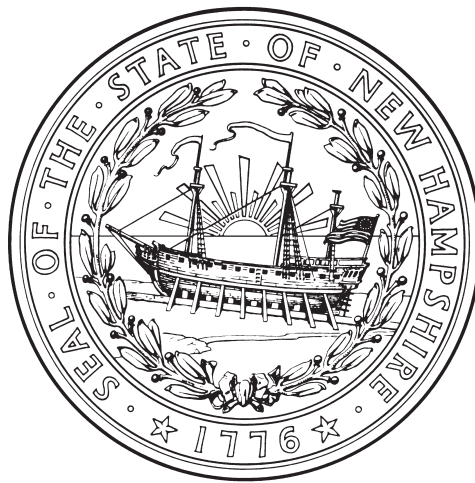


February 16, 2022
Nos. 2-3

STATE OF NEW HAMPSHIRE

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



**Second Year of the 167th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – FEBRUARY 3, 2022 SESSION
COMMENCEMENT – FEBRUARY 16, 2022 SESSION**

SENATE JOURNAL 2 *(continued)*

February 3, 2022

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

HB 319, requiring students in the university and community college systems of New Hampshire to pass the United States Citizenship and Immigration Services civics naturalization test.

SB 17, relative to permitting dogs in outdoor dining areas of restaurants.

Senator Avard moved adoption of the Report of Committee on Enrolled Bills. Adopted in recess.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

Senator Bradley moved that the Senate adjourn from the Late Session.

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 3

February 16, 2022

The Senate reconvened at 10:00 a.m., a quorum being present.

The Reverend Mark Warren, Chaplain to the Senate, offered the following prayer:

Well, good morning. Let's Pray.

God, we come to you today, hopefully feeling encouraged that this pandemic is behind us. But it has left us weary, it has left us tired, and I just pray for our Senators today that they would feel your strength, and they would remember the people that they are representing. It's hard when we get into the middle of bills and looking at words that we can be tired. We forget our calling and our purpose. God, we just think of your scripture, it says that your word is a lamp unto our feet and a light to our path so I pray that our Senators would continue to consider that your word brings light to a confusing and darkening world. That we would find guidance and peace from your word. We are grateful for their leadership, and for those who carry an extra burden of leadership, we pray for Senator Morse and Senator Soucy, we just pray that you strengthen them. We ask all this in your holy name, Amen.

Senator Hennessey led the Pledge of Allegiance.

JOINT CONVENTION

Without objection, the Senate will meet with the House of Representatives on Thursday, February 17, 2022 in Joint Convention for the purpose of hearing the State of the State Address by his Excellency, Governor Christopher T. Sununu. Adopted.

SPECIAL ORDER

Without objection, the bills in Committee on Energy and Natural Resources and the Committee on Ways and Means are Special Ordered to after the Committee on Education. Adopted.

ENERGY AND NATURAL RESOURCES

SB 258-FN-LOCAL, relative to the graves of African Americans alive during the period of American enslavement.

SB 455, requiring the commissioner of the department of environmental services to adopt ambient groundwater quality standards for certain per and polyfluoroalkyl substances.

WAYS AND MEANS

SB 318-FN, extending the hours in which games of chance may be conducted.

SB 338, enabling municipalities to adopt a municipal occupancy fee.

SB 343, establishing a committee to study room occupancy tax revenues and fees and the formula for distribution to municipalities.

SB 435-FN, relative to the net operating loss carryover under the business profits tax.

FN REPORT FOR FEBRUARY 16, 2022

Senator Daniels recommends the waiver of referral to the Finance Committee, Senate Rule 4-5, for the following bills with a fiscal note or an appropriation of funds:

CONSENT CALENDAR:

COMMERCE

SB 202-FN, prohibiting the sale of cosmetic products tested on animals.

SB 355-FN, requiring online marketplaces to disclose certain information to consumers.

SB 385-FN, relative to financial exploitation of vulnerable adults.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 239-FN, relative to noncompliance with municipal audit requirements.

ENERGY AND NATURAL RESOURCES

SB 429-FN, relative to the site evaluation committee.

JUDICIARY

SB 293-FN, relative to penalties for violation of privacy.

SB 295-FN, relative to penalties for violations of privacy.

SB 299-FN, relative to the penalty for escape.

SB 301-FN-L, relative to the procedure for violations under the right to know law.

TRANSPORTATION

SB 389-FN, defining mobile service garages and relative to state vehicle inspections.

WAYS AND MEANS

SB 441-FN-L, relative to the municipal share of fines for motor vehicle speeding offenses.

REGULAR CALENDAR:

COMMERCE

SB 347-FN, relative to the use of protected health information by employers.

SB 384-FN, requiring notice of the hands-free law at the point of sale for cell phones.

EDUCATION

SB 237-FN, relative to participation in the education freedom account program.

ENERGY AND NATURAL RESOURCES

SB 258-FN-L, relative to the graves of African Americans alive during the period of American enslavement.

HEALTH AND HUMAN SERVICES

SB 326-FN, establishing the office of early childhood.

JUDICIARY

SB 294-FN, relative to the release of a defendant pending trial.

SB 375-FN, relative to requirements for charitable organizations.

SB 377-FN, relative to the diagnosis of post-traumatic stress disorder in state troopers.

WAYS AND MEANS

SB 318-FN, extending the hours in which games of chance may be conducted.

SB 435-FN, relative to the net operating loss carryover under the business profits tax.

Senator Daniels recommends the following bills be ordered to the Finance Committee upon being found Ought to Pass/Ought to Pass with Amendment:

CONSENT CALENDAR:

EDUCATION

SB 381-FN-A, establishing an office of the advocate for special education.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 366-FN, requiring an audit of ballots cast in the 2022 primary and general election.

ENERGY AND NATURAL RESOURCES

SB 261-FN, relative to net metering participation.

SB 268-FN, relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine.

SB 396-FN, relative to solid waste management.

SB 440-FN, relative to approval of offshore wind energy contracts.

JUDICIARY

SB 376-FN, establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

TRANSPORTATION

SB 442-FN, relative to the suspension of a vehicle registration as a result of evading toll collection systems.

SB 447-FN, establishing the electric vehicle and infrastructure fund.

REGULAR CALENDAR:

COMMERCE

SB 428-FN-A, establishing a scholarship fund for certain small businesses applying for loans from the capital access program administered by the New Hampshire business finance authority—if Inexpedient to Legislate recommendation is overturned.

SB 451-FN-A, establishing a New Hampshire innovation program in the department of business and economic affairs and making an annual appropriation therefor—if Inexpedient to Legislate recommendation is overturned.

EDUCATION

SB 394-FN, relative to the definition of a child with a disability under special education laws.

SB 432-FN-L, repealing the education freedom account program—if Inexpedient to Legislate recommendation is overturned.

HEALTH AND HUMAN SERVICES

SB 413-FN-A, requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home, and making an appropriation therefor—if Interim Study recommendation is overturned.

SB 422-FN, establishing an adult dental benefit under the state Medicaid program.

SB 423-FN, relative to a closed loop referral system in the department of health and human services.

SB 430-FN-A, relative to health and human services.

Without objection, the FN Report is adopted.

CONSENT CALENDAR

Senator Bradley moved that the Consent Calendar, with the relevant amendments as printed in the day's Calendar be adopted and that all such bills found Ought to Pass be ordered as follows:

FN bills not waived under Senate Rule 4-5, to the Committee on Finance; non-FN bills approved for referral to Finance by the day's FN Report, to the Committee on Finance; and all other bills, to Third Reading.

COMMERCE

SB 202-FN, prohibiting the sale of cosmetic products tested on animals.

Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill would prohibit the sale of any cosmetic where a known test on an animal was conducted or contracted by or on behalf of a manufacturer, or any supplier of a manufacturer after January 1st, 2023. This bill would align NH with 8 states – CA, NV, IL, VA, MD, ME, HI, and NJ – and 41 countries. The Committee Amendment would hold harmless NH retailers as well as make certain definitional changes.

Commerce
February 10, 2022
2022-0647s
08/04

Amendment to SB 202-FN

Amend RSA 359-T:1, VI as inserted by section 1 of the bill by replacing it with the following:

VI. "Non-functional constituent" means any incidental ingredient as defined in 21 C.F.R. section 701.3(1).

Amend RSA 359-T:2, II(d)(2) as inserted by section 1 of the bill by replacing it with the following:

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

Amend RSA 359-T:2, III as inserted by section 1 of the bill by replacing it with the following:

III. This section shall not apply to the following:

(a) A cosmetic, if the cosmetic in its final form was tested on animals before the effective date of this chapter, even if the cosmetic is manufactured on or after that date, provided that no new animal testing in violation of this chapter occurs after its effective date.

(b) An ingredient in a cosmetic if the ingredient was tested on animals before the effective date of this chapter, even if the ingredient is manufactured on or after that date provided that no new animal testing in violation of this chapter occurs after its effective date.

(c) A cosmetic manufacturer reviewing, assessing, or retaining evidence from a cosmetic animal test.

(d) A retailer in the state of New Hampshire who sells cosmetics.

SB 211, relative to an injured employee's right to reinstatement to a former position for purposes of workers' compensation.

Interim Study, Vote 5-0. Senator French for the committee.

This bill would have added an exemption to an employee's right to reinstatement to their position based on an employer's need to fill a position wherein a temporary replacement is not available or practical. The Committee felt this bill was too broad and it would disrupt the existing workers' compensation system, which has been in place for over 30 years. Currently, an injured worker's right to reinstatement can be terminated under three circumstances: a treating doctor could determine they are unable to return to their job; a worker could accept a job with a different employer; or 18 months could elapse since the date of the injury.

SB 345, relative to youth employment.

Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

This bill would make certain changes to the laws governing employment of 14- and 15-year-olds. The Committee Amendment made several changes. First, employees who are 14 years old would be permitted to bus tables. Second, employees who are 16 and 17 years old would not be able to work more than 35 hours if school is in session for 5 days in a week. Finally, RSA 276-A:13 would be amended to allow a youth to work no later than 10:00 p.m. on Sunday through Thursday, or no later than 12:00 a.m. on Friday and Saturday.

Commerce
February 10, 2022
2022-0655s
04/05

Amendment to SB 345

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

1 Alcoholic Beverages; Employment of Minors. Amend RSA 179:23, II to read as follows:

II. An on-premises licensee may employ any person not less than 18 years of age to serve or otherwise handle liquor and beverages while employed as a waiter, waitress, bartender, or hostess in a licensed premises.

Minors not less than [15] **14** years of age may be employed [~~in dining areas and minors not less than 16 years of age may be employed in lounge areas~~] to clean tables, remove empty containers and glasses, and assist in stocking. A person at least 18 years of age shall be in attendance and be designated in charge of the employees and business.

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

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

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

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

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

276-A:13 Night Work. No youth shall be permitted to work later than 10:00 p.m. on Sunday through Thursday, or later than 12:00 a.m. on Friday and Saturday.

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

2022-0655s

AMENDED ANALYSIS

This bill makes certain changes to the laws governing youth employment.

SB 355-FN, requiring online marketplaces to disclose certain information to consumers.
Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill would establish safeguards for consumers and third-party sellers given the increase in the sale of counterfeit goods. This bill would ask for the name of a seller, their address, their e-mail, their phone number, and their verified tax identification number only if a certain sales threshold has been surpassed. The Committee Amendment would align this bill with existing federal legislation. In addition, this bill would not take effect if the federal legislation went into effect prior to January 1, 2023.

Commerce
February 10, 2022
2022-0654s
05/04

Amendment to SB 355-FN

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

1 New Chapter; Regulation of Online Marketplaces. Amend RSA by inserting after chapter 358-S the following new chapter:

CHAPTER 358-T REGULATION OF ONLINE MARKETPLACES

358-T:1 Definition. In this chapter:

I. "Consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes, including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed.

II. "High-volume third-party seller" means a participant in an online marketplace who is a third-party seller and who, in any continuous 12-month period during the previous 24 months, has entered into 200 or more discrete sales or transactions of new or unused consumer products and an aggregate total of \$5,000 or more in gross revenues. For purposes of calculating the number of discrete sales or transactions or the aggregate gross revenues, an online marketplace shall only be required to count sales or transactions made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor.

III. “Online marketplace” means any person or entity that operates a consumer-directed electronically based or accessed platform that:

- (a) Includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States;
- (b) Is used by one or more third-party sellers for such purposes; and
- (c) Has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.

IV. “Seller” means a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace’s platform.

V. “Third-party seller” means any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the United States through an online marketplace. The term “third-party seller” shall not include, with respect to an online marketplace:

- (a) A seller who operates the online marketplace’s platform; or
- (b) A business entity that has:
 - (1) Made available to the general public the entity’s name, business address, and working contact information;
 - (2) An ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and
 - (3) Provided to the online marketplace identifying information, as described in RSA 358-T:2, that has been verified in accordance with that section.

VI. “Verify” means to confirm information provided to an online marketplace pursuant to this chapter, which may include the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, correspond to the seller or an individual acting on the seller’s behalf, not misappropriated, and not falsified.

358-T:2 Collection and Verification of Information by Online Marketplaces.

I. In general, online marketplaces shall require that any high-volume third-party seller on the online marketplace’s platform provide the online marketplace with the following information no later than 10 days after qualifying as a high-volume third-party seller on the platform:

(a) A bank account number, or, if the high-volume third-party seller does not have a bank account, the name of the payee for payments issued by the online marketplace to the high-volume third-party seller. The bank account or payee information required may be provided by the seller in the following ways:

- (1) To the online marketplace; or
- (2) To a payment processor or other third-party contracted by the online marketplace to maintain such information; provided that the online marketplace ensures that it can obtain such information on demand from such payment processor or other third-party.

(b) Contact information for high-volume third-party sellers as follows:

- (1) If the high-volume third-party seller is an individual, the individual’s name; or
- (2) If the high-volume third-party seller is not an individual, one of the following forms of contact information:

(A) A copy of a valid government-issued identification for an individual acting on behalf of such seller that includes the individual’s name; or

(B) A copy of a valid government-issued record or tax document that includes the business name and physical address of such seller.

(c) A business tax identification number or, if the high-volume third-party seller does not have a business tax identification number, a taxpayer identification number.

(d) A current working email address and phone number for the high-volume third-party seller.

II. An online marketplace shall:

(a) Periodically, but not less than annually, notify any high-volume third-party seller on such online marketplace's platform of the requirement to keep any information collected under paragraph I current; and

(b) Require any high-volume third-party seller on such online marketplace's platform to, not later than 10 days after receiving the notice under subparagraph (a), electronically certify that:

(1) The high-volume third-party seller has provided any changes to such information to the online marketplace, if such changes have occurred;

(2) There have been no changes to the high-volume third-party seller's information; or

(3) The high-volume third-party seller has provided any changes to such information to the online marketplace.

III. In the event that a high-volume third-party seller does not provide the information or certification required, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide such information or certification not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller until such seller provides such information or certification.

IV. In general, online marketplaces shall:

(a) Verify the information collected under paragraph I not later than 10 days after such collection; and

(b) Verify any changes to such information not later than 10 days after being notified of such change by a high-volume third-party seller under paragraph II.

V. In the case of a high-volume third-party seller that provides a copy of a valid government-issued tax document, any information contained in such document shall be presumed to be verified as of the date of issuance of such record or document.

VI. Data collected solely to comply with the requirements of this chapter may not be used for any other purpose unless required by law.

VII. An online marketplace shall implement and maintain reasonable security procedures and practices, including administrative, physical, and technical safeguards, appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected to comply with the requirements of this chapter from unauthorized use, disclosure, access, destruction, or modification.

358-T:3 Disclosure of Information by Online Marketplaces to Inform Consumers.

I. An online marketplace shall:

(a) Require any high-volume third-party seller with an aggregate total of \$20,000 or more in annual gross revenues on such online marketplace, and that uses such online marketplace's platform, to provide the information described in paragraph II to the online marketplace; and

(b) Disclose the information described in paragraph II to consumers in a conspicuous manner:

(1) In the order confirmation message or other document or communication made to a consumer after a purchase is finalized; and

(2) In the consumer's account transaction history.

II. The information described in this paragraph is the following:

(a) Subject to paragraph III, the identity of the high-volume third-party seller, including:

(1) The full name of the seller, which may include the seller name or seller's company name, or the name by which the seller or company operates on the online marketplace;

(2) The physical address of the seller; and

(3) Contact information for the seller, to allow for the direct, unhindered communication with high-volume third-party sellers by users of the online marketplace, including:

(A) A current working phone number;

(B) A current working email address; or

(C) Other means of direct electronic messaging, which may be provided to the high-volume third-party seller by the online marketplace.

(b) Whether the high-volume third party seller used a different seller to supply the consumer product to the consumer upon purchase, and, upon the request of an authenticated purchaser, the information described in subparagraph (a) relating to any such seller that supplied the consumer product to the purchaser, if such seller is different than the high-volume third party seller listed on the product listing prior to purchase.

III.(a) Subject to subparagraph (b), upon the request of a high-volume third-party seller, an online marketplace may provide for partial disclosure of the identity information required under subparagraph II(a) in the following situations:

(1) If the high-volume third-party seller certifies to the online marketplace that the seller does not have a business address and only has a residential street address, or has a combined business and residential address, the online marketplace may:

(A) Disclose only the country and, if applicable, the state in which the high-volume third-party seller resides; and

(B) Inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace.

(2) If the high-volume third-party seller certifies to the online marketplace that the seller is a business that has a physical address for product returns, the online marketplace may disclose the seller's physical address for product returns.

(3) If a high-volume third-party seller certifies to the online marketplace that the seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller's email address or other means of electronic messaging provided to such seller by the online marketplace.

(b) If an online marketplace becomes aware that a high volume third-party seller has made a false representation to the online marketplace in order to justify the provision of a partial disclosure under subparagraph (a) or that a high-volume third-party seller who has requested and received a provision for a partial disclosure under subparagraph (a) has not provided responsive answers within a reasonable timeframe to consumer inquiries submitted to the seller by phone, email, or other means of electronic messaging provided to such seller by the online marketplace, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to respond not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller unless such seller consents to the disclosure of the identity information required under subparagraph II(a).

III. An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third-party seller, a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace.

IV. If a high-volume third-party seller does not comply with the requirements to provide and disclose information under this subsection, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to provide or disclose such information not later than 10 days after the issuance of such notice, suspend any future sales activity of such seller until the seller complies with such requirements.

358-T:4 Enforcement. Any violation of the provisions of this chapter is an unfair or deceptive act or practice within the meaning of RSA 358-A:2. Any right, remedy, or power given to the attorney general in RSA 358-A may be used to enforce the provisions of this chapter.

358-T:5 Rulemaking. The attorney general may adopt rules under RSA 541-A relative to the collection and verification of information under this chapter, provided that such regulations are limited to what is necessary to collect and verify such information.

358-T:6 Preemption. No political subdivision shall establish, mandate, or otherwise require online marketplaces to verify information from high-volume third-party sellers on a one-time or ongoing basis or disclose information to consumers.

2 Contingency. If the attorney general certifies to the director of the office of legislative services that H.R. 5502 (117th Congress (2021-2022)) or similar federal legislation requiring online marketplaces to verify and disclose certain information has become law prior to January 1, 2023, section 1 of this act shall not take effect. If H.R. 5502 or similar federal legislation requiring online marketplaces to verify and disclose certain information does not become law, section 1 of this act shall take effect January 1, 2023.

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 upon its passage.

SB 385-FN, relative to financial exploitation of vulnerable adults.

Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

This bill would allow a financial institution to place a hold on the disbursement of funds if they thought exploitative activity had occurred. The Committee Amendment made several changes. First, financial institutions would send a written notice to Department of Health and Human Services (DHHS) and a copy would be sent to the Banking Department when a hold has been placed on a disbursement. Second, the provision that would have allowed the Banking Department to request a delay be extended for another 10 days would be eliminated. Finally, the deadline for the report would be changed to October 1, 2022.

Commerce

February 10, 2022

2022-0653s

07/04

Amendment to SB 385-FN

Amend RSA 383-A:5-511-a, IV-VI as inserted by section 1 of the bill by replacing it with the following:

IV. A financial institution may delay a disbursement from an account of an eligible adult or an account on which an eligible adult is a beneficiary if the financial institution or qualified individual of the financial institution, reasonably believes, after initiating an internal review of the requested disbursement and the suspected financial exploitation, that the requested disbursement may result in financial exploitation of an eligible adult, and the financial institution or qualified individual:

(a) Provides written notification of the delay and the reason for the delay to all parties authorized to transact business on the account not more than 2 business days after the requested disbursement, unless any such party is reasonably believed to have engaged in suspected or attempted financial exploitation of the eligible adult;

(b) Provides notification of such delay to the department of health and human services with a copy of such notice to the commissioner, not more than 2 business days after the requested disbursement; and

(c) Continues its internal review of the suspected or attempted financial exploitation of the eligible adult, as necessary, and reports the investigation's results to the commissioner within 7 business days after the day the financial institution or qualified individual first delayed disbursement of the funds.

V. No delay of a disbursement shall continue past the earlier of either:

(a) The time required by the financial institution or qualified individual to make a determination that the disbursement will not result in financial exploitation of the eligible adult; or

(b) Fifteen business days after the date on which the financial institution or qualified individual first delayed disbursement of the funds.

VI. A court of competent jurisdiction may enter an order extending the delay of the disbursement of funds or may order other protective relief upon the petition of the financial institution, or the qualified individual that initiated the delay under RSA 383-A:5-511-A, IV, or other interested party.

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

2 Financial Exploitation of Vulnerable Adults Report. By October 1, 2022, the department of health and human services, in consultation with the commissioner and the attorney general, shall provide a report to the chair of the senate health and human services committee, chair of the house health, human services, and elderly affairs committee, and the governor that identifies the number of reports received under RSA

383-A:5-511-a, II(a) and IV(b), and includes a recommendation regarding whether financial exploitation may be further reduced by extending the authority granted under RSA 383-A:5-511-a, VI to include the department of health and human services.

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

EDUCATION

SB 231, relative to an option for students attending an out-of-state school to attend in New Hampshire. Interim Study, Vote 5-0. Senator Kahn for the committee.

This bill would allow a student assigned to attend an out-of-state school to attend a public school in New Hampshire in the student's resident SAU at the request of their parent. Existing statutes allow for placement of students in alternative schools when their educational needs can't be met. The bill attempts to define some conditions for alternative placement and in doing so opens up other problems. It will take additional consideration to avoid unintended consequences. The Committee recommends that this bill be sent to interim study.

SB 381-FN-A, establishing an office of the advocate for special education. Ought to Pass, Vote 5-0. Senator Prentiss for the committee.

