February 24, 2022
Nos. 3-4

STATE OF NEW HAMPSHIRE

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

Legislative Proceedings

SENATE JOURNAL

ADJOURNMENT – FEBRUARY 16, 2022 SESSION
COMMENCEMENT – FEBRUARY 24, 2022 SESSION

SENATE JOURNAL 3 *(continued)* *February 16, 2022*

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

22-3129
SB 459-FN, relative to a health care facility workplace violence prevention program. (Gray, Dist 6; Rosenwald, Dist 13; Sherman, Dist 24; Greene, Hills. 37; McMahon, Rock. 7; Health and Human Services)

HOUSE MESSAGE

The House of Representatives is ready to meet with the honorable Senate in Joint Convention for the purpose of hearing the State of the State Address by his Excellency, Governor Sununu.

HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

HB 95-FN, relative to milk pasteurization.
HB 549, (New Title) relative to the system benefits charge and the energy efficiency and sustainable energy board.

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 1001-FN, authorizing the Girl Scouts of the Green and White Mountains to issue decals for multi-use decal plates.
HB 1005, relative to the creation of a New Hampshire low-grade timber and wood emerging market commission.
HB 1016-FN, (New Title) relative to licensing of speech-language specialists.
HB 1020, relative to additional lights on emergency vehicles.
HB 1029, relative to the Claremont police commission.
HB 1030, relative to licensure by alternate experience for licensed nursing assistant.
HB 1036, relative to nonpublic meetings concerning public employees.
HB 1038, naming a bridge in Londonderry in honor of Robert J. Prowse.
HB 1049, establishing a committee to study landfill siting criteria and methods for reducing pressure on landfill capacity.
HB 1052, relative to the number of rounds of ammunition allowed for hunting regardless of firearm capacity.
HB 1062, relative to the duties of the electrology advisory committee.
HB 1063, relative to the technical changes to the administration of certain taxes by the department of revenue administration.
HB 1074, relative to notice to a chartered public school of a special education services meeting.
HB 1086-FN, relative to concealment of a cause of action.
HB 1103, relative to certain assets in a divorce proceeding.
HB 1106, (New Title) establishing a commission to study recruiting members of the armed forces.
HB 1110, relative to windshield tint waivers.
HB 1125, relative to school emergency plans.
HB 1134, establishing a commission to study proper labeling and disposal of disposable wipes.
HB 1168, establishes a committee to study the New Hampshire law relative to soil conditioners.
HB 1187, relative to milk pasteurization.
HB 1193, relative to chartered public school fees and enrollment policies.
HB 1202, relative to transportation of pupils to school activities by a contract carrier.

HB 1214-FN, eliminating fees for walking disability placards.
HB 1218-FN, relative to the merger of Granite State college with the university of New Hampshire.
HB 1220, prohibiting the docking of houseboats on Perkins Pond in Sunapee.
HB 1228-FN, relative to recommendations of the joint committee on dedicated funds.
HB 1230-FN, permitting online presentation of deer for registration.
HB 1234, relative to criminal background checks for an applicant for a teaching credential.
HB 1303, relative to causes for absolute divorce.
HB 1311, (New Title) prohibiting persons charged with or convicted of certain assault or controlled drug possession violations from employment in a public school or being granted teaching credentials.
HB 1318-FN-LOCAL, relative to penalties for employer noncompliance with retirement system requirements.
HB 1319-FN, relative to granting certain corrections personnel death benefits if killed in the line of duty.
HB 1323, relative to hike safe cards.
HB 1327, including diabetes in the conditions listed for eligibility for a service animal.
HB 1388-FN, relative to the unsolicited disclosure of an intimate image.
HB 1390, relative to access to language translation services in telemedicine.
HB 1398, establishing a committee to study the feasibility of centralized criminal history records checks in education.
HB 1420-FN, prohibiting the issuance of new landfill permits until the state's solid waste plan is updated.
HB 1421-FN, relative to lead in school drinking water.
HB 1427, relative to membership on the speech-language pathology and hearing care provider governing board.
HB 1437-FN, relative to registration plates for antique farm tractors.
HB 1441, establishing a commission to organize the observance of the 250th anniversary of the declaration of independence.
HB 1461-FN, increasing penalties for littering.
HB 1475-FN, relative to the enforcement authority of liquor enforcement officers.
HB 1493, relative to the drug forfeiture fund.
HB 1497-FN, relative to optional allowances in the retirement system.
HB 1505-FN, establishing concurrent jurisdiction in juvenile matters with the U.S. Department of Defense for coordination with the military family advocacy program.
HB 1520, relative to procedures for guardians ad litem.
HB 1521-FN, requiring the department of education to provide the house and senate standing committees responsible for education with written copies of the laws relative to education.
HB 1528, establishing a public boat access donation program for operators of non-motorized boats and requiring the fish and game department to prepare a report relating to such program.
HB 1553-FN, relative to roadside memorials.
HB 1575-FN, (New Title) relative to waiver of tuition in the university system and community college system.
HB 1581, relative to the use of open source software by state agencies.
HB 1653-FN, relative to educational and employment opportunities and protections for military families and their dependents.
HB 1659-FN, relative to criminal history background checks for certain health care workers.

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 1040, (New Title) establishing a commission to study revenue alternatives to the road toll for the funding of improvements to the state's highways and bridges and their resulting improvements to the environment.
HB 1397, relative to the length of terms for Rockingham county officers.
HB 1586-FN-A, relative to a likeness of Wentworth Cheswill at the state house.

