

April 21, 2022
No. 17A

STATE OF NEW HAMPSHIRE

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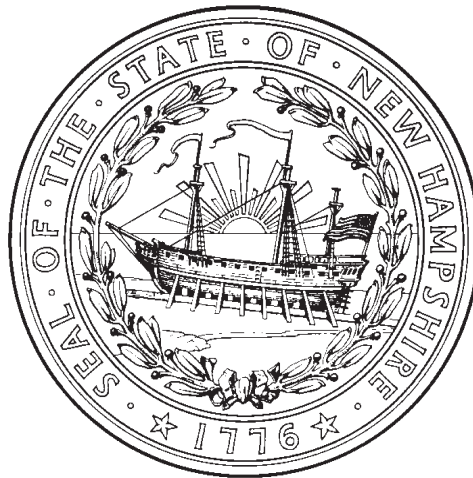
Senate Meeting Schedule Website Address:

<http://gencourt.state.nh.us/senate/schedule/dailyschedule.aspx>

All Standing Committee hearings will be live streamed on the NH Senate's YouTube channel:

<https://www.youtube.com/NewHampshireSenateLivestream>

Links are also available on the Senate Meeting Schedule.



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

SENATE CALENDAR ADDENDUM

THE SENATE WILL MEET IN SESSION ON THURSDAY, APRIL 28, 2022 AT 10:00 A.M. IN THE SENATE CHAMBER

The Senate Session on Thursday, April 28, 2022, in the Senate Chamber
will be live streamed at the following link:

<https://youtu.be/ZFt55u1ec8E>

Please note, this link will not be live until the Senate Session on
Thursday, April 28, 2022 at 10:00 a.m.

CONSENT CALENDAR REPORTS

TRANSPORTATION

HB 1109, relative to approval for off highway recreational vehicles use on class IV, class V, and class VI roads.
Ought to Pass with Amendment, Vote 5-0.

Senator Ward for the committee.

This bill changes the approval procedure for OHRV use of class IV, class V, and class VI roads. The bill would also shift authorities to the municipal legislative body. This bill would take effect 60 days after its passage.

HB 1401, prohibiting the disclosure of the number of miles driven by a specific driver licensed by the state or vehicle registered in the state.

Inexpedient to Legislate, Vote 5-0.

Senator Watters for the committee.

This bill would have prohibited both the department of safety, and inspection stations, from sharing vehicle mileage information with certain authorities without consent. The committee found that this would potentially prevent the State of New Hampshire from benefitting from some federal programs, and access to federal funds, and voted inexpedient to legislate.

HB 1432, prohibiting the use of state funds for new passenger rail projects.

Ought to Pass with Amendment, Vote 5-0.

Senator Birdsell for the committee.

This bill prohibits the department of transportation from utilizing state funds for the planning, construction, operation, or management of new passenger rail projects. The amendment specifies that state funds would need to be approved by the legislature for rail projects and the effective date was changed to January 1, 2023.

HB 1474, relative to annual vehicle inspections.

Ought to Pass with Amendment, Vote 5-0.

Senator Sherman for the committee.

This bill required most vehicles be inspected every year, irrespective of the vehicle owner's birth month. The committee heard a number of concerns about the impacts of the bill from law enforcement and DOS. The amendment recognized issues raised by the sponsor, maintaining current statutory association of inspections with their birth months but expanding the grace period from 10 days to 30 days.

REGULAR CALENDAR REPORTS

TRANSPORTATION

HB 2022, relative to the 10-year transportation plan.

Ought to Pass with Amendment, Vote 5-0.

Senator Birdsell for the committee.

AMENDMENTS

Senate Transportation
April 26, 2022
2022-1829s
04/05

Amendment to HB 1109

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

AN ACT relative to the authority of a city or town to limit the use or operation of an OHRV on certain ways.

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

1 Operation of All OHRVs; OHRV Operation on Sidewalks, Class IV, Class V, and Class VI Roads. Amend RSA 215-A:6, IX to read as follows:

IX. Pursuant to RSA 215-A:15, and following a duly noticed public hearing advertised at least 14 days in advance in a public location in the city or town and notification to abutters by verified mail pursuant to RSA 21:53, city or town councils and boards of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. ***If an abutter can show damage or deterioration to such a road that limits their ability to access their property resulting from recreational use, the governing body of the city or town may adopt regulations to close or limit the operation or use of a way in order to mitigate damage or deterioration.*** Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply. The petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV use is sought under this paragraph.

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

2022-1829s

AMENDED ANALYSIS

This bill provides that a city or town may limit the use or operation of an OHRV on certain ways.

Senate Transportation
April 26, 2022
2022-1837s
12/10

Amendment to HB 1432

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

AN ACT prohibiting the use of state funds for a certain passenger rail project.