This bill establishes an independent office of the advocate for special education and makes an appropriation therefor. This bill is a result of abundant testimony and findings presented before a committee to study special education dispute resolution options and the burden of proof in due process hearings. This study committee was enacted following the passage of HB 581 from the 2021 session. Over the past two sessions, the Committee heard from dozens of parents of children with special needs whose educational needs are not being met. Parents continued to reiterate the dire need for an independent office, and advocate, for families to use as a resource when fighting to ensure that their children's special education needs are being met and an adequate education is being provided. The Committee unanimously supports this bill as a means to advance resources for parents of special needs children in NH.

SB 386, relative to the determination of state adequate education grants and chartered public school tuition amounts.

Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

This bill makes technical changes to existing adequacy laws. This includes the determination of tuition amounts paid to chartered public schools and the determination of adequate education grants to municipalities. This bill ensures that the formula, currently in statute, is in line with current practice; this was identified as an issue in an audit conducted by the Legislative Budget Assistant (LBA) several years ago. The biggest technical error being corrected in this bill relates to the differentiation, in statute, between average daily membership in attendance (ADMA) and average daily membership in residence (ADMR).

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 239-FN, relative to noncompliance with municipal audit requirements.

Ought to Pass, Vote 5-0. Senator Ward for the committee.

This bill requires notification to the Department of Revenue Administration of a completed municipal or county audit and establishes a fine for failure to complete a required audit. It will add accountability for municipalities to ensure the performance of general, municipal and county audits.

SB 366-FN, requiring an audit of ballots cast in the 2022 primary and general election.

Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

This bill requires the Secretary of State to conduct an audit of ballots cast in the 2022 state primary and general elections. A random selection of AcuVote machines will be chosen from across the state to be audited by a high speed scanner certified by the ballot commission. This bill was a recommendation and includes the recommendations of the Committee to Study Post Election Audit Counting Devices.

Election Law and Municipal Affairs

February 8, 2022

2022-0563s

10/05

Amendment to SB 366-FN

Amend the bill by replacing section 3 with the following:

3 Preliminary Audit; State Primary Election. The secretary of state shall conduct an audit of at least 2 AccuVote devices used in the 2022 state primary election. The devices need not be selected at random. The intent of this audit is to identify problems with process to be used in the state general election audit. If the secretary of state is unable to resolve problems detected during the audit of the primary election, he or she may elect to forego the general election audit. If the secretary of state decides to forego the general election audit, he or she shall communicate his or her decision to the senate president, the speaker of the house of representatives, the chairperson of the senate election law and municipal affairs committee, and the chairperson of the house election law committee within 10 days from the date of the primary election.

2022-0563s

AMENDED ANALYSIS

This bill requires an audit of ballots cast in the 2022 state primary and general elections, provided that the secretary of state may forego the general election audit.

ENERGY AND NATURAL RESOURCES

SB 261-FN, relative to net metering participation.

Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

Currently, net metering customer generators receive payment for negative net energy usage on an annual basis. SB 261-FN clarifies provisions relative to net energy metering participation and allows customer generators the option of receiving payments for negative energy usage on a quarterly basis.

Energy and Natural Resources

February 10, 2022

2022-0661s

12/08

Amendment to SB 261-FN

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

1 Net Energy Metering; Negative Net Energy Usage. Amend RSA 362-A:9, V(b) to read as follows:

(b) Except as provided in paragraph VI, the customer-generator may elect to be paid or credited by the electric distribution utility for its excess generation at rates that are equal to the utility's avoided costs for energy and capacity to provide default service as determined by the commission consistent with the requirements of the Public Utilities Regulatory Policy Act of 1978 (PURPA). The commission shall determine reasonable conditions for such an election, including the frequency of payment, ***provided that the commission requires the option of payment at least quarterly***, and how often a customer-generator may choose this option versus the option in subparagraph (a).

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

2022-0661s

AMENDED ANALYSIS

This bill requires utilities to pay a customer-generator at least quarterly for the customer-generator's excess generation, if the customer-generator has elected the payment option.

SB 268-FN, relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine.

Ought to Pass, Vote 5-0. Senator Watters for the committee.

Following Governor Sununu's call for the formation of the Gulf of Maine Offshore Wind Task Force, offshore wind energy has been an evolving issue. In efforts to prepare for the development of offshore wind facilities, this bill aims to protect New Hampshire's fisheries, coastal economic, and environmental interests. Many offshore wind facilities fall under Federal jurisdiction and because of this, it is prudent to ensure New Hampshire's interests are secured by directing the NH Department of Environmental Resources to initiate the Federal consistency process. The bill also establishes the Coastal Fund as the location for any funding secured for mitigation and other uses. SB 268-FN directs the PUC to ensure that requirements relative to impact and use studies are met when approving power purchase agreements for offshore wind energy derived from the Gulf of Maine.

SB 270, establishing a low-moderate income community solar savings program and relative to statewide energy efficiency programs.

Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

The existing program for low-moderate income electric rate payers to participate in community solar savings projects in New Hampshire has not begun because there has not been an effective means for selecting eligible participants. SB 270 as amended reestablishes the program for low-moderate income electric customers with a mechanism for the Department of Energy and the utilities to select participants.

Energy and Natural Resources

February 10, 2022

2022-0667s

10/05

Amendment to SB 270

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

AN ACT establishing a low-moderate income community solar program.

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

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

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

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

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

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

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

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

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

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

2022-0667s

AMENDED ANALYSIS

This bill establishes a program for low-moderate income electric customers to participate in qualifying community solar projects.

SB 396-FN, relative to solid waste management.

Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

SB 396-FN enables the Department of Environmental Services, when necessary and at its discretion, to contract with an engineer or hydrogeologist when evaluating a permit for a landfill. NH State Parks are one of the most significant public assets and the legislature should take responsible steps to protect New Hampshire's natural beauty while acknowledging the high cost of recycling expenses. The amendment to the bill changes the language on line three of the bill to allow greater flexibility for the Department of Environmental Services.

Energy and Natural Resources

February 10, 2022

2022-0659s

08/04

Amendment to SB 396-FN

Amend RSA 149-M:9, XV as inserted by section 1 of the bill by replacing it with the following:

XV. The department may enter into a written agreement with the applicant for the department to retain, at the applicant's expense, an independent licensed professional engineer or hydrogeologist to assist the department in determining what information is necessary to render the application technically complete, assessing during the technical review of the application whether it meets the requirements for approval in this chapter and the rules adopted under RSA 149-M:7, and ensuring that the department processes the application in a timely manner as required by this section. The applicant's failure to enter into such an agreement may be grounds to deny the application.

SB 429-FN, relative to the site evaluation committee.

Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

A study committee over the past summer determined there are inefficiencies with the SEC. The Senate Energy and Natural Resources Committee already passed a bill that establishes a study committee to determine a long-term solution for this issue. The purpose of SB 429-FN is to provide a short-term solution to issues regarding the SEC until the study committee determines a sufficient long-term solution. The bill modifies the SEC to allow agency designees, a quorum of 5 members, and expanded training. It requires an opportunity for public comment at all public hearings and meetings and notice to the attorney general of all committee proceedings. It updates various fees and changes previously approved by the fiscal committee. It clarifies that subsequent certificate holders remain responsible for associated costs. It authorizes the committee to impose a fine for preliminary determination of violations of any certificate issued within RSA 162-H. Finally, it provides funding for all operating costs out of the SEC fund and allows the chair of the committee to seek additional funding. The committee amendment strikes lines 2-7 on page 2 and ensures compliance with RSA 91-A by ensuring adequate and timely notice of public hearings.

Energy and Natural Resources

February 8, 2022

2022-0592s

07/08

Amendment to SB 429-FN

Amend the bill by replacing section 4 with the following:

4 Energy Facility Evaluation, Siting, Construction and Operation; Powers and Duties of the Committee; Public Comment Required. Amend RSA 162-H:4, II to read as follows:

II. The committee shall hold hearings as required by this chapter and such additional hearings as it deems necessary and appropriate ***and in addition to the requirements under RSA 91-A, ensure adequate and timely public notice of no less than 7 calendar days.***

2022-0592s

AMENDED ANALYSIS

This bill:

I. Modifies the site evaluation committee to allow for agency designees, a quorum of 5 members, and expanded training.

II. Requires an adequate public notice of all committee proceedings pursuant to RSA 91-A.

III. Updates various fees to reflect changes previously approved by the fiscal committee.

IV. Clarifies that subsequent certificate holders remain responsible for associated costs.

V. Authorizes the committee to impose a fine for preliminary determinations of violations of any certificate issued within RSA 162-H.

VI. Provides for funding of all operating costs out of the site evaluation committee fund and allows the chair of the committee to seek additional funding.

SB 440-FN, relative to approval of offshore wind energy contracts.

Ought to Pass with Amendment, Vote 5-0. Senator Perkins Kwoka for the committee.

Currently, New Hampshire is developing methods on how to foster economic development related to offshore wind and what the state policies will be regarding power purchase agreements, renewable energy credits, and the arrival of the offshore wind industry. SB 440-FN aims to provide transparency for the offshore wind industry, the utility companies, and the public. The bill as amended directs the office of offshore wind industry development to advise on the development of clean energy resources in the Gulf of Maine as well and the purchase of power by New Hampshire public utilities from these resources. The amended bill also requires the office of offshore wind industry development to generate a report on these matters.

Energy and Natural Resources

February 8, 2022

2022-0596s

12/10

Amendment to SB 440-FN

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

AN ACT relative to the office of offshore wind industry development.

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

1 New Subparagraph; Department of Energy; Office of Offshore Wind Industry Development. Amend RSA 12-P:7-b, II by inserting after subparagraph (e) the following new subparagraph:

(f) Advise the governor, state agencies, the public utilities commission, and the legislature on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources.

2 Office of Offshore Wind Industry Development; Report; Clean Energy Resources.

I. The office of offshore wind industry development shall report, after consultation with other state agencies, public utilities, and any relevant stakeholders, on its recommendations regarding the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. The report shall include, but not be limited to:

(a) Recommendations on the criteria for evaluating power purchase agreements for procurement of electricity or hydrogen produced by wind turbines in the Gulf of Maine. These recommendations shall include criteria for determining whether such contracts: are commercially reasonable and cost effective for electric ratepayers in New Hampshire; provide adequate energy with enhanced electricity distribution reliability; have environmental benefits; and create and foster employment, training, manufacturing, and other economic development in New Hampshire.

(b) Recommendations concerning actions necessary to comply with consistency and mitigation recommendations by the New Hampshire coastal program and other actions to avoid, minimize, and mitigate impacts to wildlife, natural resources, ecosystems, and traditional or existing water-dependent uses, including but not limited to, commercial and recreational fishing and transit lanes and other commercial and recreational maritime activities.

(c) Recommendations on the utility use of renewable energy credits accrued through contracts for offshore wind energy.

II. The office shall issue its report on or before June 30, 2024. Said report shall be delivered to the president of the senate, the speaker of the house of representatives, the chair of the senate energy committee, the chair of the house science, technology and energy committee, and the governor.

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

2022-0596s

AMENDED ANALYSIS

This bill directs the office of offshore wind industry development to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 225, relative to the bond required of applicants for auctioneer licenses.

Ought to Pass, Vote 5-0. Senator Cavanaugh for the committee.

This bill repeals the requirement that applicants for licensure as an auctioneer file a \$25,000.00 bond with the secretary of state. Less than 5% of auctions are conducted live by licensed auctioneers, most auctions are conducted online. Bonds are not required for online auctions and repealing this language will remove this unnecessary cost and burden on licensed auctioneers.

SB 229, relative to pharmacist administration of vaccines.

Ought to Pass with Amendment, Vote 5-0. Senator Cavanaugh for the committee.

This bill, as amended, permits certified pharmacy technicians to administer flu and COVID vaccines under the direct supervision of a licensed pharmacist. The practice of vaccine administration by pharmacy technicians proved very successful during the COVID pandemic as 80% of vaccines distributed in NH were given at community pharmacy locations. This bill allows certified pharmacy technicians to continue to provide this vital service.

Senate Executive Departments and Administration

February 2, 2022

2022-0457s

05/04

Amendment to SB 229

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

1 Pharmacist Administration of Vaccines. Amend the introductory paragraph of RSA 318:16-b and RSA 318:16-b, I to read as follows:

A pharmacist, pharmacy intern, [or] licensed advanced pharmacy technician, **or certified pharmacy technician**, under the supervision of an on-site immunizing pharmacist may administer influenza and a COVID-19 vaccine, if available, to the general public. A pharmacist, pharmacy intern, or licensed advanced pharmacy technician, under the supervision of an on-site immunizing pharmacist may administer haemophilus influenza, hepatitis A, hepatitis B, hepatitis A and B, human papillomavirus, meningococcal, pneumococcal, tetanus and diphtheria, varicella, zoster, MMR (measles, mumps, and rubella), and Tdap (tetanus, diphtheria and pertussis) vaccines, which have been approved by the Food and Drug Administration, to individuals 18 years of age or older as ordered by an immunizing pharmacist. The pharmacist, pharmacy intern, [or] licensed advanced pharmacy technician, **or certified pharmacy technician** shall:

I. Hold a current license to practice as a pharmacist, be registered as a pharmacy intern under RSA 318:15-b in New Hampshire, or be licensed as a licensed advanced pharmacy technician under RSA 318:15-c, **or be a certified pharmacy technician and registered with the board.**

2 Repeal. RSA 318:16-f, relative to pharmacy technician administration of COVID-19 vaccines, is repealed.

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

SB 358, establishing October 2022 as eczema awareness month.

Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill establishes October 2022 as eczema awareness month. In the United States, 31.6 million people suffer with eczema. Eczema is more than just dry skin; in serious cases eczema can be socially and physically debilitating. This bill raises awareness of the seriousness of eczema.

SB 360, relative to national guard educational benefits.

Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill allows for members of the New Hampshire National Guard to transfer their national guard tuition waiver benefit to an eligible spouse. When one member of a family serves in the military, the entire family serves as well. This bill aims to be a recruitment and retention tool for the NH National Guard while extending benefits to spouses.

SB 398, relative to building code and fire code enforcement.

Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill, as amended, replaces the joint committee on code enforcement with the advisory committee on state building and fire codes, and establishes a grace period for the applicable state building code on building permit applications. The committee will work with the building code review board and the board of fire control to address fire and building code issues and report annually on findings and proposed legislative recommendations.

Senate Executive Departments and Administration

February 2, 2022

2022-0458s

07/05

Amendment to SB 398

Amend the bill by replacing section 3 with the following:

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

HEALTH AND HUMAN SERVICES

SB 285, relative to discount medical plan organizations.

Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

SB 285 modifies registration requirements for discount medical plan organizations and is a request of the Insurance Department. The Committee Amendment removes an unneeded provision on surety bonds and empowers the Commissioner of Insurance to revoke a license if a plan organization is not financially solvent. SB 285 brings the Insurance Department better in-line with national standards.

Health and Human Services

February 9, 2022

2022-0636s

05/04

Amendment to SB 285

Amend RSA 415-I:5, III as inserted by section 1 of the bill by deleting RSA 415-I:5, III(c) and renumbering the original RSA 415-I:5, III(d) to read as RSA 415-I:5, III(c).

Amend RSA 415-I:6, I(d) as inserted by section 2 of the bill by replacing it with the following:

(d) The discount medical plan organization does not have the minimum net worth as required RSA 415-I:5, III(c)(1).

2022-0636s

AMENDED ANALYSIS

This bill modifies registration requirements for discount medical plan organizations.

SB 323, permitting state trade associations to purchase health insurance offered by their peer national trade associations.

Interim Study, Vote 5-0. Senator Avard for the committee.

SB 323 clarifies that state trade associations shall be permitted to join peer national associations in purchasing health insurance benefits. The Committee heard testimony that this bill was not necessary at this time from the Prime Sponsor and, therefore, recommends the bill be referred to interim study.

SB 373, relative to coverage for certain mental illnesses.

Ought to Pass with Amendment, Vote 5-0. Senator Sherman for the committee.

SB 373 is a request from the Insurance Department which will require submission of the federal comparative analysis for certain mental illnesses and removes the mandate for rules to regulate this type of specific insurance coverage. These changes will help to ensure maximum efficiency with respect to ensuring parity in the coverage of mental illnesses. SB 373 also removes the statute setting caps for the coverage for autism, which are outdated and superseded by federal law. Additionally, it changes the statute to enabling legislation for rulemaking for autism coverage. The Committee Amendment clarifies that, to the extent allowable, comparative reports done by the Insurance Department should be public.

Health and Human Services
 February 2, 2022
 2022-0464s
 08/05

Amendment to SB 373

Amend RSA 417-E:1, V-a as inserted by section 1 of the bill by replacing it with the following:

V-a. ~~[Under examination authority in RSA 400-A:37, the]~~ **The** commissioner shall periodically ~~[examine and evaluate]~~ **require** health insurers, health service corporations, and health maintenance organizations **to submit the comparative analysis described in 42 U.S.C. section 300gg-26(a)(8)(A) for review to ensure** compliance with this chapter and with the Act. **To the extent allowable under state and federal law, such analysis shall be made public.** ~~[Such examination and evaluation shall include provider reimbursement practices. The result of such examinations and evaluations shall be made public to the fullest extent allowed under RSA 400-A:37.]~~

SB 391, relative to the operation of a state forensic psychiatric hospital.
 Ought to Pass, Vote 5-0. Senator Avard for the committee.

SB 391 provides that the Department of Health and Human Services shall operate and manage the state's forensic psychiatric hospital. This legislation codifies into statute what has publicly been stated regarding the operation of the forensic psychiatric hospital, and ensures that that plan will be followed through with.

SB 457, establishing a committee to study nonprofit organizations contracting with the department of health and human services for children's services.

Ought to Pass, Vote 5-0. Senator Sherman for the committee.

SB 457 establishes a committee to study the feasibility of extending limited liability to nonprofits contracting with the Department of Health and Human Services for children's services. Recently, some nonprofits have had difficulty procuring insurance coverage. Rather than making a definitive policy decision, SB 457 will allow the General Court to analyze the issues involved and consider all possible solutions to the problem. This will help ensure that the children who are in the care of the state are able to be cared for in a safe and appropriate manner.

JUDICIARY

SB 292, requiring notice of arrest to a probation and parole officer.

Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill requires the superintendent or a designee of a county correctional facility to notify the probation and parole officer of a probationer or parolee who has been arrested and is being detained at such facility. The Committee amended the bill to allow a designee of the superintendent to notify the detainee's probation and parole officer of the detainee's arrest, easing the burden on the superintendent's role in this matter. This will ensure that the Department of Corrections is notified promptly, enabling them to hold preliminary hearings within the parameters of the law and not detaining individuals for longer than appropriate.

Senate Judiciary
 February 10, 2022
 2022-0662s
 04/08

Amendment to SB 292

Amend the bill by replacing section 1 with the following:

1 Probationers and Parolees; Detention of Violators. Amend RSA 504-A:5 to read as follows:

504-A:5 Detention of Violators. Any probationer or parolee who is arrested under the authority of RSA 504-A:4 or RSA 651-A:25 shall be detained at the county [jail] **correctional facility** closest to the location where he or she was arrested or any other suitable confinement facility in reasonable proximity to the location where he or she was arrested. **Upon detainment, the superintendent of the facility or designee shall notify the detainee's probation and parole officer of the detainee's arrest.** Such probationer or parolee shall be detained there pending a preliminary hearing which shall be held within 72 hours from the time [of] **the superintendent or designee notifies the detainee's probation and parole officer of the** arrest, excluding Saturdays, Sundays, and holidays, or, if supervised pursuant to RSA 651-A:25, shall be

detained pending a hearing, including a final revocation hearing, or transfer to the sending state. No county correctional superintendent shall refuse to accept a probationer or parolee committed to his or her facility for detention by or under the authority of a probation or parole officer.

SB 293-FN, relative to penalties for violation of privacy.

Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

As amended, this bill will establish a study committee to examine RSA 644:9 relative to violations of privacy. This area of the law has had numerous pieces of legislation come forward to try and address the confusion within it, and therefore the Committee believes it is time to engage in a holistic review of the statute that this study committee will enable.

Senate Judiciary
February 10, 2022
2022-0665s
04/08

Amendment to SB 293-FN

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

AN ACT establishing a committee to clarify the intent of RSA 644:9 relative to violation of privacy.

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

1 Committee Established. There is established a committee to study clarify the intent of RSA 644:9 relative to violation of privacy.

2 Membership and Compensation.

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

(a) One member of the senate, who shall be from the committee with jurisdiction over judiciary matters, appointed by the president of the senate.

(b) Two members of the house of representatives, one of whom shall be from the committee with jurisdiction over judiciary matters, and one of whom shall be from the committee with jurisdiction over criminal justice and public safety matters, appointed by the speaker of the house of representatives.

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

3 Duties. The committee shall clarify the intent of RSA 644:9 relative to violation of privacy. The committee may solicit advice and testimony from any individual or organization with expertise that the committee deems relevant to its objective.

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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Two members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2022.

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

2022-0665s

AMENDED ANALYSIS

This bill establishes a committee to clarify the intent of RSA 644:9 relative to violation of privacy.

SB 295-FN, relative to penalties for violations of privacy.

Interim Study, Vote 5-0. Senator Carson for the committee.

The Committee believes this area of the law is in need of a comprehensive review, and therefore has recommended a study committee to be conducted through SB293 on RSA 644:9. Due to the fact that the study committee is being brought forward on SB293, the Committee encourages moving SB295 to Interim Study.

SB 299-FN, relative to the penalty for escape.

Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill amends the penalty for escape and was a request of the Department of Corrections. A change in the statute in 2015 hindered the State's ability to consistently or successfully prosecute individuals that escape from State facilities. This bill as amended corrects that issue moving forward, enacting clear and appropriate lines about the penalties that are in place when an individual escapes whether or not force is used. This language is a compromise between the Department of Corrections and law enforcement to address concerns that were raised.

Senate Judiciary
February 10, 2022
2022-0666s
04/08

Amendment to SB 299-FN

Amend RSA 642:6, III as inserted by section 1 of the bill by replacing it with the following:

III. The offense is a class A felony if the actor employs force against any person or threatens any person with a deadly weapon to effect the escape, except that if the deadly weapon is a firearm, the actor shall be sentenced in accordance with RSA 651:2, II-g. The offense is a class B felony, ***regardless of whether force is used***, if the actor was on parole, subject to a bail order, was a prisoner at an adult or juvenile correction facility at the time, or had been released from any correctional institution pursuant to administrative home confinement or any treatment program or other place as directed by the correctional authority or sentencing court, or had a prior conviction of the crime of escape. ***In all other cases***, if no physical force was used by the actor and no persons other than the actor sustained bodily injury as a result of the escape, the offense is a class A misdemeanor.

2022-0666s

AMENDED ANALYSIS

This bill amends the penalty for escape.

SB 301-FN-L, relative to the procedure for violations under the right to know law.

Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill establishes a procedure on filing complaints under RSA 91-A with the superior court for further relief and investigation. Currently, the law does not provide clear guidance for how to move forward with a complaint. With the amendment, this bill enshrines in law a clear procedure, giving New Hampshire citizens a path forward should they so need this recourse.

Senate Judiciary
February 10, 2022
2022-0675s
07/05

Amendment to SB 301-FN-LOCAL

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

1 New Section; Procedure on Lawsuits to the Superior Court Concerning Government Records or Information Requests. Amend RSA 91-A by inserting after section 7 the following new section:

91-A:7-a Procedure on Lawsuits to the Superior Court Concerning Government Records or Information Requests.

I. A lawsuit filed under this chapter challenging a denial of a request for the production of governmental records or information shall plainly state the basis for requested relief. Upon receipt of a complaint filed pursuant to this chapter, the court shall review the complaint to determine if it states a claim upon which relief can be granted. If the court finds that the complaint states such a claim, then the court shall issue orders of notice requiring the responding party to either answer the complaint or be found in default. If the court finds that the complaint does not state such a claim, then the court shall issue written notice which includes the reasons for denial.

II. If the superior court finds that the complaint states a claim under this chapter, the burden shall be on the defendant to sustain its action in rejecting the request for some or all of the government records requested. The defendant may meet their burden through the submissions of legal arguments, affidavits and other evidence to establish that its search:

- (a) Was conducted by a person with knowledge of the records in question;
- (b) That the person conducting the search made a reasonable effort to locate documents responsive to the plaintiff's request; and
- (c) Did not improperly exclude documents from production under RSA 91-A.

III. Upon receipt of the defendant's pleadings, affidavits, or other evidence, the plaintiff may respond with affidavits or other evidence challenging the defendant's legal argument, affidavits, or other evidence, or may introduce such other evidence as may be relevant at a hearing held pursuant to this section.

IV. The court shall schedule a hearing at which it may receive evidence or offers of proof.

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

2022-0675s

AMENDED ANALYSIS

This bill establishes a procedure on filing complaints under RSA 91-A with the superior court for further relief and investigation.

SB 336, relative to family mediator interns.

Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill establishes the qualifications and appropriate instances of inclusion of qualified family mediator interns, as well as establishes the quorum for the board of family mediator certification. The Committee amended the bill to adjust the quorum and to require that the supervisor attend the mediations with the intern. The passage of this bill will help improve the expansion and retention of the highly quality mediators.

Senate Judiciary
February 10, 2022
2022-0669s
07/04

Amendment to SB 336

Amend the bill by replacing section 10 with the following:

10 Annulment, Divorce, and Separation; Service on Correspondent; Allowing Qualified Interns. Amend RSA 458:15-c, II to read as follows:

II. The court may order the parties to participate in mediation upon the request of either party or at the discretion of the court. If the parties are ordered to participate in mediation under this section, all issues relevant to their case, including but not limited to property settlement and alimony also shall be mediated unless the court orders otherwise. Mediation may not be ordered pursuant to this section if the case involves minor children and the parties are eligible for mediation under RSA 461-A:7. ***If the mediator is a contracted supervisor, a qualified intern may participate with the supervisor in the mediation in the supervisor's presence.***

Amend the bill by replacing section 12 with the following:

12 Parental Rights and Responsibilities; Mediation of Cases Involving Children; Use of Qualified Interns. Amend RSA 461-A:7, III to read as follows:

III. In all cases involving disputed parental rights and responsibilities or grandparents' visitation rights, including requests for modification of prior orders, the court may order the parties to participate in mediation. If the parties are ordered to participate in mediation under this section, all issues relevant to their case, including but not limited to child support and issues relative to property settlement and alimony under RSA 458, shall also be mediated unless the court orders otherwise. ***If the mediator is a contracted supervisor, a qualified intern may participate with the supervisor in the mediation in the supervisor's presence.***

Amend the bill by replacing all after section 13 with the following:

14 New Paragraph; Family Mediators; Board; Quorum Established. Amend RSA 328-C:4 by inserting after paragraph III the following new paragraph:

IV. A majority of the members of the board appointed by the governor and council shall constitute a quorum.

15 Effective Date.

I. Section 14 of this act shall take effect upon its passage.

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

2022-0669s

AMENDED ANALYSIS

This bill establishes the qualifications and appropriate instances of inclusion of qualified family mediator interns, as well as establishes the quorum for the board of family mediator certification.

SB 339, relative to meetings of boards and commissions in the department of safety.

Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

This bill exempts certain entities at the New Hampshire Department of Safety from the physical quorum requirement of RSA 91-A:2 and creates additional requirements for those exempted entities. Each of these boards ensure that our EMS and fire organizations are practicing and delivering services that meet the highest standards. This limited exemption will ensure that these boards continue to operate at the highest level, while still retaining public, in person access to these meetings.

Senate Judiciary
February 10, 2022
2022-0671s
07/08

Amendment to SB 339

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

1 Access to Governmental Records and Meetings; Meetings Open to the Public; Exemptions from the Physical Quorum Requirement. Amend RSA 91-A:2, III to read as follows:

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

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

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

(1) The fire standards and training commission of the department of safety as established in RSA 21-P:25;

(2) The emergency medical and trauma services coordinating board of the department of safety as established in RSA 153-A:3;

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

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

(c) The boards and commissions exempt in subparagraph (b) shall publish the minutes of their meetings on the department of safety, division of fire standards and training and emergency medical services website and also shall:

(1) Provide public access to the meeting by telephone, with traditional access possibilities by video or other electronic means;

(2) Provide public notice of the necessary information for accessing the meeting;

(3) Provide a mechanism for the public to alert the public body during the meeting if there are problems with access;

(4) Provide a physical location for the meeting, where members who can attend in person will attend in person and while virtual access shall be provided to those who are unable to travel, as well as the public; and

(5) Conduct all votes by roll call.

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

~~[(d)]~~ **(e)** Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

~~[(e)]~~ **(f)** A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.

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

2022-0671s

AMENDED ANALYSIS

This bill exempts certain entities at the New Hampshire department of safety from the physical quorum requirement of RSA 91-A:2 and creates additional requirements for those exempted entities.

SB 376-FN, establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill establishes a committee to study the creation of a board to study mental health incidents among law enforcement officers and makes an appropriation to the Police Standards and Training Council for CIT training. The study committee established by this bill is a carefully balanced opportunity to examine whether there is a need for a board in the State without any preconceived outcomes. The appropriation laid out in this bill will provide internationally recognized and supported training for officers in each jurisdiction in the State to better prepare them to deal with individuals who are experiencing a mental health crisis. These steps are both equally important to the public and to our law enforcement community to strive towards the best outcomes possible.

TRANSPORTATION

SB 308, relative to driver's licenses for certain visa holders.

Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill prohibits a nonresident employed in New Hampshire through the federal H-2A temporary agricultural worker program from operating a motor vehicle unless they possess a license issued by another U.S. jurisdiction or meet other listed requirements. The amendment inserts RSA 263:35-a to detail the necessary requirements to be eligible for the temporary agricultural worker program.

Senate Transportation

February 2, 2022

2022-0441s

12/08

Amendment to SB 308

Amend the bill by replacing section 1 with the following:

1 New Section; International Driver's License Reciprocity for H-2A Workers. Amend RSA 263 by inserting after section 35 the following new section:

263:35-a International Driver's License Reciprocity for H-2A Workers. Notwithstanding RSA 263:35, or any other law to the contrary, a nonresident employed in New Hampshire through the federal H-2A temporary agricultural worker program shall not operate a motor vehicle in New Hampshire unless:

I. He or she holds a valid driver's license or permit to operate a motor vehicle issued by another U.S. jurisdiction; or

II. He or she holds a valid driver's license or permit to operate a motor vehicle from a jurisdiction outside the United States and:

(a) Is at least 18 years of age;

(b) Is lawfully present in the United States;

(c) Has been present in the United States for less than one year; and

(d) He or she possesses an international driving permit if their license issued from a jurisdiction outside the United States is not written in English.

SB 349, requiring the legislature to give preference to deceased military veterans and first responders in the naming of bridges.

Interim Study, Vote 5-0. Senator Birdsell for the committee.

This bill requires the legislature to give preference to deceased military veterans and first responders in the process of naming a bridge. The committee felt that municipalities across the state had already taken this into consideration when undergoing the naming process across the state. The committee also felt that there may be some concern that roads and bridges already named may be renamed. The committee then decided to vote on putting the bill in an interim study.

SB 389-FN, defining mobile service garages and relative to state vehicle inspections.

Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill defines mobile service garages and allows the director of the division of motor vehicles to authorize certain mobile service garages as inspection stations. The amendment to the bill includes language to further clarify the use of mobile service garages and specifically state that the purpose of the garages is to service motor vehicles.

Senate Transportation

February 1, 2022

2022-0432s

12/04

Amendment to SB 389-FN

Amend the bill by replacing section 2 with the following:

2 Motor Vehicles; Inspection Authorized. Amend RSA 266:1, VI-VII to read as follows:

VI. ***Except as provided in paragraph XII***, each inspection station shall conspicuously post on its premises a notice, in a form and size approved by the director, indicating that the station is an authorized inspection station.

VII. ***Except as provided in paragraph XII***, each inspection station shall conspicuously post on the outside of the building a sign showing the inspection fee charged and the additional fee charged for OBD II testing under RSA 266:59-b. No inspection station shall include [øf] the cost of OBD II testing or reporting in the inspection fee charged for a vehicle not subject to the OBD II requirements under RSA 266:59-b.

SB 406, relative to driver's license reciprocity.

Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill directs the commissioner of safety to adopt rules relative to driver education reciprocity, including procedures for determining whether the education will meet the state of New Hampshire's minimum standards. This bill will also authorize the director of the division of motor vehicles to impose suspensions, revocations, or other limitations on a driver convicted of certain offenses out of state, as if such conduct had occurred in this state.

SB 442-FN, relative to the suspension of a vehicle registration as a result of evading toll collection systems.

Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill requires the director of the division of motor vehicles to suspend an owner's vehicle registration privileges until any unpaid tolls and administrative fees are paid. This bill also prevents an owner from transferring ownership of a vehicle until any unpaid tolls and fees are paid. The amendment states that prohibition will not apply to lien holders and the insurance company of the vehicle.

Senate Transportation
February 9, 2022
2022-0639s
12/04

Amendment to SB 442-FN

Amend RSA 263:56-f, I as inserted by section 1 of the bill by replacing it with the following:

I. Upon receiving a report from the commissioner of the department of transportation or designee, or another state having a reciprocal toll collection enforcement agreement, that the owner of a vehicle, as defined in RSA 236:31, has violated the terms of RSA 236:31, or a reciprocal toll collection enforcement agreement in accordance with RSA 237:16-c, the director shall notify the owner in writing by first class mail that the owner's motor vehicle registration ~~[renewal]~~ privileges for the vehicle driven in violation of RSA 236:31 ~~[may be]~~ **are** suspended ~~[on]~~ **as of** the date which is 30 days from the date of notification unless the toll and any administrative fees assessed by the department of transportation are paid. Furthermore, the registered owner of the vehicle driven in violation of RSA 236:31 is prohibited from transferring a plate to said vehicle or obtaining a new plate for said vehicle until such tolls and fees are paid. ***The registered owner is further prohibited from transferring ownership of said vehicle driven in violation of RSA 236:31, or a reciprocal toll collection enforcement agreement in accordance with RSA 237:16-c, until such tolls and fees are paid, provided that said prohibition shall not apply to lien holders or insurers of the vehicle.*** The director shall also notify the owner that he or she may request an administrative hearing before the suspension ***or prohibitions*** ~~[takes]~~ **take** effect. The hearing shall be limited in scope and shall not constitute an appeal of the fees or fines related to the unpaid tolls, which can only be determined by the department of transportation. A request for a hearing shall be in writing. A request for a hearing received by the division more than 30 days from the date the notice is issued shall be denied as untimely.

SB 447-FN, establishing the electric vehicle and infrastructure fund.

Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill establishes the electric vehicle and infrastructure fund within the department of transportation. It prepares for the arrival of Federal funds and grants for priorities for electric vehicle infrastructure. The amendment to this bill will allow for a dedicated fund to be kept separate and distinct from all other funds and shall be continually appropriated to the commissioner of the department of transportation for the purposes of this section.

Senate Transportation
February 8, 2022
2022-0606s
12/05

Amendment to SB 447-FN

Amend RSA 236:135, I as inserted by section 3 of the bill by replacing it with the following:

I. There is established in the state treasury the electric vehicle and infrastructure fund. The fund shall be kept separate and distinct from all other funds and shall be continually appropriated to the commissioner of the department of transportation for the purposes of this section. Any general funds expended from the electric vehicle and infrastructure fund must be authorized by the legislature. In addition to state appropriations, the commissioner may accept gifts, grants, and donations for deposit into the fund, which shall be a dedicated, nonlapsing fund.

Amend RSA 236:135, II(b) as inserted by section 3 of the bill by replacing it with the following:

(b) Construction of electric vehicle charging infrastructure on commercial private property in New Hampshire, as the department of transportation works with private entities to construct the infrastructure, utilizing plans developed by the department of transportation, the department of environmental services, the New Hampshire transportation council, and Drive Electric NH.

WAYS AND MEANS

SB 441-FN-L, relative to the municipal share of fines for motor vehicle speeding offenses.
Inexpedient to Legislate, Vote 5-0. Senator D'Allesandro for the committee.

This bill sought to take a portion of speeding ticket revenue collected and distribute it to municipalities. Both the Department of Safety and the Department of Transportation testified in opposition to this bill. This bill would divert approximately \$1 million from the highway fund, which is already facing a structural deficit. The committee believes this is not the right time for this legislation.

The question is on the adoption of the Consent Calendar. Adopted.

REGULAR CALENDAR

COMMERCE

SB 209, relative to electronic wage payments.
Ought to Pass with Amendment, Vote 3-2. Senator Gannon for the committee.

Commerce
February 10, 2022
2022-0657s
04/08

Amendment to SB 209

Amend RSA 275:43, I(d) as inserted by section 1 of the bill by replacing it with the following:

(d) By a payroll card provided that the employer shall provide to the employee at least one free means to withdraw up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution or other location convenient to the place of employment. ***Should an employee be unable to access their wages due to a technical or processing defect, the employer shall immediately provide the wages to the employee with either a replacement payroll card, a check, a direct deposit, or cash. In such a situation, the employer shall be liable for late payment of wages whenever the replacement wages are provided after the designated pay day. Should an employee's payroll card be lost, stolen, or damaged such that the funds are no longer accessible to the employee, the employer shall provide the employee with a replacement payroll card within 24 hours of being notified.*** None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee; or

Amend RSA 275:43, II(c) as inserted by section 1 of the bill by replacing it with the following:

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

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 249, prohibiting planning and zoning ordinances that prohibit short-term rentals.
Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Commerce
February 10, 2022
2022-0646s
08/04

Amendment to SB 249

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

1 New Paragraph; Zoning Ordinance; Grant of Power. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI. Notwithstanding any provision of law to the contrary, no legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places, shall prohibit the use of a building

or structure as a vacation rental or short-term rental nor prohibit the use of such structure or building as a vacation or short-term rental based on the structure or building's classification, use, or occupancy. "Short-term rental" or "vacation rental" means any single-family or 2-family building or structure, regardless of how it is owned or occupied and regardless of whether the building or structure is conforming or non-conforming, or offered in whole or in part for rental or transient use. "Vacation rental" or "short-term rental" shall not mean recovery residences nor any nonresidential use, including but not limited to, retail, restaurant, banquet, event hosting, hotels, motels or other similar nonresidential uses. Nothing in this paragraph shall limit a municipality's existing authority to generally regulate parking, noise, safety, health, sanitation, or other related municipal ordinances under duly adopted ordinances and regulations authorized under state statute.

2 New Section; Powers of Towns; Ordinances; Short-term Rentals. Amend RSA 31 by inserting after section 103-a the following new section:

31:103-b Short-Term Rentals.

I. A municipality may adopt an ordinance requiring an owner of residential property who wishes to utilize the property for a vacation rental or short-term rental as defined in RSA 674:16, VI to file, within 30 days of advertising such rental, a registration form with the town or city clerk of the municipality in which the property is located providing the name, address and telephone number of a person within the state who is authorized to accept service of process for any legal proceeding brought against the owner relating to the rental property. Such person may be the owner of the property. A municipality may establish a reasonable fee to cover the cost to the town or city clerk of maintaining a record of the filings.

II. A municipality may adopt an ordinance which requires an inspection of the property to determine if the property meets the minimum housing standards in RSA 48-A:14 or fire warning device and carbon monoxide detection device as required in RSA 153:10-a, II. A property which has filed a registration form with the municipality may be rented until an inspection and finding have been issued. A municipality may establish a reasonable fee to cover all costs to the municipality of conducting an inspection.

III. A municipality which has adopted an ordinance requiring registration shall not revoke that registration unless the property has 2 or more proven violations of ordinances impacting the health, safety, sanitation, noise, parking or other related municipal ordinances.

3 Effective Date. This act shall take effect July 1, 2022.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 347-FN, relative to the use of protected health information by employers.
Interim Study, Vote 3-2. Senator Gannon for the committee.

The question is on the adoption of the motion of Interim Study. Adopted.

SB 384-FN, requiring notice of the hands-free law at the point of sale for cell phones.
Interim Study, Vote 5-0. Senator French for the committee.

Senator Bradley moved to Lay on the Table. Adopted.

SB 428-FN-A, establishing a scholarship fund for certain small businesses applying for loans from the capital access program administered by the New Hampshire business finance authority.
Inexpedient to Legislate, Vote 3-2. Senator French for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Whitley, seconded by Senator Rosenwald.

The following Senators voted Yes: Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Hennessey, Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka.

The following Senators were excused: Sherman.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

SB 451-FN-A, establishing a New Hampshire innovation program in the department of business and economic affairs and making an annual appropriation therefor.

Inexpedient to Legislate, Vote 3-2. Senator French for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

EDUCATION

SB 235, relative to the authority to offer multiple education instruction options.

Inexpedient to Legislate, Vote 3-2. Senator Hennessey for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

SB 237-FN, relative to participation in the education freedom account program.

Inexpedient to Legislate, Vote 3-2. Senator Hennessey for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Soucy, seconded by Senator Avar.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka.

The following Senators were excused: Sherman.

Roll Call, Yeas: 14 - Nays: 9. Adopted.

SB 351, relative to annual performance and financial reporting by private and religious schools that receive public funds.

Inexpedient to Legislate, Vote 3-2. Senator Ricciardi for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Rosenwald, seconded by Senator Avar.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka.

The following Senators were excused: Sherman.

Roll Call, Yeas: 14 - Nays: 9. Adopted.

SB 394-FN, relative to the definition of a child with a disability under special education laws.

Ought to Pass with Amendment, Vote 5-0. Senator Ward for the committee.

Senate Education

February 8, 2022

2022-0590s

10/05

Amendment to SB 394-FN

Amend the bill by replacing section 2 with the following:

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

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 432-FN-L, repealing the education freedom account program.

Inexpedient to Legislate, Vote 3-2. Senator Ricciardi for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate.

A roll call was requested by Senator Avard, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka.

The following Senators were excused: Sherman.

Roll Call, Yeas: 14 - Nays: 9. Adopted.

ENERGY AND NATURAL RESOURCES

SB 258-FN-L, relative to the graves of African Americans alive during the period of American enslavement. Ought to Pass with Amendment, Vote 4-0. Senator Watters for the committee.

Energy and Natural Resources

February 10, 2022

2022-0664s

07/08

Amendment to SB 258-FN-LOCAL

Amend RSA 289:14-a, VII and VIII as inserted by section 4 of the bill by replacing them with the following:

VII. Any African American remains, marker, gate, or associated mortuary or archaeological materials that have been removed from a site shall be returned for reburial or placement at the grave site, or if removed under the provisions of paragraph V, in consultation with the descendant community.

VIII. Any African American remains, marker, gate, or associated mortuary or archaeological materials that have been removed from a cemetery or burial ground shall be returned for reburial or placement at the grave site, in consultation with the descendants or descendant community. If such return is deemed to be not feasible or appropriate by the descendants or descendant community, they shall be deposited in another suitable location, under paragraph V, in consultation with the descendants or descendant community, by June 30, 2026.

Amend RSA 289:24, IV as inserted by section 5 of the bill by replacing it with the following:

IV. Notwithstanding RSA 289:14-a, VII and VIII, all New Hampshire educational or research institutions, museums, historical societies, and other collections shall inventory any remains or other materials from African American graves, and any other remains of people of African descent born after the period of American slavery by June 30, 2026. The holders of these African American grave remains and materials, and other remains of people of African descent born after the period of American slavery shall consult descendants and the descendant community for their suitable disposition and complete such disposition by June 30, 2026.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 455, requiring the commissioner of the department of environmental services to adopt ambient ground-water quality standards for certain per and polyfluoroalkyl substances.

Inexpedient to Legislate, Vote 3-1. Senator Giuda for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

WAYS AND MEANS

SB 318-FN, extending the hours in which games of chance may be conducted.

Ought to Pass, Vote 3-2. Senator Hennessey for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 338, enabling municipalities to adopt a municipal occupancy fee.

Inexpedient to Legislate, Vote 4-1. Senator Daniels for the committee.

The question is on the adoption of the motion of Inexpedient to Legislate. Adopted.

SB 343, establishing a committee to study the formula for distribution of room occupancy tax revenues.

Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

Senator Prentiss offered a Floor Amendment.

Sen. Prentiss, Dist 5
 Sen. Hennessey, Dist 1
 February 1, 2022
 2022-0421s
 10/04

Floor Amendment to SB 343

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

AN ACT establishing a committee to study room occupancy tax revenues and fees and the formula for distribution to municipalities.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study room occupancy tax revenues and fees and the formula for distribution to municipalities.

Amend section 3 of the bill by inserting after paragraph IV the following new paragraph:

V. Assessing the impact of a \$2 municipal occupancy fee and how that fee would be reported, collected, and managed by a municipality.

Amend the bill by replacing section 4 with the following:

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 senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

2022-0421s

AMENDED ANALYSIS

This bill establishes a committee to study room occupancy tax revenues and fees and the formula for distribution to municipalities.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 435-FN, relative to the net operating loss carryover under the business profits tax.
 Ought to Pass with Amendment, Vote 5-0. Senator Giuda for the committee.

Senate Ways and Means
 January 26, 2022
 2022-0311s
 10/05

Amendment to SB 435-FN

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

1 Business Profits Tax; Definition of Taxable Business Profits; Net Operating Loss Carryovers. Amend RSA 77-A:1, IV to read as follows:

IV. "Taxable business profits" means gross business profits adjusted by the additions and deductions provided in RSA 77-A:4 ***except net operating loss carryover as defined in RSA 77-A:4, XIII***, and then adjusted by the method of apportionment provided in RSA 77-A:3, ***and then further adjusted by net operating loss carryover as defined in RSA 77-A:4, XIII***.

