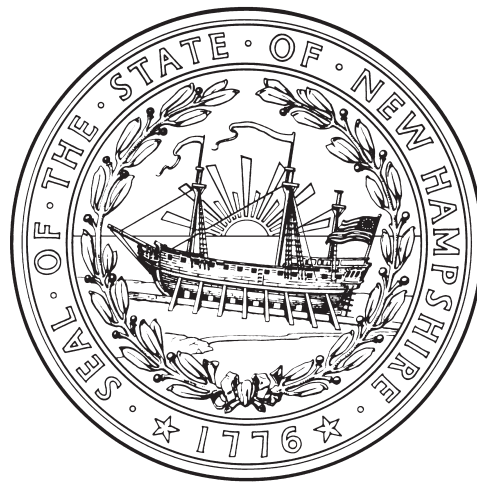


February 3, 2022
Nos. 1-2

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 – JANUARY 5, 2022 SESSION
COMMENCEMENT – FEBRUARY 3, 2022 SESSION**

SENATE JOURNAL 1 *(continued)*

January 5, 2022

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 2, allowing the preprocessing of absentee ballots for certain 2021 elections and allowing for the postponement of annual town meetings in calendar year 2021 where concerns exist during the COVID-19 health emergency.

SB 41, relative to police disciplinary hearings.

SB 98-FN, relative to the SNAP incentive program.

SB 112, relative to historical racing.

SB 116, relative to the project to complete construction of an exit on I-93 in Derry and Londonderry.

SB 139-FN, relative to bingo dates.

HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

SB 135-FN-LOCAL, relative to the calculation of the cost of an opportunity for an adequate education

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 54, (New Title) relative to the absentee ballot application form.

SB 68, requiring an employer to provide reasonable accommodations for pregnant employees.

HOUSE MESSAGE

The House of Representatives has referred for Interim Study the following entitled Bills sent down from the Senate:

SB 113, relative to the alternative compliance payments for renewable energy obligations not met through the purchase of renewable energy credits.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 44, (New Title) establishing the New Hampshire workforce pathway program.

SB 92-FN, relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks.

HOUSE MESSAGE

The House of Representatives has voted to Lay On The Table the following entitled Bill(s) sent down from the Senate:

SB 69-FN, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 50, apportioning state representative districts.
HB 52, apportioning congressional districts.
HB 54, apportioning county commissioner districts.
HB 55, apportioning delegates to state party conventions.
HB 102, (New Title) establishing a commission to study worldwide combined reporting method for unitary businesses under the business profits tax.
HB 144, relative to absentee ballot request forms.
HB 169, establishing a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles.
HB 207-FN, repealing the regulation of household goods carriers.
HB 228, relative to the calculation of child support in cases with equal or approximately equal parenting time.
HB 230, relative to child day care monitoring visits, requirements for child day care providers, and the appeals process for child day care providers.
HB 241, (New Title) repealing the definition of brook trout.
HB 418, relative to supreme court reporting.
HB 435-FN, (New Title) relative to the suspension of drivers' licenses
HB 457, (New Title) relative to the meetings of the legislative youth advisory council.
HB 481-FN-A, establishing the office of the right-to-know ombudsman and making an appropriation therefor.
HB 527, relative to the charitable gift annuities exemption.
HB 576, relative to victims compensation fund eligibility.
HB 583-FN, (New Title) relative to organ donation designation on drivers' licenses.
HB 624-FN, (New Title) relative to site evaluation committee monitoring and enforcement responsibilities.

HOUSE MESSAGE

The House of Representatives has passed Bills with the following titles, in the passage of which it asks the concurrence of the Senate:

HB 84, (New Title) declaring May 21, 2022 as Ona Judge Staines Day.
HB 87, relative to the definition of electioneering.
HB 91-FN, relative to death benefits of first responders who die from suicide.
HB 116, relative to personal delivery devices and mobile carriers.
HB 122-A, (New Title) amending the capital appropriation for an aviation hangar bay in the department of military affairs and veterans services.
HB 214, (New Title) relative to a public school facility condition assessment and school building aid grants.
HB 238, prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in manslaughter cases.
HB 254, relative to the placement of minors in secure settings.
HB 275, (New Title) relative to the declaration of a state of emergency.
HB 355, relative to Keno.
HB 364, (New Title) revising the definition of charitable organizations relative to games of chance.
HB 398, making an appropriation to the department of environmental services for funding eligible waste-water projects.
HB 408, relative to employment restrictions for registered sex offenders.
HB 410, (New Title) establishing a commission to study the assessing of power generation and utility transmission
HB 412, making an appropriation to the department of environmental services for the purpose of funding public water system projects.
HB 478, relative to treatment of PFAS contaminants in the drinking water of the Merrimack Village Water District.
HB 490, (New Title) relative to the definitions of "game camera" and "hunting day" and relative to the use of game cameras.
HB 514, relative to ballot column rotation.
HB 536-FN, relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits.
HB 543, establishing a commission to study nuclear power and nuclear reactor technology in New Hampshire.
HB 549, (New Title) relative to the system benefits charge and the energy efficiency and sustainable energy board.
HB 571, repealing the prohibition against OHRV travel on Hoit Road Marsh.
HB 579, requiring notice to the public before immigration checkpoints are conducted.
HB 589-FN, requiring workers' compensation to cover prophylactic treatment for critical exposure
HB 591-FN, (New Title) relative to certain liquor license fees.

HB 597-FN, relative to the expectation of privacy.

HB 614-FN, exempting the state and political subdivisions from payment of the costs of compliance with the renewable portfolio standard.

HB 629-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

INTRODUCTION OF LEGISLATION

Senator Bradley offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee. Adopted in recess.

First and Second Reading and Referral

22-3125

SB 454, establishing a committee to study the information collected by the division of vital records administration as part of the live birth worksheet. (Rosenwald, Dist 13; Giuda, Dist 2; Edwards, Rock. 4; Leishman, Hills. 24; Executive Departments and Administration)

22-3126

SB 455, requiring the commissioner of the department of environmental services to adopt ambient groundwater quality standards for certain per and polyfluoroalkyl substances. (Watters, Dist 4; Rung, Hills. 21; B. Boyd, Hills. 21; Energy and Natural Resources)

22-3123

SB 456-FN-A, establishing a law enforcement conduct review committee in the police standards and training council and making an appropriation therefor. (Carson, Dist 14; Judiciary)

22-3128

SB 457, establishing a committee to study nonprofit organizations contracting with the department of health and human services for children's services. (Carson, Dist 14; Health and Human Services)

22-3127

SB 458-FN, relative to the Sununu youth services center and operation of a replacement secure facility. (Daniels, Dist 11; Rice, Hills. 37; Health and Human Services)

HB 50, apportioning state representative districts. (Election Law and Municipal Affairs)

HB 52, apportioning congressional districts. (Election Law and Municipal Affairs)

HB 54, apportioning county commissioner districts. (Election Law and Municipal Affairs)

HB 55, apportioning delegates to state party conventions. (Election Law and Municipal Affairs)

HB 84, declaring May 21, 2022 as Ona Judge Staines Day. (Executive Departments and Administration)

HB 87, relative to the definition of electioneering. (Election Law and Municipal Affairs)

HB 91-FN, relative to death benefits of first responders who die from suicide. (Executive Departments and Administration)

HB 102, establishing a commission to study worldwide combined reporting method for unitary businesses under the business profits tax. (Ways and Means)

HB 116, relative to personal delivery devices and mobile carriers. (Transportation)

HB 122-A, amending the capital appropriation for an aviation hangar bay in the department of military affairs and veterans services. (Capital Budget)

HB 144, relative to absentee ballot request forms. (Election Law and Municipal Affairs)

HB 169, establishing a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles. (Energy and Natural Resources)

HB 207-FN, repealing the regulation of household goods carriers. (Commerce)

HB 214, relative to a public school facility condition assessment and school building aid grants. (Education)

HB 228, relative to the calculation of child support in cases with equal or approximately equal parenting time. (Judiciary)

HB 230, relative to child day care monitoring visits, requirements for child day care providers, and the appeals process for child day care providers. (Health and Human Services)

HB 238, prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in manslaughter cases. (Judiciary)

HB 241, repealing the definition of brook trout. (Energy and Natural Resources)

HB 254, relative to the placement of minors in secure settings. (Judiciary)

HB 275, relative to the declaration of a state of emergency. (Executive Departments and Administration)

HB 355, relative to Keno. (Ways and Means)

HB 364, revising the definition of charitable organizations relative to games of chance. (Ways and Means)

HB 398, making an appropriation to the department of environmental services for funding eligible wastewater projects. (Finance)

HB 408, relative to employment restrictions for registered sex offenders. (Judiciary)

HB 410, establishing a commission to study the assessing of power generation and utility transmission (Energy and Natural Resources)

HB 412, making an appropriation to the department of environmental services for the purpose of funding public water system projects. (Finance)

HB 418, relative to supreme court reporting. (Judiciary)

HB 435-FN, relative to the suspension of drivers' licenses (Transportation)

HB 457, relative to the meetings of the legislative youth advisory council. (Executive Departments and Administration)

HB 478, relative to treatment of PFAS contaminants in the drinking water of the Merrimack Village Water District. (Energy and Natural Resources)

HB 481-FN-A, establishing the office of the right-to-know ombudsman and making an appropriation therefor. (Judiciary)

HB 490, relative to the definitions of "game camera" and "hunting day" and relative to the use of game cameras. (Energy and Natural Resources)

HB 514, relative to ballot column rotation. (Election Law and Municipal Affairs)

HB 527, relative to the charitable gift annuities exemption. (Ways and Means)

HB 536-FN, relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits. (Executive Departments and Administration)

HB 543, establishing a commission to study nuclear power and nuclear reactor technology in New Hampshire. (Energy and Natural Resources)

HB 549, relative to the system benefits charge and the energy efficiency and sustainable energy board. (Energy and Natural Resources)

HB 571, repealing the prohibition against OHRV travel on Hoit Road Marsh. (Transportation)

HB 576, relative to victims compensation fund eligibility. (Judiciary)

HB 579, requiring notice to the public before immigration checkpoints are conducted. (Judiciary)

HB 583-FN, relative to organ donation designation on drivers' licenses. (Health and Human Services)

HB 589-FN, requiring workers' compensation to cover prophylactic treatment for critical exposure (Commerce)

HB 591-FN, relative to certain liquor license fees. (Ways and Means)

HB 597-FN, relative to the expectation of privacy. (Judiciary)

HB 614-FN, exempting the state and political subdivisions from payment of the costs of compliance with the renewable portfolio standard. (Energy and Natural Resources)

HB 624-FN, relative to site evaluation committee monitoring and enforcement responsibilities. (Energy and Natural Resources)

HB 629-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products. (Judiciary)

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 427, prohibiting corporal punishment of children in state agency programs.

Senator Avarad 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 2

February 3, 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:

Good morning, Senators. Let's Pray.

Your word tells us Lord that you are never far in times of trouble, and we've walked through some difficult seasons and difficult times, we're grateful that you haven't been far from us. You also promise that when we are feeling like life is too heavy and our assignment gets too heavy that you give us strength and we are grateful for that. We're also told that you give us wisdom when we don't know what to do and in these challenging times oftentimes, we come up short with answers and we turn to you, Lord, asking for your wisdom and your guidance for that we're grateful that you give it graciously and liberally.

Lord, sometimes our hearts are troubled, and you offer us peace, and so we ask that your peace would continue to guide our hearts and sooth our hearts when our hearts are troubled.

We are so grateful for our Senators; they need your strength they need your wisdom, and they need your peace. God, I pray today that you would give it abundantly to them. We're grateful for their service to the state of New Hampshire and to the people of New Hampshire. God, I pray a blessing over them. This we pray. Amen.

Senator Sherman led the Pledge of Allegiance.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bill, with amendment, in the passage of which amendment the House asks the concurrence of the Senate:

SB 17, (2nd New Title) relative to permitting dogs in outdoor dining areas of restaurants.

Senator French moved Concurrence. Adopted.

FN REPORT FOR FEBRUARY 3, 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 215-FN, relative to motor vehicle liability insurance policy minimum coverage

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 356-FN, relative to medical benefits payments by state retirees.

SB 357-FN, relative to mental health training for first responders.

HEALTH AND HUMAN SERVICES

SB 286-FN, establishing an association health plan pilot program.

SB 290-FN, relative to the practice of auriculotherapy.

SB 414-FN-A, relative to respite care services for persons caring for individuals with Alzheimer's disease and related disorders, and making an appropriation therefor.

SB 439-FN, relative to the brain and spinal cord injury advisory council and community-based support program.

TRANSPORTATION

SB 306-FN, relative to the penalties for various motor vehicle violations.

SB 378-FN, relative to the disposal of highway or turnpike funded real estate.

REGULAR CALENDAR:

COMMERCE

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 227-FN, relative to death benefits for first responders who die from suicide.

HEALTH AND HUMAN SERVICES

SB 404-FN, establishing a supplemental nutrition assistance program.

JUDICIARY

SB 393-FN, relative to the use of restraints on pregnant women in the custody of a state or county correctional facility

SB 399-FN, repealing the fetal health protection act.

SB 436-FN, relative to access to abortion care.

WAYS AND MEANS

SB 316-FN, relative to lucky 7 licenses.

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:**ELECTION LAW AND MUNICIPAL AFFAIRS**

SB 425-FN, relative to the establishment of an election information portal.

ENERGY AND NATURAL RESOURCES

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 226-FN, establishing a recruitment and retention program for state employment.

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

HEALTH AND HUMAN SERVICES

SB 337-FN, relative to emergency medical and trauma services data sharing to the purposes of analysis.

SB 403-FN-A, re-establishing the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program.

SB 408-FN, directing the department of health and human services to make adjustments to the facility fee reimbursement schedule for freestanding birthing centers.

REGULAR CALENDAR:**EDUCATION**

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

SB 420-FN-A-L, establishing an extraordinary need grant for schools.

ENERGY AND NATURAL RESOURCES

SB 267-FN-A, establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food.

HEALTH AND HUMAN SERVICES

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

SB 407-FN, relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor.

JUDICIARY

SB 431-FN, relative to child support in cases with equal or approximately equal parenting schedules.

Without objection, the FN Report is adopted.

SPECIAL ORDER

Without objection, the following bill is Special Ordered to SB 384-FN. Adopted.

COMMERCE

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

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 204, relative to the definition of "covered claim" for purposes of the New Hampshire insurance guaranty association act.

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

This bill was filed at the request of the New Hampshire Insurance Department. Currently, there are instances where an insured purchased a policy from an insurance company, which is a member of the Guaranty Fund, and that company becomes insolvent. The policy can then be assumed by a second insurer that may not be a member of the Guaranty Fund; therefore, if the second insurer becomes insolvent, a claim will not be covered. This bill would clarify that a policy is covered by the Guaranty Fund, even if it were assumed by a company at a later date, as long as the policy was initially written by an insurance company that was a member of the Guaranty Fund.

SB 205, relative to the insurance department administration fund.

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

This bill was filed at the request of the New Hampshire Insurance Department. Presently, overages in the Administration Fund are apportioned to each insurer based on their relative contribution to the Fund. This bill would reduce the administrative burden placed on the Department by allowing for any overages to be applied to reduce future assessment amounts across the board. This process would mirror how the New Hampshire Department of Labor administers the Workers' Compensation Administration Fund.

SB 206, relative to consumer guaranty contracts.

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

At the request of the New Hampshire Insurance Department, this bill would remove prepaid legal contracts from RSA 415-C, which regulates consumer guaranty contracts. The Department indicated that prepaid legal contracts would still be regulated under other statutes. The Committee Amendment made several changes. First, it clarified in Section 2 that refunds for contracts that are 12 months or more are permissible, while also capping the cancellation administrative fee charged. Second, Section 3 of the original bill has been removed to allow the Department and stakeholders additional time to improve consumer protections. Finally, an RSA citation has been changed to address a drafting error that occurred in Section 4 of the original bill.

Commerce

January 11, 2022

2022-0062s

11/10

Amendment to SB 206

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

2 New Subparagraph; Consumer Guaranty Contracts; Prohibited Acts. Amend RSA 415-C:7, I by inserting after subparagraph (h) the following new subparagraph:

(i) Fail to refund unearned contract fees with respect to any cancellation of a consumer guaranty contract with a duration of 12 months or more. Contract fees for contracts with a duration of 12 months or more are earned pro-rata over the length of the contract. Obligors shall not charge a cancellation administrative fee of more than 10 percent of the contract price or \$75, whichever is less, for a contract of any duration. All cancellation administrative fees must be disclosed in the contract, regardless of the contract's duration.

3 Repeal. The following are repealed:

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

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

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

SB 207, relative to administrative fee credit for insurance company external review.