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

1 Department of Transportation; General Functions; Prohibition on Commuter Rail Projects. Amend RSA 21-L:2, II(a) to read as follows:

(a) Planning, developing, and maintaining a state transportation network which will provide for safe and convenient movement of people and goods throughout the state by means of a system of highways, railroads, air service, mass transit, and other practicable modes of transportation, in order to support state growth and economic development and promote the general welfare of the citizens of the state; ***provided, however, unless approved by the legislature, no state funds shall be appropriated or expended for the project named Nashua-Manchester-Concord, project number 40818 in the 2019-2028 Ten Year Transportation Improvement Plan.***

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

2022-1837s

AMENDED ANALYSIS

This bill prohibits the department of transportation from utilizing state funds for a certain passenger rail project.

Senate Transportation
April 26, 2022
2022-1818s
12/05

Amendment to HB 1474

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

1 Vehicle Inspections Authorized. Amend RSA 266:1, IV to read as follows:

IV. Notwithstanding paragraphs II and III, newly registered vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, mopeds, roadable aircraft, and vehicles, other than vehicles transferred to a licensed dealer, OHRVs, snowmobiles, mopeds, and roadable aircraft, the ownership of which has been transferred, shall be inspected not later than ~~[10]~~ **30** days after the registration or transfer of ownership of said vehicle. However, if a new vehicle is purchased at retail from a licensed dealer, as defined in RSA 259:18, the vehicle shall be inspected not later than 20 days after the date of transfer. A used vehicle for which a dealer has issued a 20-day plate pursuant to RSA 261:109 shall be inspected by the dealer or an authorized inspection station on behalf of the dealer at the time of the attachment of the plate unless a valid inspection sticker issued by the dealer is in place, in which case the vehicle shall be inspected within 20 days or before the sticker expires, whichever occurs first. All other expired motor vehicle inspections shall be subject to the ~~[10-day]~~ **30-day** grace period in RSA 266:5.

2 Penalty for Failing to Obey Inspection Requirements. Amend RSA 266:5 to read as follows:

266:5 Penalty for Failing to Obey Inspection Requirements. The driver or owner of any motor vehicle failing to comply with the requirements of the director relative to inspection shall be guilty of a violation, and the director may refuse to register, or may suspend or revoke the registration of, any motor vehicle, trailer, or semi-trailer which has not been inspected as required or which is unsafe or unfit to be driven; provided, however, no person shall be charged with a violation of this section until a period of ~~[10]~~ **30** days has elapsed from the date the inspection was due. It shall be a rebuttable presumption that a vehicle that is required to be inspected is in violation of this section if the vehicle fails to display a valid inspection sticker. This section shall not apply to those vehicles required to be inspected under the provisions of RSA 266:1, IV. The fine for a violation of this section shall be \$60.

Source. 1931, 80:1. 1939, 78:1. RL 116:12. 1951, 20:3. RSA 260

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

2022-1818s

AMENDED ANALYSIS

This bill extends the amount of time owners have to inspect a vehicle.

Senate Transportation
April 26, 2022
2022-1816s
12/10

Amendment to HB 2022

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

AN ACT relative to the 10-year transportation plan and relative to repealing the scenic and cultural byways council and relative to the New Hampshire transportation council.

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

1 State 10-Year Transportation Improvement Plan. The legislature hereby adopts the plan known as the “State of New Hampshire Ten Year Transportation Improvement Plan 2023-2032” submitted by the governor to the legislature pursuant to RSA 228:99 and RSA 240 and encourages expeditious implementation of the projects shown therein.

2 Project Restored. The project named Hudson, project number 42108 in the 2021-2030 10-year transportation improvement plan, to construct a roadway between Route 3A and Route 111 as the southern portion of the circumferential highway, shall be included and amended in the 2023-2032 10-year transportation improvement plan to require the department of transportation evaluate the feasibility of constructing said roadway with engineering totaling \$250,375 in fiscal year 2024 and \$750,000 in fiscal year 2025, contingent on the availability of federal funding.

3 Route 153 Report. The commissioner of the department of transportation shall submit an annual report to the long range capital planning and utilization committee relative to Route 153 from the Wakefield town line to the Eaton/Conway town line. Said report shall be submitted to the department of transportation by January 1 of each year and shall include the following:

- (a) Traffic counts by town with average speed data.
- (b) Road conditions to include shoulders.
- (c) Accident data by location.
- (d) Correspondences to the department from the towns and citizens with safety concerns in this corridor.