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 54, apportioning county commissioner districts.
HB 549, relative to the system benefits charge and the energy efficiency and sustainable energy board.

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

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 4

February 24, 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.

God, our hearts today turn to a part of the world that is facing trouble and turmoil. We think of Ukraine, we think of the families that are displaced, we think of the children that are leaving pets behind, leaving what they know, and it's got to be a very difficult time so I ask Lord today, in this Senate in New Hampshire that we would offer our prayer, our mindfulness to those people. And our hearts and minds turn to our Senator's families, who have willingly given their spouses, their loved ones to serve a state, a great state, but in many ways have sacrificed time, vacations for our Senators to do important work for our state to serve our people. I just ask that their sacrifices would be met with equal rewards and blessings Lord, for them. We thank you for the staff that serve our Senators so well. Today, God, we just ask that give clarity of mind, compassion of heart and a willfulness to continue to do what's right. We ask this in your name. Amen.

Senator Giuda led the Pledge of Allegiance.

Senator Avard is excused.

FN REPORT FOR FEBRUARY 24, 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 212-FN, relative to liquor manufacturers.
SB 340-FN, relative to the direct to consumer shipment of alcohol to New Hampshire residents.

JUDICIARY
SB 300-FN, relative to the state commission for human rights.

TRANSPORTATION
HB 435-FN, relative to the suspension of drivers' licenses

REGULAR CALENDAR:

ENERGY AND NATURAL RESOURCES
SB 269-FN, relative to the New Hampshire weatherization program.

HEALTH AND HUMAN SERVICES
SB 419-FN, relative to public health networks.

JUDICIARY
SB 302-FN, establishing the personal privacy protection act.
SB 375-FN, relative to requirements for charitable organizations.
SB 377-FN, relative to the diagnosis of post-traumatic stress disorder in state troopers.

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:

JUDICIARY
SB 303-FN, relative to reimbursement of sheriffs' offices for prisoner custody and control.

REGULAR CALENDAR:

EDUCATION
SB 421, relative to dual and concurrent enrollment for career and technical education center students.
SB 426-FN, relative to the adequate education grants for fiscal year 2023—if Inexpedient to Legislate recommendation is overturned.

ENERGY AND NATURAL RESOURCES
SB 370-FN, allowing the university system and community college system to be municipal host electric customer generators—if Interim Study recommendation is overturned.
SB 424-FN, relative to renewable energy and natural gas.
SB 452-FN, relative to lead in drinking water in schools and licensed child care facilities.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

COMMERCE
SB 340-FN, by Senator Daniels

ELECTION LAW AND INTERNAL AFFAIRS
SB 247, by Senator Ricciardi

SPECIAL ORDER

Without objection, the following bills are Special Ordered to the next session. Adopted.

COMMERCE
SB 340-FN, relative to the direct to consumer shipment of alcohol to New Hampshire residents.

EDUCATION
SB 426-FN, relative to the adequate education grants for fiscal year 2023.

ELECTION LAW AND MUNICIPAL AFFAIRS
CACR 36, residency for the purpose of voting. Providing that only residents of the state may vote in elections.

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

JUDICIARY
SB 344, relative to the quorum requirements under the right to know law of meetings open to the public.

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 212-FN, relative to liquor manufacturers.
Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

> This bill was filed at the request of the Craft Brewers Association. When food is available, the Committee Amendment would allow craft liquor brewers to serve 1/2-ounce per label and one cocktail per person with no more than 1 1/2 ounces of liquor produced by the liquor manufacturer per cocktail, or 2 cocktails per person with no more than 1 1/2 ounces of liquor produced by the liquor manufacturer per cocktail. Previous limitations excluded almost all craft brewers from participating in farmers markets. This bill made slight modifications to allow those brewers to better connect with other businesses and sell their products at farmers markets.

Commerce
February 22, 2022
2022-0770s
08/04

Amendment to SB 212-FN

Amend RSA 178:6, IV(b) as inserted by section 2 of the bill by replacing it with the following:

(b) A liquor manufacturer may offer food and nonalcoholic beverages on premises. A liquor manufacturer that offers food on premises may provide to visitors of legal drinking age at its facility in any area approved by the commission, either free or for a fee, liquor produced on premises by the liquor manufacturer which shall be limited to 1/2 ounce per label and one cocktail per person with no more than 1 1/2 ounces of liquor produced by the liquor manufacturer per cocktail, or 2 cocktails per person with no more than 1 1/2 ounces of liquor produced by the liquor manufacturer per cocktail. For the purpose of this subparagraph, food and nonalcoholic beverages may be provided by a properly licensed third-party food vendor, prepared on or off the premises.

SB 331, relative to waivers of deductibles in automobile insurance policies.
Interim Study, Vote 5-0. Senator Soucy for the committee.

This legislation as introduced would have required that the deductible be waived on an auto insurance policy when damage was caused by an operator who was positively identified and was solely at fault. Although the committee was sympathetic to those who had difficulty coming up with the deductible prior to having their vehicle repaired, the Insurance department stated that auto insurance providers could already provide policies that have lower deductibles or provide for waiver. In addition, the Insurance department expressed concern about requiring this type of coverage. In light of the concerns expressed the committee believes this legislation warrants more study at this time.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 245, establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.
Ought to Pass, Vote 5-0. Senator Soucy for the committee.