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

Insurance companies pay consultants that help assist them with external review analyses done by the Insurance Department. Companies are able to offset their payments to consultants with a credit to the administrative fees imposed by the Department. Currently, administrative fee credits may be carried over into future fiscal years. However, at the request of the Department, this bill would clarify that a company's cost of retaining an outside expert for review of their annual statements will be credited only towards their assessed administrative fees for the subsequent year. The insurance industry is supportive of these proposed changes.

SB 208, relative to life insurance.

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

This bill was filed at the request of the Insurance Department after a multi-year effort to update and modernize RSA 408. As a result of the COVID-19 pandemic, previous efforts to amend this statute were stalled. At the public hearing, the Committee heard that many provisions from RSA 408 date back to the 1850s.

SB 215-FN, relative to motor vehicle liability insurance policy minimum coverage.

Inexpedient to Legislate, Vote 5-0. Senator French for the committee.

While well intentioned, the prime sponsor believed this bill does not achieve the goal of ensuring that consumers will be protected from purchasing duplicative vehicle insurance when they purchase a new vehicle from an auto dealer. Reports have indicated that consumers have been informed that they must purchase a new vehicle insurance policy before they drive a new vehicle off the lot. Their current policy, however, already provides for such coverage. The Insurance Department and other stakeholders have agreed to give this issue more in-depth consideration so future legislation can be filed.

SB 216, establishing a commission to study the landlord and tenant mediation program in circuit courts.

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

This bill would establish a commission to study the landlord and tenant mediation pilot program that is ongoing in circuit courts. This program has allowed tenants and landlords to work collaboratively to avoid evictions. The Committee heard that roughly 80% of tenants have been able to remain in their homes as a result of this program. The study commission would allow the Legislature and all relevant stakeholders to analyze the program, assess what has worked, and recommend any potential changes.

SB 354, relative to insurance adjuster licensing, insurance producer licensing fees, and the sale of credit life and credit accident and health insurance policies by banks.

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

As requested by the Insurance Department, this bill would make four statutory changes. First, RSA 402-B:12 would be aligned with RSA 402-J to define the good cause reasons for bringing administrative action against adjusters. Second, RSA 400-A:29 would codify the practice that application and renewal fees are non-refundable. Third, RSA 408-A:9 would be changed to specify that financial institutions, including banks and credit unions, will not need a license to sell credit life or credit disability insurance. Finally, any person or persons responsible for an entity's compliance to the law must have licensure in the lines of insurance that the entity is selling.

EDUCATION

SB 350, relative to rulemaking by the state board of education on educational personnel applicant checks and licensing standards.

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

At the request of the department of education, this bill requires the department of education to adopt rules for conducting a check of educational personnel applicants using the National Association of State Directors of Teacher Education and Certification (NASDTEC) database. As the department of education already uses this database, there is no fiscal impact. This bill also amends the authority to adopt rules relative to licensing standards for certain education personnel.

SB 353, relative to the education professional standards board.

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

This bill adds instructional specialists to persons who may be appointed to the professional standards board. This bill also allows for appointees to serve three consecutive terms and requires reports to be maintained by the professional standards board for 25 years. The committee heard testimony from the

NH department of education on the need to clean up language currently in statute to be in line with terms used in the field. By reducing the volume of records to be maintained by the professional standards board, the department will save time and money.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 425-FN, relative to the establishment of an election information portal.

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

This bill authorizes the Secretary of State to develop an election information portal. The portal will modernize the application and updating process for voter registration, requesting absentee ballots, and requesting changes to name, domicile and party affiliation in the statewide voter database.

ENERGY AND NATURAL RESOURCES

SB 260, relative to search and rescue teams activated by fish and game.

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

New Hampshire law requires anyone providing emergency medical or trauma services to be licensed under the definition of “emergency medical service unit.” But the law exempts ski patrols, who may be in position to deliver life-saving care. SB 260 would expand this carve-out to cover Search and Rescue Teams activated by the New Hampshire Fish and Game Department. Passing this bill would allow these brave and well-trained volunteers to provide life-saving care to those in need.

SB 265, relative to the aggregation of electric customers by counties.

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

This bill clarifies when a municipality or county must mail customers written notice of the adoption of certain electric aggregation programs. If an opt-out service is adopted, the municipalities or counties must mail written notification to each retail electric customer within their service area. Written notice will not be required if the service is only opt-in. Municipalities and counties will also post public notice of aggregation programs.

Energy and Natural Resources

January 18, 2022

2022-0155s

12/10

Amendment to SB 265

Amend the bill by replacing section 1 with the following:

1 Aggregation of Electric Customers by Municipalities and Counties. Amend RSA 53-E:7, II to read as follows:

II. If the plan is adopted or once adopted is revised to include an opt-out alternative default service, the municipality or county shall mail written notification to each retail electric customer within the municipality or county *service area where such opt-out service is to be provided. If an electric aggregation program or energy service is offered only on an opt-in basis, mailing of written notification to each retail electric customer within the municipality or county service area shall not be required. Municipalities and counties shall post public notice of aggregation programs.* To enable such mailed notification and notwithstanding RSA 363:38, after an aggregation plan is duly approved the electric distribution utility or utilities serving an adopting municipality or county shall provide to such municipality or county a current list of the names and mailing addresses of all their electric customers taking distribution service within the municipality or county. Notification shall include a description of the aggregation program, the implications to the municipality or county, and the rights and responsibilities that the participants will have under the program, and if provided on an opt-out basis, the fixed rate or charges that will apply. No retail electric customer shall be included in a program in which the customer does not know all of the rates or charges the customer may be subject to at least 30 days in advance of the customer’s application and has the option, for a period of not less than 30 days from the date of the mailing, to opt out of being enrolled in such program, unless the customer affirmatively responds to the notification or requests in writing to be included in the program.

2022-0155s

AMENDED ANALYSIS

This bill clarifies when a municipality or county must mail customers written notice of the adoption of certain electric aggregation programs.

SB 266, relative to the limitations on taking another person's lobster or crab trap or pot. Inexpedient to Legislate, Vote 5-0. Senator Perkins Kwoka for the committee.

Current New Hampshire law under RSA 211:31 states that no person, except the owner or a conservation officer may tamper with a lobster or crab trap in any way without the written permission of the owner. This bill adds an exception for lobster traps that are clearly abandoned or no longer can serve their intended purpose. SB 266 is intended to help keep the ocean waters of New Hampshire's coastline clean by allowing divers to extract derelict lobster traps. However, there is no clear definition for how someone could consider a lobster or crab traps as abandoned or no longer serving their intended purpose. Without clear guidance, opponents are concerned this will lead to inadvertent theft of lobster and crab traps, forcing New Hampshire fisherman to purchase expensive new equipment.

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

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

Building on the recommendations of last year's study committee, SB 346 would appropriate \$150,000 for a feasibility study for the construction of a pier on Hampton Beach. The committee amendment puts the Hampton Beach Area Commission in charge of this study, which will include details of maintaining the pier. If constructed, this pier could be a valuable source of revenue and an enhancement to Hampton Beach and would be handicap accessible.

Energy and Natural Resources

January 19, 2022

2022-0161s

12/04

Amendment to SB 346-FN-A

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

1 Hampton Beach Pier Feasibility Study. The Hampton Beach area commission shall study the feasibility and impacts of constructing and maintaining a pier directly south of Boar's Head in the town of Hampton. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2022.

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

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

2022-0161s

AMENDED ANALYSIS

This bill directs the Hampton Beach area commission to study the feasibility and impact of building a pier in Hampton and makes an appropriation for the study.

HB 549, relative to the system benefits charge and the energy efficiency and sustainable energy board.

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

The Systems Benefits Charge is added to the electric and natural gas bills of New Hampshire ratepayers and supports low-income energy efficiency assistance programs as well as funding to the Energy Efficiency and Sustainable Energy Board to develop public awareness regarding energy efficiency. The SBC has been set by the Public Utilities Commission, which has recently been at the center of controversy over whether this fee should be cut or increased, and over how the programs should be conducted. Such decisions are best left to the people's representatives in the New Hampshire General Court. HB 549 would restore legislative authority over the funding levels. There is broad support for these energy efficiency programs. This committee amendment sets the rate of SBC to its recent level and includes modest increases over the next several years. The amendment also places in statute the programming framework and components that are necessary for energy efficiency programs to go forward in the state.

Energy and Natural Resources
 January 19, 2022
 2022-0165s
 10/05

Amendment to HB 549

Amend the bill by replacing section 1 with the following:

1 Restructuring Policy Principles; System Benefits Charge. Amend RSA 374-F:3, VI to read as follows:

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers.

VI-a. System Benefits Charge.

(a) A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. ~~[Such benefits]~~ ***This charge***, as approved by regulators, may ~~[include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission and department expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the energy efficiency portion of the system benefits charge if the increase is authorized by an order of the commission to implement the 3-year planning periods of the Energy Efficiency Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the general court; provided, however, that no less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs. Energy efficiency programs should include the development of relationships with third-party lending institutions to provide opportunities for low-cost financing of energy efficiency measures to leverage available funds to the maximum extent, and shall also include funding for workforce development to minimize waiting periods for low-income energy audits and weatherization.]~~ ***fund:***

(1) Energy efficiency programs.

(2) Programs that promote and describe the consumer advantages of energy efficiency across all ratepayer classes.

(3) The electric utility industry's share of commission and department expenses pursuant to RSA 363-A.

(4) Support for research and development.

(5) Investments in commercialization strategies for new and beneficial technologies.

(6) Programs for low-income customers.

(b) Up to \$400,000 of system benefits charge funds collected annually shall be used to promulgate the benefits of energy efficiency according to guidelines developed as specified in RSA 125-O:5-a, ***I(c)*** as determined by the department of energy.

(c) No less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs.

(d) Notwithstanding any subsequent commission order to the contrary, the joint utility energy efficiency plan and programming framework and components, including utility performance incentive payments, lost base revenue calculations, and Evaluation, Measurement, and Verification process that were in effect on January 1, 2021, shall remain in effect until changed by an order or operation of law as authorized in subparagraphs (3) and (5). The joint utilities shall continue to prepare triennial energy efficiency plans with programming and incentive payments at levels optimized to deliver ratepayer savings as made possible by the funding described as follows:

(1) Energy efficiency program funding. The budget for joint energy efficiency planning shall be funded through the system benefits charge, local distribution adjustment charges, the

energy efficiency fund established pursuant to RSA 125-O:23, revenues available from wholesale energy and ancillary services markets operated by ISO-New England, and energy efficiency carry-forward or carry-under balances detailed in the most recent Performance Incentive and Fund Balance reports; however, the joint utilities shall continue to seek alternative sources of funding to supplement the aforementioned funding sources. Total plan overspending shall be treated as a carry-under balance, and not as a charge to utility shareholders.

(2) System benefits charge and local distribution adjustment charge funding levels. For the year 2022, the energy efficiency portion of the system benefits charge shall be set at the level for 2020 authorized in Order No. 26,323 dated December 31, 2019. The energy efficiency portion of the local distribution adjustment charge shall be set at the level for 2020 authorized in Order No. 26,306 dated October 31, 2019, for Liberty Utilities (Energy North Natural Gas) Corp. and in Order No. 26,303 dated October 29, 2019, for Northern Utilities, Inc. The energy efficiency portion of the system benefits charge and local distribution adjustment charges shall adjust annually beginning January 1, 2023, and shall be calculated using the most recently available 3-year average of the consumer price index (CPI-W) as published by the Bureau of Labor Statistics of the United States Department of Labor plus 0.25 percent all as calculated by the department of energy. Utilities subject to commission rate regulation shall submit tariff amendments altering solely the system benefits charge and local distribution adjustment charge as described, reconciled for over and under collections already occurred, as soon after the effective date of this subparagraph as possible, and every December 1 for the upcoming year thereafter.

(3) 2022-23 plan filing. On March 1, 2022, the joint utilities shall petition the commission to approve any changes to current program offerings that will be available for the period between May 1, 2022, and January 1, 2024, consistent with the system benefits charge and local distribution adjustment charges described in subparagraph (2). The commission shall issue its order approving or denying the joint utility request to alter program offerings no later than May 1, 2022. If the commission fails to issue an order by May 1, 2022, the proposed alterations to programs and budgets shall be deemed approved, except for any changes in performance incentives and recovery of lost base revenues, which the commission shall promptly review and approve by order. If the commission denies a 3-year plan or interim program update, the most recent 3-year plan, as updated, shall remain in effect until the commission approves proposed changes to that plan or program update filing.

(4) Cost effectiveness. For the purpose of the March 1, 2022 filing, and future plan offerings, the commission's review of the cost effectiveness shall be based upon the latest completed and available Avoided Energy Supply Cost Study for New England, the results of any Evaluation, Measurement, and Valuation studies contracted for by the department of energy or joint utilities, incorporate savings impacts associated with free-ridership for those programs and measures where such free-ridership may have a material impact on savings figures, and use the Granite State Test as the primary test, with the addition of the Total Resource Cost test as a secondary test. The commission shall use benefit per unit cost as only one factor in considering whether the utilities have prioritized program offerings appropriately among and within customer classes. In no instance shall an electric utility's planned electric system savings fall below 65 percent of its overall planned energy savings.

(5) Subsequent plan and update filings. On July 1, 2023, the joint utilities shall petition the commission to approve changes to program offerings for the next 3-year period, consistent with the system benefits charge and local distribution adjustment charges described in subparagraph (2). The commission shall issue its order approving or denying a joint utility request to alter program offerings no later than November 30, 2023. Any utility or party may petition the commission to approve interim program updates prior to the next 3-year planning period on July 1 of any year during which a 3-year plan is not filed. The commission shall issue its order approving or denying the interim program updates by the following November 30. If the commission fails to issue an order on either a 3-year plan or an interim program update during the year in which a petition is filed, the proposed alterations to programs and budgets shall be deemed approved except for changes in performance incentives and recovery of lost base revenues, which the commission shall promptly review and approve by order. If the commission denies a 3-year plan or interim program update, the most recent 3-year plan, as updated, shall remain in effect until the commission approves proposed changes to that plan or program update filing. The joint utilities shall present a joint energy efficiency plan to the commission for review and approval no less frequently than every 3 years. Up to 5 percent of the overall program budget shall be expended on Evaluation, Measurement, and

Verification studies, which the department or joint utilities shall contract for as the department deems necessary to assure program funds are optimized to deliver ratepayer savings and to secure funds available from wholesale energy and ancillary services markets.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 218, declaring October 13 as Metastatic Breast Cancer Awareness Day.

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

This bill establishes October 13 as metastatic breast cancer awareness day. An average of 116 Americans die from metastatic breast cancer every day and only 5% of research dollars go to study metastatic breast cancer. SB 218 will establish October 13 as a day to recognize those impacted by metastatic breast cancer and to spread awareness of the need for continued public outreach, education, and research.

SB 219, declaring the month of September as kinship care awareness month.

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

This bill establishes September as kinship care awareness month. In recognition of the tremendous impact that kinship caregivers have in the lives of vulnerable children and families in New Hampshire, kinship awareness month will be observed each September to help raise awareness about kinship care and to honor the commitment of those individuals, organizations and communities who work each day to improve the lives of children in NH.

SB 220, relative to establishing a committee to study licensure of mental health professionals.

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

In recognition of the nationwide shortage of mental health professionals, this bill establishes a study committee charged with reviewing the license process and making recommendations for joining available licensure compacts in addition to exploring barriers to attracting qualified mental health professionals to New Hampshire.

SB 221, relative to the internal organization of the department of corrections.

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

This bill amends the structure and duties of the divisions within the department of corrections, replaces the division of security and training with the division of personnel and information, and replaces the division of community corrections with the division of rehabilitative services. This bill is an alignment of operations and internal units and does not create any new positions.

SB 222, permitting licensing boards to conduct remote meetings.

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

This bill permits licensing boards to conduct remote meetings. Remote meetings were conducted successfully during the Governor's emergency order and resulted in increased participation. Ongoing public health concerns continue, and this bill allows boards to continue performing essential functions remotely.

SB 223, relative to requirements for recovery houses.

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

This bill modifies the requirements for facility bedroom square-footage in order for recovery houses to be exempted from certain requirements of the state fire code by the state fire marshal. SB 223 reduces the bedroom square footage requirement in recovery houses from 200 square feet per person, to 50 square feet per person. SB 223 will align the state standards with the national standard and the standards of the National Alliance for Recovery Residences.

SB 224, recognizing the second Thursday in October as children's environmental health day.

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

This bill establishes the second Thursday in October as children's environmental health day. All children have the right to healthy environments in which to thrive. Environmental health for all kids means clean air, clean water, and products free from harmful chemicals. The goal of children's environmental health day is to increase the visibility of children's environmental health issues while empowering individuals and organizations to take action on behalf of children nationwide.

