstrate knowledge of, or competency in, promoting the success of all students by understanding, responding to, and influencing the larger interrelated systems of political, social, economic, legal, and cultural contexts affecting education to advocate for their teachers' and students' needs including, but not limited to:

(1) Exerting professional influence, improving the broader political, social, economic, legal, and cultural context of education for all students and families through active participation in the local community and the larger educational policy environment;

(2) Contributing to the educational policy environment and political support for excellence and equity in education, striving to uphold and influence federal, state, and local laws, policies, regulations, and statutory requirements, and effectively communicating with key decision makers in the community and in broader political contexts to support student learning; and

(3) Working with policymakers to inform and improve education policymaking and effectiveness of the public's efforts to improve education.

186:8-b School Business Administrator; Credentials Required.

I. An individual shall have the following entry level requirements to be certified as a business administrator:

(a) Have completed a state board of education approved program in the area of business administration at the bachelor's or master's degree level; and

(b)(1) Have acquired the competencies, skill, and knowledge as itemized in paragraph III through experience in comparable business management positions; or

(2) Have demonstrated the equivalent of completing an approved program in business administration through experience in comparable business management positions and having successfully completed an individualized professional development plan.

II. The candidate shall file the following materials and documents with the bureau of credentialing:

(a) Completed application forms.

(b) Previous work record;

(c) Education record; and

(d) A minimum of 3 confidential references from persons who can attest to the candidate's proficiencies in the required leadership area.

III. Qualifications for business administrators shall include the following skills, competencies, and knowledge in the following areas:

(a) Educational organization;

(b) Financial resource management;

(c) Human resource management;

(d) Facility and property management;

(e) Information management;

(f) Risk management;

(g) Pupil transportation; and

(h) Food service.

IV. In the area of educational organization, the candidate shall have knowledge and the ability to administer and organize, including the ability to:

(a) Identify and apply management and leadership styles including, but not limited to, concepts of behavioral science and organizational structure theory;

(b) Develop and maintain positive organizational culture; and

(c) Manage organizational change;

(d) Knowledge of and ability to manage public policy and intergovernmental relations, including the ability to:

(1) Assist in the development and application of policies and rules of local boards of education, state educational authorities, state legislatures, and the federal government;

(2) Develop a financial model to monitor a school district's financial health; and

(3) Select professional advisors and contractors, including, but not limited to attorneys.

(e) Knowledge of and ability to manage legal issues, including familiarity with:

(1) RSA 32, 33, 35, and others relating to budget, debt, and capital reserve funds;

(2) Laws around various state aid programs including adequate education aid, building aid, and catastrophic aid;

(3) Laws relating to federal aid and program requirements including Public Law 94-142, IDEA, and ESEA grant programs;

(4) State reporting requirements including department and revenue administration forms and reporting requirements;

(5) State and federal constitutional rights that apply to individuals within the public education system;

(6) Appropriate statutory and constitutional authority regarding the administration of public schools and significant statutory and case law relative to:

- (A) Financial resource management;
- (B) Human resource management;
- (C) Facility and property management;
- (D) Information management;
- (E) Management of ancillary services; and

(7) Practice and application of ethical standards as they relate to the entire profession of school business administration.

V. In the area of financial resource management, the candidate shall have the following abilities and knowledge:

- (a) Knowledge of and the ability to apply the principles of school finance, including ability to:
 - (1) Explore alternative available revenue sources;
 - (2) Interpret the state funding model; and
 - (3) Analyze the impact of shifts in local, state, and federal funding, and the effect on local spending plans;
- (b) Knowledge of and ability to implement budgeting and financial planning, including ability to:
 - (1) Prepare a budget calendar to meet the time constraints of budget preparation; and
 - (2) Prepare revenue projections and estimates of expenditures for school and district-wide budgets;
- (c) Knowledge of and ability to manage purchasing including:
 - (1) Ability to apply the following:
 - (A) Generally accepted ethical concepts, as identified in the 2nd Edition of the International School of Business Management Professional Standards and Code of Ethics; and
 - (B) Computerized procedures in the bidding and purchasing process.
 - (2) Use of regional or cooperative purchasing with other school districts, municipalities, counties, and the state purchasing bureau;
 - (3) Specification and competitive bidding;
 - (4) Contracting and contract administration;
 - (5) Performance contracting;
 - (6) Insurance and bonding; and
 - (7) Lease purchasing;
- (d) Knowledge of and ability to manage supply and fixed asset management including the ability to:
 - (1) Manage and control inventories;
 - (2) Plan and implement a program for the maintenance and repair of equipment;
 - (3) Oversee the development and management of inventories; and
 - (4) Monitor and distribute supplies and equipment;
- (e) Knowledge of real property management including the ability to apply legal and ethical management policies, procedures, and practices;
- (f) Knowledge of and ability to implement accounting, auditing, and financial reporting, including ability to:
 - (1) Develop and monitor systems to account for, control, and report school district revenue and expense;
 - (2) Prepare and analyze interim and annual financial reports for school board, community, and other appropriate entities;
 - (3) Determine revenues and expenditures by fund, using state-approved charts of accounts;
 - (4) Establish and verify compliance with finance-related legal and contractual provisions; and
- (g) Facilitate management control of all financial operations and funds, using appropriate technology;
- (h) Ability to manage a school district's cash, investments, and debt, including ability to:
 - (1) Comprehend procedures and legal constraints for cash collection and disbursement;
 - (2) Select professional advisors/contractors, including, but not limited to:
 - (A) Bond counsel;
 - (B) Accountants and auditors;
 - (C) Actuaries;
 - (D) Financial advisors;
 - (E) Underwriters; and
 - (F) Banking institutions.
 - (3) Analyze the legal constraints and methods of issuing long-term general obligation bonds and lease purchasing, including:
 - (A) The bond rating process;
 - (B) Role of the bonding attorney; and
 - (C) Rating services; and

(i) Knowledge of and ability to evaluate technology available for school finance operations, including ability to:

- (1) Keep current with technology applications;
- (2) Maintain a working knowledge of the technology and software that are available for business and financial operations;
- (3) Evaluate and apply various technology tools for use in the business office;
- (4) Promote and assist in the development of staff training in technology for the business office;
- (j) Determine and advocate for the allocation of appropriate resources toward the purchase and installation of technology and technology infrastructures in the school and business office; and
- (k) Participate in the development and issuance of specifications for technology purchasing and technology infrastructure for school and business office functions.

VI. In the area of human resource management, the candidate shall have the following abilities and knowledge:

- (a) Knowledge of and ability to manage human relations including ability to:
 - (1) Identify and apply management theory and leadership styles including concepts of behavioral science and organizational structure theory;
 - (2) Develop and maintain organizational culture; and
 - (3) Manage organizational change;
- (b) Knowledge of and ability to manage the administration of personnel and benefits, including:
 - (1) Knowledge of federal and state laws, rules and regulations including, but not limited to, wage and hour requirements, Family Medical Leave Act, Fair Labor Standards Act, Comprehensive Omnibus Budget Reconciliation Act, Americans with Disabilities Act, workers compensation;
 - (2) Ability to coordinate the development and management of an appropriate personnel information management system; and
 - (3) Ability to administer collective bargaining agreements and personnel policies;
 - (4) Procurement and contract management for employee benefits such as workers compensation, unemployment compensation, medical and disability insurance; and
 - (5) Coordination of efforts relating to various employee committees such as safety committees, and wellness committees;
- (c) Knowledge of and ability to manage business office staff development, including ability to assist district staff in determining their professional development needs for the enhancement of employee training and development programs; and
- (d) Knowledge of and ability to manage labor relations and collective bargaining, including:
 - (1) Knowledge of RSA 273, the public sector collective bargaining law, as well as case law pertaining to labor relations; and
 - (2) Ability to analyze and review jurisdictional, state, rules and federal laws and regulations with respect to collective bargaining and impasse procedures, including, but not limited to mediation and fact finding.

VII. In the area of facility and property management, the candidate shall have the following abilities and knowledge:

- (a) Knowledge of and ability to manage facilities planning, including ability to assist in developing and implementing a strategic plan for facilities;
- (b) Knowledge of and ability to manage maintenance and operations, including ability to understand the steps and procedures required to keep schools clean, energy efficient, and well-kept through routine custodial services, preventive maintenance and energy management; and
- (c) Knowledge and ability to manage facility construction, reconstruction, and renovation projects, including the ability to enter into:
 - (1) Contracts for architectural, engineering, and construction;
 - (2) Bonding and insurance;
 - (3) Construction contract management and administration;
 - (4) Permitting; and
 - (5) School building approval and state construction aid programs.

VIII. In the area of information management, the candidate shall have a knowledge of and ability to manage business office technology, including ability to:

- (a) Oversee the technical aspects of information management;
- (b) Direct, protect, analyze, and update the information managed by the business office; and
- (c) Understand how district information is used in state and federal funding models.