This bill will establish a committee to study agreements between developers of condominium units and municipalities regarding municipal trash removal fees. In many circumstances unit owners have to pay for private trash pickup while at the same time that service is included in their property taxes. The goal of this study committee will be to examine these agreements and determine why fees are paid for services not rendered.

SB 325, relative to local organization for emergency management and first responders.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill as amended defines the emergency personnel included in a local organization for emergency management. In the event of an emergency, statewide or local, it is important for the Department of Safety and Homeland Security and Emergency Management to recognize and identify those groups of citizens that are first responders. This legislation will clarify who is prepared to respond when called upon by the Emergency Management team.

Election Law and Municipal Affairs
February 14, 2022
2022-0705s
07/08

Amendment to SB 325

Amend the bill by replacing section 1 with the following:

1 Department of Safety; Homeland Security and Emergency Management; First Responders. Amend RSA 21-P:35 to read as follows:

21-P:35 Definitions. In this subdivision:

I. “Commissioner” means the commissioner of safety.

II. [Repealed.]

III. “Council” means the advisory council on emergency preparedness and security.

IV. “Director” means the director of the division of homeland security and emergency management.

V. “Emergency management” means the preparation for and the carrying out of all emergency functions, including but not limited to emergency response***,*** [~~and~~] training functions, ***or the utilization of first responders, in order*** to ***prepare for,*** prevent, minimize, and repair injury or damage resulting from the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or human cause, including but not limited to fire, flood, earthquake, windstorm, wave actions, technological incidents, oil or chemical spill, or water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, terrorist act, or riot.

VI. “Local organization for emergency management” means an organization created in accordance with the provisions of this subdivision by state, county, or local authority to perform local emergency management functions***, which may direct the utilization of first responders***.

VII. “Political subdivision” means counties, cities, towns, and duly established village precincts.

VIII. “State of emergency” means that condition, situation, or set of circumstances deemed to be so extremely hazardous or dangerous to life or property that it is necessary and essential to invoke, require, or utilize extraordinary measures, actions, and procedures to lessen or mitigate possible harm.

IX. “First responders” means state, county, and local governmental and nongovernmental emergency public safety fire, law enforcement, public safety telecommunications or dispatcher, emergency response, emergency medical services providers including hospital emergency facilities, emergency management, public health, clinical care, public works, and other skilled support personnel, such as equipment operators, that provide immediate support services necessary to perform emergency management functions.

2022-0705s

AMENDED ANALYSIS

This bill defines first responders and includes first responders in the definitions of emergency management and local organization for emergency management within the division of homeland security and emergency management.

JUDICIARY

SB 300-FN, relative to the state commission for human rights.
Interim Study, Vote 5-0. Senator French for the committee.

This bill would define and include the refusal of an experimental drug in the protections provided under the State Commission for Human Rights. As this issue is already being addressed with multiple other pieces of legislation this Session, including SB 374-FN, there is no need for this bill to move forward at this time.

SB 303-FN, relative to reimbursement of sheriffs offices for prisoner custody and control.
Ought to Pass with Amendment, Vote 5-0. Senator Kahn for the committee.

This bill requires the Judicial Branch to reimburse the Sheriff’s Office at the rate provided in the collective bargaining agreement applicable to per diem court security officers for court security and prisoner custody and control, ensuring fairness and equity in the reimbursement. The bill also revises the labor grade and employment classification for the colonel, executive major, and majors of the State Police, placing them in a labor grade appropriate to the officers they supervise.

Senate Judiciary
February 22, 2022
2022-0790s
04/05

Amendment to SB 303-FN

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

AN ACT relative to the reimbursement of sheriffs offices for prisoner custody and control and relative to the employment classification of certain state police officials.

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

2 The State Police; Ranks and Qualifications. Amend RSA 106-B:4 to read as follows:

106-B:4 Ranks and Qualifications; Establishment.

I. The director of state police shall hold the rank of colonel. Within the division of state police there shall be not less than one major, 2 field officers with the rank of captain, 7 troop commanders with the rank of lieutenant, and 7 assistant troop commanders with the rank of sergeant. Every police employee shall have had not less than 2 years' service within the division to become eligible for promotion of any type except from probationary status to trooper. No member of the division shall be eligible for promotion in any event unless his or her record is free from the commission of any major infraction of divisional discipline within the last 7 consecutive years of such service. In addition to the foregoing, the personnel commission, with the advice of the director, shall establish suitable classification for additional grades, positions and ranks and for each classification shall fix standards of health, education, training and experience, as well as the conduct and manner of taking of competitive examinations for promotion within the division.

II. The colonel of the New Hampshire state police shall not be a classified state employee. Notwithstanding any provision of law to the contrary, the colonel of the New Hampshire state police shall be compensated pursuant to the salary range set forth in RSA 94:1-a at labor grade KK.

III.(a) The executive major of the New Hampshire state police shall be a classified employee who is not represented by an exclusive representative for purposes of collective bargaining. Notwithstanding any provision of law to the contrary, the executive major of the New Hampshire state police shall be compensated on the same wage scale as his or her closest subordinate officers (Scale S416E). The executive major shall be placed on a labor grade which is no less than 2 labor grades greater than the rank of major. The executive major shall be placed at labor grade 35, subject to adjustment.