SB 226-FN, establishing a recruitment and retention program for state employment.

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

This bill establishes specific criteria allowing the Director of the Division of Personnel, Department of Administrative Services, to develop a state employee recruitment and retention program. This bill grants authority to state agencies to expend funds for recruitment and retention incentives, including hiring bonuses and referral fees, to be implemented under the Director of the Division of Personnel's authority to develop recruitment, selection, placement, and retention programs, as specified in RSA 21-A:42, VI. The fiscal impact of SB 226-FN cannot be determined at this time.

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

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

This bill defines and regulates body art establishments. This bill allows for proactive routine inspections of body art establishments to ensure that safety measures are in place and establishes penalties for unlicensed establishments. This bill also adds a new position for a program inspector.

SB 356-FN, relative to medical benefits payments by state retirees.

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

This bill clarifies the procedure for the notice, payment, termination, and reenrollment for medical benefits payments of retired state employees. SB 356 amends the state law to align with federal law specific to retroactive enrollments, reinstatements or terminations. Alignment with federal law is necessary to maximize federal subsidies. This bill provides additional cost savings by eliminating fees incurred from certified mailing costs.

SB 357-FN, relative to mental health training for first responders.

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

This bill reestablishes the commission to study incidence of post traumatic stress disorder in first responders and whether such disorder should be covered under worker's compensation. This bill also ensures that mental health training is available for first responders.

HEALTH AND HUMAN SERVICES

SB 279, establishing a study committee on harm reduction and overdose prevention programs.

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

SB 279 establishes a committee to study harm reduction and overdose prevention programs. Harm reduction programs are currently in place in states such as New York and Rhode Island as well as cities such as Boston, Seattle, and Philadelphia. Harm reduction programs have been demonstrated to decrease complications of substance use as well as promote successful transition to treatment and recovery. SB 279 will enable the General Court to look at those programs, analyze them, and see what could work in New Hampshire to help address the ongoing epidemic of substance use disorder overdose deaths. The Committee Amendment clarifies that this is a Senate-led study committee.

Health and Human Services

January 12, 2022

2022-0084s

05/11

Amendment to SB 279

Amend the bill by replacing section 5 with the following:

5 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.

SB 281, relative to nursing home policies regarding notice of vacancy.

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

SB 281 prohibits a public or private nursing home or assisted living facility from enforcing a 30-day notice of vacancy policy in the event of a resident's death and provides that, in such cases, the month in which the resident passes shall be the last month for which payment is due. As was stated at the hearing on this bill, it is wrong as a principle to charge dead people. The Committee Amendment clarifies the timeline for a family to vacate a unit before the bill's provisions take effect, as well as uses the more correct "dies" rather than "passes".

Health and Human Services
January 19, 2022
2022-0177s
05/04

Amendment to SB 281

Amend the bill by replacing section 1 with the following:

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

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

SB 282, relative to advertising oneself as a doctor of acupuncture.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

SB 282 permits certain practitioners to advertise as doctors of acupuncture. SB 282 addresses statutory changes related to the Board of Acupuncture, including creating statutory requirements for being a doctor of acupuncture. SB 282 also gives the authority for the Board to go to the Joint Legislative Committee on Administrative Rules to bring the Board's rules into compliance with the statutory definitions. The Committee Amendment is a replace-all amendment to replace the original bill with more correct language and references.

Health and Human Services
January 12, 2022
2022-0080s
11/10

Amendment to SB 282

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

AN ACT relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

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

1 Acupuncture; Titles for Licensees. Amend RSA 328-G:9, V to read as follows:

V.(a) Whoever, not being licensed or exempted as provided in this chapter, shall advertise oneself or in any way hold oneself out as qualified to practice acupuncture, or shall practice acupuncture, or whoever does so after receiving notice that one's license has been revoked, and whoever, being licensed as provided in this chapter, shall advertise or call oneself or allow oneself to be advertised or called a physician or a doctor in such a way as to imply that such credential relates to the provision of acupuncture services, or use any physician's or doctor's insignia for such purposes shall be in violation of this chapter.

(b) Notwithstanding subparagraph (a), the only persons licensed under this chapter that shall be allowed to call themselves a doctor shall be those who have earned a doctoral degree in the practice of acupuncture from an accredited educational institution or other program approved by the board pursuant to administrative rules.

2 Board of Acupuncture Licensing; Qualification. Amend RSA 328-G:3, I(a)(1) to read as follows:

(1) ~~[Be NCCAOM-certified and]~~ Hold a current, valid license to practice acupuncture ~~[in another state in which licensure requirements are substantially equivalent to, or higher than, those of this state, in the case of the initial board appointees, and a current, valid license to practice]~~ under this chapter~~[, in the case of subsequent board appointees]~~.

3 Board of Acupuncture Licensing; Terms. Amend RSA 328-G:3, III to read as follows:

III. The terms of office shall be 3 years for all board members. ***No member shall serve more than 2 consecutive full terms. Members shall serve until the expiration of the term for which they have been appointed, or until their successors have been appointed and qualified, whichever is later.*** The initial board appointees shall consist of one acupuncturist for a term of 3 years, one acupuncturist for a term of 2 years, 2 acupuncturists for a term of one year each, and one public member for a term of 3 years. A member may be removed from office by the governor and council for malfeasance, misfeasance, or dishonorable conduct.

4 License Issuance; Certification. Amend RSA 328-G:9, II to read as follows:

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

(a) ~~[Is 21 years of age or older]~~ ***Has reached the age of majority.***

(b) Has current, active NCCAOM certification ***or equivalent certification approved by the board*** through examination or Credentials Documentation Review.

~~[(c) Has successfully completed an NCCAOM approved Clean Needle Technique Course.]~~

~~[(d)]~~ (c) Has paid the ~~[\$110]~~ ***required*** license ***application*** fee and filed the ***board approved licensure*** application ~~[established by the board]~~.

~~[(e)]~~ (d) Is of good ~~[moral]~~ ***professional*** character.

~~[(f)]~~ (e)(1) Has earned a baccalaureate, registered nurse, or physician's assistant degree from an accredited institution ~~[-An applicant who possesses]~~, ***and has*** a current, valid license to practice acupuncture from another state ~~[who meets all other requirements of licensure may have this requirement waived at the discretion of the board.]~~ ***whose requirements are substantially equal to or exceed the requirements of RSA 328-G:9, II; or***

~~[(g)]~~ (2) Has successfully completed a post-secondary acupuncture college program which is ~~[ACAOM]~~ ***approved by the Accreditation Commission for Acupuncture and Herbal Medicine ("ACAHM"), including its successors or predecessors, or the board*** ~~[approved. For one year from the date on which the first license is issued this requirement will be waived for an applicant who possesses a current, valid license to practice acupuncture in another state, provided that the applicant meets the other requirements of this chapter. After one year from the date on which the first license is issued, this requirement may only be waived at the discretion of the board. The board of acupuncture licensing will review on a case by case basis valid apprenticeship programs that demonstrate a balanced approach of clinical training and fundamental sciences and that conform to NCCAOM standards. In addition, all applicants who have not graduated from an accredited acupuncture school must show proof of successful completion of a college level course in anatomy and physiology.]; or~~

(3) Has successfully completed an apprenticeship program that was in compliance with NCCAOM standards for certification at the time of completion. All applicants seeking licensure via apprenticeship route who have not graduated from an accredited acupuncture school must be able to meet all NCCAOM standards for certification or hold a valid license to practice acupuncture from another state whose requirements are substantially similar to or exceed the requirements of RSA 328-G:9, II.

5 License Renewal; Continuing Education. Amend RSA 328-G:9, X to read as follows:

X. ~~[As a condition of renewal of license, the board shall require each licensee to show proof of having completed for each biennial period 30 continuing education units at approved institutions or as approved by the board. Maintaining continuous NCCAOM certification shall fulfill the continuing education requirement as long as NCCAOM certification continues to require at least 30 Professional Development Activity points for each biennium]~~ ***Maintaining current, active NCCAOM certification shall fulfill the continuing education requirement.***

6 Acupuncture Detoxification Specialist; General Supervision. Amend RSA 328-G:9-a, II(b) to read as follows:

(b) "General supervision" ~~[includes, but is not limited to, being available by phone, or other electronic means during business hours, with at least 2 site visits by a licensed acupuncturist a year]~~ ***shall be provided by site visit, phone, or other electronic means during business hours with at least 2 site visits per year by a licensed acupuncturist currently licensed in New Hampshire pursuant to RSA 328-G:9. The supervising licensed acupuncturist shall not be required to be on site for direction and supervision, but shall be available at least by telecommunications.***

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

2022-0080s

AMENDED ANALYSIS

This bill allows certain persons licensed by the board of acupuncture licensing who are doctors of acupuncture to use that title. The bill limits board of acupuncture licensing members to 2 consecutive full terms. The bill also provides for alternative certification for licensure or renewal and modifies a definition of general supervision of an acupuncture detoxification specialist.

SB 283, relative to membership of the council on autism spectrum disorders and the developmental services quality council.

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

SB 283 revises the membership of the Council on Autism Spectrum Disorders and the Developmental Services Quality Council. Both councils have been having trouble meeting their statutory membership requirements due to changes in the autism landscape over the last decade, with some organizations no longer existing or existing under a new title, as well as some appointing bodies not sending members to meetings. SB 283 will address those needs. The Committee Amendment clarifies that additional members are nominated by the councils but appointed by the Governor and further clarifies the quorum requirements for the councils, which are not currently in statute.

Health and Human Services

January 19, 2022

2022-0176s

05/11

Amendment to SB 283

Amend RSA 171-A:32, I(p) as inserted by section 1 of the bill by replacing it with the following:

~~[(t) One additional member, appointed by the council]~~ **(p) Up to 5 additional members, nominated by the council and appointed by the governor.**

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

2 New Paragraph; New Hampshire Council on Autism Spectrum Disorders; Quorum. Amend RSA 171-A:32 by inserting after paragraph I the following new paragraph:

I-a. A quorum of the council shall be a majority plus one member of the appointed members of the council.

3 New Subparagraph; Developmental Services Quality Council; Member Added. Amend RSA 171-A:33, I by inserting after subparagraph (m) the following new subparagraph:

(n) Up to 5 additional members, nominated by the council and appointed by the governor.

4 Developmental Services Quality Council; Quorum. Amend RSA 171-A:33, V to read as follows:

V. The meetings shall be convened by the commissioner of the department of health and human services, or designee, and shall meet regularly as determined by the council. The meetings shall be open to the public and subject to the provisions of RSA 91-A, the right-to-know law. The council may establish bylaws for governing its meetings, decisions, and other operations. **A quorum of the council shall be a majority plus one member of the appointed members of the council.**

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

SB 286-FN, establishing an association health plan pilot program.

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

SB 286-FN requires the Insurance Commissioner to establish a pilot program for Association Health Plans. Health insurance costs have skyrocketed over the last several years, placing an extreme burden on our small businesses and our families. Association Health Plans serve as a tool in the toolbox of combating those high costs and bringing relief to the policy holders. SB 286-FN will allow the Insurance Department to test the waters and see if such plans would be practical and effective in New Hampshire. The Committee Amendment ensures that those taking part in the pilot program will continue to receive the highest quality of care mandated in statute.

Health and Human Services
January 26, 2022
2022-0321s
04/08

Amendment to SB 286-FN

Amend the bill by replacing section 1 with the following:

1 Association Health Plans; Pilot Program. No later than January 1, 2023, the commissioner shall develop and implement a pilot program for the establishment of association health plans (AHP). The pilot program shall include all state-mandated health plan coverage, and no state-mandated health plan coverage shall be exempt. Membership in an AHP may be based on profession, line of business, or geographic region, and shall be open to any eligible person regardless of age or health history or status. The pilot program shall be limited to 1,000 participants and shall comply with the United States Department of Labor AHP final rule published in 83 Fed. Reg. 28912 (June 21, 2018) codified at 29 C.F.R. 2510. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to eligibility, application, and selection procedures, and necessary operational provisions of the pilot program. No later than January 1, 2024, and annually thereafter, the commissioner shall submit a report on the status of the pilot program to the speaker of the house of representatives, the president of the senate, the governor, and the chairpersons of the house and senate standing committees with jurisdiction over insurance matters.

SB 289, relative to glucagon administration.

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

SB 289 changes the statutory reference from glucagon injections to glucagon administration under the School Health Services statute. This will allow for the section heading to match the language used in the rest of the statute, and further reflect that glucagon can now be administered nasally as well as by injection. This will reflect the current medication delivery systems available, creating more ease and options for school nurses and students alike.

SB 290-FN, relative to the practice of auriculotherapy.

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

SB 290-FN permits, with certain limitations, the practice of auriculotherapy, or the practice of inserting needles into the external human ear. The Committee heard extensive testimony that this is a safe, low-cost treatment for a variety of conditions and ailments, including anxiety, mental health problems, and substance use disorder, that brings serious relief to people in pain and discomfort. SB 290-FN does retain some limitations to ensure the safety of the patients.

SB 337-FN, relative to emergency medical and trauma services data sharing to the purposes of analysis.

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

SB 337-FN allows for the sharing of emergency medical and trauma services data to systems that preserve care recipient confidentiality for the purposes of data analysis. This change will allow our EMS providers to better analyze the data available to them, in turn allowing them to better serve our communities, while also, crucially, maintaining the privacy of the individuals involved. SB 337-FN will provide better results and outcomes for both New Hampshire providers and New Hampshire citizens.

SB 403-FN-A, re-establishing the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program.

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

SB 403-FN-A re-establishes the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program. The Committee heard extensive testimony about the many children in New Hampshire who are going without access to healthy, fresh, local produce and the impacts that that has on their development. Promoting good eating habits at an early age, which the WIC program does, sets children on a course for success in life and promoting access to fresh and locally farmed produce, which the Farmers Market Nutrition Program does, supports New Hampshire's many small farmers. SB 403-FN-A is a win-win for New Hampshire: promoting healthy kids and supporting local businesses.

SB 408-FN, directing the department of health and human services to make adjustments to the facility fee reimbursement schedule for freestanding birthing centers.

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

SB 408-FN directs the Department of Health and Human Services to adjust the facility fee reimbursement schedule for freestanding birthing centers. While New Hampshire has only five freestanding birthing centers, they provide a critical service to their communities. This bill will adjust the Medicaid facility fee reimbursement rate, accounting for the difference in the overhead costs, to be comparable to what is currently paid to hospital obstetric units. Implementing this parity will improve the financial outlook for freestanding birthing centers, ensuring those in operation can continue to provide their vital services and creating an incentive for establishing new freestanding birthing centers in communities of need.

SB 414-FN-A, relative to respite care services for persons caring for individuals with Alzheimer's disease and related disorders, and making an appropriation therefor.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

SB 414-FN-A revises the definition of ADRD (Alzheimer's disease and related disorders) and makes a \$1 appropriation to the Department of Health and Human Services for respite care services for persons caring for individuals with ADRD. There are many reasons why someone may not receive a formal diagnosis of ADRD, including travel circumstances, stigma-related family objections, or medical roadblocks, but the caregivers of those individuals are still being put in extremely difficult positions. Those caregivers should still be eligible for the ADRD respite care grants that are available. The Committee Amendment removes the appropriation, given that the Department is working with the Fiscal Committee to use American Rescue Plan Act funds for these grants.

Health and Human Services
January 26, 2022
2022-0316s
05/10

Amendment to SB 414-FN-A

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

AN ACT relative to the definition of Alzheimer's disease and related disorders.

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

2022-0316s

AMENDED ANALYSIS

This bill revises the definition of ADRD, Alzheimer's disease and related disorders.

SB 439-FN, relative to the brain and spinal cord injury advisory council and community-based support program.
Ought to Pass with Amendment, Vote 5-0. Senator Sherman for the committee.

SB 439-FN revises the membership and duties of the Brain and Spinal Cord Injury Advisory Council, repeals the Brain and Spinal Cord Injury Registry, and modifies the scope of the Community-Based Brain Injury Support program. The issues of brain and spinal injuries are very personal to the Senate family. SB 439-FN will update the statute regarding the Advisory Council and ensure that it is able to meet its quorum requirements, allowing it to move forward with its work. The Committee Amendment establishes the Brain Injury Support program with language that satisfied a concern from the Department of Health and Human Services.