IX. In the area of risk management, the candidate shall have the following abilities and knowledge:

- (a) Ability to assure that a comprehensive risk management program is in place;
- (b) Anticipate and manage risks, taking into consideration the individual nature of each situation;
- (c) Develop strategies and action plans to reduce exposure to risks;

- (d) Knowledge of legal requirements for insurance; and
- (e) Ability to direct the process of selecting/employing an insurance consultant or risk manager.
- X. In the area of transportation, the candidate shall have the following abilities and knowledge:
 - (a) Knowledge of state requirements for a student transportation program;
 - (b) Knowledge of and ability to analyze the methods available for providing transportation;
 - (c) Ability to assure that a school bus maintenance and replacement program is established and maintained;
 - (d) Ability to develop, implement, and maintain an efficient and comprehensive routing and bus stop plan; and
 - (e) Ability to develop and implement a comprehensive human resource plan to include recruiting, training, and retention of bus drivers.

XI. In the area of food service, the candidate shall have the following abilities and knowledge:

- (a) Knowledge of state and federal requirements of the food service program;
- (b) Knowledge of and ability to analyze the methods available for providing food service; and
- (c) Knowledge of food safety and sanitation.

186:8-c Rulemaking Authority. The commissioner of the department of education shall adopt rules, after public hearing and pursuant to RSA 541-A, relative to requirements to be certified as superintendent and requirements to be certified as a business administrator.

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

Amendment to HB 1494 (2024-1038h)

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

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

1 Agricultural/Industrial Utility Vehicles; Registration. Amend RSA 261:41-a, I to read as follows:

I. An agricultural/industrial utility vehicle, as defined in RSA 259:2-a, if operated upon a way shall be registered as provided in RSA 261:141, III(dd).

(a) To be eligible for the issuance of an agricultural/industrial utility vehicle registration to be operated on a way, the applicant shall sign the following form which the treasurer of a city or such other official as the city government may designate or the town clerk shall provide. This form shall be provided to the applicant upon request without further evidence from the applicant that the plate shall be used for purposes of this section.

I, the undersigned, fully understand the limitations concerning the use of agricultural/industrial utility vehicles registered under RSA 261:41-a, and hereby certify that my vehicle will be used only for agricultural/industrial utility vehicle purposes and uses incidental thereto, as defined in RSA 259:2-a.

Signed

Date:

Copies to:

Town or City Clerk

2 Snowmobiles; Event Calendar and Fee Distribution. Amend RSA 215-C:50, I to read as follows:

I. Any person, organization, or corporation who wishes to operate or to promote any snowmobile or OHRV event or contest involving the use of unregistered snowmobiles and OHRVs shall procure a permit from the executive director. The application for the permit shall be on an annual basis, shall include a listing of scheduled events, and shall be accompanied by an annual fee of \$50. Participants in an event or contest shall not be required to register in New Hampshire, but shall operate under the provisions of the permit. Any such participant who is not registered in New Hampshire shall not operate away from the race course or contest area specified in the permit. ***The department shall maintain a public calendar of approved events.*** Distribution of any fees collected under this section shall be ~~[as follows:]~~ ***appropriated to fund the public calendar of these events, or the department of fish and game for the purposes specified in either RSA 215-C:39, IX or RSA 215-A:23, VII.***

~~—(a) The first \$35 shall be appropriated to the department of natural and cultural resources for the administration of the bureau, and shall be used by the bureau for its grant-in-aid program pursuant to RSA 215-C:39, VII.~~

~~(b) From the balance, \$7.50 shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in RSA 215-C:39, VIII or RSA 215-A:23, VII, and \$7.50 shall be appropriated to the department of fish and game for the purposes specified in RSA 215-C:39, IX or RSA 215-A:23, VIII.]~~

3 Off Highway Recreational Vehicles and Trails; Events. Amend RSA 215-A:30, I to read as follows:

I. Any person, organization or corporation who wishes to operate or to promote any snow traveling vehicle or OHRV or snowmobile event or contest involving the use of unregistered snowmobiles or unregistered OHRVs shall procure a permit from the executive director. The application for the permit shall be on an

annual basis, shall include a listing of scheduled events and shall be accompanied by an annual fee of \$50. Participants in an event or contest shall not be required to register in New Hampshire, but shall operate under the provisions of the permit. ~~[Any such participant who is not registered in New Hampshire shall not operate away from the race course or contest area specified in the permit. Distribution of any fees collected under this section shall be as follows:~~

~~(a) The first \$35 shall be appropriated to the department of natural and cultural resources for the administration of the bureau, and shall be used by the bureau for its grant-in-aid program pursuant to RSA 215-A:23, VI and RSA 215-C:39, VII.~~

~~(b) From the balance, \$7.50 shall be appropriated to the department of natural and cultural resources for administration of the bureau for the purposes listed in RSA 215-A:23, VII, RSA 215-C:39, VIII and \$7.50 shall be appropriated to the department of fish and game for the purposes specified in RSA 215-A:23, VIII and RSA 215-C:39, IX.] ***The department shall maintain a public calendar of approved events. Distribution of any fees collected under this section shall be appropriated to fund the public calendar of these events, or the department of fish and game for the purposes specified in either RSA 215-C:39, IX or RSA 215-A:23, VIII.***~~

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

**Amendment to HB 1504-FN
(2024-1210h)**

Proposed by the Committee on Environment and Agriculture—c

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

1 New Subdivision; Architectural Paint Recycling Program. Amend RSA 149-M by inserting after section 63 the following new subdivision:

Architectural Paint Recycling Program

149-M:64 Purpose.

I. The general court recognizes that it is unusual for any painting project to use all of the paints purchased for the project, and that current disposal practices for the remaining paints are inefficient and can be costly. The general court further recognizes that the recycling cannot be done efficiently and economically, and in a way that allows a level playing field for producer competition, without the collaboration of all paint producers. The general court thus establishes a paint stewardship program to support and encourage the collection and recycling of latex paint and of oil-based paints and stains that can be exempt from regulation as hazardous waste if properly managed.

II. The goals of the paint stewardship program are:

(a) To reduce the amount of unwanted paint generated and promote the reuse and recycling of such paint.

(b) To establish collection points for post-consumer paints that are convenient and accessible to all areas of the state; to manage post-consumer paint collected at the collection points established under the program using environmentally-sound management practices.

(c) To manage post-consumer paint and paint containers using environmentally-sound management practices in an economically sound manner, while adhering to the waste management hierarchy of source reduction, reuse, recycling, energy recovery, and disposal; and to generate sufficient revenues to cover all costs of the paint stewardship program.

149-M:65 Definitions. In this chapter:

I. "Architectural paint" or "paint" means any interior or exterior architectural coating sold in containers of 5 gallons or less which is either latex-based paint, oil-based paint, or stain that, if properly managed, can be exempt from regulation as hazardous waste under RSA 147-A and has been exempted by rules adopted by the commissioner under RSA 147-A.

II. "Collection point" means a location that is under the direct supervision and control of a retailer, producer, or political subdivision at which there is a suitable container dedicated to collecting and consolidating post-consumer paint.

III. "Consumer" means a purchaser or user of architectural paint.

IV. "Costs of the paint stewardship program" means the actual costs incurred by the stewardship organization to establish and maintain the program plus the actual costs of the department for program oversight and compliance assurance.

V. "Distributor" means a business that has a contractual relationship with one or more producers to market and sell architectural paint to retailers in the state.

VI. "Energy recovery" means recovery in which all or a part of solid waste materials is processed in order to use the heat content or other forms of energy of or from the materials.

VII. "Environmentally-sound management practices" means procedures for the collection, storage, transportation, reuse, recycling, and disposal of post-consumer paint to be implemented to ensure compliance with all applicable federal, state, and local laws, regulations, rules, and ordinances and protection of human health and the environment. Such procedures shall include adequate recordkeeping, tracking, and documentation

of the final disposition of collected materials both within the state and beyond, as well as adequate environmental liability coverage for professional services and for the operations of the contractors working on behalf of the stewardship organization.

VIII. "Final disposition" means the point after which no further processing takes place and the paint has been transformed for reuse as a feedstock in producing new products or is disposed of, including for energy recovery, at permitted facilities.

IX. "Paint stewardship assessment" means the amount added to the purchase price of architectural paint sold in the state to cover the costs of the paint stewardship program.

X. "Paint stewardship program" or "program" means a program for management of post-consumer paint to be operated by a stewardship organization.

XI. "Post-consumer paint" means architectural paint that was purchased by or for a consumer that was not used and is no longer wanted by the consumer.

XII. "Producer" means a manufacturer of architectural paint that sells, offers for sale, or distributes such paint in the state under the producer's own name or brand.

XIII. "Recycling rate" means the percentage of the total amount of post-consumer paint collected by a stewardship organization in a calendar year that is recycled within 12 months of being collected.

XIV. "Recycling" means any process by which discarded products, components, and byproducts are transformed into new, usable, or marketable materials in a manner in which the original products may lose their identity but does not include energy recovery or energy generation by means of combusting discarded products, components, and by products with or without other waste products, for purposes of this subdivision.

XV. "Representative organization" means a nonprofit organization created by producers to operate a paint stewardship program that is open to all producers on a nondiscriminatory basis.

XVI. "Retailer" means a person that offers architectural paint for sale directly to consumers in the state, whether from a physical location or through catalogs or electronically via the Internet or similar conduits.