(b) A state police major shall be a classified employee who is not represented by an exclusive representative for the purposes of collective bargaining. Notwithstanding any provision of law to the contrary, a major of the New Hampshire state police shall be compensated on the same wage scale as his or her closest subordinate officers (Scale S416E). A major shall be placed on a labor grade which is no less than 2 labor grades higher than the rank of captain. A major shall be placed at labor grade 33, subject to adjustment.

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

2022-0790s

AMENDED ANALYSIS

This bill requires the judicial branch to reimburse the sheriff's office at the rate provided in the collective bargaining agreement applicable to per diem court security officers for court security and prisoner custody and control. The bill also revises the labor grade and employment classification for the colonel, executive major, and majors of the state police.

TRANSPORTATION
HB 435-FN, relative to the suspension of drivers' licenses
Ought to Pass, Vote 5-0. Senator Watters for the committee.

HB 435-FN modifies the circumstances under which a driver's license may be suspended or revoked, clarifying revocation is allowable on the grounds of physical or mental impairment. This is a clarifying change and, as amended by the House, there is no fiscal impact.

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

REGULAR CALENDAR

COMMERCE
SB 203, relative to the state minimum hourly rate.
Interim Study, Vote 3-2. Senator French for the committee.

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

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

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

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

The following Senators were excused: Avard.

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

SB 214, relative to conflicts of interest and contract powers of condominium unit owners' associations. Inexpedient to Legislate, Vote 3-2. Senator French for the committee.

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

EDUCATION
SB 410, relative to school district transparency.
Ought to Pass with Amendment, Vote 5-0. Senator Ward for the committee.

Senate Education
February 15, 2022
2022-0721s
10/05

Amendment to SB 410

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

AN ACT relative to public comment periods at school district meetings and meetings of the state board of education.

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

1 New Subdivision; School Board Public Comment Period. Amend RSA 189 by inserting after section 73 the following new subdivision:

School Board Public Comment Period

189:74 School Board Public Comment Period.

I. School boards shall provide the opportunity for the public to comment on school district matters at a meeting of the school board held under RSA 91-A:2. The public comment period shall be for no less than 30 minutes. School boards may request that persons register in advance of the meeting, but may not require pre-registration as a condition of participating in the public comment period. School boards may impose reasonable time limits for each speaker, provided such time limits are equal for all speakers. Nothing in this section shall restrict school boards from establishing other reasonable standards for the public comment period, provided such standards are imposed equally for all speakers. School boards may reasonably restrict public comments that disclose student personally-identifiable information, teacher personally-identifiable information, or other confidential or privileged information.

II. The requirement that a school board shall provide the opportunity for the public to comment on school district matters at a meeting of the school board shall not apply to emergency meetings under RSA 91-A:2, II.

III. The requirement that a school board shall provide the opportunity for the public to comment on school district matters at a meeting of the school board shall not apply when the sole purpose of the school board meeting is to enter non-public session under RSA 91-A:3.

2 New Section; State Board of Education; Public Comment Period. Amend RSA 21-N by inserting after section 10 the following new section:

21-N:10-a State Board of Education Public; Comment Period. The state board of education shall provide the opportunity for the public comment on educational matters at meetings of the state board. The public comment period shall be for no less than 30 minutes. The state board of education may request that persons register in advance of the meeting, but may not require pre-registration as a condition of participating in the public comment period. The state board of education may impose reasonable time limits for each speaker, provided such time limits are equal for all speakers. Nothing in this section shall restrict the state board of education from establishing other reasonable standards for the public comment period, provided such standards are imposed equally for all speakers. The state board of education may reasonably restrict public comments that disclose student personally-identifiable information, teacher personally-identifiable information, or other confidential or privileged information.

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

2022-0721s

AMENDED ANALYSIS

This bill requires public comment periods at school board meetings and meetings of the state board of education.

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 421, relative to dual and concurrent enrollment for career and technical education center students.
Ought to Pass, Vote 4-1. Senator Kahn 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).

ELECTION LAW AND MUNICIPAL AFFAIRS
SB 244, relative to non-conforming structures and variances.
Interim Study, Vote 4-1. Senator Gray for the committee.

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

SB 246, relative to qualified private communities.
Ought to Pass with Amendment, Vote 3-2. Senator Birdsell for the committee.

Election Law and Municipal Affairs
February 14, 2022
2022-0700s
04/10

Amendment to SB 246

Amend the bill by replacing section 1 with the following:

1 New Chapter; Qualified Private Communities. Amend RSA by inserting after chapter 356-C the following new chapter:

CHAPTER 356-D
QUALIFIED PRIVATE COMMUNITIES

356-D:1 Definitions. In this chapter the following definitions shall apply:

I. "Capital reserve fund" means a monetary fund setup for the purpose of accumulating cash reserves for future expenses related to capital assets in the qualified private community. "Capital reserve fund" shall not have the same meaning as in RSA 35.

II. "Declarant" means any person who executes or proposes to execute the declaration associated with a qualified private community, or on whose behalf the declaration is executed or proposed to be executed.

III. "Qualified private community" means a residential condominium, cooperative, open space subdivision, or other community consisting of at least 4 units, the residents of which do not receive any tax abatement or tax exemption related to its construction, comprised of a community trust or other trust device, condominium association, homeowners' association, road association, or council of co-owners, wherein the cost of maintaining roads, streets, water, and sewer infrastructure and providing essential services is paid for by a not-for-profit entity consisting exclusively of unit owners within the community. "Qualified private community" shall not include:

(a) Any apartment building or garden apartment complex owned by an individual or entity that receives monthly rental payments from tenants who occupy the premises.