2 Business Profits Tax; Additions and Deductions; Net Operating Loss Carryover. Amend RSA 77-A:4, XIII to read as follows:

XIII. A deduction for the amount of the net operating loss carryover determined under section 172 of the United States Internal Revenue Code [~~in effect on December 31, 1996~~] ***apportioned in the year incurred according to RSA 77-A:3***. A net operating loss shall ***only*** be apportioned in the year incurred [~~according to RSA 77-A:3~~] ***and not in the subsequent years it adjusts gross business profits***. Net operating losses may only be carried forward for the 10 years following the loss year. For taxable periods ending:

(a) On or before June 30, 2003, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$250,000.

(b) On or after July 1, 2003 and on or before June 30, 2004, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$500,000.

(c) On or after July 1, 2004 and on or before June 30, 2005, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$750,000.

(d) On or after July 1, 2005, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$1,000,000.

(e) On or after January 1, 2013, the amount of net operating loss generated in a tax year that may be carried forward may not exceed \$10,000,000.

In the case of a business organization not qualifying for treatment as a subchapter C corporation under the United States Internal Revenue Code, such deduction shall be the amount that would be determined under section 172 of the United States Internal Revenue Code [~~in effect on December 31, 1996~~] if the business organization were a subchapter C corporation and as limited by this section. A deduction for the amount of the net operating loss carryover shall be limited to losses incurred on or after July 1, 1997.

3 Applicability. This act shall apply to business organizations' tax years ending on or after December 31, 2022.

4 Effective Date. This act shall take effect July 1, 2022.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

Without objection, the Senate will now take up the Committee on Finance. Adopted.

FINANCE

SB 144-FN, relative to child care scholarships.

Ought to Pass with Amendment, Vote 5-1. Senator Rosenwald for the committee.

Senate Finance

February 9, 2022

2022-0609s

05/10

Amendment to SB 144-FN

Amend paragraph I as inserted by section 2 of the bill by replacing it with the following:

I. The department of health and human services shall implement a 3-month pilot program to provide enrollment-based reimbursement to child care providers who accept child care scholarships through the Child Care and Development Fund (CCDF) plan for New Hampshire. For the purposes of the pilot, enrollment-based billing shall continue unless a child exceeds 2 weeks of consecutive absence from the program without notification to the provider regarding circumstances and agreed upon return date.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 230-FN, relative to the practice of body art.

Ought to Pass, Vote 4-3. Senator Reagan for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 233-FN, relative to water bottle filling stations in schools.

Ought to Pass, Vote 4-3. Senator D'Allesandro for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 319-FN, relative to vaccination status and wellness incentives.

Ought to Pass, Vote 7-0. Senator Rosenwald for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 337-FN, relative to emergency medical and trauma services data sharing to the purposes of analysis. Ought to Pass, Vote 7-0. Senator Giuda for the committee.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

SB 346-FN-A, requiring the department of environmental services to conduct feasibility and impact studies for the construction of a pier on Hampton Beach.

Ought to Pass, Vote 7-0. Senator Hennessey for the committee.

Senator Bradley moved to Lay on the Table. Adopted.

SB 409, relative to disaster relief loans.

Ought to Pass with Amendment, Vote 7-0. Senator Giuda for the committee.

Senate Finance

February 9, 2022

2022-0627s

07/10

Amendment to SB 409

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

1 Homeland Security and Emergency Management; Exceptional Disaster Relief Loans; Modification of Circumstances. Amend RSA 21-P:37-c, II to read as follows:

II.(a) When the President of the United States declares an area a federal disaster area, ***or the governor declares a state of emergency as defined in RSA 21-P:35, VIII***, and a municipality has applied for federal emergency assistance from the Federal Emergency Management Administration (FEMA), the governor, with the approval of the executive council may approve a ***non-interest*** loan in the amount up to the anticipated assistance from FEMA from funds not otherwise appropriated.

(b) In order to be eligible for an exceptional disaster relief loan, the per [~~occurrence~~] ***incident*** cost of a municipality's critical disaster relief project or projects shall equal or exceed 25 percent of the amount raised by local property taxes in the municipality's [~~last~~] ***current*** annual budget.

(c) The municipality shall not knowingly request an exceptional disaster relief loan for costs that are not eligible for reimbursement under the FEMA public assistance program.

(d) Recipients of an exceptional disaster relief loan shall be responsible to repay the entire loan amount to the state. If the amount of FEMA assistance that a municipality receives is less than the exceptional disaster relief loan, the state treasurer, with the advice and consent of the governor and council, shall negotiate repayment terms of the difference.

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

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

Without objection, the Senate will now take up the Committee on Health and Human Services. Adopted.

HEALTH AND HUMAN SERVICES

SB 326-FN, establishing the office of early childhood.

Ought to Pass with Amendment, Vote 5-0. Senator Whitley for the committee.

Health and Human Services

February 9, 2022

2022-0640s

07/04

Amendment to SB 326-FN

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

AN ACT relative to developing a plan to create the office of early childhood.

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

2 Office of Early Childhood Plan. The commissioner of the department of health and human services, in consultation with the commissioner of the department of administrative services, the commissioner of the department of education, the office of the child advocate, and the council for thriving children, shall develop a plan to create the office of early childhood by November 1, 2022. The plan shall be presented to the governor, speaker of the house of representatives, and the president of the senate. The plan shall include: role and duties of the office as well as staffing and costs and in which department where such an office shall be attached. The plan shall further include recommendations on integrated child care, early childhood care and education, childhood development, recommendations for early childhood health, safety, and learning, an early childhood information system to facilitate data sharing, recommendations on the workforce serving young children, an outreach plan for families and service providers, recommendations for kindergarten and school readiness assessment tools, and recommendations for reporting and accountability of the office early childhood programs.

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

2022-0640s

AMENDED ANALYSIS

This bill directs the commissioner of the department of health and human services, in consultation with the commissioners of the departments of education and administrative services, the office of the child advocate, and the council for thriving children, to develop a plan to create an office of early childhood.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

SB 413-FN-A, requiring an independent audit and needs assessment regarding COVID-19 preparedness at long term care facilities, nursing homes, and the New Hampshire veterans' home, and making an appropriation therefor.

Interim Study, Vote 3-2. Senator Gray for the committee.

Recess. Out of recess.

The question is on the adoption of the motion of Interim Study.

A roll call was requested by Senator Rosenwald, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, French, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka.

The following Senators were excused: Sherman.

Roll Call, Yeas: 13 - Nays: 10. Adopted.

SB 422-FN, establishing an adult dental benefit under the state Medicaid program.

Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Health and Human Services

February 2, 2022

2022-0468s

05/08

Amendment to SB 422-FN

Amend the bill by replacing section 3 with the following:

3 Appropriation; Centene Corporation Settlement. Notwithstanding RSA 7:6-e, the sum of \$21,148,822 received from the settlement of December, 2021 between New Hampshire and the Centene Corporation and its affiliates ("Centene"), relative to pharmacy benefits in the Medicaid program shall be appropriated to the department of health and human services and shall not lapse. Of said sum:

I. The first \$2,420,203 of funds received by the state shall be used by the department of health and human services to meet the financial requirements of completing the Medicaid Care Management SFY 20 Risk Corridor calculation.

II. The remaining \$18,728,619 shall be used to fund the non-federal share of an adult dental benefit in the Medicaid program.

III. In the event an adult dental benefit in the Medicaid program is not implemented by June 30, 2023, the sum allocated under paragraph II shall be transferred as follows:

(a) 10 percent of the funds shall be transferred to the revenue stabilization reserve account pursuant to RSA 7:6-e, I; and

(b) The remainder of the funds shall be transferred to the general fund.

IV. The department of health and human services may accept and expend matching federal funds without prior approval of the fiscal committee of the general court.

2022-0468s

AMENDED ANALYSIS

This bill requires the commissioner of the department of health and human services to solicit information and to contract with dental managed care organizations to provide dental care to persons under the Medicaid managed care program. The bill also appropriates the settlement funds received by the state from its settlement with the Centene Corporation to the department of health and human services for the purpose of funding the non-federal share of the adult dental benefit program and to complete the Medicaid Care Management SFY 20 Risk Corridor calculation.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Rosenwald, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avard, Rosenwald, Carson, Whitley, Cavanaugh, Reagan, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Gannon, Sherman, Morse.

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 423-FN, relative to a closed loop referral system in the department of health and human services. Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

Health and Human Services

February 2, 2022

2022-0465s

05/04

Amendment to SB 423-FN

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

1 New Paragraph; Department of Health and Human Services; Closed Loop Referral System. Amend RSA 126-A:4 by inserting after paragraph V the following new paragraph:

VI. If the department itself or through a contracted entity provides a closed loop referral system, the following privacy and security provisions shall be included:

(a) The department shall not access any individual's personally identifiable information or protected health information from or through any closed loop referral system unless the individual is currently receiving services funded through a department of health and human services program or has received services funded through a department of health and human services program within the past 12 months, has previously given consent for the department to access their personally identifiable information or protected health information and has not revoked consent.

(b) Notwithstanding the foregoing, the department may obtain specific consent from an individual to access the individual's personally identifiable information or protected health information on each consent for a referral for services, provided that in obtaining consent:

(1) A separate page, in hard copy or electronically, shall be used; and

(2) The request shall be phrased as follows: “Do you consent to allow the New Hampshire department of health and human services to have access to your personally identifiable information and your private health information along with information about your referrals for services? Please note that you will receive the same services whether you sign this form or not.”

(c) Within 48 hours of becoming aware of a data breach, the contracted entity providing a closed loop referral system shall begin the process of notification by first class mail or other individually agreed to communication mechanisms to all individuals impacted by the data breach.

(d)(1) An individual’s personally identifiable information or protected health information may be added to the closed loop referral system only if:

(A) The individual consents to its inclusion on each instance of a referral for services, and

(B) The individual whose information is intended to be included in the closed loop referral system shall retain the right to opt into the system on each referral and retain the right to revoke consent to be in the system at any time.

(2) If an individual revokes consent to be in the system, then, to the extent allowed under federal or state law, information relative to the individual’s referrals for services shall be deleted from the system within 7 days of the revocation.

(e) No provider or organization utilizing the closed loop referral system network shall have access to an individual’s personally identifiable information or protected health information unless the individual has been referred to that provider or organization for services and the provider or organization requested consent from and was given consent by the individual to access such information.

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

2022-0465s

AMENDED ANALYSIS

This bill establishes privacy and security requirements for a closed loop referral system established by the department of health and human services or an entity under contract with the department.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 430-FN-A, relative to health and human services.

Ought to Pass with Amendment, Vote 5-0. Senator Bradley for the committee.

Health and Human Services

February 9, 2022

2022-0642s

05/10

Amendment to SB 430-FN-A

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

1 New Subparagraph; State Treasurer and State Accounts; Application of Receipts; Special Fund for Administration of Opioid Treatment Programs. Amend RSA 6:12, I(b) by inserting after subparagraph (382) the following new subparagraph:

(383) Moneys deposited in the special fund for administration of opioid treatment programs established in RSA 172:8-c.

2 New Section; New Hampshire Substance Use Disorder Services System; Special Fund for Administration of Opioid Treatment Programs. Amend RSA 172 by inserting after section 8-b the following new section:

172:8-c Special Fund for Administration of Opioid Treatment Programs. There is hereby established a special fund for administration of opioid treatment programs. The fund shall be composed of fees collected by the commissioner in accordance with RSA 172:14, II, and shall be used to carry out the provisions of this chapter including, but limited to, acting upon the application for the certification, permit, or training of opioid treatment programs. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of this chapter to support program operations for certification and administration of the department of health and human services oversight of opioid treatment programs.

3 Department of Health and Human Services; Developmental Services; Pilot Program.

I. For the fiscal year ending June 30, 2023, the department of health and human services, division of long term supports and services, shall implement a pilot program to provide services for individuals with developmental disabilities, between 18 and 21 years of age, who are enrolled in school and determined eligible for developmental services that are not the responsibility of the local education agency, another state agency, or another division of the department. Participation in the pilot program shall be limited to not more than 20 eligible individuals. The department may adopt rules under RSA 541-A relative to implementation and administration of the pilot program.

II. For purposes of the pilot program, the local education agency, all state agencies, and divisions of the department involved with an individual seeking services shall, with the consent of the individual or the individual's guardian, provide information to the area agency and participate in the individual's service planning. The area agency shall provide such information to the department.

III. In addition, the department shall use the information provided in accordance with paragraph II to make the final determination as to whether the services requested are the legal responsibility of the local education agency, another state agency, or another division of the department.

IV. For individuals deemed eligible pursuant to paragraph I, the time period between completion of the individual service agreement, pursuant to RSA 171-A:12, and the allocation by the department of the funds needed to perform the services required by the agreement shall not exceed 90 calendar days.

V. On or before February 1, 2023, the department shall provide a detailed report of the pilot program to the senate health and human services committee, the house children and family law committee, and the house health, human services and elderly affairs committee. The report shall include data on utilization, including the number of individuals seeking services in accordance with paragraph I, the number of individuals provided services as part of the pilot program, the types of specific services provided for each individual, the total cost of the services provided, and other relevant information necessary to assess the pilot program for statewide expansion as part of the state budget for the biennium ending June 30, 2025.

VI. There is hereby appropriated to the department of health and human services the sum of \$2,800,000, for the fiscal year ending June 30, 2023, for the purpose of implementing the pilot program for developmental services established in this section. This appropriation shall be nonlapsing and continually appropriated to the department. Additionally, the department may accept and expend any applicable federal funds, and any gifts, grants, or donations that may be available for the purposes of the pilot program. In the event of any remaining funds not otherwise expended after reaching the cap of serving 20 eligible individuals under the pilot program, the department may allocate funding and provide services to additional eligible individuals. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Unauthorized Payments; Recovery by State. RSA 167:17-a is repealed and reenacted to read as follows:

167:17-a Unauthorized Payments; Recovery by State. Any sums paid to or on behalf of any person for any public assistance program under the provisions of RSA 167 as a result of any failure to report collateral resources pursuant to each program's requirements, false statement, misrepresentation or concealment of or failure to disclose the receipt of property, wages, income, or resources by such person, or by any person legally liable for such person's support, or in the case of supplemental nutrition assistance program (SNAP) benefits overpaid in error, without regard to the reason for such SNAP benefit overpayment, if required by federal law, may be recovered through administrative or judicial process, in an action brought by the state or the commissioner of the department of health or human services, or his or her designee, against such individual. This recovery shall be limited by the provisions of RSA 161:10. The commissioner of the department of health and human services shall recover any unauthorized payments by reasonably adjusting current and future grant amounts received by the person violating the provisions of this section, or through the return of the overpayment through repayment to the department. A person who knowingly, and with malfeasance, assists a recipient or other person in obtaining an overpayment shall be jointly and severally liable for the overpayment.

5 Repeal. The following are repealed:

I. RSA 126-A:4-a, relative to the health care plan report.

II. 2019, 346:348, relative to quarterly reporting on Medicaid rate increases.

6 Department of Health and Human Services; Medicaid Family Planning Services Report. Amend RSA 126-A:5, XXII to read as follows:

XXII. The commissioner shall fully implement expanded coverage of Medicaid family planning services as required by RSA 126-A:4-c no later than July 1, 2013. At the time of implementation, the state's Medicaid plan shall be amended to enable the state to accept federal matching funds. As provided in RSA 126-A:4-c, the department shall ensure that the state realizes the 90 percent federal Medicaid match available for the family planning services. If the traditional claims payment systems are unavailable for implementation within the time frame indicated in this paragraph, the commissioner shall manually process the payment of claims or contract with a third party administrator to ensure timely provider payment capacity and uninterrupted access to eligible recipients. At least 30 days in advance of program implementation, the commissioner shall conduct an outreach effort to all participating Medicaid family planning providers to distribute guidance and technical assistance regarding patient enrollment procedures, eligibility criteria, and covered medical services and supplies. Within 60 days after program implementation as required under this paragraph [~~and annually thereafter~~], the commissioner shall make a report relative to the Medicaid family planning services program to the joint legislative fiscal committee.

7 New Paragraph; Child Protection Act; Issuance of Summons and Notice. Amend RSA 169-C:8 by inserting after paragraph II the following new paragraph:

II-a. If the location of the parent or parents is unknown and this fact is sworn to under oath by the petitioner, the court may take whatever steps it deems necessary, including service by publication or certified mail, to ensure due process is satisfied unless, for good cause shown, it determines that process is impracticable or would serve no purpose, in which case notice may be waived.

8 New Paragraph; Child Protection Act; Issuance of Summons and Notice. Amend RSA 169-C:8 by inserting after paragraph IV the following new paragraph:

V. The summons shall be considered notice for subsequent proceedings pursuant to RSA 170-C and shall include express notice that failure to appear and participate in a proceeding under this chapter may result in the termination of parental rights pursuant to RSA 170-C, without further notice. This shall be deemed adequate notice of a subsequent proceeding pursuant to RSA 170-C.

9 New Subparagraph; Residential Care and Child-Placing Agency Licensing; Definition. Amend RSA 170-E:25, II by inserting after subparagraph (f) the following new subparagraph:

(g)(1) "Kinship care home" means a type of foster home in which an individual or individuals are licensed to provide care exclusively to kin. There shall be a maximum of 6 children including the children living in the home and children received for child care who are related to the residents.

(2) Notwithstanding the limit of 6 children under subparagraph (g)(1), if the kinship care family is willing and able to take a sibling or a group of siblings of a child already in their care, and the department has concluded that the kinship care family is able to provide for the safety, permanency, and well-being of the child or children, the department may place the sibling or group of siblings in the kinship care home.

10 New Paragraph; Residential Care and Child-Placing Agency Licensing; Definition of Kin Added. Amend RSA 170-E:25 by inserting after paragraph X the following new paragraph:

X-a. "Kin" means a child or children who for which there is a connection or history between a child or their parents and another responsible adult, including but not limited to related adults.

11 New Paragraph; State Registry and Criminal Records Check for Foster Family Homes, Institutions, and Child-Placing Agencies. Amend RSA 170-E:29 by inserting after paragraph V the following new paragraph:

VI. A kinship care home shall be considered a foster family home for purposes of this section.

12 Residential Care and Child-Placing Agency Licensing; Issuance. Amend RSA 170-E:31, I to read as follows:

I. Licenses shall be issued in such form and manner as prescribed by rules adopted by the commissioner under RSA 541-A and, for foster family homes, **kinship care homes**, and specialized care, shall be valid for 2 years from the date issued, unless revoked by the department, or voluntarily surrendered by the licensee, or subject to conditions attached to the license which provide for a shorter license period than 2 years.

13 New Paragraph; Residential Care and Child-Placing Agency Licensing; Record of Licenses. Amend RSA 170-E:33 by inserting after paragraph II the following new paragraph:

III. For kinship family care licenses, the name of the children for which the license is issued shall be confidential and exempt from RSA 91-A.

14 Residential Care and Child-Placing Agency Licensing; Issuance. Amend RSA 170-E:45, II to read as follows:

II. Foster family homes **and kinship care homes** which have not been licensed but which have been asked to receive children by the department or another child-placing agency on an emergency basis shall not be subject to the penalty provided in subparagraph I(a). The exemption provided in this paragraph is valid for a period of [30] **180** days from the date of placement of the child in the home.

15 Child Protection Act; Jurisdiction, Continued Jurisdiction, Modification. Amend RSA 169-C:4, III to read as follows:

III. When a custody **or supervision** award has been made pursuant to this chapter, said order shall not be modified or changed, nor shall another order affecting the **custody or legal** status of the child, **including a guardianship order pursuant to RSA 463**, be issued **without the consent of the court in this proceeding**.

16 Adoption; Consequences of Surrender. Amend RSA 170-B:11, II to read as follows:

II. Except in cases where one parent will remain a parent, upon approval of a surrender of a minor executed by the parent, the court shall issue an order granting temporary care, custody, and control of the child to the prospective adoptive parents or where applicable, **guardianship of the person** to the department or agency. The temporary order shall impose upon the prospective adoptive parents or the department or agency, the responsibility for the support and medical and other care of the minor child. The temporary order shall not be valid for longer than 6 months, unless otherwise ordered by the court, and, with the exception of adoptions in which the department or an agency is involved, shall cease upon the granting of the interlocutory decree of adoption. In adoptions in which the department or an agency is involved, during the interlocutory period, the department or agency shall continue to have [a legal relationship] **guardianship of the person**, giving it responsibility for oversight of the support, medical, and other care of the minor child.

17 Department of Health and Human Services; Preventative Health Care Benefits; Medicaid Program. The commissioner of the department of health and human services shall, if necessary, submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to establish and provide preventative health care benefits under the state Medicaid program, including but limited to nicotine cessation, transitional care management, chronic care management, diabetes prevention program, and screening, brief intervention, and referral to treatment (SBIRT) services. In addition, the commissioner may adopt rules under RSA 541-A relative to the preventative health care benefits described in this section.

18 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children. Amend RSA 167:6, IX to read as follows:

IX. For purposes hereof, a person with a disability between 18 and 64 years of age who is eligible to participate in the work incentive program, known as Medicaid for employed adults with disabilities (MEAD), shall be eligible for medical assistance as medically needy or categorically needy. ~~[The department of health and human services shall establish a sliding fee scale for participants to contribute to the cost of such medical assistance.]~~ Participants in the MEAD program shall be employed at the time of enrollment, and may remain enrolled during temporary unemployment for medical reasons or other good cause.

19 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children. Amend RSA 167:6, IX-a to read as follows:

IX-a. A person with a disability age 65 and older who is eligible to participate in the work incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare coverage. ~~[The department of health and human services shall establish a sliding fee scale for participants to contribute to the cost of such medical assistance.]~~ Participants in the MOAD program shall be employed at the time of enrollment, and may remain enrolled during temporary unemployment for medical reasons or other good cause.

20 Domestic Relations; Medical Assistance Recipient; Notice of Petition for Spousal Support. Amend RSA 458:19-c, II, to read as follows:

II. The department of health and human services shall have the opportunity to address the court in any proceeding under this section if the court, **or the department, upon motion to the court**, has concerns relative to:

(a) The impact on the recipient of any period of Medicaid ineligibility that would result from the allocation of income or assets;

(b) Whether the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43; or

(c) The cost of the recipient's care to be paid by Medicaid as the result of the proposed allocation of income or assets.

21 New Paragraph; Domestic Relations; Medical Assistance Recipient; Notice of Petition for Spousal Support. Amend RSA 458:19-c to insert after paragraph II the following new paragraph:

III. No petition of spousal support shall be enforceable against the department as it relates to eligibility for medical assistance unless the petitioner provides a copy of the petition to the department at least 14 days prior to filing with the court.