XVII. "Reuse" means the return of a product into the economic stream for use in the same kind of application as originally intended.

XVIII. "Stewardship organization" means a producer or representative organization that has submitted a paint stewardship program plan in accordance with RSA 149-M:66 and has received approval for the plan pursuant to RSA 149-M:67, II.

149-M:66 Proposals to Establish a Paint Stewardship Program.

I. Any producer or representative organization that wishes to become the stewardship organization shall, by January 1, 2025, submit a plan for the establishment of a paint stewardship program to the department for approval, together with a non-refundable application fee as specified in paragraph III and established in rules.

II. A retailer or political subdivision, may participate in being a collection site, but paint manufacturers shall participate in the paint stewardship program and fees associated within the state of New Hampshire to ensure the paint stewardship program remains viable for years to come.

III. The plan required by paragraph I shall include:

(a) A description of the applicant, including whether it is a producer or a representative organization, how it is managed and operated, how it is funded, and whether it is operating or has operated a paint stewardship program or similar product stewardship program in another jurisdiction and, if so, a description of that program.

(b) A description of how the applicant proposes to collect, transport, recycle, and process post-consumer paint covered by the program to meet the goals stated in RSA 149-M:64, II, including the number and location of proposed collection points, which shall be situated so as to ensure that at least 90 percent of state residents have a permanent collection point within a 25-mile radius of their residence.

(c) A description of how containers used to collect and consolidate post-consumer paint will be managed and protected against damage that could result in a spill, leak, or other discharge.

(d) The proposed initial amount of the paint stewardship assessment and the information on which the initial amount was determined, together with a description of the process by which the applicant will review and propose adjustments to the assessment, and the frequency of such review and proposed adjustments. A description of the financial assurance mechanism the applicant proposes to use as required by RSA 149-M:70.

IV. A non-refundable application fee shall be paid by an applicant for review of a paint stewardship plan the application fee structure shall be determined in rulemaking. The applicant shall pay such costs prior to the department issuing a decision under RSA 149-M:67.

149-M:67 Approval of Plan.

I. The department shall review a plan submitted under RSA 149-M:66 as provided in RSA 541-A:29. The department shall publish a notice on its web site that the plan is available for public review at least 30 days prior to making a determination of whether to approve the plan.

II. The department shall approve a plan and send written notification of such approval to the organization that submitted the plan upon determining that:

(a) The organization submitting the plan appears capable of implementing the plan;

(b) The proposed methods of collecting, transporting, and processing post-consumer paint appear adequate to meet the goals stated in RSA 149-M:64, II; and

(c) The funding mechanism proposed in the plan appears adequate to meet the requirements of RSA 149-M:68, I; and the proposed financial assurance mechanism meets applicable requirements.

III. If the department does not approve the plan, the department shall provide written notification to the organization that submitted the plan of the reason for the denial. Such denial shall not preclude the organization from submitting an amended plan.

149-M:68 Paint Stewardship Program Funding.

I. The stewardship organization shall administer the paint stewardship assessment for all architectural paint sold by participating producers in the state. The amount of the assessment shall be set so as to recover the costs of the paint stewardship program without exceeding such costs, based on a good faith estimate of those costs. If the funds generated by the assessment exceed the amount necessary to recover the costs of the program, the excess funds shall be used by the stewardship organization as stated in the approved plan to reduce future paint stewardship assessments and to improve services under the program. The department shall approve such changes in services before they are instituted.

(a) The original assessment shall not be more than: \$3.50 for cans above one gallon and no less than \$0.75 for quantities less than or equal to one pint. Otherwise, these fees, as set forth in the rulemaking process, shall be reviewed annually to ensure the fees continue to meet the cost of the program. However, nothing in this section shall be construed to require the product stewardship organization to implement the paint stewardship program if the amount of the approved assessment does not recover the costs of the paint stewardship program based on a good faith estimate of those costs.

(b) By July 1, 2025 the department shall establish the assessment by rule. Any change in the assessment shall be proposed by the department with the approval of the joint legislative committee on administrative rules and copies of the proposal shall be sent to the chairs of the house and senate ways and means committees at least 2 weeks before the public hearing.

II. All paint manufacturers shall add the paint stewardship assessment to the cost of all architectural paint sold for sale or other distribution in the state. Each producer/manufacture shall remit the assessments collected to the stewardship organization. Collection of the paint stewardship assessment shall commence no later than July 1, 2025.

III. A retailer or distributor shall include the paint stewardship assessment in the consumer's purchase price of the architectural paint sold by that retailer or distributor. The organization managing the program shall provide sample language to be displayed in the paint department explaining the paint stewardship program.

IV. No additional charge of any type shall be made at the time of post-consumer paint collection by a retailer or distributor.

V. The department shall send an invoice to the stewardship organization in each quarter that accrued costs exceed \$100, with documentation of the costs being invoiced to the organization. The stewardship organization shall pay such costs within 30 days of the date of the invoice. In any quarter that the department's costs do not exceed \$100, the amounts shall continue to accrue and be invoiced when the total exceeds \$100. All funds received at the department as recovered costs shall be deposited to the hazardous waste cleanup fund established under RSA 147-B:3.

149-M:69 Operation of Paint Stewardship Program.

I. The stewardship organization shall implement the approved plan within 3 months of receiving approval under RSA 149-M:67, II.

II. Upon implementation of the plan, no producer shall sell or offer for sale architectural paint in the state unless the producer participates in the paint stewardship program. The stewardship organization shall notify the department within 30 days of which producers are participating in that organization's paint stewardship program.

III.(a) The stewardship organization shall provide consumers and retailers with educational materials regarding the paint stewardship assessment and paint stewardship program. Such materials shall include information regarding available end-of-life management options for architectural paint offered through the paint stewardship program; promote waste prevention, reuse and recycling; and notify consumers that the assessment to fund the paint stewardship program is included in the purchase price of architectural paint sold in the state and that state law prohibits consumers from being charged any fee at the point of collection of waste paint.

(b) The materials provided pursuant to subparagraph (a) may include the following:

(1) Signage that is prominently displayed and easily visible to consumers;

(2) Printed materials and templates of materials for reproduction by retailers to be provided to the consumer at the time of purchase or delivery;

(3) Advertising or other promotional materials that include references to the paint stewardship program; and

(4) A manual for the operator of a collection point to ensure the use of environmentally-sound management practices when handling architectural paints.

IV. The stewardship organization shall notify the department in writing within 30 days of establishing any additional collection points, changing the location of a collection point, or terminating a collection point.

V. If the stewardship organization wishes to change the paint stewardship assessment, the stewardship organization shall submit a request to change the assessment to the department. The organization shall explain in detail the basis for the change and include audited financial reports to support the request. The department shall submit the request to the joint legislative committee on administrative rules by the process provided in RSA 149-M:68, I(b) if it determines that the change is necessary to cover the actual reasonable costs of the program.

VI. The stewardship organization that organizes the collection, transportation, and processing of post-consumer paint, in accordance with the paint stewardship program approved by the department under this subdivision, shall be exempt from RSA 356 with respect to any claims of a violation of antitrust arising from conduct undertaken in accordance with the paint stewardship program.

VII. Paint received at a collection location shall be considered universal waste pursuant to rules adopted by the department of environmental services. Nothing in this section shall otherwise reclassify paint as universal waste elsewhere in statute. This classification applies only to the paint stewardship collection receiving locations under the oversight of the nonprofit organization.

149-M:70 Financial Assurance Required.

I. Upon receiving approval of a proposed paint stewardship program, the stewardship organization shall take such steps as are necessary to ensure that financial assurance is in place. No post-consumer paint shall be collected until financial assurance is in place.

II. Financial assurance shall be in the form of a bond, letter of credit, or some other financial mechanism, with or without a trust or standby trust, provided that whatever mechanism is used shall:

(a) Be in an amount sufficient to remove all collected post-consumer paint if the stewardship organization terminates the program unexpectedly or fails to provide collection services that are consistent with the approved plan.

(b) Insure to the benefit of, and be payable to, the state of New Hampshire, department of environmental services, upon presentation of appropriate documentation; and require at least 120 days prior notice to the department prior to termination.

149-M:71 Annual Report Required.

I. The stewardship organization shall submit a report to the department annually, with the first report due 90 days after completion of the first year of program implementation, and in no case later than 18 months from the date the plan was approved pursuant to RSA 149-M:67, II. Thereafter, annual reports shall be submitted within 90 days after the end of each operating year. Such reports shall include:

(a) A description of the methods used to collect, transport, reduce, reuse, and process post-consumer paint in the state, including the location of each collection point;

(b) The volume and type of post-consumer paint collected in the state by method of disposition, including reuse, recycling, and other methods of processing; and whether the recycling rate has increased, decreased, or remained the same;

(c) The total costs of the paint stewardship program, as determined by an independent financial audit which may be funded from the paint stewardship assessment, that includes a breakdown of administration, collection, transportation, disposition, and communication costs; a summary of all outreach and educational activities undertaken and samples of educational materials provided to consumers of architectural paint;

(d) The total volume of post-consumer paint collected by the paint stewardship program and a breakdown of the volume collected at each collection site;

(e) Based on the paint stewardship assessment collected by the paint stewardship program, an estimate of the total volume of architectural paint sold in the state during the preceding year;

(f) An evaluation of the effectiveness of the paint stewardship program compared to prior years and anticipated steps the stewardship organization plans to take to improve performance throughout the state, if needed; and

(g) A report on how the stewardship organization has ensured environmental compliance at all collection points within the program.