(b) Any proprietary campground facility.

(c) Any community where title to land does not convey with improvements, except a residential condominium or cooperative.

356-D:2 Qualified Private Community; Requirements.

I. No city or town shall approve plans for a qualified private community unless the declarant agrees to at least one of the following requirements for such qualified private community:

(a) The declarant will establish a capital reserve fund of no less than 50 percent of the cost to replace all roadways within the qualified private community, based on the cost estimate as described in paragraph II.

(b) The declarant will build all roadways to the design standards for public ways for the municipality that is approving the project.

II. The declarant shall submit a written estimate of the cost to replace the roadways in the qualified private community for approval by the city or town. The estimate shall be based on the projected cost to replace the roads on the projected completion date of the project. This estimate may be updated from time to time until completion of the project.

III. The capital reserve fund shall be held in escrow until the qualified private community is complete, the unit owners have control of the community trust or other trust device, condominium association, homeowners' association, or council of co-owners and the declarant has relinquished interest in the qualified private community.

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 250, enabling municipalities to adopt a tax credit for qualified private community property owners.
Interim Study, Vote 4-1. Senator Ward for the committee.

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

SB 252, relative to information on property tax bills.
Inexpedient to Legislate, Vote 3-2. Senator Ward 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 Rosenwald.

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

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

The following Senators were excused: Avard.

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

SB 255, establishing redistricting criteria.
Interim Study, Vote 3-2. Senator Gray for the committee.

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

A roll call was requested by Senator Perkins Kwoka, seconded by Senator Soucy.

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

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

The following Senators were excused: Avard.

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

SB 328, relative to the date of the state primary election.
Pending Motion: Ought to Pass with Amendment, SJ 3. Senator Gray.

Recess. Out of recess.

SPECIAL ORDER

Without objection, SB 328 is Special Ordered to March 17, 2022. Adopted.

ENERGY AND NATURAL RESOURCES

SB 259, relative to the definition of "municipal host" for purposes of limited electrical energy producers.
Ought to Pass with Amendment, Vote 3-0. Senator Avard for the committee.

Energy and Natural Resources
February 15, 2022
2022-0723s
12/04

Amendment to SB 259

Amend the bill by replacing section 1 with the following:

1 Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

II-c. "Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021. A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means ***the state of New Hampshire or*** any city, town, county, school district, chartered public school, village district, school administrative unit, ***housing authority, or quasi-public entity, the Pease development authority,*** or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

2022-0723s

AMENDED ANALYSIS

This bill amends the definition of "political subdivision," as used in the definition of a "municipal host."

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 269-FN, relative to the New Hampshire weatherization program.
Ought to Pass with Amendment, Vote 3-0. Senator Avard for the committee.

Energy and Natural Resources
February 15, 2022
2022-0720s
07/05

Amendment to SB 269-FN

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

AN ACT establishing a commission to study energy saving weatherization programs.

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

1 Declaration of Purpose. Participation and administration of the New Hampshire weatherization and energy efficiency programs, as authorized for funding by the New Hampshire legislature for programs approved by the public utilities commission and as administered by the utility companies of New Hampshire, is essential for the growing number of elders caring for a third generation while living on social security. The energy weatherization program serves us all as citizens of New Hampshire. We build strength by standing together and, with these programs, we will raise our next generation with the proper tools to maintain our way of life.

2 New Section; Commission to Study Energy Saving Weatherization Programs Established. Amend RSA 12-P by inserting after section 7-b the following new section:

12-P:7-c Commission to Study Energy Saving Weatherization Programs Established.

I. The commission duties shall be as follows:

(a) The commission shall identify policy and funding opportunities to support weatherization of buildings heated with fuels including, but not limited to, electricity, natural gas, oil, propane, kerosene and wood, including, but not limited to, the following avenues:

(1) Policy direction to further prioritize weatherization within the existing NHSaves programs;

(2) Research to explore expanding the fiscal participation of propane and oil users in New Hampshire in the same manner as electric and natural gas; and

(3) Use of other funding sources such as grant funds.

(b) The commission shall also explore the fiscal feasibility of double or triple pane replacement of windows, insulated doors, and water heaters in residential duplexes, quadplexes, and multi-residential buildings with units falling under the definition of workforce housing in RSA 674:58, IV.

II.(a) The commission shall be comprised of the following members:

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

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives;

(3) One representative each from an electric provider, a natural gas provider, a propane supplier and an oil supplier, appointed by the governor;

(4) One representative from Clean Energy NH, appointed by such organization;

(5) One representative from the New Hampshire Home Builders Association, appointed by such organization;

(6) One New Hampshire representative from the Association of Builders and Contractors of New Hampshire and Vermont, appointed by such organization;

(7) The consumer advocate, or designee;

(8) One member of the New Hampshire Building Officials Association, appointed by such organization;

(9) One member of the public employed in the weatherization and energy efficiency field, appointed by the governor;

(10) One member of the public not employed in the construction nor weatherization or energy efficiency fields, appointed by the governor; and

(11) One member representing the New Hampshire Consumer Community Action Program, appointed by the governor.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

(c) The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. The commission shall meet at least monthly. Eight members of the commission shall constitute a quorum.