22 Guardians and Conservators; Estate Planning by Guardian. Amend the introductory paragraph on RSA 464-A:26-a, VII, to read as follows:

VII. The department of health and human services, the county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this section if the court, **or the department, upon motion to the court**, has concerns relative to:

23 New Paragraph; Guardians and Conservators; Estate Planning by Guardian. Amend RSA 464-A:26-a, VII by inserting after paragraph VII the following new paragraph:

VIII. No petition of spousal support shall be enforceable against the department as it relates to eligibility for medical assistance unless the petitioner provides a copy of the petition to the department at least 14 days prior to filing with the court.

24 New Section; Uniform Civil Liability for Support; Medical Assistance Recipient; Notice of Petition for Spousal Support. Amend RSA 546-A by inserting after section 7 the following new section:

546-A:7-a Medical Assistance Recipient; Notice of Petition for Spousal Support.

I. The department of health and human services, the county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this chapter if the court or department of health and human services has concerns relative to:

(a) The impact on the ward of any period of Medicaid ineligibility that would result from the proposed gift;

(b) Whether the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43; or

(c) The cost of the ward's care to be paid by Medicaid as the result of the proposed gift or income reallocation.

II. No petition of spousal support shall be enforceable against the department as it relates to eligibility for medical assistance unless the petitioner provides a copy of the petition to the department at least 14 days prior to filing with the court.

25 Department of Health and Human Services; Medicaid Program; Personal Care Attendants.

I. The commissioner of the department of health and human services shall, if necessary, submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to authorize family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants under the state Medicaid program. In addition, the commissioner may adopt rules under RSA 541-A relative to the ability of family caregivers and others to serve as personal care attendants for Medicaid recipients.

II. There is hereby appropriated to the department of health and human services the sum of \$700,000 for the fiscal year ending June 30, 2023, for the purpose of implementing this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

26 Department of Health and Human Services; Eligibility for Assistance. Amend RSA 167:4, I(b) to read as follows:

(b) **To the extent permissible under federal law**, in the case of an applicant for public assistance or medical assistance who has made an assignment or transfer of assets to an individual for less than fair mar-

ket value within [60] **36 months, or for up to 60 months if deemed necessary by the department based upon case specific information or extenuating circumstances**, or in the case of transfers of real estate, or transfers of assets to a trust or portions of a trust that are treated as assets disposed of by the individual within [60] **36 months, or for up to 60 months if deemed necessary by the department based upon case specific information or extenuating circumstances**, immediately preceding the date of application or while the application is pending, or in the case of a recipient of public assistance or medical assistance who makes such an assignment or transfer while in receipt of the assistance, the assistance sought shall only be granted or continue to be granted in accordance with rules establishing restrictions and eligibility criteria for such cases as adopted by the commissioner of the department of health and human services under RSA 541-A, subject to applicable federal regulations and waiver approval, if any, and review by the oversight committee on health and human services, established in RSA 126-A:13. The oversight committee on health and human services shall make a report to the legislative fiscal committee which shall have final approval authority.

27 New Subparagraph; Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, II by inserting after subparagraph (g) the following new subparagraph:

(h) An attestation on a form issued by the department stating that the applicant has not been convicted of a felony offense. This attestation shall be subject to the penalties set forth in RSA 641:3 for unsworn falsification and this shall be noted on the form issued by the department. In addition, a designated caregiver shall promptly inform the department if convicted of a felony offense subsequent to being issued a registry identification card.

28 Repeal. RSA 126-X:4, II-a and II-b, relative to criminal background checks for caregivers, are repealed.

29 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, III to read as follows:

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section. The department shall approve or deny ~~[an]~~ **a complete** application or renewal for a qualifying patient within 15 days of receipt of the application. The department shall approve or deny ~~[an]~~ **a complete** application or renewal to serve as a designated caregiver within 15 days of receipt of the application ~~[and the criminal history records check results]~~. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the applicant previously had a registry identification card revoked for violating the provisions of this chapter or rules adopted by the department, or if the department determines that the information provided was falsified or did not meet the requirements of this chapter or rules adopted by the department. The department shall notify an applicant of the denial of an application. An applicant who is aggrieved by a department decision may request an administrative hearing at the department.

30 Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, IV(a) to read as follows:

IV.(a) ~~[An alternative treatment center shall conduct]~~ A state and federal criminal records check **shall be required** for every person seeking to become a principal officer, board member, agent, volunteer, or employee **of an alternative treatment center** before the person begins working at the alternative treatment center pursuant to RSA ~~[126-X:4, II-a]~~ **126-X:8, IV-a**. An alternative treatment center shall not allow any person to be an alternative treatment center agent who:

- (1) Was convicted of a felony or felony drug-related offense; or
- (2) Is under 21 years of age.

31 New Paragraph; Alternative Treatment Centers; Requirements; Criminal Background Check. Amend RSA 126-X:8 by inserting after paragraph IV the following new paragraph:

IV-a.(a) A person applying to be an alternative treatment center agent shall submit directly to the department of safety a criminal history records release form, as provided by the New Hampshire division of state police, authorizing the release of any felony convictions to the department. The applicant shall submit with the release form a complete set of electronic 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 for whatever reason, 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 department may, in lieu of the criminal history records check, accept police clearances showing no felony convictions from every city, town, or county where the person has lived during the past 5 years. The division of state police 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 report to the department whether or not there are any felony convictions. The department shall maintain the confidentiality of criminal history record information received pursuant to this section. The applicant shall bear the cost of a criminal history records check.

(b) Notwithstanding subparagraph IV(a), an alternative treatment center may make a conditional offer of employment and allow a person to begin working at or for the alternative treatment center while the results of the state and federal criminal history records check are pending, provided that:

(1) Prior to beginning employment, the person completes a statement stating that the person does not have any felony convictions in this or any other state, and such statement shall be subject to the penalties set forth in RSA 641:3 for unsworn falsification, which shall be noted on the form issued by the department; and

(2) The conditional employment granted shall be revoked immediately if the criminal history records check results show any felony convictions in this or any other state.

32 Lead Paint Poisoning Prevention and Control; Investigations. Amend the introductory paragraph of RSA 130-A:5, I to read as follows:

I. The commissioner shall investigate cases of lead poisoning in children reported under RSA 141-A whose blood lead level meets or exceeds 5 micrograms per deciliter of whole venous blood~~[-as reported on 2 separate tests except that a blood lead level may be designated as elevated by the health care provider when the level reported meets or exceeds 5 micrograms per deciliter on the first venous test. With such a declaration, a second test shall not be required]~~. The commissioner may also conduct investigations when there is reason to believe that a lead exposure hazard, as defined in RSA 130-A:1, XVI(b) and (d), for a child exists. Such investigations shall include, but not be limited to:

33 Public Health; Food Service Licensure; Exemptions. Amend RSA 143-A:5, IV to read as follows:

IV. Recreation camps inspected and licensed under RSA [149] **170-E, including recreation camps that offer food to camp families or alumni in the 45 days prior to or after the camp operating season.**

34 Compensation of Certain State Officers; Health and Human Services Positions Amended. Amend the following position in RSA 94:1-a, I(b), grade DD to read as follows:

DD Department of health and human services ~~[administrator, family strengthening and child well-being initiatives]~~ **business improvement administrator**

35 Department of Health and Human Services; Shift Differential Payments; Recovery Forgiveness; Appropriation.

I. Any shift differential payments made on or before July 1, 2021, which were inadvertently paid due to administrative error to certain clinical staff at New Hampshire hospital and the Glencliff home, shall be forgiven in full. This section shall preclude any recovery action by the state against those individuals for such payments.

II. Any clinical staff at New Hampshire hospital and the Glencliff home who did not receive the shift differential payments described in paragraph I, shall receive such payments retroactively. The department of health and human services, in coordination with the department of administrative services, may provide the retroactive payments without the approval of governor and council or the fiscal committee of the general court.

III. The sum of \$29,000 for the fiscal year ending June 30, 2023, is appropriated to the department of health and human services for the purpose of providing shift-differential payments to clinical staff at New Hampshire hospital and the Glencliff home, as described in paragraph II. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

36 Department of Health and Human Services; Inpatient Treatment of Children's Behavioral Health; Positions Established. There are hereby established within the department of health and human services, 8 full-time, unclassified clinical positions to provide inpatient treatment of children's behavioral health, in the division for behavioral health services.

37 New Paragraph; Compensation of Certain State Officers; Salary Adjustment for Recruitment or Retention. Amend RSA 94:3-b by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other provisions of law to the contrary, for any expenditure more than \$10,000 under this paragraph, upon the request of an appointing authority submitted to the commissioner of administrative services for review and evaluation and upon approval by the joint committee on employee classification, the governor and council is hereby authorized, upon a finding by them that it is in the best interests

of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel, to make recruitment or retention bonuses for classified clinical positions at New Hampshire hospital and the Glenclyff home. The department of health and human services, in conjunction with the department of administrative services, is authorized to make any expenditure less than or equal to \$10,000 under this paragraph.

38 Department of Health and Human Services; Office of Reimbursement; Duties. Amend RSA 126-A:34, I(a) to read as follows:

(a) Review and investigate all records of the New Hampshire hospital, ~~[Laconia developmental services;]~~ the secure psychiatric unit, the Glenclyff home, and ~~[the Anna Philbrook center]~~ **facilities that provide child inpatient psychiatric treatment within the state mental health system**, relative to expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents or directors of such institutions, facilities, or programs as to the rates to be charged for the care, treatment, and maintenance of such patients, residents, or clients.

39 Department of Health and Human Services; Liability for Expenses and Hearing on Liability. Amend RSA 126-A:40, I(a) to read as follows:

(a) Whenever the court issues an order for evaluation, care, or treatment of a child at ~~[the Philbrook center]~~ **a facility that provides child inpatient psychiatric treatment within the state mental health system** pursuant to RSA 169-B, 169-C, or 169-D, the expenses of such evaluation, care, or treatment shall be borne by the department, except as otherwise provided in this section.

40 Department of Health and Human Services; Liability for Expenses and Hearing on Liability. Amend RSA 126-A:40, III to read as follows:

III. The office of reimbursements, acting on behalf of the ~~[New Hampshire hospital]~~ **department of health and human services**, is authorized to compromise or reduce any expense to be charged to the state.

41 Department of Health and Human Services; Limiting Use of Child Restraint Practices; Definitions. Amend RSA 126-U:1, III(d)(1) to read as follows:

(1) ~~[The Anna Philbrook center:]~~ **Facilities providing inpatient psychiatric treatment within the state mental health system.**

42 Department of Health and Human Services; New Hampshire Mental Health Services System; References to Anna Philbrook Center Removed. Amend the subdivision heading and the introductory paragraph of RSA 135-C:64 to read as follows:

~~[Anna Philbrook Center]~~ **Child Inpatient Psychiatric Treatment Facility**

135-C:64 ~~[Philbrook Center]~~ **Child Inpatient Psychiatric Treatment Facility**; Purpose. The commissioner shall maintain behavioral health services for children and adolescents in one or more facilities ~~[on the New Hampshire hospital campus, or other locations to be determined]~~ **as designated** by the commissioner. All services for children and adolescents shall be appropriate for each child's developmental stage and shall address the educational, supervisory, and clinical needs of each child. The purposes of child and adolescent services shall include but not be limited to:

43 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center Removed. Amend RSA 135-C:65 to read as follows:

135-C:65 Admission Limitation. Children subject to proceedings in juvenile court may be admitted to ~~[the Philbrook center]~~ **a child inpatient psychiatric treatment facility within the state mental health system** for evaluation, care, or treatment only upon prior approval of the commissioner or designee.

44 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center Removed. Amend RSA 135-C:66 to read as follows:

135-C:66 Access of Records. Notwithstanding any other provisions of law, records regarding children ~~[placed at Philbrook center]~~ **receiving child inpatient psychiatric treatment at a facility within the state mental health system**, pursuant to RSA 169-B, 169-C, or 169-D shall be exchanged between employees of the department to facilitate coordinated care for those children and their families. The confidentiality of such information shall be maintained according to applicable law.

45 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center Removed. Amend RSA 135-C:67 to read as follows:

135-C:67 Admission and Discharge. The commissioner shall adopt rules relative to eligibility criteria and procedures for admission to and discharge from ~~[the Philbrook center]~~ ***facilities within the state mental health system that provide inpatient psychiatric treatment to children.***

46 Delinquent Children; Determination of Competence. Amend RSA 169-B:20, V to read as follows:

V. A competency evaluation may be conducted by an entity approved by the commissioner of health and human services, which may include an agency ~~[other than the Philbrook center]~~, a psychiatrist, or psychologist licensed in the state of New Hampshire. The commissioner shall adopt standards establishing the process for approval as an examiner as well as the qualifications required for approval, which shall be based on generally accepted standards for forensic psychiatrists and psychologists.

47 Delinquent Children; Liability for Expenses Incurred. Amend RSA 169-B:40, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of the minor ~~[at the Philbrook center]~~ ***when receiving child inpatient psychiatric treatment within the state mental health system***, or to expenses incurred for the cost of accompanied transportation.

48 Delinquent Children; Liability for Expenses Incurred. Amend RSA 169-B:40, III to read as follows:

III. The office of reimbursements acting on behalf of ~~[Laconia developmental services and the New Hampshire hospital]~~ ***the department of health and human services*** is authorized to compromise or reduce any expense to be charged to the state ***under this section.***

49 Child Protection Act; Preliminary Disposition. Amend RSA 169-C:16, III to read as follows:

III. The court may at any time order the child, parents, guardian, custodian, or household member subject to the petition or ex parte order, to submit to a mental health evaluation, or undergo a physical examination or treatment, with a written assessment being provided to the court. The court may order that the child, who is the subject of the petition or the family or both be evaluated by a mental health center or any other psychiatrist, psychologist or psychiatric social worker or family therapist or undergo physical examination or treatment with a written assessment provided to the court. Evaluations performed at ~~[the Philbrook center]~~ ***a facility providing child inpatient psychiatric treatment within the state mental health system*** may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services, or designee.

50 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, I(b)(2) to read as follows:

(2) Expenses incurred for evaluation, care, and treatment of ~~[the child at the New Hampshire hospital]~~ ***a child receiving inpatient psychiatric treatment within the state mental health system***; or

51 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, IV to read as follows:

IV. The office of reimbursements acting on behalf of ~~[Laconia developmental services and the New Hampshire hospital]~~ ***the department of health and human services*** is authorized to compromise or reduce any expense to be charged to the state ***under this section.***

52 Children in Need of Services; Adjudicatory Hearing. Amend RSA 169-D:14, III to read as follows:

III. If the court finds the child is in need of services, it shall, unless a report done on the same child less than 3 months previously is on file, order the department of health and human services or other appropriate agency to make an investigation and written report consisting of, but not limited to, the home conditions, school record and the mental, physical and social history of the child including sibling relationships and residences for the purpose of preserving relationships between siblings who are separated as a result of court ordered placement. Evaluations performed at ~~[the Philbrook center]~~ ***a facility providing child inpatient psychiatric treatment within the state mental health system*** may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. When ordered by the court, such investigation shall include a physical and mental examination of the child, parents, guardian, or person having custody. The court may order a substance abuse evaluation of the child, parents, guardian, or person having custody. Any substance abuse evaluation of the parent, guardian, or person having custody of the child shall be conducted by a provider contracted with the bureau of substance abuse services,

or a provider paid by the parent, guardian, or person having custody of the child. The cost of said evaluation shall be paid by private insurance, if available, or otherwise by the person undergoing the evaluation, to whom the evaluation shall be provided free or at a reduced cost if the person is of limited means. The court shall inform the parents, guardian, or person having custody and child of their right to object to the physical examination, mental health evaluation, or substance abuse evaluation. Objections shall be submitted in writing to the court having jurisdiction within 5 business days after notification of the time and place of the examination or evaluation. The court may excuse the child, parents, guardian, or person having custody upon good cause shown. No disposition order shall be made by the court without first reviewing the investigation report, if ordered.

53 Children in Need of Services; Determination of Competence. Amend RSA 169-D:18-a, I to read as follows:

I. At any point during the proceedings, the court may, either on its own motion or that of any of the parties, order the child to submit to a mental health evaluation for the purpose of determining whether the child is competent to have committed the offenses or acts alleged in the petition. The evaluation shall be completed within 60 days of the date of such order and shall be conducted by an agency [~~other than the Philbrook center~~] which is approved by the commissioner of health and human services, or conducted by a psychologist licensed in New Hampshire or a qualified psychiatrist, or by [~~the Philbrook center~~] **a facility providing child inpatient psychiatric treatment within the state mental health system** only upon receiving prior approval for admission of the child for such evaluation by the commissioner of the department of health and human services. The evaluation shall be submitted to the court in writing prior to the hearing on the merits.

54 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of [~~the child at the Philbrook center~~] **a child receiving inpatient psychiatric treatment within the state mental health system** or to expenses incurred for the cost of accompanied transportation.

55 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, IV to read as follows:

IV. The office of reimbursements acting on behalf of [~~Laconia developmental services and the New Hampshire hospital~~] **the department of health and human services** is authorized to compromise or reduce any expense to be charged to the state **under this section**.

56 Youth Services Center; Records. Amend RSA 621-A:7, I to read as follows:

I. Full and complete records shall be kept by the commissioner of the care and study of each child admitted to the youth services center. The records shall not be open to the inspection of any persons not on the staff of the commissioner except that such records shall be available, by court order, to any court having competent jurisdiction of the child in any matter pending in this state or to such person or persons as may be authorized by the court. Notwithstanding any other provision of law, exchange of medical or psychiatric records between [~~the Philbrook center~~] **a facility providing child inpatient psychiatric treatment within the state mental health system** and the department shall be permitted.

57 Emergency Treatment; Reference Change. Amend the introductory paragraph of RSA 135:21-b to read as follows:

135:21-b Emergency Treatment. A physician licensed in the state, a psychiatrist-supervised physician assistant licensed in this state, a psychiatric mental health advanced practice registered nurse, or a person acting under such physician's, psychiatrist-supervised physician assistant's, or advanced practice registered nurse's direction may administer a recognized and approved form of medical or psychiatric treatment which the physician, psychiatrist-supervised physician assistant, or psychiatric mental health advanced practice registered nurse reasonably believes will tend to promote the physical and mental health of a patient of the New Hampshire hospital, [~~Laconia developmental services~~], Glencliff home, any community mental health or developmental services program or treatment facility receiving state grants under RSA 171-A, or any other treatment facility designated as a receiving facility under RSA 135-C, when:

58 State Facilities Other Than New Hampshire Hospital; Reference Change. Amend RSA 135-C:4, I to read as follows:

I. The commissioner shall have charge of the property and concerns of any facility owned by the state which provides, or which may be established to provide, care and treatment to persons who have mental

illness or developmental disabilities, including those subject to the exception set forth in paragraph I-a, with regard to the care and maintenance of the grounds and buildings located at the facility in Concord, known as New Hampshire hospital. Such facilities include, but are not limited to, facilities established at Glenclyff known as Glenclyff home [~~and Laconia, known as Laconia developmental services~~].

59 Child Protection Act; Institutional Abuse and Neglect; Reference Change. Amend RSA 169-C:37 to read as follows:

169-C:37 Institutional Abuse and Neglect. The department of justice shall be empowered to receive and investigate reports of institutional abuse or neglect at the youth development center, [~~Laconia developmental services, and New Hampshire hospital~~] **and any facility that provides child inpatient psychiatric treatment within the state mental health system**; and the department shall be empowered to receive and investigate reports of all other suspected instances of institutional abuse or neglect. Either the department of justice or the commissioner of the department or both may adopt rules consistent with this authority to investigate such reports and take appropriate action for the protection of children.

60 Guardians and Conservators; Conduct of Hearing; Reference Change. Amend RSA 464-A:8, III to read as follows:

III. The medical affidavit shall be evidence only of the proposed ward's inability to attend the hearing and shall not be considered in determining his or her incapacity. If the proposed ward is a patient at a county nursing home, **or** state hospital [~~or Laconia developmental services~~], the affidavit shall be by the medical director or medical superintendent of such county nursing home[;] **or** state hospital[; ~~or developmental services~~].

61 Child Day Care Licensing; State Registry and Criminal Records Check; Revocation of Registration and Withholding of State Funds. Amend RSA 170-E:7, IV-d to read as follows:

IV-d. The fee for a child care employment eligibility card issued under paragraph IV-a shall be [~~\$50~~] **\$25** and the card shall be valid for 5 years from the date of issuance, or a prorated amount of [~~\$10~~] **\$5** per year from the most recently completed criminal background check. A replacement card may be requested for a [~~\$15~~] **\$10** fee.

62 Residential Care and Child-Placing Agency Licensing; State Registry and Criminal Records Check for Child Care Institutions and Child Care Agencies. Amend RSA 170-E:29-a, VII(b) to read as follows:

(b) The fee for a residential child care employment eligibility card shall be [~~\$50~~] **\$25**, and the card shall be valid for 5 years from the date of issuance, or a prorated amount of [~~\$10~~] **\$5** per year from the most recently completed criminal background check. The fee for a replacement card shall be [~~\$15~~] **\$10**.

63 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, IV(d) to read as follows:

(d) [~~"Day care nursery"~~] **"Infant and toddler program"** means a child day care agency in which child day care is provided for any part of a day, for 5 or more children under the age of 3 years.

64 Child Day Care Licensing; Definitions. Amend RSA 170-E:2, XII to read as follows:

XII. "Regularly" or "on a regular basis" means supervision and care up to and including 7 days a week, whether paid or unpaid, for the following as defined in RSA 170-E:2, IV: (a) family day care home, (b) family group day care home, (c) group child day care center, (d) [~~day care nursery~~] **infant and toddler program**, (e) night care agency, (f) preschool program, and (g) school-age program.

65 Residential Care and Child-Placing Agency Licensing; Definition of Child Care Agency. RSA 170-E:25, II is repealed and reenacted to read as follows:

II. "Child care agency" means any person, corporation, partnership, voluntary association or other organization either established for profit or otherwise, who regularly receives for care one or more children, unrelated to the operator of the agency, apart from the parents, in any facility as defined in this subdivision and maintained for the care of children. The types of child care agencies are defined as follows:

(a) "Child care institution" means a child care agency where more than 12 children are received and maintained for 24-hour care for the purpose of providing them with care or training, or both. The term "child care institution" shall not include:

(1) Any state operated institution for child care or juvenile detention established by law.

(2) Any institution, home, place, or facility operating under a license pursuant to RSA 151:2.

(3) Any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public elementary schools or high schools, or both, and which operates on a regular academic school year basis, and which is approved by the department of education.

(4) Any licensed recreation camp.

(b)(1) "Foster family home" means child care in a residence in which family care and training are provided on a regular basis for no more than 6 unrelated children, unless all the children are of common parentage. The maximum of 6 children includes the children living in the home and children received for child care who are related to the residents.