II. Reports submitted to the department under this section shall be posted on the department's website, except that proprietary information submitted to the department in a plan, in an amendment to a plan, or pursuant to reporting requirements of this section that is identified by the submitter as proprietary information shall be subject to the exception for confidential information in RSA 91-A. As used in this paragraph, "proprietary information" means information that is a trade secret or production, commercial, or financial information, the disclosure of which would impair the competitive position of the submitter and would make

available information not otherwise publicly available. Such an exclusion shall not be used to conceal information necessary to the understanding of the finances of the program or in opposition to any rules adopted by the department of environmental services or regulations enacted by the Environmental Protection Agency.

III. The department shall append to each annual report submitted under this section its own accounting of its activities and finances relative to this chapter, and shall provide the combined report to the chairs of the house and senate environmental and ways and means committees.

149-M:72 Retailers.

I. Beginning July 1, 2025 or 3 months after a plan is approved by the commissioner under RSA 149-M:67, whichever occurs later, no retailer shall sell architectural paint unless, on the date the retailer ordered the architectural paint from the producer or the producer's agent, the producer or the paint brand is listed by the department as provided under RSA 149-M:73 as implementing or participating in an approved paint stewardship program.

II. Any retailer may serve as a paint collection point under the paint stewardship program provided the retailer complies with all applicable requirements of the paint stewardship program, including using environmentally-sound management practices.

149-M:73 List of Producers and Brands. The department shall maintain a list of producers participating and the brands included in the paint stewardship program. Such list shall be made available to the public on the department's web site and by other means as the department deems appropriate.

149-M:74 Liability for Discharges.

I. Any person who causes or suffers a spill, leak, or other discharge of materials collected under this program shall be liable for all costs of containment and removal of the discharged paint and, if the spill, leak, or discharge was onto or into any land surface, sewer or storm water collection network, surface water, or wetland, or in any area where the paint could reach surface water or groundwater, also shall be liable for the costs of cleanup and restoration of the site and surrounding environment.

II. Any person who causes or suffers a spill, leak, or other discharge of materials collected under this program due to gross negligence or reckless disregard, or by intention, shall be subject to the applicable penalty provisions of RSA 149-M and RSA 147-A.

III. Any person who agrees to operate a collection point and who responsibly implements environmentally-sound management practices in good faith shall not be subject to penalties for the acceptance or storage of, or for any spill, leak, or discharge of collected paint, or other materials that are inadvertently accepted pursuant to the program, and which occurs despite the implementation of such practices.

149-M:75 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. The content and structure of applications under RSA 149-M:66, including information and other materials to be submitted by an applicant.

II. The amount of the assessments for the stewardship organization.

III. The types of financial assurance that may be used to comply with RSA 149-M:70.

IV. The content and structure of annual reports under RSA 149-M:71, including information and other materials to be submitted by the stewardship organization.

V. Procedures for filing and review of requests to change the paint stewardship assessment.

VI. Environmentally-sound management practices at collection points.

VII. Definitions of terms not defined in this chapter.

VIII. Standards for granting any waivers from RSA 149-M:64-74.

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

2024-1210h

AMENDED ANALYSIS

I. Establishes a paint stewardship program wherein a nonprofit organization approved by the department of environmental services organizes a program for the reception of discarded architectural paint.

II. Establishes an assessment to fund the paint stewardship program.

III. Requires the department of environmental services to propose changes to the assessment for approval by the joint legislative committee on administrative rules.

Amendment to HB 1521

(2024-0902h)

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 recovery houses.

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

1 Recovery House; Definition. Amend RSA 153:10-d, II to read as follows:

II. In this section, "recovery house" means a ~~[residence]~~ **primarily non-transient dwelling or dwelling unit** that provides a ~~[safe, healthy, family-like,]~~ substance-free living environment that supports individuals

in recovery from addiction ***living as a single household*** and is centered on peer support and a connection to services that promote long-term recovery; provided that “recovery housing” shall not include ***a boarding house, a rooming house***, a halfway house, or any other facility requiring a license pursuant to RSA 151.

2 New Paragraph; Purposes of Zoning Ordinances; Recovery Houses. Amend RSA 674:17 by inserting after paragraph IV the following new paragraph:

V. A recovery house, as defined in RSA 153:10-d, II, that is located within a single-family, 2-family, or multi-family structure shall be treated in every zoning ordinance as a single-family, 2-family, or multi-family use, respectively, and shall not be subject to permitting or approval processes that a zoning ordinance or other land use regulation adopted under this title does not similarly require of other such uses. Use of an existing multi-family structure as a recovery house under this paragraph shall not require site plan review. For purposes of this paragraph, a recovery house shall be certified pursuant to RSA 172-B:2, V(a)(2) or shall be actively pursuing certification and achieve certification within one year after beginning operations. For a recovery house to be included under this paragraph, its operator shall first provide written notification to the local governing body at least 30 days prior beginning operations, and the local governing body may seek to ensure that the recovery house is either certified or seeking certification, as well as to ensure that the requirements of RSA 153 and RSA 155-A are met.

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

2024-0902h

AMENDED ANALYSIS

This bill makes changes to the definition of recovery house and specifies how a recovery house ought to be treated when interpreting zoning ordinances.

Amendment to HB 1540

(2024-0939h)

Proposed by the Committee on Commerce and Consumer Affairs–c

Amend the bill by replacing section 1 with the following:

1 Alcoholic Beverages; Definitions of Full Course Meal and Full Service Restaurant. Amend RSA 175:1, XXXII and XXXIII to read as follows:

XXXII. “Full course meal” means a diversified selection of food [~~which ordinarily cannot be consumed without the use of tableware and which cannot be conveniently consumed while standing or walking~~].

XXXIII. “Full service restaurant” means a room or rooms capable of seating, at ***one or more*** tables with chairs or at booths, at least 20 guests at one time, ***unless granted an exception from the liquor commission***. [~~The dining room and kitchen shall be sufficiently staffed. Meals shall be readily available, promoted and served to the table. The menu shall contain a variety of full course meals and a sandwich menu may be substituted at the noon meal.~~] ***Meals shall be readily available and served to the table.***

Amendment to HB 1542-FN

(2024-0745h)

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

Amend RSA 270-D:11, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Possess the certificate when operating a motorized vessel with any type of power motor in excess of 25 horsepower on the public waters of the state. ***The certificate shall be a physical original or copy, or an electronic copy, or a photograph of the certificate on an electronic device. Any electronic copy or photograph of the certificate shall contain the front and back of the physical original.***

Amendment to HB 1545

(2024-1115h)

Proposed by the Committee on Executive Departments and Administration–r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Disposal of Real Estate; Sale or Lease of Property for Affordable Housing. Amend RSA 4:40 by inserting after paragraph III-a the following new paragraph:

III-b. Notwithstanding paragraph III, the subject property may be transferred pursuant to RSA 204-D at less than fair market value, as determined by the governor and council, if the property will be transferred to a nonprofit entity for the construction and development of affordable housing, as defined in RSA 204-C:56, I. The state agency shall convey such property with the necessary covenants and restrictions to ensure that the property is used for such purpose consistent with RSA 204-D.

Amendment to HB 1552

(2024-0931h)

Proposed by the Committee on Education–c

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

**Amendment to HB 1554
(2024-0969h)**

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 certified culvert maintainer program reporting and requiring the commissioner of the department of environmental services to regulate the cutting of native aquatic vegetation on submerged lands in lakes and establishing rulemaking authority for such regulation.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3: 2 New Subdivision; Native Aquatic Vegetation. Amend RSA 482-A by inserting after section 482-A:35 the following new subdivision:

Native Aquatic Vegetation

482-A:36 Rulemaking. The commissioner shall regulate the cutting of native aquatic vegetation on submerged lands in lakes subject to this chapter. The commissioner shall adopt rules to effect the requirements of this section in furtherance of the purpose enumerated in RSA 482-A:1.

2024-0969h

AMENDED ANALYSIS

This bill:

I. Specifies who in a municipality shall submit a quarterly report on culvert maintainers.

II. Requires the commissioner of the department of environmental services to regulate the cutting of native aquatic vegetation on submerged lands in lakes and establishes rulemaking authority to accomplish that.

**Amendment to HB 1579-FN
(2024-1128h)**

Proposed by the Committee on Education–c

Amend the bill by replacing section 2 with the following:

2 New Paragraph; School Administrative Units; Merger. Amend RSA 194-C:2 by inserting after paragraph IV the following new paragraph:

V.(a) Pre-existing school administrative units may merge their administrative office with another pre-existing school administrative unit to consolidate administrative costs. Such mergers shall meet the following condition: the proposed merged school administrative unit shall have only one superintendent, or personnel responsible for superintendent duties pursuant to RSA 194-C:5, II-a.

(b) The planning committee shall study and evaluate mergers in the same manner provided for reorganization under paragraph III.