III. The minutes of each meeting shall be provided to the governor, president of the senate, speaker of the house of representatives, and the commissioner of the department of energy within the first week of every month.

IV. The commission shall provide any findings or solutions suitable for legislation no later than December 15, 2022.

3 Prospective Repeal. RSA 12-P:7-c, relative to the commission to study energy saving weatherization programs, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect December 16, 2022.

II. The remainder of this act shall take effect upon its passage.

2022-0720s

AMENDED ANALYSIS

This bill establishes a commission to study methods of participation for maintaining an energy saving weatherization program to assist in lowering the overall energy consumption for New Hampshire families.

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

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20
February 18, 2022
2022-0750s
07/08

Floor Amendment to SB 269-FN

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

AN ACT establishing a commission to study energy saving weatherization programs.

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

1 Declaration of Purpose. Participation and administration of the New Hampshire weatherization and energy efficiency programs, as authorized for funding by the New Hampshire legislature for programs approved by the public utilities commission and as administered by the utility companies of New Hampshire, is essential for the growing number of elders caring for a third generation while living on social security. The energy weatherization program serves us all as citizens of New Hampshire. We build strength by standing together and, with these programs, we will raise our next generation with the proper tools to maintain our way of life.

2 New Section; Commission to Study Energy Saving Weatherization Programs Established. Amend RSA 12-P by inserting after section 7-b the following new section:

12-P:7-c Commission to Study Energy Saving Weatherization Programs Established.

I. The commission duties shall be as follows:

(a) The commission shall identify policy and funding opportunities to support weatherization of buildings heated with fuels including, but not limited to, electricity, natural gas, oil, propane, kerosene and wood, including, but not limited to, the following avenues:

(1) Policy direction to further prioritize weatherization within the existing NHSaves programs;

(2) Research to explore expanding the fiscal participation of propane and oil users in New Hampshire in the same manner as electric and natural gas; and

(3) Use of other funding sources such as grant funds.

(b) The commission shall also explore the fiscal feasibility of double or triple pane replacement of windows, insulated doors, and water heaters in residential duplexes, quadplexes, and multi-residential buildings with units falling under the definition of workforce housing in RSA 674:58, IV.

II.(a) The commission shall be comprised of the following members:

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

(2) Three members of the house of representatives, appointed by the speaker of the house of representatives;

(3) One representative each from an electric provider, a natural gas provider, a propane supplier and an oil supplier, appointed by the governor;

(4) One representative from Clean Energy NH, appointed by such organization;

(5) One representative from the New Hampshire Home Builders Association, appointed by such organization;

(6) One New Hampshire representative from the Association of Builders and Contractors of New Hampshire and Vermont, appointed by such organization;

(7) The consumer advocate, or designee;

(8) One member of the New Hampshire Building Officials Association, appointed by such organization;

(9) One member of the public employed in the weatherization and energy efficiency field, appointed by the governor;

(10) One member of the public not employed in the construction nor weatherization or energy efficiency fields, appointed by the governor; and

(11) Two members from the New Hampshire Community Action Partnerships, one of whom shall be from the community action partnership with the largest population served, appointed by the New Hampshire Community Action Association.

(b) Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

(c) The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. The commission shall meet at least monthly. Eight members of the commission shall constitute a quorum.

III. The minutes of each meeting shall be provided to the governor, president of the senate, speaker of the house of representatives, and the commissioner of the department of energy within the first week of every month.

IV. The commission shall provide any findings or solutions suitable for legislation no later than December 15, 2022.

3 Prospective Repeal. RSA 12-P:7-c, relative to the commission to study energy saving weatherization programs, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect December 16, 2022.

II. The remainder of this act shall take effect upon its passage.

2022-0750s

AMENDED ANALYSIS

This bill establishes a commission to study methods of participation for maintaining an energy saving weatherization program to assist in lowering the overall energy consumption for New Hampshire families.

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

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

SB 367, relative to the regulatory status of advanced recycling and manufacturing facilities.
Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

Energy and Natural Resources
February 22, 2022
2022-0789s
08/05

Amendment to SB 367

Amend the bill by deleting section 7 and renumbering the original sections 8-11 to read as 7-10, respectively.

Amend RSA 149-M:62, I as inserted by section 9 of the bill by replacing it with the following:

I. The department shall regulate advanced recycling facilities as manufacturing facilities. An advanced recycling facility and the products and by-products of advanced recycling shall be subject to applicable statutes and departmental rules relative to air, water, waste and land use. The department may enter and inspect any advanced recycling facility to determine whether storage of materials prior to advanced recycling is a nuisance or poses a threat to the environment. The department may utilize its enforcement authorities under RSA 149-M:15 to require abatement of the nuisance or threat if found.

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 370-FN, allowing the university system and community college system to be municipal host electric customer generators.
Interim Study, Vote 3-0. Senator Watters for the committee.

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

SB 424-FN, relative to renewable energy and natural gas.
Ought to Pass with Amendment, Vote 4-0. Senator Avard for the committee.

Energy and Natural Resources
February 22, 2022
2022-0786s
12/04

Amendment to SB 424-FN

Amend the bill by replacing section 1 with the following:

1 Legislative Findings and Purpose.

I. The general court finds that:

(a) Renewable natural gas can provide benefits to gas utility customers and to the public, by offsetting or reducing naturally-occurring emissions and waste streams, including offsetting conventional natural gas use.