(2) If the limit of 6 children under subparagraph (a)(1) is reached, the foster family is willing and able to take a sibling or a group of siblings of a child already in their care, and the department has concluded that the foster family is able to provide for the safety, permanency, and well-being of the child or children, the department may, notwithstanding the limitations of subparagraph (a)(1), place the sibling or group of siblings in the foster family home.

(c) "Group home" means a child care agency which regularly provides specialized care for at least 5 but no more than 12 children who can benefit from residential living either on a short-term or long-term basis.

(d) "Independent living home" means a child care agency which regularly provides specialized services in adult living preparation in an experiential residential setting for persons 16 years of age or older who have a legal relationship with the department of health and human services and who can benefit from independent living training.

(e) "Specialized care" means a child care agency which regularly provides general care for children who are diagnosed as mentally ill, intellectually disabled, or physically disabled and who are determined to be in need of special mental treatment or nursing care, or both.

(f) "Homeless youth program" means a program, including any housing facilities utilized by such program, which receives any child for the purpose of providing services to facilitate independent living including all of the following program components: individual assessment, referral, housing, and case management. Such services may be provided directly by the agency or through one or more contracts for services.

66 Repeal. The following are repealed:

I. RSA 170-E:25, III, relative to the definition of child care institution.

II. RSA 170-E:25, VIII, relative to the definition of experiential/wilderness facility.

III. RSA 170-E:25, X, relative to the definition of independent living home.

67 Residential Care and Child-Placing Agency Licensing; Definitions. Amend RSA 170-E:25, VI to read as follows:

VI. "Corrective action plan" means a written proposal setting forth the procedures by which a child care agency[~~child care institution,~~] or child-placing agency will come into compliance with the standards set by rule adopted by the commissioner under RSA 541-A and subject to the approval of the department. The proposal shall include the time needed to assure compliance and the steps proposed by the agency to reach compliance.

68 Residential Care and Child-Placing Agency Licensing; Definitions. Amend RSA 170-E:25, XI to read as follows:

XI. "License" means a complete license issued to an operator of a child care agency[~~child care institution~~] or child-placing agency, authorizing the licensee to operate in accordance with the term and conditions of the license, this subdivision, and the rules of the department.

69 Recreation Camp Licensing; Definitions. Amend RSA 170-E:55, I to read as follows:

I. "Recreation camp" means any place set apart for recreational purposes for boys and girls. It shall not apply to **preschool programs as defined in RSA 170-E:2**, private camps owned or leased for individual or family use, or to any camp operated for a period of less than 10 days in a year.

70 New Section; Residential Care and Child-Placing Agency Licensing; Transfer or Discharge. Amend RSA 170-E by inserting after section 42 the following new section:

170-E:42-a Transfer or Discharge of Residents.

I. In this section:

(a) “Discharge” means movement of a resident from a child care agency to a non-institutional setting or the termination of services by a child care agency when the child care agency ceases to be legally responsible for the care of the resident.

(b) “Transfer” means movement of a resident from one child care agency to another child care agency when legal responsibility for the care of the resident changes from the transferring to the receiving child care agency.

II. A resident shall be transferred or discharged after appropriate discharge planning only for medical reasons, for the resident’s welfare or that of other residents, or if the child care agency ceases to operate.

III. Transfer or discharge of a resident from a child care agency shall in all instances be preceded by written notice which shall contain the following:

(a) The reason for the proposed transfer or discharge;

(b) The effective date of the proposed transfer or discharge;

(c) The location to which the resident is transferred or discharged; and

(d) The name, address, and telephone number of the office of the ombudsman, established under RSA 126-A:4, III, and the name, address, and telephone number of the federally-designated protection and advocacy agency for individuals with disabilities.

IV. Except as provided in paragraph V, written notice of transfer or discharge shall be given at least 30 days before the resident is transferred or discharged. A copy of the notice shall be placed in the resident’s file and a copy shall be transmitted to the resident’s parent or legal guardian and the agency responsible for the resident’s placement.

V. Written notice as provided in paragraph III shall be given as soon as practicable before transfer or discharge in the following circumstances:

(a) If an emergency transfer or discharge is mandated by the resident’s health care needs;

(b) If the transfer or discharge is mandated by the health or safety of other individual’s in the child care agency;

(c) If the transfer or discharge is appropriate because the resident’s needs cannot be met in the child care agency;

(d) If the transfer or discharge is appropriate because the resident’s health has improved sufficiently so the resident no longer needs the services provided by the child care agency;

(e) If the transfer or discharge is mandated by court order;

(f) If the resident has reached the age of 21; or

(g) If the resident has resided in the child care agency for less than 30 days.

VI. For the purposes of this section, “transfer” or “discharge” shall not include transfers or discharges initiated at the request of the resident’s parent or legal guardian.

VII. If the resident’s parent or legal guardian wishes to have the resident relocate to another child care agency or place, the resident shall be relocated according to the resident’s parent’s or legal guardian’s wishes; provided that the resident’s parent or legal guardian gives written notice of such relocation to the child care agency.

VIII. For the purposes of this section, transfer shall not include the temporary movement of a resident from a facility to a hospital or other location for emergency medical treatment.

IX. The provisions of this section shall not apply to foster family homes, as defined in RSA 170-E:25.

71 New Sections; Recreation Camp Licensing; Confidentiality and Investigations. Amend RSA 170-E by inserting after 66 the following new sections:

170-E:67 Confidentiality and Investigations. The department may request and shall receive cooperation from other state agencies in connection with investigations and licensure. The department shall strictly observe the confidentiality requirements of the agency from which it receives information.

170-E:68 License Suspension, Revocation, or Denial. The department may suspend, revoke, or deny any license if the license holder:

- I. Neglects or abuses children in his or her care;
- II. Does not comply with this subdivision or the rules adopted under this subdivision relative to the health and safety of children;
- III. Violates any provision of this subdivision, or is unable to meet and maintain standards adopted by the commissioner;
- IV. Substantially or repeatedly violates any provisions of the license issued;
- V. Furnishes or makes any misleading or any false statement or report to the department;
- VI. Refuses or fails to submit any reports or to make available to the department any records required by it in making an investigation of the facility for licensing purposes;
- VII. Refuses or fails to submit to an investigation or to the required visits by the department;
- VIII. Refuses or fails to admit authorized representatives of the department at any time the camp is in operation for the purpose of investigation or visit;
- IX. Fails to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for recreation camps as required under standards prescribed by rules adopted by the commissioner under RSA 541-A or as otherwise required by any law, rule, ordinance, or term of the license applicable to the location of such facility; or
- X. Retaliates against an employee who in good faith reports a suspected violation of the provisions of this subdivision and rules adopted under it.

72 New Paragraph; Out-of-State Physicians; Consultation and Follow-up Care via Telemedicine Permitted. Amend RSA 329:21 by inserting after paragraph II the following new paragraph:

II-a. To a physician licensed and in good standing in another state, when providing consultation services or follow-up care via telemedicine to a patient who previously received services from the physician in the state where the physician is licensed.

73 Department of Health and Human Services; Appropriation of Centene Settlement Funds. The sum of \$2,420,203 from the first payment of the 2-part payment totaling \$21,148,822.13 received by the state as a result of the settlement agreement with Centene Corporation and its affiliates ("Centene") is hereby appropriated to the department of health and human services to meet the financial requirements of completing the Medicaid Care Management SFY 2020 Risk Corridor calculation.

74 Effective Date.

- I. Sections 1-3, 18, 19, 25, 37, 61, 62, and 71 of this act shall take effect July 1, 2022.
- II. Section 17 of this act shall take effect June 30, 2023.
- III. Sections 27-31 of this act shall take effect 30 days after its passage.
- IV. Sections 20, 26, and 32 of this act shall take effect 60 days after its passage.
- V. Sections 34-36 of this act shall take effect June 30, 2022.
- VI. The remainder of this act shall take effect upon its passage.

2022-0642s

AMENDED ANALYSIS

This bill:

- I. Establishes a special fund for administration of opioid treatment programs.
- II. Establishes a pilot program for individuals with developmental disabilities.

III. Permits a physician licensed in another state to provide consultation services or follow up care via telemedicine to an existing patient.

IV. Revises the department's authority to recover unauthorized payments by the state.

V. Repeals certain reporting requirements.

VI. Allows for alternative service of process under RSA 169-C when a child's parent cannot be located.

VII. Creates a separate category of foster care license for kinship care homes.

VIII. Grants the department guardianship of a child following surrender of parental rights under RSA 170-B.

IX. Expands the state Medicaid plan to include preventative health care benefits.

X. Removes the requirement that the department charge premiums for medical assistance provided under MEAD and MOAD.

XI. Allows the department to address the court in guardianship and spousal support cases involving Medicaid recipients or suspected victims of abuse or exploitation.

XII. Directs the department to submit a Medicaid state plan amendment to allow certain family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants and makes an appropriation for this purpose.

XIII. Revises the "look back" period for Medicaid eligibility for long term care.

XIV. Removes the criminal background check requirement for designated caregivers in the therapeutic cannabis program and modifies the criminal background check requirement for alternative treatment center agents.

XV. Modifies the blood test requirement for purposes of lead paint poisoning prevention and control.

XVI. Clarifies the food service licensure exemption for recreational camps.

XVII. Revises childcare license definitions.

XVIII. Revises certain department of health and human services employee position titles.

XIX. Provides shift differential payments to clinical staff at New Hampshire hospital and the Glencliff home and makes an appropriation for this purpose.

XX. Establishes new positions for inpatient treatment of children's behavioral health.

XXI. Permits salary adjustments for recruitment or retention of classified clinical positions at New Hampshire hospital and the Glencliff home.

XXII. Removes references to the Anna Philbrook center, Laconia state school, and Laconia developmental services.

XXIII. Appropriates a portion of the funds received by the state from the Centene settlement to the department of health and human services for the purpose of completing the Medicaid Care Management SFY 2020 Risk Corridor calculation.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

MOTION TO REMOVE FROM THE TABLE

Senator Bradley moved to remove SB 346-FN-A from the Table. Adopted.

FINANCE

SB 346-FN-A, requiring the department of environmental services to conduct feasibility and impact studies for the construction of a pier on Hampton Beach.

The pending motion is Ought to Pass.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 240, apportioning state senate districts.

Ought to Pass with Amendment, Vote 3-2. Senator Gray for the committee.

Election Law and Municipal Affairs
February 8, 2022
2022-0565s
04/05

Amendment to SB 240

Amend the bill by replacing section 1 with the following:

1 State Senate Districts. RSA 662:3 is repealed and reenacted to read as follows:

662:3 State Senate Districts. The state is divided into 24 districts for the choosing of state senators, each of which may elect one senator. The districts shall be constituted as follows:

I. Senatorial district number 1 is constituted of Atkinson & Gilmanton Academy Grant, Bath, Benton, Berlin, Bethlehem, Cambridge, Carroll, Clarksville, Colebrook, Columbia, Dalton, Dix's Grant, Dixville, Dummer, Easton, Ellsworth, Errol, Erving's Location, Franconia, Gorham, Haverhill, Jefferson, Kilkenny, Lancaster, Landaff, Lisbon, Littleton, Low and Burbank's Grant, Lyman, Milan, Millsfield, Monroe, Northumberland, Odell, Piermont, Pittsburg, Randolph, Rumney, Second College Grant, Shelburne, Stark, Stewartstown, Stratford, Success, Sugar Hill, Warren, Wentworth's Location, Whitefield, and Woodstock.

II. Senatorial district number 2 is constituted of Ashland, Belmont, Campton, Center Harbor, Gilford, Holderness, Laconia, Meredith, New Hampton, Sanbornton, Sandwich, and Thornton.

III. Senatorial district number 3 is constituted of Albany, Bartlett, Bean's Grant, Bean's Purchase, Brookfield, Chandler's Purchase, Chatham, Conway, Crawford's Purchase, Cutt's Grant, Eaton, Effingham, Freedom, Green's Grant, Hadley's Purchase, Hale's Location, Hart's Location, Jackson, Lincoln, Livermore, Madison, Martin's Location, Middleton, Milton, Moultonborough, Ossipee, Pinkham's Grant, Sargent's Purchase, Tamworth, Thompson and Meserve's Purchase, Tuftonboro, Wakefield, Waterville Valley, and Wolfeboro.

IV. Senatorial district number 4 is constituted of Barrington, Dover, Rollinsford, and Somersworth.

V. Senatorial district number 5 is constituted of Canaan, Cornish, Dorchester, Enfield, Grantham, Groton, Hanover, Lebanon, Lyme, New London, Orford, Plainfield, Plymouth, Springfield, and Wentworth.

VI. Senatorial district number 6 is constituted of Alton, Farmington, Gilmanton, New Durham, Rochester, and Strafford.

VII. Senatorial district number 7 is constituted of Alexandria, Andover, Boscawen, Bradford, Bridgewater, Bristol, Danbury, Franklin, Goshen, Grafton, Hebron, Henniker, Hill, Hillsborough, Newbury, Orange, Salisbury, Sutton, Tilton, Warner, Webster, and Wilmot.

VIII. Senatorial district number 8 is constituted of Acworth, Antrim, Bennington, Charlestown, Claremont, Croydon, Deering, Dunbarton, Francestown, Gilsum, Langdon, Lempster, Marlow, Newport, Stoddard, Sunapee, Unity, Washington, Weare, and Windsor.

IX. Senatorial district number 9 is constituted of Bedford, Fitzwilliam, Greenfield, Hinsdale, Jaffrey, Lyndeborough, Mont Vernon, New Boston, Richmond, Sharon, Temple, Troy, and Winchester.

X. Senatorial district number 10 is constituted of Alstead, Chesterfield, Dublin, Hancock, Harrisville, Keene, Marlborough, Nelson, Peterborough, Roxbury, Sullivan, Surry, Swanzey, Walpole, and Westmoreland.

XI. Senatorial district number 11 is constituted of Amherst, Merrimack, Milford, and Wilton.

XII. Senatorial district number 12 is constituted of wards 1, 2, and 5 in Nashua, and Brookline, Greenville, Hollis, Mason, New Ipswich, and Rindge.

XIII. Senatorial district number 13 is constituted of wards 3, 4, 6, 7, 8, and 9 in Nashua.

XIV. Senatorial district number 14 is constituted of Auburn, Hudson, and Londonderry.

XV. Senatorial district number 15 is constituted of Bow, Concord, and Hopkinton.

XVI. Senatorial district number 16 is constituted of ward 1 in Manchester, and Candia, Goffstown, Hooksett, and Raymond.

XVII. Senatorial district number 17 is constituted of Allenstown, Barnstead, Canterbury, Chichester, Deerfield, Epsom, Loudon, Northfield, Northwood, Nottingham, Pembroke, and Pittsfield.

XVIII. Senatorial district number 18 is constituted of wards 5, 6, 7, 8, and 9 in Manchester, and Litchfield.

XIX. Senatorial district number 19 is constituted of Derry, Hampstead, and Windham.

XX. Senatorial district number 20 is constituted of wards 2, 3, 4, 10, 11, and 12 in Manchester.

XXI. Senatorial district number 21 is constituted of Durham, Lee, Madbury, New Castle, Newfields, Newington, Newmarket, and Portsmouth.

XXII. Senatorial district number 22 is constituted of Atkinson, Pelham, Plaistow, and Salem.

XXIII. Senatorial district number 23 is constituted of Brentwood, Chester, Danville, East Kingston, Epping, Fremont, Kensington, Kingston, Newton, Sandown, Seabrook, and South Hampton.

XXIV. Senatorial district number 24 is constituted of Exeter, Greenland, Hampton, Hampton Falls, North Hampton, Rye, and Stratham.

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Soucy, seconded by Senator Avard.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

Senator Soucy offered a Floor Amendment.

Sen. Soucy, Dist 18

Sen. Perkins Kwoka, Dist 21

February 15, 2022

2022-0718s

10/04

Floor Amendment to SB 240

Amend the bill by replacing section 1 with the following:

1 State Senate Districts. RSA 662:3 is repealed and reenacted to read as follows:

662:3 State Senate Districts. The state is divided into 24 districts for the choosing of state senators, each of which may elect one senator. The districts shall be constituted as follows:

I. Senatorial district number 1 is constituted of Atkinson & Gilmanton Academy Grant, Bath, Bean's Grant, Bean's Purchase, Benton, Berlin, Bethlehem, Cambridge, Carroll, Chandler's Purchase, Clarksville, Colebrook, Columbia, Crawford's Purchase, Cutt's Grant, Dalton, Dix's Grant, Dixville, Dummer, Easton, Errol, Erving's Location, Franconia, Gorham, Green's Grant, Hadley's Purchase, Haverhill, Jefferson, Kilkenny, Lancaster, Landaff, Lincoln, Lisbon, Littleton, Livermore, Low and Burbank's Grant, Lyman, Martin's Location, Milan, Millsfield, Monroe, Northumberland, Odell, Pinkham's Grant, Pittsburg, Randolph, Sargent's Purchase, Second College Grant, Shelburne, Stark, Stewartstown, Stratford, Success, Sugar Hill, Thornton, Thompson and Meserve's Purchase, Waterville Valley, Wentworth's Location, Whitefield, and Woodstock.

II. Senatorial district number 2 is constituted of Alexandria, Andover, Ashland, Bridgewater, Bristol, Campton, Center Harbor, Danbury, Dorchester, Ellsworth, Grafton, Groton, Hebron, Hill, Holderness, Meredith, New Hampton, New London, Orange, Orford, Piermont, Plymouth, Rumney, Sanbornton, Tilton, Warren, Wentworth, and Wilmot.

III. Senatorial district number 3 is constituted of Albany, Bartlett, Brookfield, Chatham, Conway, Eaton, Effingham, Freedom, Hale's Location, Hart's Location, Jackson, Madison, Middleton, Milton, Moultonborough, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro.

IV. Senatorial district number 4 is constituted of Alton, Barnstead, Belmont, Farmington, Gilford, Gilmanton, Laconia, and New Durham.

V. Senatorial district number 5 is constituted of Canaan, Charlestown, Claremont, Cornish, Enfield, Hanover, Lebanon, Lyme, and Plainfield.

VI. Senatorial district number 6 is constituted of Barrington, Rochester, Somersworth, and Strafford.

VII. Senatorial district number 7 is constituted of Allenstown, Boscowen, Canterbury, Chichester, Epsom, Franklin, Loudon, Northfield, Pembroke, Pittsfield, Salisbury, Warner, and Webster.

VIII. Senatorial district number 8 is constituted of Acworth, Alstead, Antrim, Bennington, Bradford, Croydon, Deering, Francestown, Goshen, Grantham, Hancock, Hillsborough, Langdon, Lempster, Marlow, Newbury, Newport, Springfield, Stoddard, Sunapee, Sutton, Unity, Washington, Weare, and Windsor.

IX. Senatorial district number 9 is constituted of Bedford, Merrimack, and New Boston.

X. Senatorial district number 10 is constituted of Chesterfield, Fitzwilliam, Gilsum, Harrisville, Hinsdale, Keene, Marlborough, Nelson, Richmond, Roxbury, Sullivan, Surry, Swanzey, Troy, Walpole, Westmoreland, and Winchester.

XI. Senatorial district number 11 is constituted of Dublin, Greenfield, Greenville, Jaffrey, Lyndeborough, Mason, Milford, Mont Vernon, New Ipswich, Peterborough, Rindge, Sharon, Temple, and Wilton.

XII. Senatorial district number 12 is constituted of wards 1, 2, and 5 in Nashua, and Amherst, Brookline, and Hollis.

XIII. Senatorial district number 13 is constituted of wards 3, 4, 6, 7, 8, and 9 in Nashua.

XIV. Senatorial district number 14 is constituted of Auburn, Hudson, and Londonderry.

XV. Senatorial district number 15 is constituted of Concord, Henniker, and Hopkinton.

XVI. Senatorial district number 16 is constituted of wards 1, 2, and 12 in Manchester, and Bow, Candia, Dunbarton, and Hooksett.

XVII. Senatorial district number 17 is constituted of Chester, Danville, Deerfield, Fremont, Kingston, Newton, Northwood, Nottingham, Raymond, and Sandown.

XVIII. Senatorial district number 18 is constituted of wards 5, 6, 7, 8, and 9 in Manchester, and Litchfield.

XIX. Senatorial district number 19 is constituted of Derry, Hampstead, and Windham.

XX. Senatorial district number 20 is constituted of wards 3, 4, 10, and 11 in Manchester, and Goffstown.

XXI. Senatorial district number 21 is constituted of Dover, Durham, Lee, Madbury, and Rollinsford.

XXII. Senatorial district number 22 is constituted of Atkinson, Pelham, Plaistow, and Salem.

XXIII. Senatorial district number 23 is constituted of Brentwood, Epping, Greenland, New Castle, Newfields, Newington, Newmarket, Portsmouth, and Stratham.

XXIV. Senatorial district number 24 is constituted of East Kingston, Exeter, Hampton, Hampton Falls, Kensington, North Hampton, Rye, Seabrook, and South Hampton.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Avard, seconded by Senator Soucy.

The following Senators voted Yes: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

The following Senators voted No: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

Roll Call, Yeas: 10 - Nays: 14. Failed.

Senator Soucy offered a Floor Amendment.

Sen. Soucy, Dist 18

Sen. Perkins Kwoka, Dist 21

February 15, 2022

2022-0709s

04/10

Floor Amendment to SB 240

Amend the bill by replacing section 1 with the following:

1 State Senate Districts. RSA 662:3 is repealed and reenacted to read as follows:

662:3 State Senate Districts. The state is divided into 24 districts for the choosing of state senators, each of which may elect one senator. The districts shall be constituted as follows:

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II. Senatorial district number 2 is constituted of Ashland, Belmont, Center Harbor, Gilford, Holderness, Laconia, Meredith, New Hampton, Plymouth, and Sanbornton.

III. Senatorial district number 3 is constituted of Albany, Bartlett, Bean's Grant, Bean's Purchase, Brookfield, Chandler's Purchase, Chatham, Conway, Crawford's Purchase, Cutt's Grant, Eaton, Effingham, Freedom, Green's Grant, Hadley's Purchase, Hale's Location, Hart's Location, Jackson, Lincoln, Livermore, Madison, Martin's Location, Middleton, Milton, Moultonborough, Ossipee, Pinkham's Grant, Sargent's Purchase, Tamworth, Thompson and Meserve's Purchase, Sandwich, Tuftonboro, Wakefield, Waterville Valley, and Wolfeboro.

IV. Senatorial district number 4 is constituted of Barrington, Dover, Rollinsford, and Somersworth.

V. Senatorial district number 5 is constituted of Campton, Canaan, Cornish, Croydon, Dorchester, Enfield, Grafton, Grantham, Groton, Hanover, Lebanon, Lyme, Orange, Orford, Plainfield, Rumney, Springfield, and Wentworth.