(c) Any school administrative units who are approved for merger by the planning committee shall be awarded a merger grant of an additional \$200 per pupil in the merged administrative unit annually for a period of 2 years. In order to qualify for a grant under this subparagraph, the merger must be completed by July 1, 2026. The source of funds for grants under this subparagraph shall be moneys from the education trust fund established in RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this subparagraph.

(d) The number of students, as defined for the purpose of the merger grant, shall be measured based on the school district in which the student resides and is educated at the school district's expense as of the October 1st count. The count shall not include charter school students.

(e) All school districts served by the newly merged school administrative unit shall be eligible for the merger grant.

**Amendment to HB 1585
(2024-1246h)**

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

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

AN ACT relative to the position of certified assisted living medication aide.

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

1 New Paragraph; Nurse Practice Act; Definition of Administrator Added. Amend RSA 326-B:2 by inserting after paragraph I-a the following new paragraph:

I-b. "Administrator" means the licensee or individual appointed by the licensee of the facility to be responsible for all aspects of the daily operation of the licensed premise.

2 New Paragraphs; Nurse Practice Act; Definitions Added. Amend RSA 326-B:2 by inserting after paragraph II the following new paragraphs:

II-a. “Certified assisted living medication aide” or “CALMA” means an individual who is certified by the office of professional licensure and certification to administer specific classes of and routes of medication, as described in rule, in a residential setting as defined in RSA 151:9, VII(a)(1) and RSA 151:9, VII(a)(2) under the direction of the facility administrator with access to clinical consultation 24 hours a day.

II-b. “Clinical consultant” means an APRN, RN, LPN, PA, or physician available electronically or in person 24 hours a day to provide clinical consultation.

3 New Section; Nurse Practice Act; Scope of Practice; Certified Assisted Living Medication Aide. Amend RSA 326-B by inserting after section 14 the following new section:

326-B:14-a Scope of Practice; Certified Assisted Living Medication Aide.

I. A certified assisted living medication aide (CALMA) shall practice under the supervision of the administrator of the licensed facility and have access to clinical consultation 24 hours a day appropriate for the setting in accordance with regulations established pursuant to RSA 326-B:4, I.

II. A CALMA is responsible for competency in the CALMA education program curriculum approved by the board.

III. A CALMA is authorized to administer medication if:

(a) The individual holds a currently valid certificate of completion from a board-approved CALMA education program; and

(b) The persons served are in a residential setting as defined in RSA 151:9, VII(a)(1) and (2).

IV. After successful completion of the CALMA education program, a CALMA shall be able to:

(a) Apply knowledge and techniques in the practice of medication administration, provided that injectable medication shall be limited to medications administered using a manufacturer prefilled auto-injector or pen-injector, and shall not include injection of a medication drawn from a container as a vial;

(b) Communicate effectively with the administrator and other health care professionals concerning the administration of medication;

(c) Maintain safe and effective methods of medication administration; and

(d) Maintain records as directed by the administrator of the facility.

V. Any expansion of the scope of practice shall be adopted by legislation in accordance with RSA 332-G:6.

4 New Section; Nurse Practice Act; Certified Assisted Living Medication Aide. Amend RSA 326-B by inserting after section 27 the following new section:

326-B:27-a Certified Assisted Living Medication Aide (CALMA).

I. Applicants for an initial certification for CALMA shall:

(a) Have participated in and completed a board-approved CALMA education program which offers a minimum of 40 hours of classroom and clinical setting education as defined by the board.

(b) Have passed an examination approved by the board.

(c) Have paid the certification fee.

(d) Be an employee of a residential care facility or supported residential care facility.

(e) Be at least 18 years of age.

II. Certification shall be renewed as required by RSA 310:8.

5 New Paragraph; Nurse Practice Act; Continuing Education; CALMA. Amend RSA 326-B:31 by inserting after paragraph III the following new paragraph:

IV. A CALMA shall complete 8 hours of continuing education relative to medication administration in programs approved by the board every 2 years.

6 New Paragraph; Nurse Practice Act; Rulemaking; Medication Administration. Amend RSA 326-B:9 by inserting after paragraph XIV the following new paragraph:

XV. Criteria for the administration of medications and the process of approving a registered nurse to conduct a medication administration educational program. Such rules shall:

(a) Include CALMA continuing education regarding medication administration under RSA 326-B:31, IV; and

(b) Provide that CALMA administration of injectable medication shall be limited to medications administered using a manufacturer prefilled auto-injector or pen-injector, and shall not include injection of a medication drawn from a container as a vial.

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

2024-1246h

AMENDED ANALYSIS

This bill defines the position of certified assisted living medication aide (CALMA) under the nurse practice act, provides for certification as a CALMA through the office of professional licensure and certification, and authorizes a CALMA to administer medication to individuals in specified residential settings.

**Amendment to HB 1591-FN
(2024-0840h)**

Proposed by the Committee on Commerce and Consumer Affairs--c

Amend the bill by replacing section 10 with the following:

10 Retail Tobacco License. Amend RSA 178:19-a to read as follows:

178:19-a Retail Tobacco License.

I. The commission may issue a retail tobacco license to a person engaged in the business of retail sales and distribution of tobacco products including e-cigarettes and ***alternative nicotine products*** in this state. Each retail outlet shall have a separate license regardless of the fact that one or more outlets may be owned or controlled by a single person.

I-a. The commission may issue a retail tobacco license to any business holding a license to sell alcoholic beverages under RSA 178 for an additional fee of \$6 per licensed location.

II. A retail tobacco license shall be prominently displayed on the premises described in it.

III. The commission, when issuing or renewing a retail tobacco license, shall furnish a sign which shall read or be substantially similar to the following: "State Law prohibits the sale of tobacco products or e-cigarettes to persons under age 21. Warning: violators of these provisions may be subject to a fine."

IV. All sales of tobacco, including e-cigarettes, shall be recorded on cash registers. No additional registers shall be added during the remainder of the year without prior approval of the commission. No rebate shall be allowed for cash registers discontinued during the license year.

V. The fee for a retail tobacco license shall be as determined in RSA 178:29, II(e).

VI. All New Hampshire tobacco licensees shall abide by all federal laws, regulations, and rules governing the sale, packaging, distribution and advertising of tobacco products, e-cigarettes, liquid nicotine, and alternative nicotine products.

VII. The commission may adopt rules under RSA 541-A necessary to effect the purposes of this section.

**Amendment to HB 1596-FN
(2024-1209h)**

Proposed by the Committee on Election Law--r

Amend RSA 664:14-c as inserted by section 1 of the bill by replacing it with the following:

664:14-c Synthetic Media and Deceptive and Fraudulent Deepfakes.

I. In this section:

(a) "Synthetic media" means an image, an audio recording, or a video recording of an individual's appearance, speech, or conduct that has been created or intentionally manipulated with the use of generative adversarial network techniques or other digital technology in a manner to create a realistic but false image, audio, or video.

(b) "Artificial intelligence" or "AI" is the ability of a machine to display human-like capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may adapt their behavior to a certain degree by analyzing the effects of previous actions and operating under varying and unpredictable circumstances without significant human oversight.

(c) "Generative AI" is AI that can generate text, images, or other media in response to prompts.

(d) "Deepfake" means a video, audio, or any other media of a person in which his or her face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she appears to be saying something that he or she has never said, or he or she appears to be doing something that he or she has never done.

II. Except as provided in paragraph III, a person, corporation, committee, or other entity shall not, within 90 days of an election at which a candidate for elective office will appear on the ballot, distribute a message created using artificial intelligence or generative AI that the person, corporation, committee or other entity knows or should have known is a deepfake, as defined in paragraph I, of a candidate or party on the state or local ballot.

III.(a) The prohibition in paragraph II shall not apply if the audio or visual media includes a disclosure stating: "This _____ has been manipulated or generated by artificial intelligence technology and depicts speech or conduct that did not occur."

(b) The blank in the disclosure required by subparagraph (a) shall be filled with whichever of the following terms most accurately describes the media:

- (1) Image.
- (2) Video.
- (3) Audio.

(c) For visual media, the text of the disclosure shall appear in a size that is easily readable by the average viewer and no smaller than the largest font size of other text appearing in the visual media. If the visual media does not include any other text, the disclosure shall appear in a size that is easily readable by the average viewer. For visual media that is video, the disclosure shall appear for the duration of the video.

(d) If the media consists of audio only, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not greater than 2 minutes each.

IV. This section shall not apply to any of the following:

(a) An interactive computer service provider or user as defined in 47 U.S.C. section 230 unless such provider or user was the creator of the deepfake prohibited by paragraph II.

(b) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite radio or television operator, programmer, or producer, Internet website or online platform, or other periodical that publishes, distributes or broadcasts a deepfake prohibited by paragraph II as part of a bona fide news report, newscast, news story, news documentary or similar undertaking in which the deepfake is a subject of the report and in which publication, distribution, or broadcast there is contained a clear acknowledgment that there are questions about the authenticity of the materials which are the subject of the report.