(b) The development of renewable natural gas resources is consistent with and supports

the objectives of the New Hampshire energy policy as stated in RSA 378:37.

(c) The purpose of this act is to encourage the procurement of renewable natural gas and investment in renewable natural gas infrastructure by gas utilities, provided that the public utilities commission finds utility proposals to be in the public interest.

II. The general court therefore declares that:

(a) Gas utilities may procure renewable natural gas and invest in renewable natural gas infrastructure.

(b) Any regulation of the procurement of renewable natural gas and investments in renewable natural gas infrastructure should be consistent with the purposes of this act.

(c) The commission may approve recovery of prudently incurred costs related to procuring renewable natural gas and recovery of and return on qualified investments in renewable natural gas infrastructure by a gas utility.

Amend RSA 362-I:1, II as inserted by section 2 of the bill by replacing it with the following:

II. "Biomass gasification" is a technology that uses a controlled process involving heat, steam, and oxygen to convert biomass fuels, as defined in RSA 362-F:2, II, to hydrogen and other products, including methane, without combustion.

Amend RSA 362-I:1, XII as inserted by section 2 of the bill by replacing it with the following:

XII. "Renewable natural gas infrastructure" means equipment and facilities necessary to receive and inject renewable natural gas into the pipeline distribution system by a gas utility.

Amend RSA 362-I:2 as inserted by section 2 of the bill by replacing it with the following:

362-I:2 Procurement of Renewable Natural Gas and Investment in Renewable Natural Gas Infrastructure by Gas Utilities.

I. The commission may approve, upon the filing of a petition by a gas utility, recovery of costs related to prudent utility procurement of renewable natural gas and any qualified investment, including the use of an associated cost recovery mechanism, if the commission determines that it is in the public interest to do so after notice and hearing pursuant to RSA 541-A.

II. Determination of the public interest under paragraph I shall include consideration of, and each utility filing pursuant to this chapter shall include a detailed description of, the following:

(a) The monetary benefits of the proposal to the utility customers and the state, such as the value of any environmental attributes or carbon offsets, relative to the incremental cost to gas utility customers necessary to achieve those benefits.

(b) The extent to which the proposal advances the objectives of the energy policy of the state under RSA 378:37, the state's 10-year energy strategy, or other state policy, including enhancing consumer choice and improving gas system resiliency through diversification of supply options.

III. All utilities that elect to purchase renewable natural gas shall conduct a competitive bidding process through requests for proposals (RFPs) for renewable natural gas supply and shall consult with the department of energy on all issues related to RFPs.

IV. In any given year, renewable natural gas shall not exceed 5 percent of a gas utility's total gas volume delivered. Unless approved by the department of energy, renewable natural gas contracts shall not exceed 15 years.

V. The department of energy, in consultation with the utilities, shall study each utility's renewable natural gas contracts. Said study shall begin within 3 years of the effective date of this chapter. The study shall include, but not be limited to market terms, price, conditions, availability, service quality, economic benefits to participating and non-participating customers, and job creation as a result from the utility's use of renewable natural gas. The department of energy shall generate and deliver a report on their findings to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, and the public utilities commission. The cost of this study shall be funded by a special assessment upon the utility or utilities purchasing renewable natural gas and the commission shall approve the utilities' recovery of costs related to said study.

VI. Nothing in this chapter shall require a gas utility to initiate a proceeding with the commission pursuant to this chapter, and nothing in this chapter shall relieve the utility from demonstrating the prudence of contracts entered into prior to cost recovery from customers in permanent rates.

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 452-FN, relative to lead in drinking water in schools and licensed child care facilities.
Ought to Pass with Amendment, Vote 4-0. Senator Watters for the committee.

Energy and Natural Resources
February 22, 2022
2022-0793s
08/10

Amendment to SB 452-FN

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

1 Lead in Drinking Water in Schools and Licensed Child Care Facilities. RSA 485:17-a is repealed and reenacted to read as follows:

485:17-a Lead in Drinking Water in Schools and Licensed Child Care Facilities.

I. Between January 1, 2016 and June 30, 2024, public and private schools and licensed child care facilities shall test a minimum of 3 rounds for the presence of lead in drinking water at all outlets at the school or facility. For purposes of this section, "outlet" means a drinking water fixture currently or reasonably expected to be used for consumption or cooking. Testing shall be in accordance with guidance from the department of environmental services. Schools and licensed child care facilities that have not tested their outlets between January 1, 2016 and the effective date of this paragraph shall initiate testing within 30 days of the effective date of this paragraph.

II. If test results obtained by a school or licensed child care center after the effective date of this paragraph demonstrate the presence of lead at a concentration that exceeds 5 parts per billion, the school or licensed child care facility shall, within 5 business days, notify parents and guardians and shall, as an interim measure, ensure that the children are provided only drinking water that meets the standard. The school or licensed child care facility shall also implement a remediation plan, as approved by the department, within 180 days of notification of parents or, in consultation with the department, as soon as practicable. The department shall review the plan and any associated submittals within 60 days of receiving them. The school or licensed child care facility shall conduct testing after remediation measures have been implemented and shall provide those results to the department of environmental services to demonstrate that lead levels do not exceed the standard.