4 The commissioner of the department of transportation may modify funding sources and accelerate schedules of municipally owned bridge projects in the 2022-2032 10-year transportation improvement plan by leveraging additional funding opportunities made available to New Hampshire. Funding sources include the state aid bridge (SAB) program, municipally owned bridge rehabilitation and replacement (MOBRR) program, and municipal owned bridge-bipartisan infrastructure law (MOBIL) program. Recommended changes are based on the eligibility of projects for federal aid funds. To be eligible for MOBIL funding a bridge must be 20 feet or greater in length and off the federal aid system. The affected projects are:

Project	Funding	Proposed TYP Year
ALSTEAD 40649	SAB to MOBIL	2026
ALSTEAD 40661	SAB to MOBIL	2024
AMHERST 40654	SAB	2023
AMHERST 40657	SAB to MOBIL	2024
ANDOVER 41407	SAB to MOBIL	2024
ANTRIM 14942	SAB	2023
AUBURN 29316	SAB to MOBIL	2023
BARRINGTON 26722	SAB	2023
BARRINGTON 41410	SAB	2025
BEDFORD 21684	SAB	2023
BEDFORD 24217	SAB to MOBIL	2023
BOW 24223	SAB	2024
BOW 24224	SAB	2025
BROOKLINE 41408	SAB	2025
CANAAN 26704	SAB	2023
CANAAN 41399	SAB to MOBIL	2023
CANAAN 41406	SAB to MOBIL	2024

Project	Funding	Proposed TYP Year
COLEBROOK 40651	SAB	2023
COLEBROOK 40652	SAB	2023
COLEBROOK 40655	SAB to MOBIL	2023
CONCORD 41212	MOBRR	2023
DORCHESTER 42091	SAB	2023
DORCHESTER 42092	SAB	2025
ENFIELD 13592	SAB to MOBIL	2025
FRANCESTOWN 42709	SAB to MOBIL	2026
FREMONT 23793	SAB	2023
GOFFSTOWN 41597	SAB	2025
HARRISVILLE 16114	SAB to MOBIL	2026
JACKSON 40808	SAB	2023
JAFFREY 41401	SAB	2023
KEENE 40653	SAB	2023
KEENE-SWANZEY 40666	MOBRR	2025
LACONIA 26706	SAB to MOBIL	2023
LACONIA 43845	MOBRR	2026
LANCASTER 22192	SAB	2025
LEBANON 13558A	MOBRR	2023
LEBANON 24221	SAB to MOBIL	2023
LEBANON 24222	MOBRR	2023
MADBURY 41462	SAB	2026
MANCHESTER 15837	SAB to MOBRR	2025
MANCHESTER 24206	MOBRR	2024
MANCHESTER 24212	MOBRR	2024
MERRIMACK 29174	MOBRR	2026
MILTON, NH-LEBANON, ME 40658	MOBRR	2023
NEW BOSTON 14771	SAB to MOBIL	2026
NEW BOSTON 15505	SAB to MOBIL	2024
NEWPORT 20006	SAB	2023
ORFORD 41151	SAB to MOBIL	2023
PELHAM 29450	SAB to MOBIL	2023
PITTSFIELD 14972	SAB	2025
RICHMOND 29055	SAB to MOBIL	2023
RICHMOND 29056	SAB	2023
RUMNEY 27162	SAB	2023
SANDOWN 41412	SAB	2027

Project	Funding	Proposed TYP Year
SUGAR HILL 24218	SAB to MOBIL	2023
SWANZEY 41403	SAB to MOBIL	2024
WEARE 14338	SAB	2026
WEBSTER 40810	SAB to MOBIL	2023
WENTWORTH 40648	SAB	2023
WILTON 15767	SAB	2023
WILTON 15768	SAB to MOBIL	2025

5 Turnpike Authority; Authority Granted. RSA 237:2 is repealed and reenacted to read as follows:

237:2 Authority Granted. The commissioner of the department of transportation, with the approval of the governor and council, is authorized to make such other and further improvements to the New Hampshire turnpike system as may be required by RSA 240.

6 Turnpike Authority; Limitations. Amend RSA 237:5, II(h) to read as follows:

(h) Establish a ~~[temporary]~~ turnpike engineering section ~~[for the period of design and construction of any portion of the system, assign permanent employees of the department of transportation to duties and positions in said section]~~ and employ such engineers and assistants as may be necessary ~~[on a temporary basis for said period of]~~ **for** design and construction. The costs of said turnpike engineering section shall be a charge against the funds made available under this chapter or otherwise for the system.

7 Turnpike System; Funds Provided. RSA 237:7 is repealed and reenacted to read as follows:

237:7 Funds Provided.

I. The amounts necessary to fund turnpike system projects approved in the state 10-year transportation improvement plan as authorized by RSA 240 are hereby appropriated.

II. After substantial completion of the project or projects authorized by paragraph I of this section the governor and council may transfer appropriations for such project or projects to other projects under this chapter. The appropriations made by this chapter shall be continuing appropriations and shall not lapse.