(c) Any radio or television broadcasting station or network, newspaper, magazine, cable or satellite television operator, Internet website or online platform, or other periodical when such entity is paid to publish, distribute or broadcast an election communication including a deepfake prohibited by paragraph II, provided that the entity does not remove or modify any disclaimer provided by the creator or sponsor of the election communication.

(d) A video, audio or any other media that constitutes satire or parody or the production of which is substantially dependent on the ability of one or more individuals to physically or verbally impersonate another person without reliance on artificial intelligence.

V. The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

2024-1209h

AMENDED ANALYSIS

This bill requires the disclosure of media created using artificial intelligence and deepfakes used in political advertising.

Amendment to HB 1607

(2024-1220h)

Proposed by the Minority of the Committee on Health, Human Services and Elderly Affairs–r
Amend RSA 132-A:4, II as inserted by section 4 of the bill by replacing it with the following:

II. Notwithstanding any rule of evidence or law to the contrary, evidence of a crime or wrongdoing obtained as a direct result of a parent acting in accordance with this chapter shall not be grounds for charges of abuse or neglect or criminal prosecution.

Amendment to HB 1616

(2024-0716h)

Proposed by the Committee on Education–r

Amend RSA 186-C:25 as inserted by section 1 of the bill by deleting paragraph IX.

2024-0716h

AMENDED ANALYSIS

This bill requires schools to obtain parental consent for each service is provided to a student under the Medicaid to schools program. The bill also requires certain legislative policy committees to receive reports regarding the Medicaid to schools program.

Amendment to HB 1622-FN

(2024-1226h)

Proposed by the Committee on Executive Departments and Administration–c

Amend the bill by inserting after section 4 the following and renumbering the original sections 5 through 9 to read as 7 through 11, respectively:

5 New Paragraph; Rulemaking; Public Comments; Requirement for Online Availability. Amend RSA 541-A:11 by inserting after paragraph VIII the following new paragraph:

IX.(a) Every public comment on a proposed rule that the agency receives electronically shall be promptly uploaded to a web page maintained by the agency. Each proposed rule shall have a separate location for all public comments received for that rule.

(b) Public comments received via regular mail shall, to the extent agency resources permit, be scanned and added to the web page as electronic documents.

6 Rulemaking; Filing Final Proposal Public Comments; Report. Amend RSA 541-A:12, II(e) to read as follows:

(e) A report of public comments received on the rule ***shall be created.*** ~~[and an explanation of how they were addressed in the final rule.]~~ ***The report shall indicate how the comment was incorporated into the final rule. If the comment was not incorporated into the final rule, a substantive explanation of the adopting authority overrule relevant arguments and considerations made in the comment shall be included.***

2024-1226h

AMENDED ANALYSIS

This bill requires rulemaking relative to the recordkeeping of the executive director of the office of professional licensure and certification and expands categories included in license renewal time frames. This bill also updates several provisions regarding public comments, reports and expired rules.

Amendment to HB 1637

(2024-1222h)

Proposed by the Committee on Transportation-c

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

1 New Paragraph; Prohibition of Inspection Performance Within a Specified Amount of Time. Amend RSA 266:1 by inserting after paragraph XII the following new paragraph:

XIII. The department shall not require an inspection station to perform inspections within any minimum or maximum amount of time. No penalty or audit shall result based on the amount of time spent on inspections, whether individually or on average.

2 Thirty-Day Inspection Grace Period. Amend RSA 266:I, IV to read as follows:

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, mopeds, roadable aircraft, and vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, mopeds, and roadable aircraft, the ownership of which has been transferred, shall be inspected not later than [10] **30** days after the registration or transfer of ownership of said vehicle. However, if a new vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, the vehicle shall be inspected not later than 20 days after the date of transfer. A used vehicle for which a dealer has issued a 20-day plate pursuant to RSA 261:109 shall be inspected by the dealer or an authorized inspection station on behalf of the dealer at the time of the attachment of the plate unless a valid inspection sticker issued by the dealer is in place, in which case the vehicle shall be inspected within [20] **30** days or before the sticker expires, whichever occurs first. All other expired motor vehicle inspections shall be subject to the [10-day] **30-day** grace period in RSA 266:5.

3 Penalty for Failing to Obey Inspection Requirements; Thirty-Day Grace Period. Amend RSA 266:5 to read as follows:

266:5 Penalty for Failing to Obey Inspection Requirements. The driver or owner of any motor vehicle failing to comply with the requirements of the director relative to inspection shall be guilty of a violation, and the director may refuse to register, or may suspend or revoke the registration of, any motor vehicle, trailer, or semi-trailer which has not been inspected as required or which is unsafe or unfit to be driven; provided, however, no person shall be charged with a violation of this section until a period of [10] **30** days has elapsed from the date the inspection was due. It shall be a rebuttable presumption that a vehicle that is required to be inspected is in violation of this section if the vehicle fails to display a valid inspection sticker. This section shall not apply to those vehicles required to be inspected under the provisions of RSA 266:1, IV. The fine for a violation of this section shall be \$60.

4 New Paragraph; Time Allotted for Inspections. Amend RSA 266:1-a by inserting after paragraph II the following new paragraph:

III. A law enforcement officer shall not require inspections within any minimum or maximum amount of time nor shall any penalty or audit result solely from the amount of time spent on inspections, whether individually or on average.

5 Front Lights. Amend RSA 266:31 to read as follows:

266:31 Front Lights. Every motor vehicle driven during the period from 1/2 hour after sunset to 1/2 hour before sunrise, and whenever rain, snow, or fog shall interfere with the proper view of the road so that persons and vehicles on the way are not clearly discernible at a distance of 1000 feet ahead, shall display at least 2 lighted lamps on the front; provided, however, that one suitable lighted lamp on the front of a motorcycle shall be sufficient. The headlamp shall throw sufficient light ahead within the traveled portion of the way to make clearly visible all vehicles, persons, or substantial objects within a distance of 200 feet, except that the headlamps of motorcycles shall be sufficient if they make clearly visible objects within a distance of 150 feet. No headlamp shall be used unless it is approved by the director and is equipped with a proper lens or other device designed to prevent glaring rays. All headlamps on every motor vehicle shall be located at a height of not more than 54 inches nor less than 24 inches from the ground on an unladen vehicle. The measurement shall be made from the ground to the center of the lens. No device which obstructs, reflects, or alters the beam

of such headlamp shall be used in connection therewith unless approved by the director. Every lens or other device to prevent glaring rays, the use of which on motor vehicles has been approved by the director, shall be arranged, adjusted, and operated in accordance with the requirements of the certificate approving the use thereof. Every lamp, bulb, or light used in any headlamp shall be of such candle power as may be specified for the approved device in the certificate approving the use thereof. Every reflector which is used as a part of such headlamp shall have a reflecting surface approved by the director after satisfactory tests have been made, and every reflecting surface shall be free from dents [;rust] and other imperfections ***that inhibit the ability for light to project as described this section. Cracks in a sealed beam headlamp shall cause inspection failure. Cracks in a projection headlamp that are covered by color matching automotive lens tape shall not cause inspection failure, except that any taped or untaped cracks that allow moisture to penetrate the headlamp shall cause inspection failure. Clouded/oxidized headlamps shall fail inspection when the light shines yellow or another color besides white, or if the light is so dim that headlamp aim cannot be checked on a headlamp aimer.*** The driver of every motor vehicle shall permit any properly authorized person to inspect the headlamping equipment of such motor vehicle and to make such tests as he or she may deem necessary to determine whether the provisions of this section are being complied with. Any headlamp color approved by the director for motor vehicles shall be considered approved for motorcycles.

6 Directional Signals. Amend RSA 266:42 to read as follows:

266:42 Directional Signals. It shall be unlawful to drive on any way in this state any motor vehicle registered in this state which is manufactured or assembled after January 1, 1952, unless such vehicle is equipped with directional signals approved by the director. The provisions of this section shall not apply to motorcycles manufactured prior to January 1, 1973. ***No directional signal shall cause inspection failure unless it does not function properly, is not properly directed, is obscured, or has a minimum light output and projection lower than the vehicle's original equipment. Cracks in a directional signal that are covered by color matching automotive lens tape shall not cause inspection failure, except that any taped or untaped cracks that allow moisture to penetrate the directional signal shall cause inspection failure.***

7 Reflectors. Amend RSA 266:43 to read as follows:

266:43 Reflectors. Every new motor vehicle sold and driven upon a way, other than a tractor truck, shall carry on the rear, either as a part of the tail lamps or separately, 2 red reflectors, except that every motorcycle, moped and motor-driven cycle shall carry at least one reflector. ***Cracks in a reflector that are covered by color matching automotive lens tape or color matching reflective tape shall not cause inspection failure.***

8 New Section; Restrictions and Rulemaking. Amend RSA 266 by inserting after section 117 the following new section:

266:118 Rulemaking Restrictions.

No rule shall require inspection failure when there are cracks in any functional headlamp lens or reflector.

9 Brakes; Inspection Failure. Amend RSA 266:28 to read as follows:

266:28 Brake Performance.

I. Every motor vehicle and every combination of motor vehicle with trailer or semi-trailer when driven upon the ways of the state shall at a speed of 20 miles per hour be capable, at all times and under all conditions of loading, of stopping on a dry, smooth, approximately level pavement free from loose material, upon application of the foot or service brake, within a distance of 30 feet.