Health and Human Services
January 26, 2022
2022-0315s
05/08

Amendment to SB 439-FN

Amend the bill by replacing section 5 with the following:

5 Brain Injury Program Established. RSA 137-K:9 is repealed and reenacted to read as follows:

137-K:9 Brain Injury Program Established. There shall be established by the department a brain injury support program in partnership with family and survivor-directed statewide brain injury organizations dedicated to brain injury in children and adults, who often do not qualify for Medicaid services. Core brain injury supports shall include, but not be limited to, neuro-resource facilitation to connect individuals to care for the

life-long chronic phase of brain injury, a linked state-national helpline for information and resource assistance, a statewide brain injury support group network, outreach to the newly injured, family caregiver training, an annual state brain injury conference, administrative support for the state advisory council, emergency financial assistance for survivors and families, and assistance for brain injury survivors living with co-occurring neuro-behavioral disorders in accessing community-based services.

JUDICIARY

SB 291, establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.

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

This bill establishes a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage. Today, many Granite Staters choose to cohabitate without getting married, but they may stay together for years, raise children, and build lives together. Excluding statutes regarding any children born from the relationship, the law is silent on how the dissolution of these types of relationships should occur. Therefore, the Committee supports the creation of a study to examine whether legislation is necessary to address these scenarios in our statutes.

SB 296, relative to complaint procedures in cases before the commission for human rights.

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

This bill provides that only the complainant can remove a case from the State Commission for Human Rights to court. Current law unfairly allows an employer to pull a complaint from the Commission to the court at any time, forcing the complainant to start the process all over regardless of any amount of time or effort already expended at the Commission. An employee is the only one that should be able to decide where to pursue their claim, and the Committee therefore recommends the passage of SB296.

SB 297, relative to obtaining out-of-state discovery and testimony.

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

This bill allows testimony and discovery from a foreign jurisdiction needed for litigation pending in New Hampshire to be obtained without a court-appointed commissioner and pursuant to the procedure in the foreign jurisdiction. 43 states have already adopted this language, and this will simply remove an unnecessary step for our attorneys, while still maintaining appropriate procedures.

SB 342, relative to the minutes of nonpublic sessions under the right to know law.

Inexpedient to Legislate, Vote 5-0. Senator Whitley for the committee.

This bill would modify the list of nonpublic meeting types where minutes of which do not need to be made publicly available within 72 hours. The Committee agrees that this issue is worthy of further discussion but believes the nuanced balancing of interests of each unique situation should remain with the courts at this point in time.

SB 388, relative to availability of information or records relating to the enhanced 911 system.

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

This bill exempts certain information obtained through the enhanced 911 system and used in insurance fraud investigations from the right-to-know laws. The Department of Insurance needs these records to appropriately conduct their investigations, and the Committee was reassured that the release of 911 records to the Department would remain protected and not be subject to RSA91-A. This exemption will maintain the same level of discretion as when these records are released to law enforcement agencies.

TRANSPORTATION

SB 201, relative to naming a bridge in the town of Rumney and a bridge in the town of Center Harbor.

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

This bill names a bridge in the town of Rumney as the "Joseph Gearty Memorial Bridge" and a bridge in the town of Center Harbor as the "David Reilly Bridge." This bill would be a memorial for Trooper Gearty and his service in the line of duty. The bill also would memorialize David Reilly for his service to his town of Center Harbor and Lakes Region.

SB 305, relative to the operation of personal water craft in marked channels from Hampton Falls to Hampton Harbor.

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

This bill allows for the operation of personal watercraft from the landing at Hampton Falls to Hampton, as well as their continued operation in the Rye estuary and the New Castle back channel, but in a manner that minimizes environmental impact. The Committee believes this is a small change that will ensure equal access for all boaters while respecting the fragile ecosystem of the region.

SB 306-FN, relative to the penalties for various motor vehicle violations.
Ought to Pass with Amendment, Vote 5-0. Senator Ward for the committee.

This bill provides for enhanced penalties for certain driving offenses, under RSA 265, RSA 265-A, or RSA 630:3 where the offense was also based on facts involving the prohibited use of a mobile electronic device while driving. The bill will emphasize driver safety and help discourage use of electronic devices while driving. The committee amendment solely changes the effective date of the bill to take effect on January 1st, 2023.

Senate Transportation
January 26, 2022
2022-0306s
12/11

Amendment to SB 306-FN

Amend the bill by replacing section 2 with the following:

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

2022-0306s

AMENDED ANALYSIS

This bill provides for enhanced penalties for certain driving offenses where the offense was also based on facts involving the prohibited use of a mobile electronic device.

SB 307, relative to the issuance of safe boater education certificates.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill will modify New Hampshire's safe boater education statute to allow for the exam to be taken via an online platform. The bill also exempts certain commercial driver instructors from licensing requirements so long as they meet federal standards. The committee amendment changes section m to section n in order to reflect updated statute and also changes the effective date of the bill to take effect upon passage.

Senate Transportation
January 26, 2022
2022-0313s
08/10

Amendment to SB 307

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

AN ACT relative to the issuance of safe boater education certificates and commercial driving instruction.

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

2 Drivers' School; Commercial Drivers. Amend RSA 259:26 to read as follows:

259:26 Drivers' School. "Drivers' school" shall mean the business of giving instruction, for compensation, in the operation of motor vehicles, **and** motorcycles~~[-and commercial motor vehicles]~~. "Drivers' school" shall not include:

I. A business or other person giving advanced instruction, with or without compensation, when the instruction is not intended to meet the requirements of basic driver training under RSA 263:19 and the instruction is given only to licensed drivers who already hold a license for the class of vehicle for which they are being trained; **or**

II. A business or other person giving instruction, with or without compensation, for the licensing of commercial drivers, who meets or exceeds any rules promulgated under 49 U.S.C. section 31136 by the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

3 License Required. Amend RSA 263:44 to read as follows:

263:44 License Required; Fee, Term, Renewal. No person shall engage in the business of conducting a drivers' school, **as defined by RSA 259:26**, without being licensed therefor by the department. Application

therefor shall be in writing and contain such information therein as the department shall require. If the application is approved, the applicant shall be granted a license upon the payment of a fee of \$200; provided, however, that no license fee shall be charged for the issuance of a license to any board of education, school board, public, private, or parochial school, which conducts a course in driver education. A license so issued shall be valid during the calendar year. The annual fee for renewal shall be \$100. The department shall issue a license certificate or license certificates to each licensee, one of which shall be displayed in each place of business of the licensee. In the case of loss, mutilation or destruction of a certificate, the department shall issue a duplicate upon proof of the facts and the payment of a fee of \$1.

4 Driver Education Certificate. Amend RSA 263:44-a to read as follows:

263:44-a Driver Education Certificate.

I. No person shall be a driver education instructor unless such person has a driver education certificate issued by the department.

II. *This section shall not apply to a person giving instruction, with or without compensation, for the licensing of commercial drivers, who meets or exceeds any rules promulgated under 49 U.S.C. section 31136 by the Federal Motor Carrier Safety Administration of the United States Department of Transportation.*

5 New Subparagraph; Definitions; Private Postsecondary Career School. Amend RSA 188-G:1, II by inserting after subparagraph (m) the following new subparagraph:

(n) Entities giving instruction, with or without compensation, for the licensing of commercial drivers, who meet or exceed any rules promulgated under 49 U.S.C. section 31136 by the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

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

2022-0313s

AMENDED ANALYSIS

This bill allows the commissioner of the department of safety to approved an examination for safe boater education certificates.

This bill also exempts certain commercial driver instructors from licensing requirements so long as they meet federal standards.

SB 309, authorizing certain organizations to issue decal plates.

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

This bill authorizes the New Hampshire Towing Association and Jesus Across the Border to issue decals for multi-use decal plates. The NHTA and other relevant organizations would be able to issue these decals for their respective organizations for recognition and fundraising purposes including education and youth activities.

SB 310, relative to license plate scanning.

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

This bill permits the owners of private property to obtain and use a license plate reader for the sole purpose of recording and checking license plates with individuals who have agreed to this use when under a contract for parking. The committee amendment clarifies and updates the definition of a license plate reader and clarifies that the device may be used with appropriate privacy protections by law enforcement officers when mounted on their vehicles. It ensures privacy protections for individuals who have agreed to its use for parking.

Senate Transportation

January 26, 2022

2022-0304s

12/10

Amendment to SB 310

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

1 Motor Vehicles; Words and Phrases Defined; Number Plate Scanning Device. RSA 259:68-a is repealed and reenacted to read as follows:

259:68-a Number Plate Scanning Device. "Number plate scanning device" means a license plate reading device that uses automated high speed camera and optical character recognition technology to passively read, instantaneously identify against a list, check, send an audible or visual notice to the operator, and store for a prescribed period of time, a record of each number plate read, and may be capable of recording location, date, time, and other information, but shall not be capable of photographing or recording or producing images of the occupants of a motor vehicle.

2 Motor Vehicles; Use of Number Plate Scanning Devices Regulated. Amend RSA 261:75-b, I to read as follows:

I. An LPR shall ~~[be installed]~~ **only be installed or mounted to a vehicle that is attended to and operated by a law enforcement officer** for the sole purpose of recording and checking license plates and shall not be capable of photographing or recording or producing images of the occupants of a motor vehicle.

3 New Section; Motor Vehicles; Private Use of Number Plate Scanning Devices Regulated. Amend RSA 261 by inserting after section 75-c the following new section:

261:75-d Private Use of Number Plate Scanning Devices Regulated. Notwithstanding the provisions of RSA 261:75-b, an owner of private property may obtain and use a license plate reader (LPR) device for the sole purpose of granting entry to vehicles whose owners have contracted individually with the property owner to have their license plate scanned in order to gain access to private property that is not open to the public. The LPR shall be installed for the sole purpose of recording and checking license plates and shall not be capable of photographing or recording or producing images of the occupants of a motor vehicle.

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

2022-0304s

AMENDED ANALYSIS

This bill permits the owners of private property to obtain and use a license plate reader under limited circumstances and otherwise stipulates their use on law enforcement vehicles.

SB 378-FN, relative to the disposal of highway or turnpike funded real estate.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill creates an exception for the disposal of highway or turnpike funded real estate under fair market value for the preservation of public interest. It would be beneficial to private entities and allow NHDOT to transfer certain rail properties. The current disposal process only allows transfer to municipalities. It would also allow transfers to private entities or to other third parties. Rehabilitation provides social benefits by preserving the historical character of the property in question.

WAYS AND MEANS

SB 312, relative to adjusted assessments of taxable property.
Ought to Pass, Vote 5-0. Senator Giuda for the committee.

This bill gives assessors the ability to correct errors in existing appraisals. Without this change, because of a recent NH Supreme Court decision, it is possible that an assessor could be prohibited from correcting an error for up to five years, resulting in inequity for the municipality's taxpayers. Additionally, assessors are required to ensure that all assessments are reasonably proportional within that municipality, and the inability to correct errors is contradictory to that requirement.

SB 317-L, reducing the interest rate for abatements of paid property taxes.
Ought to Pass with Amendment, Vote 5-0. Senator Rosenwald for the committee.

This bill reduces the interest rate for abatements of paid property taxes from the current rate of 6% to 4%. In 2018, the legislature reduced the late property tax bill interest rate but did not concurrently adjust the tax abatement interest rate. This adjustment would save municipalities a small but significant amount of money. The committee amendment simply clarifies that this change is effective for taxable periods beginning on or after April 1, 2022.

Senate Ways and Means
January 19, 2022
2022-0173s
10/08

Amendment to SB 317-LOCAL

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

2 Applicability. The amendment to RSA 76:17-a by section 1 of this act shall apply to taxable periods beginning on or after April 1, 2022.

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

REGULAR CALENDAR

COMMERCE

SB 217, relative to eviction notices.

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

Commerce

January 27, 2022

2022-0352s

05/04

Amendment to SB 217

Amend RSA 540:3, II-a as inserted by section 2 of the bill by replacing it with the following:

II-a. If the eviction is based on RSA 540:2, II(h), no less than 60 days' notice shall be sufficient, except 30 days' notice shall be sufficient in the following circumstance:

(a) The landlord has been ordered to make repairs or remedy an unsafe condition by a board, agency, or authority having powers of inspection, regulation or enforcement, for violations of a housing code, building code, health code or other regulation pertaining to the health or safety of residential dwelling units; and

(b) The owner has requested for extension of time for compliance with the order, and such request has been denied; or

(c) The dwelling unit requires repairs which cannot be performed while the tenant remains in residence, and which:

(1) Are required for the health and safety of the tenant or other tenants who reside in the building; or

(2) Are required to prevent the deterioration of the dwelling unit or other dwelling units in the building.

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.

EDUCATION

SB 232, relative to the permissible uses of a school district contingency fund.

Inexpedient to Legislate, Vote 4-0. Senator Ricciardi for the committee.

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

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

Ought to Pass with Amendment, Vote 4-0. Senator Prentiss for the committee.

Senate Education

January 11, 2022

2022-0077s

10/08

Amendment to SB 233-FN

Amend RSA 200:11-b, VI as inserted by section 1 of the bill by replacing it with the following:

VI. School districts may allow students to bring water bottles into classrooms, but may prohibit water bottles brought into certain learning areas such as the library, computer labs, science labs, and other places where it is deemed dangerous to have drinking water.

2022-0077s

AMENDED ANALYSIS

This bill requires newly constructed public schools and public schools undergoing substantial renovations to incorporate water bottle filling stations to increase access to drinking water on school property. The bill also enables school districts to allow bringing water bottles into classrooms.

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

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 1

Sen. Prentiss, Dist 5

February 1, 2022

2022-0414s

10/04

Floor Amendment to SB 233-FN

Amend RSA 200:11-b as inserted by section 1 of the bill by replacing paragraphs IV through VI with the following:

IV. Schools shall permit students to bring to school water bottles that:

- (a) Are made of a material that is not easily breakable;
- (b) Have lids to prevent spills; and
- (c) Are filled exclusively with water.

V. The school board may enact a disciplinary policy regarding the misuse of water bottles by students or employees.

2022-0414s

AMENDED ANALYSIS

This bill requires newly constructed public schools and public schools undergoing substantial renovations to incorporate water bottle filling stations to increase access to drinking water on school property.

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 the Committee on Finance (Rule 4-5).

SB 234, requiring student identification cards to include the National Suicide Prevention Lifeline. Ought to Pass with Amendment, Vote 4-0. Senator Ward for the committee.

Senate Education

January 11, 2022

2022-0068s

10/05

Amendment to SB 234

Amend the bill by replacing sections 1 and 2 with the following:

1 New Section; Suicide Prevention; Public School Identification Cards. Amend RSA 193-J by inserting after section 2 the following new section:

193-J:2-a Public School Identification Cards.

I. Each school district and chartered public school that serves any students in grades 6 through 12 that issues student identification cards shall include on either side of the cards the telephone number for the National Suicide Prevention Lifeline.

II. The requirement in paragraph I shall apply to any student identification card issued for the first time or for replacement cards issued for damaged or lost student identification cards after the effective date of this section.

III. Public schools and charter schools issuing student identification cards pursuant to this section shall annually and prior to the start of each school year certify to their respective governing bodies that the contact information being included on student identification cards for the National Suicide Prevention Lifeline is accurate and up to date.

IV. The National Suicide Prevention Lifeline shall be labeled on student identification cards as the Mental Health Support Line.

2 New Chapter; Suicide Prevention in Higher Education. Amend RSA by inserting after chapter 188-H the following new chapter:

CHAPTER 188-I
SUICIDE PREVENTION IN HIGHER EDUCATION

188-I:1 Student Identification Cards.

I. Each institution of higher education shall adopt a policy implementing the requirement that student identification cards shall include on either side of the cards the telephone number for the National Suicide Prevention Lifeline.

II. The requirement in paragraph I shall apply to any student identification card issued for the first time or for replacement cards issued for damaged or lost student identification cards after the effective date of this section.

III. Public and private institutions of higher learning that issue student identification cards, including the institutions of the university system of New Hampshire, the community college system, and private higher education institutions regulated by the higher education commission under RSA 21-N:8-a, II, shall comply with the requirement in paragraph I by including on either side of the student identification cards the telephone number for the National Suicide Prevention Lifeline.

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 236, establishing a committee to study New Hampshire teacher shortages and recruitment incentives. Ought to Pass, Vote 5-0. Senator Kahn for the committee.

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

SB 352, relative to substitute teacher criminal history records check. Ought to Pass, Vote 4-0. Senator Kahn for the committee.

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

SB 420-FN-A-L, establishing an extraordinary need grant for schools. Ought to Pass, Vote 5-0. Senator Hennessey for the committee.

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

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. Inexpedient to Legislate, Vote 5-0. Senator Kahn for the committee.

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

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

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.

Senator Giuda moved Ought to Pass.

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

A roll call was requested by Senator Giuda, 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.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 200, relative to the election of district commissioners in Haverhill.

Ought to Pass, Vote 4-0. Senator Gray for the committee.