VI. Senatorial district number 6 is constituted of Alton, Farmington, Gilmanton, New Durham, Rochester, and Strafford.

VII. Senatorial district number 7 is constituted of Alexandria, Andover, Boscawen, Bradford, Bridgewater, Bristol, Danbury, Franklin, Goshen, Hebron, Henniker, Hill, Hillsborough, Newbury, New London, Salisbury, Sutton, Tilton, Warner, Webster, and Wilmot.

VIII. Senatorial district number 8 is constituted of Acworth, Antrim, Bennington, Charlestown, Claremont, Deering, Dunbarton, Francestown, Gilsum, Langdon, Lempster, Marlow, Newport, Stoddard, Sunapee, Unity, Washington, Weare, and Windsor.

IX. Senatorial district number 9 is constituted of Bedford, Dublin, Greenfield, Hancock, Jaffrey, Lyndeborough, Mont Vernon, New Boston, Peterborough, Rindge, and Sharon.

X. Senatorial district number 10 is constituted of Alstead, Chesterfield, Fitzwilliam, Harrisville, Hinsdale, Keene, Marlborough, Nelson, Richmond, Roxbury, Sullivan, Surry, Swanzey, Troy, Walpole, Westmoreland, and Winchester.

XI. Senatorial district number 11 is constituted of Amherst, Merrimack, Milford, and Wilton.

XII. Senatorial district number 12 is constituted of wards 1, 2, and 5 in Nashua, and Brookline, Greenville, Hollis, Mason, New Ipswich, and Temple.

XIII. Senatorial district number 13 is constituted of wards 3, 4, 6, 7, 8, and 9 in Nashua.

XIV. Senatorial district number 14 is constituted of Auburn, Hudson, and Londonderry.

XV. Senatorial district number 15 is constituted of Concord, Hopkinton, and Pembroke.

XVI. Senatorial district number 16 is constituted of wards 1, 2, and 12 in Manchester, and Bow, Candia, and Hooksett.

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XVIII. Senatorial district number 18 is constituted of wards 5, 6, 7, 8, and 9 in Manchester, and Litchfield.

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XXIII. Senatorial district number 23 is constituted of Brentwood, Chester, Danville, East Kingston, Epping, Fremont, Kensington, Kingston, Newton, Sandown, Seabrook, and South Hampton.

XXIV. Senatorial district number 24 is constituted of Exeter, Greenland, Hampton, Hampton Falls, North Hampton, Rye, and Stratham.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Soucy, seconded by Senator Avar.

The following Senators voted Yes: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

The following Senators voted No: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Morse.

Roll Call, Yeas: 10 - Nays: 14. Failed.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Soucy, seconded by Senator Avar.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avar, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

Recess. Out of recess.

SB 253, apportioning state senate districts.

Interim Study, Vote 3-2. Senator Gray for the committee.

Senator Gray moved to Lay on the Table. Adopted.

Recess. Out of recess.

MOTION TO REMOVE FROM THE TABLE

Senator Gray moved to remove SB 253 from the Table. Adopted.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 253, apportioning state senate districts.

The pending motion is Refer to Interim Study.

Senator Gray moved to Lay on the Table. Adopted.

SB 328, relative to the date of the state primary election.

Ought to Pass with Amendment, Vote 4-1. Senator Gray for the committee.

Election Law and Municipal Affairs

February 8, 2022

2022-0564s

08/05

Amendment to SB 328

Amend RSA 653:8-a as inserted by section 1 of the bill by replacing it with the following:

653:8-a Change in Primary Date. Notwithstanding the provisions of RSA 653:8, if the secretary of state changes the dates of the filing period pursuant to RSA 655:14-c, he or she is hereby authorized to make a corresponding change to the date of the primary election up to one week.

Amend the bill by replacing section 10 with the following:

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

The question is on the adoption of the Committee Amendment. Adopted.

Recess. Out of recess.

SPECIAL ORDER

Without objection, SB 328 is Special Ordered to the next session. Adopted.

HB 50, apportioning state representative districts.

Ought to Pass with Amendment, Vote 3-2. Senator Gray for the committee.

Election Law and Municipal Affairs

February 7, 2022

2022-0560s

05/04

Amendment to HB 50

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

1 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

I. Belknap County

District No. 1	Center Harbor	
	New Hampton	1
District No. 2	Meredith	2
	Sanbornton	
District No. 3	Tilton	1
	Belmont	1
District No. 5	Laconia Ward 1	
	Laconia Ward 3	
	Laconia Ward 4	
	Laconia Ward 5	
	Laconia Ward 6	4
District No. 6	Gilford	
	Gilmanton	
	Laconia Ward 2	4
District No. 7	Alton	
	Barnstead	3
District No. 8	Belmont	
	Sanbornton	
	Tilton	2

II. Carroll County

District No. 1	Conway	3
District No. 2	Albany	
	Bartlett	
	Chatham	
	Hale's Location	
	Hart's Location	
	Jackson	
	Sandwich	2

District No. 3	Madison	
	Moultonborough	
	Tamworth	2
District No. 4	Brookfield	
	Eaton	
	Effingham	
	Freedom	
	Wakefield	2
District No. 5	Ossipee	1
District No. 6	Tuftonboro	
	Wolfeboro	2
District No. 7	Ossipee	
	Tuftonboro	
	Wolfeboro	1
District No. 8	Brookfield	
	Eaton	
	Effingham	
	Freedom	
	Madison	
	Moultonborough	
	Tamworth	
	Wakefield	2
III. Cheshire County		
District No. 1	Keene Ward 1	1
District No. 2	Keene Ward 3	1
District No. 3	Keene Ward 5	1
District No. 4	Keene Ward 4	1
District No. 5	Surry	
	Walpole	1
District No. 6	Chesterfield	
	Hinsdale	
	Westmoreland	2
District No. 7	Keene Ward 2	1
District No. 8	Harrisville	
	Marlborough	
	Nelson	
	Roxbury	
	Sullivan	1
District No. 9	Alstead	
	Gilsum	
	Marlow	
	Stoddard	1

District No. 10	Richmond	
	Swanzey	2
District No. 11	Winchester	1
District No. 12	Fitzwilliam	
	Troy	1
District No. 13	Dublin	
	Jaffrey	1
District No. 14	Rindge	1
District No. 15	Chesterfield	
	Hinsdale	
	Keene Ward 1	
	Keene Ward 3	
	Keene Ward 4	
	Keene Ward 5	
	Surry	
	Walpole	
	Westmoreland	2
District No. 16	Alstead	
	Gilsum	
	Harrisville	
	Keene Ward 2	
	Marlborough	
	Marlow	
	Nelson	
	Roxbury	
	Stoddard	
	Sullivan	1
District No. 17	Fitzwilliam	
	Richmond	
	Swanzey	
	Troy	
	Winchester	1
District No. 18	Dublin	
	Jaffrey	
	Rindge	2
IV. Coos County		
District No. 1	Dalton	
	Lancaster	
	Northumberland	
	Stratford	2
District No. 2	Atkinson & Gilmanton	
	Academy Grant	
	Cambridge	

	Clarksville	
	Dix's Grant	
	Dixville	
	Dummer	
	Errol	
	Milan	
	Millsfield	
	Odell	
	Pittsburg	
	Second College Grant	
	Stark	
	Wentworth's Location	1
District No. 3	Colebrook	
	Columbia	
	Erving's Location	
	Stewartstown	1
District No. 4	Carroll	
	Jefferson	
	Kilkenny	
	Whitefield	1
District No. 5	Berlin	2
District No. 6	Bean's Grant	
	Bean's Purchase	
	Chandler's Purchase	
	Crawford's Purchase	
	Cutt's Grant	
	Gorham	
	Green's Grant	
	Hadley's Purchase	
	Low and Burbank's Grant	
	Martin's Location	
	Pinkham's Grant	
	Randolph	
	Sargent's Purchase	
	Shelburne	
	Success	
	Thompson and	
	Meserve's Purchase	1
District No. 7	Berlin	
	Carroll	
	Jefferson	
	Kilkenny	
	Whitefield	1

V. Grafton County

District No. 1	Bath	
	Lisbon	
	Littleton	
	Lyman	
	Monroe	
District No. 2	Sugar Hill	3
	Bethlehem	
	Franconia	1
District No. 3	Easton	
	Lincoln	
	Livermore	
	Woodstock	1
District No. 4	Ellsworth	
	Thornton	
	Waterville Valley	1
District No. 5	Benton	
	Haverhill	
	Landaff	
	Piermont	
	Warren	2
District No. 6	Orford	
	Rumney	
	Wentworth	1
District No. 7	Campton	1
District No. 8	Ashland	
	Holderness	
	Plymouth	3
District No. 9	Canaan	
	Dorchester	
	Orange	1
District No. 10	Bridgewater	
	Bristol	1
District No. 11	Alexandria	
	Grafton	
	Groton	
	Hebron	1
District No. 12	Hanover	
	Lyme	4
District No. 13	Lebanon Ward 1	1
District No. 14	Lebanon Ward 2	1
District No. 15	Lebanon Ward 3	1
District No. 16	Enfield	1

District No. 17	Lebanon Ward 1	
	Lebanon Ward 2	
	Lebanon Ward 3	1
District No. 18	Alexandria	
	Bridgewater	
	Bristol	
	Canaan	
	Dorchester	
	Enfield	
	Grafton	
	Groton	
	Hebron	
	Orange	1
VI. Hillsborough County		
District No. 1	Pelham	4
District No. 2	Bedford	7
District No. 3	Nashua Ward 4	3
District No. 4	Nashua Ward 2	3
District No. 5	Nashua Ward 1	3
District No. 6	Nashua Ward 3	3
District No. 7	Nashua Ward 7	3
District No. 8	Nashua Ward 6	3
District No. 9	Nashua Ward 5	3
District No. 10	Nashua Ward 9	3
District No. 11	Nashua Ward 8	3
District No. 12	Merrimack	8
District No. 13	Hudson	6
District No. 14	Litchfield	2
District No. 15	Manchester Ward 8	2
District No. 16	Manchester Ward 6	2
District No. 17	Manchester Ward 2	2
District No. 18	Manchester Ward 12	2
District No. 19	Manchester Ward 10	2
District No. 20	Manchester Ward 9	2
District No. 21	Manchester Ward 1	2
District No. 22	Manchester Ward 11	2
District No. 23	Manchester Ward 3	2
District No. 24	Manchester Ward 4	2
District No. 25	Manchester Ward 5	2
District No. 26	Manchester Ward 7	2
District No. 27	Deering	
	Francestown	1
District No. 28	Weare	2

District No. 29	Goffstown	4
District No. 30	Antrim	
	Bennington	
	Hillsborough	
	Windsor	3
District No. 31	Greenfield	
	Hancock	1
District No. 32	New Ipswich	
	Temple	
	Wilton	3
District No. 33	Peterborough	
	Sharon	2
District No. 34	Amherst	3
District No. 35	Hollis	2
District No. 36	Brookline	
	Greenville	
	Mason	2
District No. 37	Amherst	
	Milford	1
District No. 38	Hudson	
	Litchfield	2
District No. 39	Manchester Ward 6	
	Manchester Ward 8	
	Manchester Ward 9	2
District No. 40	Manchester Ward 1	
	Manchester Ward 3	
	Manchester Ward 10	
	Manchester Ward 11	
	Manchester Ward 12	4
District No. 41	Manchester Ward 2	
	Manchester Ward 4	
	Manchester Ward 5	
	Manchester Ward 7	3
District No. 42	Lyndeborough	
	Mont Vernon	
	New Boston	3
District No. 43	Milford	4
District No. 44	Goffstown	
	Weare	2
District No. 45	Brookline	
	Greenville	
	Hollis	
	Mason	1

VII. Merrimack County

District No. 1	Boscawen	1
District No. 2	Northfield	1
District No. 3	Franklin Ward 1	
	Franklin Ward 2	
	Franklin Ward 3	2
District No. 4	Canterbury	
	Loudon	2
District No. 5	Andover	
	Danbury	
	Hill	
	Salisbury	
	Webster	2
District No. 6	Sutton	
	Wilmot	1
District No. 7	New London	
	Newbury	2
District No. 8	Bradford	
	Henniker	
	Warner	3
District No. 9	Bow	
	Hopkinton	4
District No. 10	Dunbarton	
	Hooksett	4
District No. 11	Allenstown	1
District No. 12	Pembroke	2
District No. 13	Chichester	
	Pittsfield	2
District No. 14	Epsom	1
District No. 15	Concord Ward 1	1
District No. 16	Concord Ward 2	1
District No. 17	Concord Ward 3	1
District No. 18	Concord Ward 4	1
District No. 19	Concord Ward 5	1
District No. 20	Concord Ward 6	1
District No. 21	Concord Ward 7	1
District No. 22	Concord Ward 8	1
District No. 23	Concord Ward 9	1
District No. 24	Concord Ward 10	1
District No. 25	Franklin Ward 1	
	Franklin Ward 2	
	Franklin Ward 3	
	Northfield	1

District No. 26	Andover	
	Boscawen	
	Canterbury	
	Danbury	
	Hill	
	Loudon	
	Salisbury	
District No. 27	Webster	1
	Allenstown	
	Dunbarton	
	Epsom	
District No. 28	Hooksett	2
	Concord Ward 1	
	Concord Ward 2	
District No. 29	Concord Ward 3	1
	Concord Ward 4	
	Concord Ward 9	
District No. 30	Concord Ward 10	1
	Concord Ward 5	
	Concord Ward 6	
	Concord Ward 7	
	Concord Ward 8	1
VIII. Rockingham County		
District No. 1	Northwood	
	Nottingham	3
District No. 2	Auburn	
	Candia	
	Deerfield	3
District No. 3	Chester	1
District No. 4	Raymond	3
District No. 5	Epping	2
District No. 6	Brentwood	1
District No. 7	Fremont	1
District No. 8	Danville	1
District No. 9	Sandown	2
District No. 10	Newfields	
	Newmarket	3
District No. 11	Exeter	4
District No. 12	Stratham	2
District No. 13	Derry	10
District No. 14	E. Kingston	
	Kingston	2
District No. 15	Hampstead	2

District No. 16	Londonderry	7
District No. 17	Windham	4
District No. 18	Atkinson	2
District No. 19	Hampton Falls	
	Kensington	1
District No. 20	Newton	
	Plaistow	
	S. Hampton	3
District No. 21	Newington	
	Portsmouth Ward 1	1
District No. 22	New Castle	
	Portsmouth Ward 5	1
District No. 23	N. Hampton	1
District No. 24	Greenland	
	Rye	2
District No. 25	Salem	9
District No. 26	Portsmouth Ward 3	1
District No. 27	Portsmouth Ward 4	1
District No. 28	Portsmouth Ward 2	1
District No. 29	Hampton	4
District No. 30	Seabrook	2
District No. 31	Auburn	
	Candia	
	Chester	
	Deerfield	2
District No. 32	Brentwood	
	Danville	
	Fremont	1
District No. 33	Exeter	
	Newfields	
	Newmarket	
	Stratham	1
District No. 34	E. Kingston	
	Hampstead	
	Kingston	1
District No. 35	Londonderry	
	Windham	1
District No. 36	Hampton Falls	
	Kensington	
	Newton	
	Plaistow	
	S. Hampton	1
District No. 37	New Castle	

	Newington	
	Portsmouth Ward 1	
	Portsmouth Ward 5	1
District No. 38	Greenland	
	N. Hampton	
	Rye	1
District No. 39	Portsmouth Ward 2	
	Portsmouth Ward 3	
	Portsmouth Ward 4	1
District No. 40	Hampton	
	Seabrook	1
IX. Strafford County		
District No. 1	Farmington	2
District No. 2	Milton	
	Rochester Ward 5	3
District No. 3	Middleton	
	New Durham	1
District No. 4	Barrington	
	Strafford	3
District No. 5	Rochester Ward 1	1
District No. 6	Rochester Ward 2	1
District No. 7	Rochester Ward 3	1
District No. 8	Rochester Ward 4	1
District No. 9	Rochester Ward 6	1
District No. 10	Durham	4
District No. 11	Dover Ward 4	
	Lee	
	Madbury	3
District No. 12	Rollinsford	
	Somersworth Ward 1	
	Somersworth Ward 2	
	Somersworth Ward 3	
	Somersworth Ward 4	
	Somersworth Ward 5	4
District No. 13	Dover Ward 6	1
District No. 14	Dover Ward 1	1
District No. 15	Dover Ward 2	1
District No. 16	Dover Ward 3	1
District No. 17	Dover Ward 5	1
District No. 18	Barrington	
	Middleton	
	New Durham	
	Strafford	1

District No. 19	Rochester Ward 1	
	Rochester Ward 2	
	Rochester Ward 3	
	Rochester Ward 4	
	Rochester Ward 6	3
District No. 20	Dover Ward 4	
	Durham	
	Lee	
	Madbury	1
District No. 21	Dover Ward 1	
	Dover Ward 2	
	Dover Ward 3	
	Dover Ward 5	
	Dover Ward 6	3
X. Sullivan County		
District No. 1	Grantham	1
District No. 2	Cornish	
	Plainfield	1
District No. 3	Charlestown	
	Newport	
	Unity	3
District No. 4	Acworth	
	Goshen	
	Langdon	
	Lempster	
	Washington	1
District No. 5	Springfield	
	Sunapee	1
District No. 6	Claremont Ward 1	
	Claremont Ward 2	
	Claremont Ward 3	
	Croydon	3
District No. 7	Charlestown	
	Cornish	
	Newport	
	Plainfield	
	Unity	1
District No. 8	Acworth	
	Claremont Ward 1	
	Claremont Ward 2	
	Claremont Ward 3	
	Croydon	
	Goshen	

Langdon
 Lempster
 Springfield
 Sunapee
 Washington

2

2 Application. The changes in state representative districts established by this act shall not affect constituencies or terms of office of representatives presently in office. The state representative districts established by this act shall be in effect for the purpose of electing representatives at the 2022 state general election. If there shall be a vacancy in a state representatives district for any reason prior to the 2022 state general election, the vacancy shall be filled by and from the same state representative district that existed for the 2020 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January 2021.

3 Ward Boundaries; Legislative Districts. Ward boundaries adopted as of January 30, 2022 shall be the ward boundaries used to determine state legislative districts beginning with the November 2022 state general election.

4 City of Portsmouth; Wards. 1895, 183:1, as amended by 1947, 390:1; 1957, 412:1; 1971, 582:1; 1983, 424:1; 1989, 210:2; and 2012, 9:4 is repealed and reenacted to read as follows:

Section 1. The city of Portsmouth in the county of Rockingham is and shall be divided into 5 wards which shall be constituted as follows:

Ward 1 shall contain all that part of the city included within the following boundaries: Beginning at a point in the Piscataqua river on the boundary of the city of Portsmouth, the state of Maine, and the town of Newington; thence southeasterly along the boundary of the city of Portsmouth and the state of Maine to the point where U.S. route 1 crosses the boundary of the city of Portsmouth and the state of Maine; thence southwesterly along U.S. route 1 to a point where U.S. route 1 passes over Daniel street; thence southwesterly along Daniel street to the intersection of Daniel street and Congress street; thence southwesterly along Congress street to the intersection of Congress street and Maplewood avenue; thence northwesterly along Maplewood avenue to the middle of a bridge crossing the so-called North Mill pond; thence southwesterly along a line following the midpoint of the so-called North Mill pond until it intersects Bartlett street at a point 300 feet north of the intersection of Bartlett street and Cate street; thence northwesterly along Bartlett street to the intersection of Bartlett street and Woodbury avenue; thence northwesterly 10,000 feet along Woodbury avenue to the intersection of Woodbury avenue and Gosling road; thence northeasterly along Gosling road to its terminus; thence northeasterly along the boundary of the town of Newington and the city of Portsmouth to the point of beginning.

Ward 2 shall contain all that part of the city included within the following boundaries: Beginning at the middle of the Maplewood avenue bridge at the northeast end of North Mill pond; thence southeasterly along Maplewood avenue to the intersection of Maplewood avenue and Middle street; thence southerly along Middle street to the intersection of Middle street and Court street; thence northeasterly along Court street to the intersection of Court street and Rogers street; thence southerly along Rogers street to the intersection of Rogers street and Parrott avenue; thence southerly along Parrott avenue to the intersection of Parrott avenue and Richards avenue; thence northerly along Richards avenue a distance of 150 feet; thence southwesterly along a line until said line reaches the intersection of Merrimac street and Miller avenue; thence southeasterly along Miller avenue until it reaches the intersection of Miller avenue and Lincoln avenue; thence westerly along Lincoln avenue until it reaches the intersection of Lincoln avenue and Broad street; thence southerly along Broad street until the intersection of Broad street and South street; thence southwesterly along South street until the intersection of South street and Middle road and thence continuing along Middle road to the intersection of Middle road and the U.S. route 1 bypass; thence northwesterly along U.S. route 1 bypass to a point where it is crossed by a railroad track; thence northeasterly along said railroad track until a point where it crosses Bartlett street; thence northwesterly along Bartlett street until a point 300 feet north of the intersection of Bartlett street and Cate street; thence northeasterly along a line following the middle of the so-called North Mill pond to the point of beginning.

Ward 3 shall contain all that part of the city included within the following boundaries: Beginning at a point at the intersection of the boundary of the city of Portsmouth, the town of Newington, and the town

of Greenland; thence northerly along the boundary of the city of Portsmouth and the town of Newington a distance of 8,400 feet; thence continuing northeasterly along the boundary of the city of Portsmouth and the town of Newington to the intersection of the boundary of the city of Portsmouth and the town of Newington and Woodbury avenue; thence southeasterly along Woodbury avenue a distance of 10,000 feet to the intersection of Woodbury avenue and Bartlett street; thence southerly along Bartlett street to a point where a railroad line crosses Bartlett street; thence southwesterly along said railroad line to a point where it crosses U.S. route 1 bypass; thence southeasterly along U.S. route 1 bypass to a point where it intersects Greenleaf avenue; thence southwesterly along Greenleaf avenue to the intersection of Greenleaf avenue and Peverly Hill road; thence southeasterly along Peverly Hill road to the intersection of Peverly Hill road and Lafayette road; thence southwesterly along Lafayette road to a point at the boundary of the city of Portsmouth and the town of Rye; thence northwesterly along the boundary of the city of Portsmouth and the town of Rye to the intersection of the boundaries of the city of Portsmouth, the town of Rye, and the town of Greenland; thence northerly along the boundary of the city of Portsmouth and the town of Greenland to the point of beginning.