II. Regarding brake pads and shoes, brakes shall fail inspection where:

(a) Bonded linings on brake shoes or pads are less than 2/32 inch thick, when measured at the thinnest point;

(b) Riveted linings on the brake shoes or disc brake pads are worn to within 2/32 inch of any rivet head; or

(c) A rivet on the brake lining is loose or missing or the lining is not securely fastened to the shoe or pads.

III. Regarding brake drums or discs, brakes shall fail inspection only where discs or drums:

(a) Show evidence of mechanical damage other than wear;

(b) Show evidence of delamination on the friction surface, such that either would affect proper brake operation, except that rust shall not be reason for inspection failure unless so required under RSA 266:3-a.

(c) Have cracks on the friction surface extending to the open edge or on the outside of the drum, particularly at the drum mounting area;

(d) Have a broken disc;

(e) Have cracks on the friction surface extending to the open edge on a disc;

(f) Have defective grease retainers;

(g) Are worn below the manufacturer's specifications; or

(h) Have a thickness less than the minimum which is stamped on the assembly.

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

**Amendment to HB 1688-FN
(2024-1254h)**

Proposed by the Committee on Executive Departments and Administration—c

Amend RSA 5-D:1 as inserted by section 1 of the bill by replacing it with the following:

5-D:1 Definitions. In this chapter:

I. "Artificial intelligence" or "AI" is the ability of a machine to display human-like capabilities for cognitive tasks such as reasoning, learning, planning, and creativity. AI systems may adapt their behavior to a certain degree by analyzing the effects of previous actions and operating under varying and unpredictable circumstances without significant human oversight.

II. "Generative AI" is AI that can generate text, images, or other media in response to prompts.

III. "Deepfake" means a video, audio, or any other media of a person in which his or her face, body, or voice has been digitally altered so that he or she appears to be someone else, he or she appears to be saying something that he or she has never said, or he or she appears to be doing something that he or she has never done.

IV. "State agency" means any department, commission, board, institution, bureau, office, law enforcement, or other entity, by whatever name called, including the legislative and judicial branches of state government, established in the state constitution, statutes, session laws or executive orders.

Amend RSA 5-D:3 as inserted by section 1 of the bill by replacing it with the following:

5-D:3 Prohibition. The following uses of AI by state agencies shall be prohibited:

I. Classifying persons based on behavior, socio-economic status, or personal characteristics resulting in unlawful discrimination against any individual person or group of persons.

II. Real-time and remote biometric identification systems used for surveillance in public spaces, such as facial recognition, except by law enforcement with a warrant.

III. Deepfakes when used for any deceptive or malicious purpose.

Amend RSA 5-D:5 as inserted by section 1 of the bill by replacing it with the following:

5-D:5 Compliance.

I. All state agencies shall take the following actions no later than 9 months after the effective date of this chapter and report their compliance with the department of information technology:

(a) Review the use of AI in their computer systems to verify, to the best of their knowledge, that they comply with the provisions of this chapter and the department of information technology code of ethics for AI systems. Any AI system that is prohibited shall be removed.

(b) Modify all procedures relative to any use of AI that are inconsistent with this chapter so that these procedures are consistent with the requirements in this chapter.

II. Any AI systems newly deployed by a state agency after the effective date of this chapter shall comply with the provisions of this chapter and the department of information technology code of ethics for AI systems. All newly implemented procedures relative to any use of AI that are implemented by a state agency after the effective date of this chapter shall be consistent with the requirements in this chapter.

III. One year after the effective date of this chapter, the department of information technology shall provide to the governor, the speaker of the house of representatives, and the president of the senate a report summarizing AI systems identified by state agencies recording which of those systems were prohibited and removed in compliance with this chapter, which systems are allowed according to this chapter, and what procedures have been implemented to ensure that the procurement and use of these systems will be in compliance with this chapter. This report shall be updated annually to include new systems that state agencies have purchased. All such reports shall also be posted on the department of information technology's website.

5-D:6 Severability.

The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**Amendment to HB 1698-FN
(2024-1147h)**

Proposed by the Committee on Environment and Agriculture—c

Amend RSA 430:34-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. This section shall not apply to the aerial application of pesticides by a person possessing a valid certificate of registration or permit pursuant to RSA 430:33 while applying pesticides for agricultural purposes using unmanned aircraft as defined in RSA 422:3, XXX at a height not exceeding 20 feet above ground level.

**Amendment to HB 1711-FN
(2024-0431h)**

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

Amend RSA 159-F:3 and 159-F:4 as inserted by section 3 of the bill by replacing it with the following:
159-F:3 Entry Into the National Instant Criminal Background Check System.

I. Notwithstanding any other provision of law, including the requirement of a closed hearing and file under RSA 135-C:43, when a judge orders a nonemergency involuntary admission pursuant to RSA 135-C:34-54 or a commitment pursuant to RSA 171-B:2, and the order is one that qualifies under 18 U.S.C. section 922(g)(4), the court shall retain a record of the court order and promptly cause the disposition to be entered in the NICS Indices. When a person is found not guilty by reason of insanity, or incompetent to stand trial and found by the court to be a danger to himself or herself or others court pursuant to RSA 135-E or 135:17-a, as provided in this section, the department of safety shall promptly cause that disposition to be entered in the NICS Indices, in accordance with paragraph II.

II. The court or the department of safety shall report only the person's name, an identifier signifying the applicable prohibition under 18 U.S.C. section 922(g), the person's social security number, and date of birth.

III. If a court determines that a person is not competent to stand trial and finds that the person is also a danger to themselves or others, but, after 90 days, the person is not committed pursuant to RSA 171-B:2, 135-C:34-54, or 135-E:5, upon the motion of any party or sua sponte, the court may transmit that finding to the department of safety for entry into the NICS Indices.

159-F:4 Notifications; Confiscation of Firearms.

I. Before the close of the hearing conducted pursuant to RSA 135:17-a, RSA 135-C:34-54, RSA 135-E:5, or RSA 171-B:2, the court shall inquire of the person if he or she currently owns or has access to any firearms, and if so, where they are located. If the person answers affirmatively, the court shall inform the person that the court may order law enforcement to confiscate those firearms or ammunition. In addition, the court shall offer the opportunity for the person to make voluntary arrangements to relinquish possession of his or her firearms or ammunition to law enforcement or to another individual in accordance with paragraph III.

II. On the conclusion of a proceeding under RSA 135:17-a establishing dangerousness under RSA 159-F:3, or on an order of commitment under RSA 135-C:34-54, 135-E:5, or 171-B:2, or upon the entry of a judgment of not guilty by reason of insanity, the court shall notify the person that such person is prohibited under federal law from purchasing, possessing, carrying, or transporting a firearm unless a petition for relief from disability is subsequently granted pursuant to RSA 159-G.

III. The court may simultaneously with any order of commitment issue an order:

(a) Directing the person to make arrangements to voluntarily relinquish possession of any firearms or ammunition he or she owns to law enforcement;

(b) Directing the person to transfer any firearms to another person with whom the person committed does not cohabitate, who is not himself or herself a prohibited person, and to whom the court determines such transfer should be permitted; or

(c) Directing law enforcement to confiscate any firearms or ammunition owned by the person no later than 48 hours after the order is issued.

IV. Firearms voluntarily relinquished or confiscated by law enforcement may be transferred to a federally licensed firearms dealer, at the person's own expense, for further disposition at the request of the owner and upon order of the court. Retrieval and disposal of any firearms not transferred to an individual or federally licensed firearms dealer shall be through the process as set forth in RSA 595-A:6.

Amend the bill by replacing section 5 with the following:

5 New Chapter; Relief from Disabilities. Amend RSA by inserting after chapter 159-F the following new chapter:

**CHAPTER 159-G
RELIEF FROM DISABILITIES**

159-G:1 Relief from Disabilities Petition.

Any person who has a non-emergency involuntary commitment under RSA 135-C:34-54 or has been found not guilty by reason of insanity or incompetent to stand trial and found by the court to be a danger to himself or herself or others pursuant to RSA 171-B:2, 135-E:5 or 135:17-a, as outlined in RSA 159-F, and who is subject to the firearm disabilities of 18 U.S.C. section 922 (g)(4), may petition for a review of the person's mental capacity to possess or purchase a firearm no sooner than the following time frames. Individuals found not guilty by reason of insanity may file for relief with the court 6 months after the finding of not guilty by reason of insanity status, unless the person was committed to an institution pursuant to RSA 651:8-b, in which case the person may file for relief 15 days after absolute discharge. Individuals found incompetent to stand trial and found by the court to be a danger to themselves or others under RSA 135:17-a, as outlined in RSA 159-F, may file for relief with the court 6 months after the finding of incompetency, unless the person

was committed to an institution pursuant to RSA 171-B:2 or RSA 135-C:34-54, in which case the person may file for relief 15 days from when an absolute discharge order has been filed with the probate court. A person committed under RSA 135-E:5 may petition for relief 15 days after absolute discharge.

159-G:2 Psychiatric Examination.