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

SB 242, relative to the disqualification of certain persons from performing the duties of an election official.

Ought to Pass, Vote 4-0. Senator Gray for the committee.

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

SB 364, relative to the use of electronic poll books.

Ought to Pass, Vote 4-0. Senator Perkins Kwoka for the committee.

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

SB 395, relative to the broadband matching grant initiative.

Ought to Pass with Amendment, Vote 4-0. Senator Gray for the committee.

Election Law and Municipal Affairs

January 26, 2022

2022-0330s

04/10

Amendment to SB 395

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Department of Business and Economic Affairs; Broadband Matching Grant Initiative.
Amend RSA 12-O:61 by inserting after paragraph III the following new paragraph:

IV. A municipality that is located in an area that is determined to lack adequate cell phone service shall be eligible to apply for a grant under this section to provide such service through a communications provider that is capable of serving the area in which the municipality is located. A cell phone service provider that serves an area lacking adequate cell phone service shall, upon approval of governing body of the municipality to be served, also be eligible to apply for a grant under this section. For the purposes of this paragraph, "adequate cell phone service" shall mean cell phone service that meets federal standards for speed, latency, reliability, and consistency in quality of service.

2022-0330s

AMENDED ANALYSIS

This bill allows municipalities and cell phone service providers to apply for broadband matching grant funds to upgrade local cell phone service.

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.

ENERGY AND NATURAL RESOURCES

SB 256, establishing a committee to study the feasibility of replacing the site evaluation committee.

Ought to Pass, Vote 4-0. 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 267-FN-A, establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food.

Ought to Pass with Amendment, Vote 4-0. Senator Giuda for the committee.

Energy and Natural Resources

January 12, 2022

2022-0082s

08/04

Amendment to SB 267-FN-A

Amend RSA 430:58, I(c)-(g) as inserted by section 1 of the bill by replacing them with the following:

(c) Hold a valid commercial, not for hire, category B pesticide applicators license.

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

(e) Purchase herbicides in bulk in order to reduce purchasing costs for municipalities.

(f) Develop and distribute invasive species program information around the state.

(g) Coordinate with the department of environmental services and the department of natural and cultural resources to ensure that any upland invasive species remediation efforts do not adversely impact the water quality of any municipal water supply or body of water under the supervision of those departments.

(h) Coordinate with state and federal agencies, municipalities, universities, non-governmental environmental organizations, the general public, and others to help manage, educate, and raise awareness of invasive species.

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).

Recess. Out of recess.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 227-FN, relative to death benefits for first responders who die from suicide.

Interim Study, Vote 4-1. Senator Carson for the committee.

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

Senator Carson moved Ought to Pass.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

Sen. Prentiss, Dist 5

February 2, 2022

2022-0454s

05/04

Floor Amendment to SB 227-FN

Amend the bill by replacing section 1 with the following:

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

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

2022-0454s

AMENDED ANALYSIS

This bill includes suicide under the definition of "killed in the line of duty" when considering eligibility for death benefits of first responders. The bill also includes corrections officers in the list of first responders.

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

Senator Bradley moved to Lay on the Table. Adopted.

SB 397, enacting the mental health counseling compact.

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

Senate Executive Departments and Administration
January 27, 2022
2022-0343s
07/11

Amendment to SB 397

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

AN ACT relative to the mental health counseling compact and the interstate compact for the placement of children.

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

3 Interstate Compact for the Placement of Children. RSA 170-A is repealed and reenacted to read as follows:

CHAPTER 170-A

INTERSTATE COMPACT

FOR THE PLACEMENT OF CHILDREN

170-A:1 Interstate Compact for the Placement of Children. On the effective date of this chapter, based upon the enactment of the Interstate Compact for the Placement of Children into law by the thirty-fifth compacting state, the governor is authorized and directed to execute a compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

ARTICLE I

Purpose

The purpose of this Interstate Compact for the Placement of Children is to:

I. Provide a process through which children subject to this compact are placed in safe and suitable homes in a timely manner.

II. Facilitate ongoing supervision of a placement, the delivery of services, and communication between the states.

III. Provide operating procedures that will ensure that children are placed in safe and suitable homes in a timely manner.

IV. Provide for the promulgation and enforcement of administrative rules implementing the provisions of this compact and regulating the covered activities of the member states.

V. Provide for uniform data collection and information sharing between member states under this compact.

VI. Promote coordination between this compact, the Interstate Compact for Juveniles, the Interstate Compact on Adoption and Medical Assistance, and other compacts affecting the placement of and which provide services to children otherwise subject to this compact.

VII. Provide for a state's continuing legal jurisdiction and responsibility for placement and care of a child that it would have had if the placement were intrastate.

VIII. Provide for the promulgation of guidelines, in collaboration with Indian tribes, for interstate cases involving Indian children as is or may be permitted by federal law.

ARTICLE II

Definitions

As used in this compact:

I. "Approved placement" means the public child-placing agency in the receiving state has determined that the placement is both safe and suitable for the child.

II. "Assessment" means an evaluation of a prospective placement by a public child-placing agency in the receiving state to determine if the placement meets the individualized needs of the child, including, but not limited to, the child's safety and stability, health and well-being, and mental, emotional, and physical development. An assessment is only applicable to a placement by a public child-placing agency.

III. "Child" means an individual who has not attained the age of 18.

IV. "Certification" means to attest, declare, or swear to before a judge or notary public.

V. "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact or the bylaws or rules of the Interstate Commission.

VI. "Home study" means an evaluation of a home environment conducted in accordance with the applicable requirements of the state in which the home is located and that documents the preparation and the suitability of the placement resource for placement of a child in accordance with the laws and requirements of the state in which the home is located.

VII. "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan native village as defined in section 3(c) of the Alaska Native Claims Settlement Act, 43 U.S.C. section 1602(c).

VIII. "Interstate Commission for the Placement of Children" means the commission that is created under Article VIII of this compact and which is generally referred to as the "Interstate Commission."

IX. "Jurisdiction" means the power and authority of a court to hear and decide matters.

X. "Legal risk placement" or "legal risk adoption" means a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother's state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until all required consents are obtained or are dispensed with in accordance with applicable law.

XI. "Member state" means a state that has enacted this compact.

XII. "Noncustodial parent" means a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or has joint legal custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

XIII. "Nonmember state" means a state which has not enacted this compact.

XIV. "Notice of residential placement" means information regarding a placement into a residential facility provided to the receiving state, including, but not limited to, the name, date, and place of birth of the child, the identity and address of the parent or legal guardian, evidence of authority to make the placement, and the name and address of the facility in which the child will be placed. Notice of residential placement shall also include information regarding a discharge and any unauthorized absence from the facility.

XV. "Placement" means the act by a public or private child-placing agency intended to arrange for the care or custody of a child in another state.

XVI. "Private child-placing agency" means any private corporation, agency, foundation, institution, or charitable organization, or any private person or attorney, that facilitates, causes, or is involved in the placement of a child from one state to another and that is not an instrumentality of the state or acting under color of state law.

XVII. "Provisional placement" means a determination made by the public child-placing agency in the receiving state that the proposed placement is safe and suitable, and, to the extent allowable, the receiving state has temporarily waived its standards or requirements otherwise applicable to prospective foster or adoptive parents so as to not delay the placement. Completion of the receiving state requirements regarding training for prospective foster or adoptive parents shall not delay an otherwise safe and suitable placement.

XVIII. "Public child-placing agency" means any government child welfare agency or child protection agency or a private entity under contract with such an agency, regardless of whether the entity acts on behalf of a state, a county, a municipality, or another governmental unit, and which facilitates, causes, or is involved in the placement of a child from one state to another.

XIX. "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought.

XX. "Relative" means someone who is related to the child as a parent, stepparent, sibling by half or whole blood or by adoption, grandparent, aunt, uncle, or first cousin or a nonrelative with such significant ties to the child that the nonrelative may be regarded as a relative as determined by the court in the sending state.

XXI. “Residential facility” means a facility providing a level of care that is sufficient to substitute for parental responsibility or foster care and that is beyond what is needed for assessment or treatment of an acute condition. For purposes of the compact, the term “residential facility” does not include institutions primarily educational in character, hospitals, or other medical facilities.

XXII. “Rule” means a written directive, mandate, standard, or principle issued by the Interstate Commission promulgated pursuant to Article XI of this compact that is of general applicability and that implements, interprets, or prescribes a policy or provision of the compact. A rule has the force and effect of an administrative rule in a member state and includes the amendment, repeal, or suspension of an existing rule.

XXIII. “Sending state” means the state from which the placement of a child is initiated.

XXIV. “Service member’s permanent duty station” means the military installation where an active duty United States Armed Services member is currently assigned and is physically located under competent orders that do not specify the duty as temporary.

XXV. “Service member’s state of legal residence” means the state in which the active duty United States Armed Services member is considered a resident for tax and voting purposes.

XXVI. “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory of the United States.

XXVII. “State court” means a judicial body of a state that is vested by law with responsibility for adjudicating cases involving abuse, neglect, deprivation, delinquency, or status offenses of individuals who have not attained the age of 18.

XXVIII. “Supervision” means monitoring provided by the receiving state once a child has been placed in a receiving state pursuant to this compact.

ARTICLE III

Applicability

I. Except as otherwise provided in paragraph II, this compact shall apply to:

(a) The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state; provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement.

(b) The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

(1) The child is being placed in a residential facility in another member state and is not covered under another compact; or

(2) The child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact.

(c) The interstate placement of any child by a public child-placing agency or private child-placing agency as a preliminary step to a possible adoption.

II. The provisions of this compact shall not apply to:

(a) The interstate placement of a child in a custody proceeding in which a public child-placing agency is not a party; provided, however, that the placement is not intended to effectuate an adoption.

(b) The interstate placement of a child with a nonrelative in a receiving state by a parent with the legal authority to make such a placement; provided, however, that the placement is not intended to effectuate an adoption.

(c) The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state.

(d) The placement of a child, not subject to paragraph I, into a residential facility by his or her parent.

(e) The placement of a child with a noncustodial parent, provided that:

(1) The noncustodial parent proves to the satisfaction of a court in the sending state a substantial relationship with the child;

(2) The court in the sending state makes a written finding that placement with the noncustodial parent is in the best interests of the child; and

(3) The court in the sending state dismisses its jurisdiction in interstate placements in which the public child-placing agency is a party to the proceeding.

(f) A child entering the United States from a foreign country for the purpose of adoption or leaving the United States to go to a foreign country for the purpose of adoption in that country.

(g) Cases in which a child who is a United States citizen living overseas with his or her family, at least one of whom is in the United States Armed Services and stationed overseas, is removed and placed in a state.

(h) The sending of a child by a public child-placing agency or a private child-placing agency for a visit as defined by the rules of the Interstate Commission.

III. For purposes of determining the applicability of this compact to the placement of a child with a family member in the United States Armed Services, the public child-placing agency or private child-placing agency may choose the state of the service member's permanent duty station or the service member's declared legal residence.

IV. Nothing in this compact shall be construed to prohibit the concurrent application of the provisions of this compact with other applicable interstate compacts, including the Interstate Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The Interstate Commission may, in cooperation with other interstate compact commissions having responsibility for the interstate movement, placement, or transfer of children, promulgate similar rules to ensure the coordination of services, timely placement of children, and reduction of unnecessary or duplicative administrative or procedural requirements.

ARTICLE IV

Jurisdiction

I. Except as provided in Article IV, paragraph VIII, and Article V, subparagraph II(b) and (c), concerning private and independent adoptions, and in interstate placements in which the public child-placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction over a child with respect to all matters of custody and disposition of the child which it would have had if the child had remained in the sending state. Such jurisdiction shall also include the power to order the return of the child to the sending state.

II. When an issue of child protection or custody is brought before a court in the receiving state, such court shall confer with the court of the sending state to determine the most appropriate forum for adjudication.

III. In cases that are before courts and subject to this compact, the taking of testimony for hearings before any judicial officer may occur in person or by telephone, audio-video conference, or such other means as approved by the rules of the Interstate Commission, and judicial officers may communicate with other judicial officers and persons involved in the interstate process as may be permitted by their code of judicial conduct and any rules promulgated by the Interstate Commission.

IV. In accordance with its own laws, the court in the sending state shall have authority to terminate its jurisdiction if:

(a) The child is reunified with the parent in the receiving state who is the subject of allegations or findings of abuse or neglect, only with the concurrence of the public child-placing agency in the receiving state;

(b) The child is adopted;

(c) The child reaches the age of majority under the laws of the sending state;

(d) The child achieves legal independence pursuant to the laws of the sending state;

(e) A guardianship is created by a court in the receiving state with the concurrence of the court in the sending state;

(f) An Indian tribe has petitioned for and received jurisdiction from the court in the sending state; or

(g) The public child-placing agency of the sending state requests termination and has obtained the concurrence of the public child-placing agency in the receiving state.

V. When a sending state court terminates its jurisdiction, the receiving state child-placing agency shall be notified.

VI. Nothing in this article shall defeat a claim of jurisdiction by a receiving state court sufficient to deal with an act of truancy, delinquency, crime, or behavior involving a child as defined by the laws of the receiving state committed by the child in the receiving state which would be a violation of its laws.

VII. Nothing in this article shall limit the receiving state's ability to take emergency jurisdiction for the protection of the child.

VIII. The substantive laws of the state in which an adoption will be finalized shall solely govern all issues relating to the adoption of the child, and the court in which the adoption proceeding is filed shall have subject matter jurisdiction regarding all substantive issues relating to the adoption, except:

(a) When the child is a ward of another court that established jurisdiction over the child prior to the placement;

(b) When the child is in the legal custody of a public agency in the sending state; or

(c) When a court in the sending state has otherwise appropriately assumed jurisdiction over the child prior to the submission of the request for approval of placement.

IX. A final decree of adoption shall not be entered in any jurisdiction until the placement is authorized as an "approved placement" by the public child-placing agency in the receiving state.

ARTICLE V

Placement Evaluation

I. Prior to sending, bringing, or causing a child to be sent or brought into a receiving state, the public child-placing agency shall provide a written request for assessment to the receiving state.

II. For placements by a private child-placing agency, a child may be sent or brought, or caused to be sent or brought, into a receiving state upon receipt and immediate review of the required content in a request for approval of a placement in both the sending and receiving state public child-placing agencies. The required content to accompany a request for approval shall include all of the following:

(a) A request for approval identifying the child, the birth parents, the prospective adoptive parents, and the supervising agency, signed by the person requesting approval.

(b) The appropriate consents or relinquishments signed by the birth parents in accordance with the laws of the sending state or, where permitted, the laws of the state where the adoption will be finalized.

(c) Certification by a licensed attorney or authorized agent of a private adoption agency that the consent or relinquishment is in compliance with the applicable laws of the sending state or, where permitted, the laws of the state where finalization of the adoption will occur.

(d) A home study.

(e) An acknowledgment of legal risk signed by the prospective adoptive parents.

III. The sending state and the receiving state may request additional information or documents prior to finalization of an approved placement, but they may not delay travel by the prospective adoptive parents with the child if the required content for approval has been submitted, received, and reviewed by the public child-placing agency in both the sending state and the receiving state.

IV. Approval from the public child-placing agency in the receiving state for a provisional or approved placement is required as provided for in the rules of the Interstate Commission.

V. The procedures for making the request for an assessment shall contain all information and be in such form as provided for in the rules of the Interstate Commission.

VI. Upon receipt of a request from the public child-placing agency of the sending state, the receiving state shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child-placing agency of the sending state may request a determination for a provisional placement.

VII. The public child-placing agency in the receiving state may request from the public child-placing agency or the private child-placing agency in the sending state, and shall be entitled to receive, supporting or additional information necessary to complete the assessment or approve the placement.

VIII. The public child-placing agency in the receiving state shall approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission.

IX. For a placement by a private child-placing agency, the sending state shall not impose any additional requirements to complete the home study that are not required by the receiving state, unless the adoption is finalized in the sending state.

X. The Interstate Commission may develop uniform standards for the assessment of the safety and suitability of interstate placements.

ARTICLE VI

Placement Authority

I. Except as otherwise provided in this compact, no child subject to this compact shall be placed in a receiving state until approval for such placement is obtained.

II. If the public child-placing agency in the receiving state does not approve the proposed placement, then the child shall not be placed. The receiving state shall provide written documentation of any such determination in accordance with the rules promulgated by the Interstate Commission. Such determination is not subject to judicial review in the sending state.

III. If the proposed placement is not approved, any interested party shall have standing to seek an administrative review of the receiving state's determination.

(a) The administrative review and any further judicial review associated with the determination shall be conducted in the receiving state pursuant to its applicable administrative procedures act.