Ward 4 shall contain all that part of the city included within the following boundaries: Beginning at a point at the intersection of South street and Summit avenue; thence southerly along Summit avenue to the point where Andrew Jarvis drive crosses Summit avenue; thence westerly along Andrew Jarvis drive to the intersection of Andrew Jarvis drive and Lafayette road; thence southerly along Lafayette road to a bridge over the so-called Sagamore creek; thence easterly along a line following the center of the so-called Sagamore creek to a point at the boundary of the city of Portsmouth, the town of Rye, and the town of New Castle; thence southwesterly along the boundary of the city of Portsmouth and the town of Rye to a point where the boundary between the city of Portsmouth and the town of Rye turns northwesterly; thence northwesterly along the boundary of the city of Portsmouth and the town of Rye to the intersection of the boundary of the city of Portsmouth and the town of Rye with Lafayette road; thence northeasterly along Lafayette road to the intersection of Lafayette road and Peverly Hill road; thence northwesterly along Peverly Hill road to the intersection of Peverly Hill road and Greenleaf avenue; thence northeasterly along Greenleaf avenue to the intersection of Greenleaf avenue and U.S. route 1 bypass; thence northwesterly along U.S. route 1 bypass to the intersection of U.S. route 1 bypass and Middle road; thence easterly along Middle road to the intersection of Middle road and South street; thence easterly along South street to the point of beginning.

Ward 5 shall contain all that part of the city included within the following boundaries: Beginning at a point where U.S. route 1 intersects the boundary between the city of Portsmouth and the state of Maine; thence southeasterly along the boundary between the city of Portsmouth and the state of Maine to the boundary of the city of Portsmouth, the state of Maine, and the town of New Castle; thence southerly along the boundary of the city of Portsmouth and the town of New Castle to the boundary of the city of Portsmouth, the town of New Castle, and the town of Rye; thence southwesterly along the boundary of the city of Portsmouth and the town of Rye to the midpoint of the so-called Sagamore creek; thence westerly along a line following the center of the co-called Sagamore creek to the Lafayette road bridge over the so-called Sagamore creek; thence northerly along Lafayette road to the intersection of Lafayette road and Andrew Jarvis drive; thence northeasterly along Andrew Jarvis drive to the intersection of Andrew Jarvis drive and Summit avenue; thence northerly along Summit avenue to the intersection of Summit avenue and South street; thence easterly along South street to the intersection of South street and Broad street; thence northwesterly along Broad street to the intersection of Broad street and Lincoln avenue; thence northeasterly along Lincoln avenue to the intersection of Lincoln avenue and Miller avenue; thence northwesterly along Miller avenue to the intersection of Miller avenue and Merrimac street; thence northeasterly along a line to a point on Richards avenue 150 feet northerly from the intersection of Richards avenue and Parrott avenue; thence southeasterly along Richards avenue to the intersection of Richards avenue and Parrott avenue; thence northeasterly along Parrott avenue to the intersection of Parrott avenue and Rogers street; thence northwesterly along Rogers street to the intersection of Rogers street and Court street; thence westerly along Court street to the intersection of Court street and Middle street; thence northerly along Middle street to the intersection of Middle street and Congress street; thence northeasterly along Congress street to the intersection of Congress street and Daniel street; thence northeasterly along Daniel street to the point where it is crossed by U.S. route 1; thence northerly along U.S. route 1 to the point of beginning.

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

The question is on the adoption of the Committee Amendment. Adopted.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6
February 15, 2022
2022-0719s
04/10

Floor Amendment to HB 50

Amend the bill by replacing section 4 with the following:

4 City of Portsmouth; Wards. 1895, 183:1, as amended by 1947, 390:1; 1957, 412:1; 1971, 582:1; 1983, 424:1; 1989, 210:2; and 2012, 9:4 is repealed and reenacted to read as follows:

Section 1. The city of Portsmouth in the county of Rockingham is and shall be divided into 5 wards which shall be constituted as follows:

Ward 1 shall contain all that part of the city included within the following boundaries: Beginning at a point in the Piscataqua river on the boundary of the city of Portsmouth, the state of Maine, and the town of Newington; thence southeasterly along the boundary of the city of Portsmouth and the state of Maine to the point where U.S. route 1 crosses the boundary of the city of Portsmouth and the state of Maine; thence southwesterly along U.S. route 1 to a point where U.S. route 1 passes over Daniel street; thence southwesterly along Daniel street to the intersection of Daniel street and Congress street; thence southwesterly along Congress street to the intersection of Congress street and Maplewood avenue; thence northwesterly along Maplewood avenue to the middle of a bridge crossing the so-called North Mill pond; thence southwesterly along a line following the midpoint of the so-called North Mill pond until it intersects Bartlett street at a point 300 feet north of the intersection of Bartlett street and Cate street; thence northwesterly along Bartlett street to the intersection of Bartlett street and Woodbury avenue; thence northwesterly 10,000 feet along Woodbury avenue to the intersection of Woodbury avenue and Gosling road; thence northeasterly along Gosling road to its terminus; thence northeasterly along the boundary of the town of Newington and the city of Portsmouth to the point of beginning.

Ward 2 shall contain all that part of the city included within the following boundaries: Beginning at the middle of the Maplewood avenue bridge at the northeast end of North Mill pond; thence southeasterly along Maplewood avenue to the intersection of Maplewood avenue and Middle street; thence southerly along Middle street to the intersection of Middle street and Court street; thence northeasterly along Court street to the intersection of Court street and Rogers street; thence southerly along Rogers street to the intersection of Rogers street and Parrott avenue; thence southerly along Parrott avenue to the intersection of Parrott avenue and Richards avenue; thence northerly along Richards avenue a distance of 150 feet; thence southwesterly along a line until said line reaches the intersection of Merrimac street and Miller avenue; thence southeasterly along Miller avenue; thence west along Lincoln avenue; thence south along Broad street; until it reaches the intersection of Broad street and South street; thence westerly along South street until it reaches the intersection of South street and Middle road; thence southwesterly along Middle road until the intersection of Middle road and U.S. route 1 bypass; thence northwesterly along U.S. route 1 bypass to a point where it is crossed by a railroad track; thence northeasterly along said railroad track until a point where it crosses Bartlett street; thence northwesterly along Bartlett street until a point 300 feet north of the intersection of Bartlett street and Cate street; thence northeasterly along a line following the middle of the so-called North Mill pond to the point of beginning.

Ward 3 shall contain all that part of the city included within the following boundaries: Beginning at a point at the intersection of the boundary of the city of Portsmouth, the town of Newington, and the town of Greenland; thence northerly along the boundary of the city of Portsmouth and the town of Newington a distance of 8,400 feet; thence continuing northeasterly along the boundary of the city of Portsmouth and the town of Newington to the intersection of the boundary of the city of Portsmouth and the town of Newington and Woodbury avenue; thence southeasterly along Woodbury avenue a distance of 10,000 feet to the intersection of Woodbury avenue and Bartlett street; thence southerly along Bartlett street to a point where a railroad crosses Bartlett street; thence southwesterly along said railroad line to a point where it crosses U.S. route 1 bypass; thence southeasterly along U.S. route 1 bypass to a point where it intersects Greenleaf avenue; thence southwesterly along Greenleaf avenue to the intersection of Greenleaf avenue and Peverly Hill road; thence southeasterly along Peverly Hill road to the intersection of Peverly Hill road and Lafayette road; thence southwesterly along Lafayette road to a point at the boundary of the city of Portsmouth and the town of Rye; thence northwesterly along the boundary of the city of Portsmouth and the town of Rye to the intersection of the boundaries of the city of Portsmouth, the town of Rye, and the town of Greenland; thence northerly along the boundary of the city of Portsmouth and the town of Greenland to the point of beginning.

Ward 4 shall contain all that part of the city included within the following boundaries: Beginning at a point at the intersection of South street and Summit avenue; thence southerly along Summit avenue to the point where Andrew Jarvis drive crosses Summit avenue; thence westerly along Andrew Jarvis drive to the

intersection of Andrew Jarvis drive and Lafayette road; thence southerly along Lafayette road to a bridge over the so-called Sagamore creek; thence easterly along a line following the center of the so-called Sagamore creek to a point at the boundary of the city of Portsmouth, the town of Rye, and the town of New Castle; thence southwesterly along the boundary of the city of Portsmouth and the town of Rye to a point where the boundary between the city of Portsmouth and the town of Rye turns northwesterly; thence northwesterly along the boundary of the city of Portsmouth and the town of Rye to the intersection of the boundary of the city of Portsmouth and the town of Rye with Lafayette road; thence northeasterly along Lafayette road to the intersection of Lafayette road and Peverly Hill road; thence northwesterly along Peverly Hill road to the intersection of Peverly Hill road and Greenleaf avenue; thence northeasterly along Greenleaf avenue to the intersection of Greenleaf avenue and U.S. route 1 bypass; thence northwesterly along U.S. route 1 bypass to the intersection of U.S. route 1 bypass and Middle road; thence easterly along Middle road to the intersection of Middle road and South street; thence easterly along South street to the point of beginning.

Ward 5 shall contain all that part of the city included within the following boundaries: Beginning at a point where U.S. route 1 intersects the boundary between the city of Portsmouth and the state of Maine; thence southeasterly along the boundary between the city of Portsmouth and the state of Maine to the boundary of the city of Portsmouth, the state of Maine, and the town of New Castle; thence southerly along the boundary of the city of Portsmouth and the town of New Castle to the boundary of the city of Portsmouth, the town of New Castle, and the town of Rye; thence southwesterly along the boundary of the city of Portsmouth and the town of Rye to the midpoint of the so-called Sagamore creek; thence westerly along a line following the center of the co-called Sagamore creek to the Lafayette road bridge over the so-called Sagamore creek; thence northerly along Lafayette road to the intersection of Lafayette road and Andrew Jarvis drive; thence northeasterly along Andrew Jarvis drive to the intersection of Andrew Jarvis drive and Summit avenue; thence northerly along Summit avenue to the intersection of Summit avenue and South street; thence easterly along South street to the intersection of South street and Broad Street; thence northwesterly along Broad street to the intersection of Broad street and Lincoln avenue; thence northeasterly along Lincoln avenue to the intersection of Miller avenue; thence Northwesterly along Miller avenue to the intersection of Merrimac street; thence northeasterly to a point on Richards avenue 150 feet northerly from the intersection of Richards avenue and Parrott avenue; thence southeasterly along Richards avenue to the intersection of Richards avenue and Parrott avenue; thence northeasterly along Parrott avenue to the intersection of Parrott avenue and Rogers street; thence northwesterly along Rogers street to the intersection of Rogers street and Court street; thence westerly along Court street to the intersection of Court street and Middle street; thence northerly along Middle street to the intersection of Middle street and Congress street; thence northeasterly along Congress street to the intersection of Congress street and Daniel street; thence northeasterly along Daniel street to the point where it is crossed by U.S. route 1; thence northerly along U.S. route 1 to the point of beginning.

The question is on the adoption of the Floor Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment.

A roll call was requested by Senator Soucy, seconded by Senator Birdsell.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to Third Reading.

HB 54, apportioning county commissioner districts.

Ought to Pass, Vote 3-2. Senator Birdsell for the committee.

Senator Soucy offered a Floor Amendment.

Sen. Soucy, Dist 18

Sen. Perkins Kwoka, Dist 21

February 15, 2022

2022-0713s

08/10

Floor Amendment to HB 54

Amend RSA 662:4, III as inserted by section 1 of the bill by replacing it with the following:

III. Cheshire: District 1, the towns of Chesterfield, Hinsdale, Surry, Swanzey, Walpole, Westmoreland, and Winchester; District 2, the towns of Marlborough and Roxbury and the city of Keene; District 3, the towns of Alstead, Dublin, Fitzwilliam, Gilsum, Harrisville, Jaffrey, Marlow, Nelson, Richmond, Rindge, Stoddard, Sullivan, and Troy.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Kahn, seconded by Senator Soucy.

The following Senators voted Yes: Hennessey, Watters, Prentiss, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

The following Senators voted No: Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

Roll Call, Yeas: 11 - Nays: 13. Failed.

The question is on the adoption of the motion of Ought to Pass. Adopted, bill ordered to Third Reading.

HB 55, apportioning delegates to state party conventions.

Ought to Pass with Amendment, Vote 3-2. Senator Birdsell for the committee.

Election Law and Municipal Affairs

February 8, 2022

2022-0569s

10/08

Amendment to HB 55

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

AN ACT apportioning delegates to state party conventions, and relative to the form for declarations of candidacy for delegates to state party conventions.

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

2 Declarations of Candidacy; Form; Delegate to the State Party Convention. Amend RSA 655:17 to read as follows:

655:17 Declaration of Candidacy. Declarations of candidacy shall be in the **appropriate** following form and signed by the candidate:

I. For candidates for delegate to the state party convention:

I, _____, declare that I am domiciled in Ward _____, in the city (or town or unincorporated place) of _____, county of _____, state of New Hampshire, in state representative district county _____ and district _____, and am a registered voter herein; that I am a registered member of the _____ party; that I am a candidate for delegate to the state convention to be made at the primary election to be held on the _____ day of _____; and I hereby request that my name be printed on the official primary ballot of the party in which I am registered as a candidate for such election. I declare that I am not a federal employee which makes me ineligible to file as a candidate for this office. If I have been convicted of a felony, I declare that I have completed my sentence as required in RSA 607-A:2. I further declare that, if elected as such delegate, I will not withdraw; and that, if elected, I will be qualified for and will assume the duties of said office.

II. For all other declarations of candidacy:

I, _____, declare that I am domiciled in Ward _____, in the city (or town or unincorporated place) of _____, county of _____, state of New Hampshire, and am a registered voter herein; that I am a registered member of the _____ party; that I am a candidate for nomination for the office of _____ [~~for for delegate to the state convention~~] to be made at the primary election to be held on the _____ day of _____; and I hereby request that my name be printed on the official primary ballot of the party in which I am registered as a candidate for such nomination [~~or election~~]. I declare that I am not a candidate for incompatible offices as defined in RSA 655:10, and that I am not a federal employee which makes me ineligible to file as a candidate for this office. If I have been convicted of a felony, I declare that I have completed my sentence as required in RSA 607-A:2. I further declare that, if nominated as a candidate for said office [~~or if elected as such delegate~~], I will not withdraw; and that, if elected, I will be qualified for and will assume the duties of said office.

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

2022-0569s

AMENDED ANALYSIS

This bill specifies that delegates to state party conventions are to be elected in accordance proportion with state representative districts. The bill also modifies the form for filing a declaration of candidacy for delegate to a state party convention.

The question is on the adoption of the Committee Amendment. Adopted.

The question is on the adoption of the motion of Ought to Pass with Amendment. Adopted, bill ordered to Third Reading.

JUDICIARY

SB 294-FN, relative to the release of a defendant pending trial.
Ought to Pass, Vote 3-2. Senator Carson for the committee.

The question is on the adoption of the motion of Ought to Pass.

A roll call was requested by Senator Avar, seconded by Senator Birdsell.

The following Senators voted Yes: Hennessey, Giuda, Bradley, Watters, Prentiss, Gray, French, Ward, Ricciardi, Kahn, Daniels, Avar, Carson, Cavanaugh, Soucy, Birdsell, D'Allesandro, Gannon, Sherman, Morse.

The following Senators voted No: Rosenwald, Whitley, Reagan, Perkins Kwoka.

Roll Call, Yeas: 20 - Nays: 4. Adopted, bill ordered to Third Reading.

SPECIAL ORDER

Without objection, the remainder of the Calendar is Special Ordered to the next session. Adopted.

JUDICIARY

SB 298, repealing the law relative to certain discrimination in public workplaces and education.

SB 304, relative to discrimination in public workplaces and education.

SB 322, relative to remote meetings under the right-to-know law.

SB 344, relative to the quorum requirements under the right to know law of meetings open to the public.

SB 375-FN, relative to requirements for charitable organizations.

SB 377-FN, relative to the diagnosis of post-traumatic stress disorder in state troopers.

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Daniels: SB 144-FN

ANNOUNCEMENTS

PRESIDENT MORSE: Let me first tell you what you're up against on the 24th. We had sixteen pieces of legislation that we knew about, we are going to take the calendar on Tuesday and do an addendum. So, we'll have those and then the bills we just picked up from today which I'm not sure how many there are so let's be exact.

In any case, we have a full day on the 24th so the committees will not be able to meet in the afternoon on the 24th. So, we'll be coming in at 10:00 on the 24th picking up the addendum calendar and the bills that we have already. That will leave the Senate with no bills voted out of committee. So, that first week you come back in March the committees will be able to meet from Monday through Thursday that week so we can fill up the 17th and that will probably leave us somewhere around seventy bills in committee that we could vote on so...

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Mister President. Unanimous Consent. To my colleagues, I want to report the passing of Dorothy Peterson. Dorothy, the wife of former Governor Walter Peterson, was ninety-five years of age and Dorothy Peterson, a remarkable, remarkable woman. At a time when it was very difficult for her and her husband when he was the Governor of the state of New Hampshire, they were remarkable

in their public service. You can read her obituary and find out all of the magnificent things that she did. She was a woman at a time really when that wasn't looked upon as a big deal to be out front and working and working hard. She was the First Lady of New Hampshire from '69 to '73. I've had the honor of being part of her life for a long period of time, her and her husband were very close with my family. I don't want to go on and on, but I just want to say that the Petersons were remarkable, remarkable public servants and we honored them in life but we honor them in passing for the remarkable work that they did for the state and their family and for their tremendous generosity to the community and to the state. I'm a beneficiary of their love and affection and I just am so blessed to have known them and thank you, Mister President.

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. Unanimous Consent. One of the sad effects of the COVID epidemic has been that we've not had a chance to celebrate people who are retiring and have done so much service for the state by bringing them here to the chamber. So, I wanted to have an opportunity to read this resolution for Ken Norton on his retirement and hope that he is able to watch us today and thank my colleagues for signing this and make sure we get it to him shortly.

A resolution recognizing Ken Norton.

Whereas, Ken Norton, Licensed Independent Clinical Social Worker, has spent over 40 years helping those suffering from mental illness; and

Whereas, Ken began at NAMI New Hampshire in 2003 and became its Executive Director in 2011; and

Whereas, Ken led the development of NAMI New Hampshire's Connect Suicide Prevention Program, which is a national best practice in suicide prevention, intervention, and postvention; and

Whereas, Ken has participated on numerous commissions and workgroups in New Hampshire and nationally and has served as a subject matter expert for the Substance Abuse and Mental Health Services Administration, Department of Defense, and the Veterans Administration; and

Whereas, Ken has presented nationally and internationally on subjects related to mental illness and suicide; and

Whereas, Ken has worked in community mental health and served as a licensed foster parent, and has lived experience as a family member with mental illness, addiction, and suicide; and

Now therefore, The New Hampshire Senate would like to thank Mr. Norton for his lifelong service supporting individuals, families, and communities. He exemplifies service and selflessness and has made tremendous contributions to the Granite State.

And I'd just like to add, I think that we all know that Ken has helped us all so much to understand mental illness and done so much to really save lives in the state of New Hampshire. So, thank you Mister President and thank you colleagues for honoring Ken Norton.

PRESIDENT MORSE: As many of you may have heard late yesterday, P.J. O'Rourke passed away. He's one of our country's best known and best loved political satirists. People called him witty, irreverent, and a bit of a curmudgeon. I had the privilege of hearing him speak several times, and today I'm remembering what a good friend he was to the Josiah Bartlett Center. From the National Lampoon to the Weekly Standard; from NPR to 60 Minutes, plus some twenty books, P.J.'s unique political insights and stinging humor were always on display. He was also not afraid to mock anyone in politics who he believed deserved it on both the right and the left, but he never crossed the line, preferring to bring his point home with laughter. While P.J. had a national following, he was our guy, a New Hampshire guy. He died at his home in Sharon at age seventy-four. P.J. we're grateful you shared your amazing talent with us. God bless you.

Without objection, all Personal Privileges and Unanimous Consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

HB 50, apportioning state representative districts.

HB 54, apportioning county commissioner districts.

HB 55, apportioning delegates to state party conventions, and relative to the form for declarations of candidacy for delegates to state party conventions.

SB 144-FN, relative to child care scholarships.
SB 202-FN, prohibiting the sale of cosmetic products tested on animals.
SB 209, relative to electronic wage payments.
SB 225, relative to the bond required of applicants for auctioneer licenses.
SB 229, relative to pharmacist administration of vaccines.
SB 230-FN, relative to the practice of body art.
SB 233-FN, relative to water bottle filling stations in schools.
SB 239-FN, relative to noncompliance with municipal audit requirements.
SB 240, apportioning state senate districts.
SB 249, prohibiting planning and zoning ordinances that prohibit short-term rentals.
SB 258-FN-LOCAL, relative to the graves of African Americans alive during the period of American enslavement.
SB 270, establishing a low-moderate income community solar program.
SB 285, relative to discount medical plan organizations.
SB 292, requiring notice of arrest to a probation and parole officer.
SB 293-FN, establishing a committee to clarify the intent of RSA 644:9 relative to violation of privacy.
SB 294-FN, relative to the release of a defendant pending trial.
SB 299-FN, relative to the penalty for escape.
SB 301-FN-LOCAL, relative to the procedure for violations under the right to know law.
SB 308, relative to driver's licenses for certain visa holders.
SB 318-FN, extending the hours in which games of chance may be conducted.
SB 319-FN, relative to vaccination status and wellness incentives.
SB 326-FN, relative to developing a plan to create the office of early childhood.
SB 336, relative to family mediator interns.
SB 337-FN, relative to emergency medical and trauma services data sharing to the purposes of analysis.
SB 339, relative to meetings of boards and commissions in the department of safety.
SB 343, establishing a committee to study room occupancy tax revenues and fees and the formula for distribution to municipalities.
SB 345, relative to youth employment.
SB 346-FN-A, requiring the department of environmental services to conduct feasibility and impact studies for the construction of a pier on Hampton Beach.
SB 355-FN, requiring online marketplaces to disclose certain information to consumers.
SB 358, establishing October 2022 as eczema awareness month.
SB 360, relative to national guard educational benefits.
SB 373, relative to coverage for certain mental illnesses.
SB 385-FN, relative to financial exploitation of vulnerable adults.
SB 386, relative to the determination of state adequate education grants and chartered public school tuition amounts.
SB 389-FN, defining mobile service garages and relative to state vehicle inspections.
SB 391, relative to the operation of a state forensic psychiatric hospital.
SB 398, relative to building code and fire code enforcement.
SB 406, relative to driver's license reciprocity.
SB 409, relative to disaster relief loans.
SB 429-FN, relative to the site evaluation committee.
SB 435-FN, relative to the net operating loss carryover under the business profits tax.
SB 457, establishing a committee to study nonprofit organizations contracting with the department of health and human services for children's services.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Bradley moved that the business of the day being completed, that the Senate recess to the Call of the Chair for the purposes of introducing legislation, referring bills to committee, scheduling hearings, sending and receiving messages, vacating bills, and processing enrolled bill reports and amendments and when we recess, we recess to the Call of the Chair.

Adopted. The Senate is in recess to the Call of the Chair.