Upon receipt of a petition for relief, the court shall schedule a hearing no later than 60 days after the date the petition was filed. Simultaneously, the court shall order an independent psychiatric examination be completed no more than 45 days from the date of the court's order. The independent psychiatrist shall provide the court with an opinion as to whether the person is disabled by a mental illness and is likely to act in a manner dangerous to public safety.

159-G:3 Hearing; Order; Appeals.

I. The petitioner may present evidence and call witnesses at the hearing on the petition. The court shall make written findings of fact and conclusions of law on the issues before it and issue a final order. The court may only consider applications for relief due to mental health adjudications or commitments that occurred in New Hampshire. The court shall review the circumstances regarding the firearms disabilities imposed by 18 U.S.C. section 922(g)(4), and records consisting of at minimum mental health and any criminal record, if applicable, and the person's reputation developed through character witness testimony, witness statements, or other character evidence.

II. The court shall grant the relief requested in the petition if the judge finds by clear and convincing evidence that the petitioner will not be likely to act in a manner that is dangerous to public safety and that granting the relief would not be contrary to the public interest. If the final order grants relief, the court shall, as soon as possible, request that the NICS entry be redacted and shall notify the United States Attorney General that the basis for the record being made available no longer applies. The petitioner may appeal a final order denying relief within 30 days of the order to the New Hampshire supreme court. The supreme court shall review the case de novo and has discretion to review additional evidence.

III. If the motion for relief is denied, unless a court finds good cause for considering a petition for relief sooner, the person may petition the court for relief again after 2 years have elapsed.

**Amendment to HB 2024
(2024-0961h)**

Proposed by the Majority of the Committee on Public Works and Highways--r

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

1 State 10-Year Transportation Improvement Plan. The legislature hereby adopts the plan known as the "State of New Hampshire Ten Year Transportation Improvement Plan 2025-2034" submitted by the governor to the legislature pursuant to RSA 228:99 and RSA 240 and encourages expeditious implementation of the projects shown therein.

2 Claremont; Project Added. The project named Claremont, project number 27691, NH 12A, bridge rehabilitation carrying NH 12A over Sugar River shall be included in the 2025-2034 10-year transportation improvement plan with \$1,700,000 in 2025.

3 Londonderry; Project Added. The project named Londonderry, project number 41715, operational and capacity improvements at the intersection of NH 28 & Stonehenge Road shall be included in the 2025-2034 10-year transportation improvement plan with \$3,900,000 in 2025.

4 North Hampton; Project Added. The project named North Hampton, project number 24457, superstructure replacement of bridge carrying US 1 over Boston and Maine RR (red list bridge), shall be included in the 2025-2034 10-year transportation improvement plan with \$5,600,000 in 2025.

5 North Hampton; Project Added. The project named North Hampton, project number 43938, culvert replacement of an approximate 4' x 4' concrete/stone box culvert, shall be included in the 2025-2034 10-year transportation improvement plan with \$1,000,000 in 2025.

6 New Castle, NH 1B Causeway; Project Restored. The project named New Castle NH 1B Causeway, project number 44493, modifications to the portion of Route 1B that runs from Goat Island to New Castle Island, said project having been inadvertently removed, shall be included in the 2025-2034 10-year transportation improvement plan.

7 Projects Removed. The following projects shall be removed from the 2025-2034 10-year transportation improvement plan as said projects were withdrawn, combined with other projects, or advanced in prior years:

I. The project named Goffstown, project number 41597, said project being withdrawn by the local public agency.

II. The project named Manchester-Hooksett, project number 42753, said project being previously advanced.

III. The project named Merrimack, project number 41588, said project being withdrawn and combined with Merrimack, project number 29174, said combination being requested by the local public agency.

IV. The project named Moultonborough, project number 41580, said project being withdrawn by the town.

V. The project named Salem, project number 42884, said project being previously advanced.

VI. The project named statewide red list bridges, project number 40817, said project funds being transferred to the Bow-Concord, project number 13742.

VII. The project named Surry, project number 41470, said project being withdrawn by the local public agency.

VIII. The project named Waterville Valley, project number 43734, project being withdrawn by the local public agency.

8 Project Funding. The funding for the following projects in the 2025-2034 10-year transportation improvement plan is increased as stated:

I. The project named Bow-Concord, project number 13742, is amended to increase the funding by an additional \$97,500,000 and to include funds transferred from the statewide red list bridges, project number 40817.

II. The project named Charlestown, project number 40667, is amended to increase the funding by an additional \$3,000,000.

III. The project named Concord, project number 41468, is amended to increase the funding by an additional \$1,700,000.

IV. The project named Cornish, project number 44417, is amended to increase the funding by an additional \$1,300,000.

V. The project named Derry-Londonderry, project number 13065B, is amended to increase the funding by an additional \$4,500,000.

VI. The project named Dover, project number 41824, is amended to increase the funding by an additional \$7,700,000.

VII. The project named Dover-Somersworth-Rochester, project number 29604, is amended to increase the funding by an additional \$15,900,000.

VIII. The project named Hampton, project number 40797, is amended to increase the funding by an additional \$2,300,000.

IX. The project named Manchester, project number 16099 (Exits 6 & 7), is amended to increase the funding by an additional \$4,900,000.

X. The project named Manchester, project number 16099A (Exit 6), is amended to increase the funding by an additional \$5,100,000.

XI. The project named Manchester, project number 16099B (Exit 7), is amended to increase the funding by an additional \$2,500,000.

XII. The project named Nashua-Merrimack-Bedford, project number 13761A, is amended to increase the funding by an additional \$1,500,000.

XIII. The project named Portsmouth, project number 43760, is amended to increase the funding by an additional \$6,400,000.

9 Salvage Rail to Offset Trail Construction Cost. Any and all rail removed from a portion of the so-called Conway Branch rail line between the rail crossing at Center Ossipee/Moultonville Road to the rail crossing at route 113 in Madison shall be salvaged as either relay rail or steel salvage. The revenue generated shall be used to remove the rail for trail construction in that section of the Conway Branch rail bed.

10 Reclassification; Continental Boulevard, Merrimack. Continental Boulevard in the town of Merrimack is reclassified as a class V highway.

11 Effective Date.

I. Section 10 of this act shall take effect July 1, 2026.

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

2024-0961h

AMENDED ANALYSIS

This bill:

I. Adopts the 2025-2034 10-year transportation plan.

II. Adds certain projects to the 2025-2034 10-year transportation improvement plan.

III. Removes certain projects from the 2025-2034 10-year transportation improvement plan.

IV. Increases funding for certain projects in the 2025-2034 10-year transportation.

V. Requires that all rail removed from a portion of the Conway Branch rail line be used to offset construction costs of the portion's rail bed

VI. Reclassifies Continental Boulevard in the town of Merrimack as a class V highway.

Floor Amendment to HB 2024

(2024-1269h)

Proposed by Rep. Boyd

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

1 State 10-Year Transportation Improvement Plan. The legislature hereby adopts the plan known as the "State of New Hampshire Ten Year Transportation Improvement Plan 2025-2034" submitted by the governor to the legislature pursuant to RSA 228:99 and RSA 240 and encourages expeditious implementation of the projects shown therein.

2 Claremont; Project Added. The project named Claremont, project number 27691, NH 12A, bridge rehabilitation carrying NH 12A over Sugar River shall be included in the 2025-2034 10-year transportation improvement plan with \$1,700,000 in 2025.

3 Londonderry; Project Added. The project named Londonderry, project number 41715, operational and capacity improvements at the intersection of NH 28 & Stonehenge Road shall be included in the 2025-2034 10-year transportation improvement plan with \$3,900,000 in 2025.

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VI. The project named statewide red list bridges, project number 40817, said project funds being transferred to the Bow-Concord, project number 13742.

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V. The project named Derry-Londonderry, project number 13065B, is amended to increase the funding by an additional \$4,500,000.

VI. The project named Dover, project number 41824, is amended to increase the funding by an additional \$7,700,000.

VII. The project named Dover-Somersworth-Rochester, project number 29604, is amended to increase the funding by an additional \$15,900,000.

VIII. The project named Hampton, project number 40797, is amended to increase the funding by an additional \$2,300,000.

IX. The project named Manchester, project number 16099 (Exits 6 & 7), is amended to increase the funding by an additional \$4,900,000.

X. The project named Manchester, project number 16099A (Exit 6), is amended to increase the funding by an additional \$5,100,000.

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XII. The project named Nashua-Merrimack-Bedford, project number 13761A, is amended to increase the funding by an additional \$1,500,000.

XIII. The project named Portsmouth, project number 43760, is amended to increase the funding by an additional \$6,400,000.

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10 Effective Date.

I. Section 10 of this act shall take effect July 1, 2026.

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

2024-1269h

AMENDED ANALYSIS

This bill:

I. Adopts the 2025-2034 10-year transportation plan.

II. Adds certain projects to the 2025-2034 10-year transportation improvement plan.

III. Removes certain projects from the 2025-2034 10-year transportation improvement plan.

IV. Increases funding for certain projects in the 2025-2034 10-year transportation.

V. Requires that all rail removed from a portion of the Conway Branch rail line be used to offset construction costs of the portion's rail bed.