(b) If a determination not to approve the placement of the child in the receiving state is overturned upon review, the placement shall be deemed approved; provided, however, that all administrative or judicial remedies have been exhausted or the time for such remedies has passed.

ARTICLE VII

Placing Agency Responsibility

I. For the interstate placement of a child made by a public child-placing agency or state court:

(a) The public child-placing agency in the sending state shall have financial responsibility for:

(1) The ongoing support and maintenance for the child during the period of the placement, unless otherwise provided for in the receiving state; and

(2) As determined by the public child-placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state.

(b) The receiving state shall only have financial responsibility for:

(1) Any assessment conducted by the receiving state; and

(2) Supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child-placing agencies of the receiving and sending states.

(c) Nothing in this section shall prohibit public child-placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.

II. For the placement of a child by a private child-placing agency preliminary to a possible adoption, the private child-placing agency shall be:

(a) Legally responsible for the child during the period of placement as provided for in the law of the sending state until the finalization of the adoption.

(b) Financially responsible for the child absent a contractual agreement to the contrary.

III. The public child-placing agency in the receiving state shall provide timely assessments, as provided for in the rules of the Interstate Commission.

IV. The public child-placing agency in the receiving state shall provide, or arrange for the provision of, supervision and services for the child, including timely reports, during the period of the placement.

V. Nothing in this compact shall be construed to limit the authority of the public child-placing agency in the receiving state from contracting with a licensed agency or person in the receiving state for an assessment or the provision of supervision or services for the child or otherwise authorizing the provision of supervision or services by a licensed agency during the period of placement.

VI. Each member state shall provide for coordination among its branches of government concerning the state's participation in and compliance with the compact and Interstate Commission activities through the creation of an advisory council or use of an existing body or board.

VII. Each member state shall establish a central state compact office which shall be responsible for state compliance with the compact and the rules of the Interstate Commission.

VIII. The public child-placing agency in the sending state shall oversee compliance with the provisions of the Indian Child Welfare Act, 25 U.S.C. section 1901 et seq., for placements subject to the provisions of this compact, prior to placement.

IX. With the consent of the Interstate Commission, states may enter into limited agreements that facilitate the timely assessment and provision of services and supervision of placements under this compact.

ARTICLE VIII

Interstate Commission for the Placement of Children

The member states hereby establish, by way of this compact, a commission known as the "Interstate Commission for the Placement of Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

I. Be a joint commission of the member states and shall have the responsibilities, powers, and duties set forth herein and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states.

II. Consist of one commissioner from each member state who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program. The appointed commissioner shall have the legal authority to vote on policy-related matters governed by this compact binding the state.

(a) Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

(b) A majority of the member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

(c) A representative shall not delegate a vote to another member state.

(d) A representative may delegate voting authority to another person from that state for a specified meeting.

III. Include, in addition to the commissioners of each member state, persons who are members of interested organizations as defined in the bylaws or rules of the Interstate Commission. Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate Commission.

IV. Establish an executive committee which shall have the authority to administer the day-to-day operations and administration of the Interstate Commission. The executive committee shall not have the power to engage in rulemaking.

ARTICLE IX

Powers and Duties of the Interstate Commission

The Interstate Commission shall have the following powers:

I. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact.

II. To provide for dispute resolution among member states.

III. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, or actions.

IV. To enforce compliance with this compact or the bylaws or rules of the Interstate Commission pursuant to Article XII.

V. Collect standardized data concerning the interstate placement of children subject to this compact as directed through its rules, which shall specify the data to be collected, the means of collection and data exchange, and reporting requirements.

VI. To establish and maintain offices as may be necessary for the transacting of its business.

VII. To purchase and maintain insurance and bonds.

VIII. To hire or contract for services of personnel or consultants as necessary to carry out its functions under the compact and establish personnel qualification policies and rates of compensation.

IX. To establish and appoint committees and officers, including, but not limited to, an executive committee as required by Article X.

X. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose thereof.

XI. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed.

XII. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed.

XIII. To establish a budget and make expenditures.

XIV. To adopt a seal and bylaws governing the management and operation of the Interstate Commission.

XV. To report annually to the legislatures, the governors, the judiciary, and the state advisory councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission.

XVI. To coordinate and provide education, training, and public awareness regarding the interstate movement of children for officials involved in such activity.

XVII. To maintain books and records in accordance with the bylaws of the Interstate Commission.

XVIII. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

ARTICLE X

Organization and Operation of the Interstate Commission

I. Organization.

(a) Within 12 months after the first Interstate Commission meeting, the Interstate Commission shall adopt rules to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact.

(b) The Interstate Commission's rules shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying.

II. Meetings.

(a) The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

(b) Public notice shall be given by the Interstate Commission of all meetings, and all meetings shall be open to the public.

(c) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or other electronic communication.

III. Officers and staff.

(a) The Interstate Commission may, through its executive committee, appoint or retain a staff director for such period, upon such terms and conditions, and for such compensation as the Interstate Commission may deem appropriate. The staff director shall serve as secretary to the Interstate Commission but shall not have a vote. The staff director may hire and supervise such other staff as may be authorized by the Interstate Commission.

(b) The Interstate Commission shall elect, from among its members, a chairperson and a vice chairperson of the executive committee, and other necessary officers, each of whom shall have such authority and duties as may be specified in the bylaws.

IV. Qualified immunity, defense, and indemnification.

(a) The Interstate Commission's staff director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred or that such person had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, however, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.

(b)(1) The liability of the Interstate Commission's staff director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties, for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by a criminal act or the intentional or willful and wanton misconduct of such person.

(2) The Interstate Commission shall defend the staff director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state, shall defend the commissioner of a member state in a civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, however, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(3) To the extent not covered by the state involved, a member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, however, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XI

Rulemaking Functions of the Interstate Commission

I. The Interstate Commission shall promulgate and publish rules in order to effectively and efficiently achieve the purposes of the compact.

II. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such other administrative procedure acts as the Interstate Commission deems appropriate, consistent with due process requirements under the United States Constitution as now or hereafter interpreted by the United States Supreme Court. All rules and amendments shall become binding as of the date specified, as published with the final version of the rule as approved by the Interstate Commission.

III. When promulgating a rule, the Interstate Commission shall, at a minimum:

(a) Publish the proposed rule's entire text stating the reasons for that proposed rule;

(b) Allow and invite any and all persons to submit written data, facts, opinions, and arguments, which information shall be added to the record and made publicly available; and

(c) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials or interested parties.

IV. Rules promulgated by the Interstate Commission shall have the force and effect of administrative rules and shall be binding in the compacting states to the extent and in the manner provided for in this compact.

V. Not later than 60 days after a rule is promulgated, an interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside.

VI. If a majority of the legislatures of the member states rejects a rule, those states may by enactment of a statute or resolution in the same manner used to adopt the compact cause that such rule shall have no further force and effect in any member state.

VII. The existing rules governing the operation of the Interstate Compact on the Placement of Children superseded by this act shall be null and void no less than 12 months but no more than 24 months after the first meeting of the Interstate Commission created hereunder, as determined by the members during the first meeting.

VIII. Within the first 12 months of operation, the Interstate Commission shall promulgate rules addressing the following:

- (a) Transition rules.
- (b) Forms and procedures.
- (c) Timelines.
- (d) Data collection and reporting.
- (e) Rulemaking.
- (f) Visitation.
- (g) Progress reports and supervision.
- (h) Sharing of information and confidentiality.
- (i) Financing of the Interstate Commission.
- (j) Mediation, arbitration, and dispute resolution.
- (k) Education, training, and technical assistance.
- (l) Enforcement.
- (m) Coordination with other interstate compacts.

IX. Upon determination by a majority of the members of the Interstate Commission that an emergency exists:

- (a) The Interstate Commission may promulgate an emergency rule only if it is required to:
 - (1) Protect the children covered by this compact from an imminent threat to their health, safety, and well-being;
 - (2) Prevent loss of federal or state funds; or
 - (3) Meet a deadline for the promulgation of an administrative rule required by federal law.
- (b) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to the emergency rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.
- (c) An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.

ARTICLE XII

Oversight, Dispute Resolution, and Enforcement

I. Oversight.

- (a) The Interstate Commission shall oversee the administration and operation of the compact.

(b) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall be binding in the compacting states to the extent and in the manner provided for in this compact.

(c) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact.

(d) The Interstate Commission shall be entitled to receive service of process in any action in which the validity of a compact provision or rule is the issue for which a judicial determination has been sought and shall have standing to intervene in any proceedings. Failure to provide service of process to the Interstate Commission shall render any judgment, order, or other determination, however so captioned or classified, void as to this compact, its bylaws, or rules of the Interstate Commission.

II. Dispute resolution.

(a) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.

(b) The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of such mediation or dispute resolution shall be the responsibility of the parties to the dispute.

III. Enforcement. If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, its bylaws, or rules of the Interstate Commission, the Interstate Commission may:

(a) Provide remedial training and specific technical assistance;

(b) Provide written notice to the defaulting state and other member states of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default;

(c) By majority vote of the members, initiate against a defaulting member state legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal office, to enforce compliance with the provisions of the compact, its bylaws, or rules of the Interstate Commission. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees; or

(d) Avail itself of any other remedies available under state law or the regulation of official or professional conduct.

ARTICLE XIII

Financing of the Commission

I. The Interstate Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

II. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved by its members each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

III. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet those obligations, nor shall the Interstate Commission pledge the credit of any of the member states, except by and with the authority of the member state.

IV. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XIV

Member States, Effective Date, and Amendment

I. Any state is eligible to become a member state.

II. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 states. The effective date shall be the later of July 1, 2007, or upon enactment of the compact into law by the thirty-fifth state. Thereafter, it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The executive heads of the state human services administration with ultimate responsibility for the child welfare program of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.

III. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding on the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XV

Withdrawal and Dissolution

I. Withdrawal.

(a) Once effective, the compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(b) Withdrawal from this compact shall be by the enactment of a statute repealing the compact. The effective date of withdrawal shall be the effective date of the repeal of the statute.

(c) The withdrawing state shall immediately notify the president of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall then notify the other member states of the withdrawing state's intent to withdraw.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal.

(e) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the members of the Interstate Commission.

II. Dissolution of compact.

(a) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

(b) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVI

Severability and Construction

I. The provisions of this compact shall be severable, and, if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

II. The provisions of this compact shall be liberally construed to effectuate its purposes.

III. Nothing in this compact shall be construed to prohibit the concurrent applicability of other interstate compacts to which the states are members.

ARTICLE XVII

Binding Effect of Compact and Other Laws

I. Other laws. Nothing in this compact prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

II. Binding effect of the compact.

(a) All lawful actions of the Interstate Commission are binding upon the member states.

(b) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(c) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature or executive branch of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

ARTICLE XVIII

Indian Tribes

Notwithstanding any other provision in this compact, the Interstate Commission may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the compact as specified in Article I. The Interstate Commission shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.

4 Adoption; Reference Changed. Amend RSA 170-B:18, IV to read as follows:

IV. The department or a licensed child-placing agency making the required assessment may request other departments or licensed child-placing agencies within or outside this state to make the assessment or designated portions thereof as may be appropriate. Where such written assessments are made, a written report shall be filed with the court; provided, however, said report shall not violate RSA 170-A, the interstate compact ~~[on]~~ **for** the placement of children.

5 Contingency. Sections 3 and 4 of this act, relative to the 2009 edition of the Interstate Compact for the Placement of Children, shall take effect on the date that the commissioner of the department of health and human services certifies to the director of the office of legislative services and the secretary of state that 35 compacting states, including New Hampshire, have enacted the 2009 edition of the Interstate Compact for the Placement of Children.

6 Effective Date.

I. Sections 3 and 4 of this act shall take effect as provided in section 5 of this act.

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

2022-0343s

AMENDED ANALYSIS

This bill adopts the mental health counseling compact as well as the 2009 edition of the interstate compact for the placement of children.

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

February 2, 2022

2022-0449s

07/04

Floor Amendment to SB 397

Amend RSA 330-D:1, XXIII as inserted by section 2 of the bill by replacing it with the following:

XXIII. "Single state license" means a licensed professional counselor license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

Amend RSA 330-D:2, I(c)(7) as inserted by section 2 of the bill by replacing it with the following:

(7) Diagnosis and treatment; assessment and testing;

Amend RSA 330-D:2, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Implement or utilize procedures for considering the criminal history records of applicants for an initial privilege to practice. These procedures shall:

(1) Include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

(2) Be fully implemented within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and using such results in licensure decisions; and

(3) Ensure that communication between a member state and the commission and among member states does not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544;

Amend RSA 330-D:8, II(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) A current member of the licensing board at the time of the appointment, who is a licensed professional counselor or public member, or

Amend RSA 330-D:8, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

Amend RSA 330-D:8, III(r) as inserted by section 2 of the bill by replacing it with the following:

(r) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of professional counseling licensure and practice.

Amend RSA 330-D:9, I as inserted by section 2 of the bill by replacing it with the following:

I. The commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action and investigative information on all licensed individuals in member states.

Amend RSA 330-D:11, VII as inserted by section 2 of the bill by replacing it with the following:

VII. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

Amend RSA 330-D:13 as inserted by section 2 of the bill by replacing it with the following:

330-D:13 Construction and Severability. This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

Amend RSA 330-D:14 as inserted by section 2 of the bill by replacing it with the following:

330-D:14 Binding Effect of Compact and Other Laws.

I. A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations, including scope of practice, of the remote state.

II. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

III. Any laws in a member state in conflict with the compact are superseded to the extent of the conflict.

IV. Any lawful actions of the commission, including all rules and bylaws properly promulgated by the commission, are binding upon the member states.

V. All permissible agreements between the commission and the member states are binding in accordance with their terms.

VI. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

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.

FINANCE

SB 272, establishing a committee to study the oversight and operation of the public deposit investment pool. Ought to Pass with Amendment, Vote 7-0. Senator D'Allesandro for the committee.

Senate Finance
January 19, 2022
2022-0163s
07/10

Amendment to SB 272

Amend the bill by replacing section 2 with the following:

2 Membership and Compensation.

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

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

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives; one of whom shall be a member of the commerce and consumer affairs committee, one of whom shall be a member of the municipal and county government committee, and one of whom shall be a member of the ways and means committee.

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

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.

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 273-A, relative to broadband infrastructure funding. Ought to Pass with Amendment, Vote 6-0. Senator Hennessey for the committee.

Senate Finance
January 11, 2022
2022-0070s
12/10

Amendment to SB 273-A

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

1 Powers and Duties of Towns; Special Meetings. Amend RSA 31:5, I(a) to read as follows:

I.(a) No money shall be raised or appropriated or shall any appropriation previously made be reduced or rescinded at any special town meeting except by vote by ballot, nor unless the ballots cast at such meeting shall be equal in number to at least 1/2 of the number of legal voters borne on the checklist of the town entitled to vote at the annual or biennial election next preceding such special meeting; and such checklist, corrected according to law, shall be used at any meeting upon the request of 10 legal voters of the town. This section shall not apply to money to be raised for the public defense or any military purpose in time of war ***or to money to be raised for the purpose of financing broadband infrastructure bonds under RSA***

33:3-g. In case an emergency arises requiring an immediate expenditure of money, the selectmen may petition the superior court for permission to hold a special town meeting which, if granted, shall give said meeting the same authority as an annual town meeting.

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

2022-0070s

AMENDED ANALYSIS

This bill permits all towns to authorize broadband infrastructure bonds at special meetings without court approval.

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 274, relative to governmental construction contracts.

Ought to Pass, Vote 5-2. Senator Reagan for the committee.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3

February 1, 2022

2022-0429s

07/10

Floor Amendment to SB 274

Amend RSA 9-G:1, II as inserted by section 2 of the bill by replacing it with the following:

II. "Governmental entity" means the state, or any state agency or spending unit thereof, but not political subdivisions.

The question is on the adoption of the Floor Amendment.

A roll call was requested by Senator Rosenwald, 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, Sherman.

Roll Call, Yeas: 14 - Nays: 10. Adopted.

Senator Sherman moved to Lay on the Table.

A roll call was requested by Senator Bradley, seconded by Senator Hennessey.

The following Senators voted Yes: Watters, Prentiss, Kahn, Rosenwald, Carson, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

The following Senators voted No: Hennessey, Giuda, Bradley, Gray, French, Ward, Ricciardi, Daniels, Avard, Reagan, Birdsell, Gannon, Morse.

Roll Call, Yeas: 11 - Nays: 13. Failed.

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

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

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

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

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to Third Reading.

SB 275, relative to the opioid abatement trust fund.

Ought to Pass with Amendment, Vote 6-0. Senator Rosenwald for the committee.