III. The governor and council are authorized under RSA 237-A to provide, solely by resolutions or by trust or security agreements, without further appropriation, for application or expenditures of moneys deposited or held in funds established in connection with the issuance of revenue bonds under RSA 237-A, including without limitation the application of moneys to operate, maintain, and make improvements to the turnpike system, to pay costs of issuance of bonds including costs of traffic studies and engineering reports prepared for issuance of bonds, and to establish and maintain reserves.

8 Scenic and Cultural Byways System; Purpose. Amend RSA 238:19, III to read as follows:

III. It shall be a process of state and local identification of scenic and cultural byways that shall build a statewide system. However, nothing in this subdivision shall restrict a municipality from designating scenic byways within its jurisdiction, require that such designated scenic byways be nominated for inclusion in the New Hampshire scenic and cultural byways system, or require that the ~~[scenic and cultural byways council]~~ **department of transportation** accept such locally designated scenic byway into the system.

9 Scenic and Cultural Byway System; Designation. Amend the introductory paragraph of RSA 238:22, I to read as follows:

I. The ~~[council]~~ **department of transportation, in consultation with the department of natural and cultural resources**, shall designate and de-designate scenic and cultural byways of the New Hampshire scenic and cultural byways system based on criteria which include, but shall not be limited to, the following:

10 Scenic and Cultural Byways System; Designation. Amend RSA 238:22, III to read as follows:

III. Under no circumstances shall a local scenic and cultural byway be designated without a public hearing ~~[conducted by the municipalities in the area]~~ **in each municipality that the proposed local scenic and cultural byway would be located in.**

11 Scenic and Cultural Byways System. RSA 238:23 is repealed and reenacted to read as follows:

238:23 Funds. The commissioner of the department of transportation is authorized to apply for funds including grants, accept funds, and disburse funds for the scenic and cultural byways program. Any moneys accepted shall be continually appropriated for the purpose of this subdivision.

12 Scenic and Cultural Byway System; Advertising. Amend RSA 238:24, I-II to read as follows:

I. The ~~[council]~~ **department of transportation, in consultation with the department of natural and cultural resources**, shall remove any scenic and cultural byway designation, highway sections that:

- (a) Have no scenic or cultural value; and
- (b) Have been designated or would be designated solely to preserve system continuity.

II. Nothing in this section shall preclude the ~~[council]~~ **department of transportation** from removing from any scenic and cultural byway designation, highway sections that are adjacent to property that is used for intensive commercial or industrial purposes. In this section, “intensive” means an area containing more than 5 zoned commercial or industrial activities located within one continuous mile.

13 New Hampshire Transportation Council; Membership. Amend RSA 238-A:4, I to read as follows:

I. The council shall have the following members:

- (a) The commissioner of the department of transportation, or designee.
- (b) The commissioner of the department of business and economic affairs, or designee.
- (c) The commissioner of the department of safety, or designee.
- (d) A member of the senate transportation committee, appointed by the president of the senate.
- (e) A member of the house transportation committee, appointed by the speaker of the house of representatives.
- (f) An individual knowledgeable in transportation technology, appointed by the governor and approved by the executive council.

(g) ~~[A member of the New Hampshire College and University Council, appointed by the president of that organization.~~

~~(h)~~ Three representatives of the transportation service industry, each representing a discrete mode of transportation, appointed by the governor and approved by the executive council.

~~(i)~~ **(h)** Two representatives from regional planning commissions, one of whom shall represent an urban area and one of whom shall represent a rural area, appointed by the New Hampshire Association of Regional Planning Commissions.

~~(j)~~ **(i)** The ~~[director of the office of strategic initiatives]~~ **commissioner of the department of energy**, or designee.

~~(k)~~ **(j)** The commissioner of the department of insurance, or designee.

14 New Hampshire Transportation Council; Meetings. Amend RSA 238-A:5, III to read as follows:

III. A majority of council members then appointed, **participating in-person or remotely**, shall constitute a quorum. Regular meetings of the council may be established in bylaws.

15 Repeal. The following are repealed:

I. RSA 237:5, I, relative to the authority of the commissioner of the department of transportation.

II. RSA 237:5, II(o), relative to limitations on the authority of the commissioner of the department of transportation.

III. RSA 238:20, relative to the establishment of the scenic and cultural byways council.

IV. RSA 238:21, relative to the duties of the scenic and cultural byways council.

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

2022-1816s

AMENDED ANALYSIS

This bill:

- I. Adopts the 10-year transportation plan for 2023-2032.
- II. Eliminates the scenic and cultural byways council.
- III. Amends the membership and meeting structure of the New Hampshire transportation council

HEARINGS

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WEDNESDAY, APRIL 27, 2022

HEALTH AND HUMAN SERVICES, Room 100, SH

Sen. Bradley (C), Sen. Gray (VC), Sen. Avar, Sen. Sherman, Sen. Whitley

10:30 a.m.

EXECUTIVE SESSION ON PENDING LEGISLATION