Senate Finance
January 12, 2022
2022-0076s
05/08

Amendment to SB 275

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

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

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

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

4 New Subparagraph; New Hampshire Opioid Abatement Advisory Commission; Membership. Amend RSA 126-A:85, II by inserting after subparagraph (v) the following new subparagraph:

(w) One public school superintendent, or designee, appointed by the New Hampshire School Administrators Association.

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

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

6 Opioid Abatement Trust Fund; Management and Distribution of Funds; Reporting Requirement. Amend RSA 126-A:84, VI to read as follows:

VI. On or before November 1, 2020, the commissioner of the department of health and human services shall submit an annual report to the governor and fiscal committee of the general court detailing the activities of the advisory commission, the administration of the opioid abatement trust fund, the amount distributed in the past year, ***including available measures of success and corresponding data of programs funded***, the amount remaining in the trust fund, a summary of how funds were used in the past year, and any recommendations for future legislation.

7 Effective Date. This act shall take effect 60 days after 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.

SB 276, relative to the reporting requirements for the regenerative manufacturing workforce development program.

Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance
January 11, 2022
2022-0072s
04/10

Amendment to SB 276

Amend the bill by replacing section 1 with the following:

1 Regenerative Manufacturing Workforce Development Program; Reporting. Amend RSA 162-T:5 to read as follows:

162-T:5 Reporting and Approval Regarding Workforce Development Program. The business finance authority shall undertake to design the terms, conditions, and provisions of the regenerative manufacturing workforce development program authorized by this chapter. The authority shall deliver to the fiscal committee of the

general court, *the house ways and means committee, and the senate ways and means committee*, a report on the progress of its efforts to develop such terms, conditions, and provisions every 6-month period, **on September 1 and March 1**, following the effective date of this chapter. Prior to taking any action to implement a final workforce program pursuant to this chapter, the authority shall first present the program to the fiscal committee of the general court and receive the approval of such committee.

2022-0072s

AMENDED ANALYSIS

This bill requires the business finance authority to include the house and senate ways and means committees in its reporting on the progress relative to the regenerative manufacturing workforce development program.

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 277-FN, relative to emergency or temporary health care licenses.
Ought to Pass, Vote 6-0. 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 278-FN, relative to funding for the Piscataqua River turning basin project in the port authority project.
Ought to Pass with Amendment, Vote 6-0. Senator D'Allesandro for the committee.

Senate Finance
January 19, 2022
2022-0169s
08/05

Amendment to SB 278-FN

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

1 Piscataqua River Turning Basin; Appropriation. Amend 2021, 107:14, II to read as follows:

II. The sum of [~~\$1,500,000~~] **\$1,751,143** is hereby appropriated for the biennium ending June 30, 2023 to the Pease development authority for the Piscataqua River Turning Basin. ***Of the amount appropriated, \$251,143 shall be a charge against the United States Army Corps of Engineering refund back to the state for the Rye Harbor Dredging Project per 2019, 146:1, XIII, B.***

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.

SB 371-FN-A, making an appropriation to the lead paint hazard remediation fund.
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 412-FN-A, making an appropriation to the department of health and human services for nursing home reimbursement rates.
Ought to Pass, Vote 6-0. Senator Rosenwald for the committee.

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

HEALTH AND HUMAN SERVICES

SB 280, relative to meetings of the state health assessment and health improvement plan advisory council and the therapeutic cannabis medical oversight board.
Interim Study, Vote 5-0. Senator Sherman for the committee.

Senator Bradley moved to Lay on the Table. Adopted.

Recess. Out of recess.

SB 284, relative to the treatment of glaucoma.
Ought to Pass, Vote 5-0. Senator Bradley 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 with Amendment, Vote 3-2. Senator Sherman for the committee.

Health and Human Services

January 26, 2022

2022-0318s

11/05

Amendment to SB 319-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Health Coverage; Covid-19 Financial Incentive. Amend RSA 420-G by inserting after section 16 the following new section:

420-G:17 Vaccination Incentives. All health coverage offered by health carriers to employers may provide a wellness financial incentive to insured persons when voluntarily supplied with sufficient evidence the insured is currently fully vaccinated for Covid-19 at the time of enrollment.

2022-0318s

AMENDED ANALYSIS

This bill provides that health coverage offered by health carriers to employers may provide a wellness financial incentive to insured persons when voluntarily supplied with sufficient evidence the insured is currently fully vaccinated for Covid-19 at the time of enrollment. The bill repeals this requirement in 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.

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

The following Senators voted Yes: Hennessey, Bradley, Watters, Prentiss, Ward, Kahn, Rosenwald, Whitley, Cavanaugh, Soucy, D'Allesandro, Perkins Kwoka, Sherman.

The following Senators voted No: Giuda, Gray, French, Ricciardi, Daniels, Avard, Carson, Reagan, Birdsell, Gannon, Morse.

Roll Call, Yeas: 13 - Nays: 11. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 329, establishing a commission to study barriers to housing development in New Hampshire, including workforce and middle-income housing.

Ought to Pass with Amendment, Vote 4-0. Senator Sherman for the committee.

Health and Human Services

January 27, 2022

2022-0344s

11/10

Amendment to SB 329

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

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) One member of the house of representatives, appointed by the speaker of the house of representatives.
- (c) One representative of the New Hampshire Housing Finance Authority, appointed by the authority.
- (d) One representative of New Hampshire Legal Assistance, appointed by the organization.
- (e) One representative of the New Hampshire Association of Realtors, appointed by the organization.
- (f) One representative of a local housing authority, appointed by the governor.
- (g) One workforce housing developer, appointed by the governor.
- (h) One representative of the Business and Industry Association, appointed by the association.

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 404-FN, establishing a supplemental nutrition assistance program.

Ought to Pass with Amendment, Vote 4-1. Senator Bradley for the committee.

Health and Human Services

January 26, 2022

2022-0317s

07/04

Amendment to SB 404-FN

Amend the introductory paragraph of RSA 161:2, XIII-b as inserted by section 1 of the bill by replacing it with the following:

XIII-b. SNAP Outreach Program. Develop a state outreach plan, known as the outreach plan, to promote access to eligible persons to benefits through SNAP. The department's responsibility shall be limited to the development of the outreach plan and shall not include the implementation or administration of the outreach plan. The department shall give preference to private or federal moneys sufficient to cover the state's costs associated with such implementation and administration. Nothing in this paragraph shall be construed to prevent the department's use of available general fund appropriations for the purposes of this paragraph if there are insufficient federal or private funds available. The outreach plan shall:

Amend RSA 161:2, XIII-b(d) as inserted by section 1 of the bill by replacing it with the following:

(d) Submit the final state outreach plan to the Food and Nutrition Service of the USDA for approval on or before the USDA deadline for fiscal year 2023, as well as annually or as required by USDA thereafter, and shall request any federal matching funds that may be available upon approval of the state outreach plan.

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 407-FN, relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor.

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

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

JUDICIARY

SB 327, relative to the duties of the registers of probate.

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

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

SB 393-FN, relative to the use of restraints on pregnant women in the custody of a state or county correctional facility.

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

Senate Judiciary

January 26, 2022

2022-0327s

04/10

Amendment to SB 393-FN

Amend RSA 623-C:1-a, III-IV as inserted by section 1 of the bill by replacing them with the following:

III. Advance planning among members of the pregnant female's health care team, including on site, hospital-based, and corrections professionals shall be conducted before hospital admittance to prepare for any foreseen circumstances which may involve the use of restraint. During transportation for medical appointments, labor or delivery, after delivery, or while in postpartum recovery, a prisoner shall not be restrained, unless approved by the county correctional facility's chief medical officer after an individualized determination is

made that there is some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner or detainee. If the doctor, nurse, or other health professional treating the prisoner or detainee requests that restraints not be used, the corrections officer accompanying the prisoner or detainee shall immediately remove all restraints. Restraints, if previously authorized prior to the medical staff requiring them removed, may be reapplied once the medical professional determines the immediate threat to the mother or child has passed. Any additional restraint shall be the least restrictive possible and approval of such restraint shall be documented in writing with the reason for the restraint as required in subparagraph II(a). An incarcerated pregnant person in labor, delivery, and postpartum recovery shall be given the maximum level of privacy possible. If possible, any corrections officer present in the room should be of the same gender and shall stand in a place that grants as much privacy as possible. "Postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth. If restraints are used while the inmate is in labor or in the hospital during recovery after delivery, the superintendent of the county correctional facility shall make written findings as to the reasons why mechanical restraints were necessary to prevent escape or to ensure the safety of the inmate, medical, and correctional personnel, or the public.

IV.(a) A prisoner shall be transported to and from visits to medical providers and court proceedings in a vehicle with seat belts and shall not be restrained unless a medical professional has determined there is an imminent threat to the health of the mother or unborn child by not placing the resident in restraints or unless the correctional officer can identify that there is an extraordinary risk to the public and receives authorization from the superintendent of the county correctional facility or designee. This authorization shall be documented in an incident report which shall, at a minimum, contain the following:

(1) The rationale for use or conditions that led to the conclusion that restraints were necessary and specify whether and what kind of alternatives were tried or considered.

(2) The name of each person who reviewed these conditions and concluded that restraints were warranted.

(3) The type of restraints used and in what manner.

(4) How frequently the use of restraints was reevaluated and by whom and the result of such reassessments.

(5) Change in conditions that led to the conclusion that restraints were no longer necessary.

(6) When restraints were removed.

(7) Length of time or total duration of restraint use.

(b) The life of the infant and or mother shall not be put at risk. Any additional restraint shall be the least restrictive possible.

(c) Once the delivery, all post-delivery medical procedures, and postpartum recovery have been completed and the inmate is being returned to the county correctional facility, the inmate shall be restrained consistent with department policy. Upon discharge from the hospital for transportation back to the facility, for those classified C3 and above; the type of restraint shall be determined after consultation with the inmate's hospital medical provider.

Amend RSA 623-C:2-a, III-IV as inserted by section 2 of the bill by replacing them with the following:

III. Advance planning among members of the pregnant female's health care team, including on site, hospital-based, and corrections professionals shall be conducted before hospital admittance to prepare for any foreseen circumstances which may involve the use of restraint. During transportation for medical appointments, labor or delivery, after delivery, or while in postpartum recovery, a prisoner shall not be restrained, unless approved by the director of medical and forensic services after an individualized determination is made that there is some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner or detainee. If the doctor, nurse, or other health professional treating the prisoner or detainee requests that restraints not be used, the corrections officer accompanying the prisoner or detainee shall immediately remove all restraints. Restraints, if previously authorized prior to the medical staff requiring them removed, may be reapplied once the medical professional determines the immediate threat to the mother or child has passed. Any additional restraint shall be the least restrictive possible and approval of such restraint shall be documented in writing with the reason for the restraint as

required in subparagraph II(a). An incarcerated pregnant person in labor, delivery, and postpartum recovery shall be given the maximum level of privacy possible. If possible, any corrections officer present in the room should be of the same gender and shall stand in a place that grants as much privacy as possible. "Postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the entire period a woman is in the hospital or infirmary after birth. If restraints are used while the inmate is in labor or in the hospital during recovery after delivery, the warden of the state correctional facility shall make written findings as to the reasons why mechanical restraints were necessary to prevent escape or to ensure the safety of the inmate, medical, and correctional personnel, or the public.

IV.(a) A prisoner shall be transported to and from visits to medical providers and court proceedings in a vehicle with seat belts and shall not be restrained unless a medical professional has determined there is an imminent threat to the health of the mother or unborn child by not placing the resident in restraints or unless the correctional officer can identify that there is an extraordinary risk to the public and receives authorization from the warden of the correctional facility or designee. This authorization shall be documented in an incident report which shall, at a minimum, contain the following:

(1) The rationale for use or conditions that led to the conclusion that restraints were necessary and specify whether and what kind of alternatives were tried or considered.

(2) The name of each person who reviewed these conditions and concluded that restraints were warranted.

(3) The type of restraints used and in what manner.

(4) How frequently the use of restraints was reevaluated and by whom and result of such reassessments.

(5) Change in conditions that led to the conclusion that restraints were no longer necessary.

(6) When restraints were removed.

(7) Length of time or total duration of restraint use.

(b) The life of the infant and or mother shall not be put at risk. Any additional restraint shall be the least restrictive possible.

(c) Once the delivery, all post-delivery medical procedures, and postpartum recovery have been completed and the inmate is being returned to the state correctional facility, the inmate shall be restrained consistent with department policy. Upon discharge from the hospital for transportation back to the facility, for those classified C3 and above; the type of restraint shall be determined after consultation with the inmate's hospital medical provider.

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 399-FN, repealing the fetal health protection act.

Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Judiciary

January 26, 2022

2022-0333s

05/04

Amendment to SB 399-FN

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

AN ACT relative to certain provisions of the fetal life protection act requiring an ultrasound examination.

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

1 Fetal Life Protection Act; Prohibitions; Ultrasound Examination Requirement. Amend RSA 329:44, I to read as follows:

I. Except in the case of a medical emergency as specifically defined in paragraph III, no abortion shall be performed, induced, or attempted by any health care provider unless a health care provider has first made a determination of the probable gestational age of the fetus. In making such a determination, the health

care provider shall make such inquiries of the pregnant woman and perform or cause to be performed all such medical examinations, imaging studies, and tests as a reasonably prudent health care provider in the community, knowledgeable about the medical facts and conditions of both the woman and the fetus involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age, provided, however, that the health care provider shall conduct an obstetric ultrasound examination of the patient for the purpose of making the determination. ***This subdivision shall be construed to require the performance of an ultrasound only if the provider either knows that the fetus has a gestational age of at least 24 weeks or is conscious of a substantial risk that the fetus has a gestational age of at least 24 weeks.***

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

2022-0333s

AMENDED ANALYSIS

This bill construes the obstetric ultrasound examination requirement to determine probable gestational age prior to an abortion.

The question is on the adoption of the Committee Amendment.

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

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.

Senator Rosenwald offered a Floor Amendment.

Sen. Rosenwald, Dist 13
February 2, 2022
2022-0472s
05/10

Floor Amendment to SB 399-FN

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

AN ACT relative to the scope of the fetal protection act.

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

1 Fetal Life Protection Act; Prohibition. Amend RSA 329:44 to read as follows:

329:44 Prohibition.

I. Except ~~[in the case of]~~ ***for pregnancy that results from felonious sexual assault, as defined in RSA 632-A:2 or RSA 632-A:3, incest, or fetal anomalies incompatible with life, or*** a medical emergency as ~~[specifically]~~ defined in paragraph III, no abortion shall be performed, induced, or attempted by any health care provider unless a health care provider has first made a determination of the probable gestational age of the fetus. In making such a determination, the health care provider shall make such inquiries of the pregnant woman and perform or cause to be performed all such medical examinations, imaging studies, and tests as a reasonably prudent health care provider in the community, knowledgeable about the medical facts and conditions of both the woman and the fetus involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age~~[-provided; however, that the health care provider shall conduct an obstetric ultrasound examination of the patient for the purpose of making the determination].~~

II. Except in ***the case of felonious sexual assault, as defined in RSA 632-A:2 or RSA 632-A:3, incest, or fetal anomalies incompatible with life, or*** a medical emergency as ~~[specifically]~~ defined in paragraph III, no health care provider shall knowingly perform, induce, or attempt to perform an abortion upon a pregnant woman when the probable gestational age of her fetus has been determined to be at least 24 weeks or in the absence of a determination by a health care provider pursuant to paragraph I as to the fetus' probable gestational age.

III. For the purposes of this subdivision only, “medical emergency” means a condition in which an abortion is necessary to preserve the **health or** life of the pregnant woman; **or** whose **health or** life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function, as defined in RSA 329:43, V, of the pregnant woman.

IV. For the purpose of this subdivision only, “incest” shall mean sexual penetration by an individual of any age whom she knows to be her ancestor, descendant, or brother, of the whole or half blood, or uncle or nephew. The relationships referred to in this paragraph include blood relationships without regard to legitimacy, stepchildren, and relationships of parents and child by adoption.

2 Reporting. Amend RSA 329:45 to read as follows:

329:45 Reporting.

[F.] Any health care provider who performs an abortion **due to a medical emergency** under this subdivision shall report, in writing, to the medical facility in which the abortion is performed the reason for the determination that a medical emergency existed. The health care provider’s written report shall be included in a written report from the medical facility to the department of health and human services. **The report shall be exempt from disclosure pursuant to RSA 91-A.** If the abortion is not performed in a medical facility, the health care provider shall report, in writing, the reason for the determination that a medical emergency existed to the department of health and human services as part of the written report made by the health care provider to the department. The health care provider and the medical facility shall retain a copy of the written reports required under this section for not less than 5 years.

3 Health Care Data; Department of Health and Human Services; Reporting Requirement. Amend RSA 126:28 to read as follows:

126:28 Availability of Data.

I. Notwithstanding any other provision of law, data collected under RSA 126:25 shall be made available:

[F.] **(a)** To the public upon request, provided that individual patients or health care practitioners shall not be directly or indirectly identifiable.

[H.] **(b)** To individuals or entities for research, public health, or health care operations as defined by HIPAA, or any other individual or entity as allowable by law, demonstrating a legitimate need for such information, if such disclosure is consistent with all applicable HIPAA standards and approved by the commissioner, or designee, in accordance with rules adopted under RSA 126:27. Use of data disclosed shall not be for marketing or fundraising targeted to individuals except such use or disclosure shall be permissible for market analysis.

[H.] **(c)** To the insurance department, the department of justice, or any other state or federal agency, and any agency’s contractors, for review of health care matters within the agency’s respective jurisdictional authority. An agency or contractor receiving health care data under this section shall comply with all state and federal confidentiality, privacy, and security protections.

II. Due to the state’s interest in termination of pregnancy after 24 weeks gestational age pursuant to RSA 329:44-46, the commissioner of the department of health and human services shall publish an annual report relative to pregnancy terminations after 24 weeks, commencing with data to be reported as of January 1, 2022, to be posted on the department’s website not later than June 30 of the subsequent year. In preparing this report, the commissioner or his or her designee may utilize data relative to pregnancy terminations after 24 weeks collected from facilities pursuant to RSA 126:25, data relative to pregnancy terminations after 24 weeks available through the uniform healthcare facility discharge data set (UHFDDS), data contained in the healthcare common procedure coding system (HCPCS) codes S2265 thru S2267, or other resources that may be available relative to pregnancy terminations after 24 weeks, including statistical data from the department of insurance. The department shall publish aggregate results at the New Hampshire Health WISDOM system, and provide annual reporting to the National Centers for Disease Control and Prevention. No data shall be released by the department that may personally identify either the health care provider who performed an induced termination of pregnancy or the patient on whom it was performed.

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

2022-0472s

AMENDED ANALYSIS

This bill adds certain exceptions to the fetal life protection act and requires the department of health and human services to publish an annual statistical report of pregnancy terminations.

The question is on the adoption of the Floor Amendment.

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

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 Whitley offered a Floor Amendment.

Sen. Whitley, Dist 15

February 2, 2022

2022-0444s

05/10

Floor Amendment to SB 399-FN

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

AN ACT relative to the scope of a medical emergency for purposes of the fetal life protection act.

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

1 Fetal Life Protection Act; Medical Emergency. Amend RSA 329:44, III to read as follows:

III. For the purposes of this subdivision only, "medical emergency" means a condition in which an abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible impairment of a major bodily function, as defined in RSA 329:43, V, of the pregnant woman. ***"Medical emergency" shall include a lethal fetal anomaly or if the fetus is incompatible with sustained life outside the uterus.***

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

2022-0444s

AMENDED ANALYSIS

This bill allow an abortion to be performed after 24 weeks gestation in the event of a fatal fetal anomaly.

The question is on the adoption of the Floor Amendment.

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

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.

Senator Prentiss offered a Floor Amendment.

Sen. Prentiss, Dist 5

February 2, 2022

2022-0440s

05/10

Floor Amendment to SB 399-FN

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

AN ACT repealing the criminal penalty and civil remedy for violation of the fetal life protection act.

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

1 Fetal Life Protect Act; Prohibition on Abortion Care; Gestational Age of Fetus. RSA 329:44, I and II are repealed and reenacted to read as follows:

I. Except in the case of a medical emergency as specifically defined in paragraph III, no abortion shall be performed, induced, or attempted by any health care provider unless a health care provider has first made a determination of the probable gestational age of the fetus.

II. Except in a medical emergency as specifically defined in paragraph III, no health care provider shall knowingly perform, induce, or attempt to perform an abortion upon a pregnant woman when the probable gestational age of her fetus has been determined to be at least 24 weeks.

2 Repeal. The following are repealed:

I. RSA 329:46, establishing a criminal penalty.

II. RSA 329:47, establishing a civil remedy.

III. RSA 329:48, relative to review by the board of medicine.

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

2022-0440s

AMENDED ANALYSIS

This bill removes the ultrasound requirement for determination of the probable gestational age of a fetus. The bill also repeals the criminal penalty and civil remedy for violation of the act.

The question is on the adoption of the Floor Amendment.

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

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

February 2, 2022

2022-0452s

05/10

Floor Amendment to SB 399-FN

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

AN ACT relative to the scope of the fetal life protection act.

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

1 Fetal Life Protect Act; Prohibition on Abortion Care; Exception in Cases of Rape, Incest, or to Preserve the Life or Health of the Pregnant Woman. RSA 329:44 is repealed and reenacted to read as follows:

329:44 Prohibition.

I. Except in cases of rape, in cases of incest, or to preserve the life or health of the pregnant woman, no abortion shall be performed, induced, or attempted by any health care provider unless a health care provider has first made a determination of the probable gestational age of the fetus.

II. Except in cases of rape, in cases of incest, or to preserve the life or health of the pregnant woman, no health care provider shall knowingly perform, induce, or attempt to perform an abortion upon a pregnant woman when the probable gestational age of her fetus has been determined to be at least 24 weeks or in the absence of a determination by a health care provider pursuant to paragraph I as to the fetus' probable gestational age.

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

2022-0452s

AMENDED ANALYSIS

This bill allows an abortion to be performed after 24 weeks gestation in cases of rape or incest or to preserve the life or health of the pregnant woman.

The question is on the adoption of the Floor Amendment.

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

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 Gannon.

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

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

Roll Call, Yeas: 13 - Nays: 11. Adopted.

MOTION OF RECONSIDERATION

Senator Bradley, having voted on the prevailing side, moved to reconsider the following action taken by the body on SB 399-FN, relative to certain provisions of the fetal life protection act requiring an ultrasound examination. The motion of Ought to Pass with 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 French.

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.

SB 431-FN, relative to child support in cases with equal or approximately equal parenting schedules. Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Judiciary
January 26, 2022
2022-0326s
07/10

Amendment to SB 431-FN

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect January 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 436-FN, relative to access to abortion care.

Inexpedient to Legislate, Vote 3-2. Senator Gannon 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 French.

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

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

Roll Call, Yeas: 12 - Nays: 12. Failed.

Senator Carson moved to Lay on the Table. Adopted.

WAYS AND MEANS

SB 315-L, directing that a portion of revenue distributions from the meals and rooms municipal revenue fund be used by municipalities to reduce the local property tax rate.

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

Senator Hennessey moved to Lay on the Table. Adopted.

SB 316-FN, relative to lucky 7 licenses.

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

Senate Ways and Means

January 19, 2022

2022-0174s

12/08

Amendment to SB 316-FN

Amend the bill by replacing section 3 with the following:

3 Sale of Lucky 7 Tickets. Amend RSA 287-E:21, III-a to read as follows:

III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for its activities, ***including facilities licensed under RSA 287-D***, provided that such device dispenses a paper or cardboard ticket and specifications for such dispenser device are contained in the rules of the commission. Any permitted lucky 7 device shall not be in the nature of a slot machine and the outcome of any wager involving a permitted lucky 7 device shall be determined by the cardboard or paper ticket, or the video monitor when so equipped. Devices capable of displaying the outcome on a video monitor shall provide the player with the option of printing a paper ticket. ***No charitable organization shall be licensed to sell lucky 7 tickets for more than 10 days per month when selling tickets at a facility licensed under RSA 287-D. Lucky 7 tickets sold at said facilities may only be sold between the hours of 8:00 a.m. and 4:00 a.m. the following day.***

2022-0174s

AMENDED ANALYSIS

This bill authorizes charitable organizations to sell lucky 7 tickets at a facility licensed to conduct games of chance.

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

Senator Rosenwald offered a Floor Amendment.

Sen. Avard, Dist 12

Sen. Rosenwald, Dist 13

January 28, 2022

2022-0371s

12/10

Floor Amendment to SB 316-FN

Amend the bill by replacing section 3 with the following:

3 Sale of Lucky 7 Tickets. Amend RSA 287-E:21, III-a to read as follows:

III-a. Lucky 7 tickets may be sold by dispenser devices approved by the commission and located at the regular meeting place of, or at a facility owned, leased, or utilized by, the licensee for its activities, ***including facilities licensed under RSA 287-D***, provided that such device dispenses a paper or cardboard ticket and

specifications for such dispenser device are contained in the rules of the commission. Any permitted lucky 7 device shall not be in the nature of a slot machine and the outcome of any wager involving a permitted lucky 7 device shall be determined by the cardboard or paper ticket, or the video monitor when so equipped. Devices capable of displaying the outcome on a video monitor shall provide the player with the option of printing a paper ticket. ***No charitable organization shall be licensed to sell lucky 7 tickets for more than 10 days per month when selling tickets at a facility licensed under RSA 287-D. Lucky 7 tickets sold at said facilities may be sold during all hours for which the facility is licensed to operate.***

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.

SPECIAL ORDER

Without objection, the following bills are Special Ordered to the next session. Adopted.

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 the formula for distribution of room occupancy tax revenues.

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

President Pro Tempore Carson presiding.

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

ANNOUNCEMENTS

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: Thank you, Madam President. Madam President, because of the fact that we cannot have guests at our sessions, I would like to read a resolution that everyone in the Senate has signed, honoring Sean McDonnell who's the retiring head football coach at the University of New Hampshire, so I would like a point of Personal Privilege in order to do this. Thank you, Madam President.

As some of you know, Sean McDonnell has retired as the head football coach at the University of New Hampshire after twenty-three years. So, I read this resolution.

A resolution recognizing Sean McDonnell.

Whereas, Sean McDonnell, a 1978 graduate of the University of New Hampshire, was a standout defensive back for UNH football, starting for the 1975 and 1976 Yankee Conference championship teams and came back to start for the 1978 squad; and

Whereas, Sean McDonnell, nicknamed "Coach Mac", served as the head football coach of the University of New Hampshire Wildcats football program from 1999 to 2021; and

Whereas, Sean McDonnell, a native of Saratoga Springs, N.Y., guided the Wildcats to 14 consecutive winning seasons – with six double-digit win totals – and a berth in the NCAA Division I Football Championship Subdivision tournament each of those 14 years in a remarkable stretch that lasted from 2004 to 2017; and

Whereas, Sean McDonnell won the Eddie Robinson award in 2005 and 2014, given annually to the top head coach in the NCAA Division I Football Championship Subdivision; and

Whereas, Sean McDonnell's coaching accolades also include an AFCA National Coach of the Year, 2014, an AFCA District Coach of the Year 2004, 2005, 2012, 2014 and a CAA Coach of the Year 2004 and 2014, the New England Football Writers Coach of the Year 2005, 2008, 2010, 2012 and 2014 and whereas the Gridiron Club of Greater Boston Head Coach of the Year in 2000, 2004, 2009 and 2012; and

Whereas, in 2013, McDonnell was honored by the Joe Yukica-New Hampshire Chapter of the National Football Foundation with the Andy Mooradian Award for his contributions to amateur football; and

Whereas, Sean McDonnell ranks third all-time in Colonial Athletic Association victories and second all-time in wins at the University of New Hampshire; and

Whereas, Sean McDonnell is one of 13 FCS coaches with over 150 wins all-time as a head coach; and

Whereas, Sean McDonnell announced his retirement on December 1, 2021, at the conclusion of his 30th year as a coach for New Hampshire and his 23rd year as head coach of the program.

Now therefore, the New Hampshire Senate extends its congratulations to Sean McDonnell on an outstanding coaching career at the University of New Hampshire and further extends its best wishes for a happy and healthy retirement.

Signed by every member of this New Hampshire Senate, attested to by Tammy Wright and I'll present this to him when I get to see him.

Sean is a remarkable guy. As we know, he had a very serious health problem, had to get out of coaching for a year to recover. I talked to him last week, he's in full recovery, he's in very good shape and we wish him nothing but the best. What he's done at the university is quite remarkable. It's quite remarkable and I'm privileged to know him. He coached my children when he was teaching at Parkside Junior High School, before he went back to the university and we wish him all, al the best. Thank you, Madam President.

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 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.

HB 549, relative to the system benefits charge and the energy efficiency and sustainable energy board.

SB 200, relative to the election of district commissioners in Haverhill.

SB 201, relative to naming a bridge in the town of Rumney and a bridge in the town of Center Harbor.

SB 204, relative to the definition of "covered claim" for purposes of the New Hampshire insurance guaranty association act.

SB 205, relative to the insurance department administration fund.

SB 206, relative to consumer guaranty contracts.

SB 207, relative to administrative fee credit for insurance company external review.

SB 208, relative to life insurance.

SB 216, establishing a commission to study the landlord and tenant mediation program in circuit courts.

SB 217, relative to eviction notices.

SB 218, declaring October 13 as Metastatic Breast Cancer Awareness Day.

SB 219, declaring the month of September as kinship care awareness month.

SB 220, relative to establishing a committee to study licensure of mental health professionals.

SB 221, relative to the internal organization of the department of corrections.

SB 222, permitting licensing boards to conduct remote meetings.

SB 223, relative to requirements for recovery houses.

SB 224, recognizing the second Thursday in October as children's environmental health day.

SB 234, requiring student identification cards to include the National Suicide Prevention Lifeline.

SB 236, establishing a committee to study New Hampshire teacher shortages and recruitment incentives.

SB 242, relative to the disqualification of certain persons from performing the duties of an election official.

SB 256, establishing a committee to study the feasibility of replacing the site evaluation committee.

SB 260, relative to search and rescue teams activated by fish and game.

SB 265, relative to the aggregation of electric customers by counties.

SB 272, establishing a committee to study the oversight and operation of the public deposit investment pool.

SB 273-A, relative to broadband infrastructure funding.

SB 274, relative to governmental construction contracts.

SB 275, relative to the opioid abatement trust fund.

SB 276, relative to the reporting requirements for the regenerative manufacturing workforce development program.

SB 277-FN, relative to emergency or temporary health care licenses.
SB 278-FN, relative to funding for the Piscataqua River turning basin project in the port authority project.
SB 279, establishing a study committee on harm reduction and overdose prevention programs.
SB 281, relative to nursing home policies regarding notice of vacancy.
SB 282, relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.
SB 283, relative to membership of the council on autism spectrum disorders and the developmental services quality council.
SB 284, relative to the treatment of glaucoma.
SB 286-FN, establishing an association health plan pilot program.
SB 289, relative to glucagon administration.
SB 290-FN, relative to the practice of auriculotherapy.
SB 291, establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.
SB 296, relative to complaint procedures in cases before the commission for human rights.
SB 297, relative to obtaining out-of-state discovery and testimony.
SB 305, relative to the operation of personal water craft in marked channels from Hampton Falls to Hampton Harbor.
SB 306-FN, relative to the penalties for various motor vehicle violations.
SB 307, relative to the issuance of safe boater education certificates and commercial driving instruction.
SB 309, authorizing certain organizations to issue decal plates.
SB 310, relative to license plate scanning.
SB 312, relative to adjusted assessments of taxable property.
SB 316-FN, relative to lucky 7 licenses.
SB 317-LOCAL, reducing the interest rate for abatements of paid property taxes.
SB 329, establishing a commission to study barriers to housing development in New Hampshire, including workforce and middle-income housing.
SB 350, relative to rulemaking by the state board of education on educational personnel applicant checks and licensing standards.
SB 352, relative to substitute teacher criminal history records check.
SB 353, relative to the education professional standards board.
SB 354, relative to insurance adjuster licensing, insurance producer licensing fees, and the sale of credit life and credit accident and health insurance policies by banks.
SB 356-FN, relative to medical benefits payments by state retirees.
SB 357-FN, relative to mental health training for first responders.
SB 364, relative to the use of electronic poll books.
SB 371-FN-A, making an appropriation to the lead paint hazard remediation fund.
SB 378-FN, relative to the disposal of highway or turnpike funded real estate.
SB 388, relative to availability of information or records relating to the enhanced 911 system.
SB 393-FN, relative to the use of restraints on pregnant women in the custody of a state or county correctional facility.
SB 395, relative to the broadband matching grant initiative.
SB 397, relative to the mental health counseling compact and the interstate compact for the placement of children.
SB 399-FN, relative to certain provisions of the fetal life protection act requiring an ultrasound examination.
SB 404-FN, establishing a supplemental nutrition assistance program.
SB 412-FN-A, making an appropriation to the department of health and human services for nursing home reimbursement rates.
SB 414-FN-A, relative to the definition of Alzheimer's disease and related disorders.
SB 439-FN, relative to the brain and spinal cord injury advisory council and community-based support program.

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.