III. Within 30 days of the effective date of this section, public and private schools and licensed child care facilities shall compare the results of testing conducted after January 1, 2022 with the 5 parts per billion standard and, in the event any such results exceed this standard, proceed with the requirements of paragraph II relative to notice, remediation, and interim measures.

IV. If 2 consecutive rounds of sampling performed after January 1, 2022 are below the 5 parts per billion standard at an outlet, further testing of the outlet shall not be required.

V. All test results, including but not limited to those obtained between January 1, 2016 and the effective date of this section, shall be provided to the department of environmental services, which shall maintain a database of results accessible to the public on the department's website.

VI. To the extent it is allowable under federal regulations, remediation funding from federal sources shall be made available to licensed child care facilities by the department of environmental services.

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 the Committee on Finance (Rule 4-5).

FINANCE
SB 261-FN, relative to net metering participation.
Ought to Pass, Vote 5-0. 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 268-FN, relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine.
Ought to Pass, Vote 5-0. Senator Reagan for the committee.

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

SB 366-FN, requiring an audit of ballots cast in the 2022 primary and general election.
Ought to Pass, Vote 5-0. Senator Daniels for the committee.

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

SB 396-FN, relative to solid waste management.
Ought to Pass, Vote 6-0. Senator D'Allesandro for the committee.

Senator Daniels offered a Floor Amendment.

Sen. Daniels, Dist 11
February 23, 2022
2022-0810s
08/04

Floor Amendment to SB 396-FN

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

XV. The department may enter into a written agreement with the applicant for the department to retain, at the applicant's expense, an independent licensed professional engineer or hydrogeologist to assist the department in determining what information is necessary to render the application technically complete, assessing during the technical review of the application whether it meets the requirements for approval in this chapter and the rules adopted under RSA 149-M:7, and ensuring that the department processes the application in a timely manner as required by this section. The applicant's failure to enter into such an agreement may be grounds to deny the application. This paragraph shall not apply to a political subdivision of the state.

2022-0810s

AMENDED ANALYSIS

This bill enables the department of environmental services to contract with an engineer or hydrogeologist when evaluating a permit for a landfill. This bill also exempts towns or other governmental units, agencies, or political subdivisions of the state from the requirement of such contract.

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

The question is on the adoption of the motion of Ought to Pass. 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 with Amendment, Vote 5-1. Senator Rosenwald for the committee.

Senate Finance
February 22, 2022
2022-0801s
05/04

Amendment to SB 407-FN

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of $200,000 for the biennium ending June 30, 2023 is hereby appropriated to the department of health and human services for the purpose of expanding postpartum health care services under the state Medicaid plan as provided in section 2 of this act. The governor shall determine if any discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2, or any other federal funds, can be used for this purpose, and the commissioner shall expend such federal funds for this purpose. Any remainder shall be appropriated from the general fund. The governor is authorized to draw a warrant for the general fund portion of such sum from any money in the treasury not otherwise appropriated.

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 422-FN, establishing an adult dental benefit under the state Medicaid program.
Ought to Pass with Amendment, Vote 6-0. Senator Rosenwald for the committee.

Senate Finance
February 22, 2022
2022-0804s
05/10

Amendment to SB 422-FN

Amend RSA 126-A:5, XIX-a as inserted by section 2 of the bill by inserting after subparagraph (b) the following and renumbering the original subparagraph (c) to read as subparagraph (d):

(c) The individual benefit shall be capped at $1,500 per year, excluding preventive services.

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

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

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

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

The following Senators voted No: (None)

The following Senators were excused: Avard.

Roll Call, Yeas: 23 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 423-FN, relative to a closed loop referral system in the department of health and human services.
Ought to Pass, Vote 6-0. 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 440-FN, relative to the office of offshore wind industry development.
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.

HEALTH AND HUMAN SERVICES
SB 419-FN, relative to public health networks.
Ought to Pass with Amendment, Vote 3-0. Senator Whitley for the committee.

Health and Human Services
February 16, 2022
2022-0731s
05/04

Amendment to SB 419-FN

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

AN ACT establishing a commission to study the delivery of public health services in New Hampshire through regional public health networks.

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

1 New Section; District Departments of Health; Commission to Study the Delivery of Public Health Services Through Regional Public Health Networks Established. Amend RSA 127 by inserting after section 11 the following new section:

127:12 Commission Established.

I. There is established a commission to study the delivery of public health services through regional public health networks and the continued development of coordinated responses to public health incidents and emergencies in New Hampshire.

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 from each of the 13 regional public health networks (RPHNs), appointed by the director of each respective network.

(d) The director of the division of public health of the department of health and human services, or designee.

(e) One member of the New Hampshire Public Health Association, appointed by the association.

III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall:

(a) Review the operations of the current 13 public health networks.

(b) Review regional public health priorities across the state.

(c) Propose a plan for the provision and implementation of sustainable programs, practices, governance, and policies that are evidence-based to improve health outcomes across New Hampshire.

(d) Review management of public health emergencies at the state and local level.

(e) Review the coordination of services among partners, including local public health officers, and propose a plan for optimizing these services.

V. The commission may solicit information and participation from any person or entity determined necessary by the committee in the performance of its duties.

VI. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

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

2 Repeal. RSA 127:12, relative to a commission to study the delivery of public health services in New Hampshire through regional public health networks, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2022.

II. The remainder of this act shall take effect upon its passage.

2022-0731s

AMENDED ANALYSIS

This bill establishes a commission to study the delivery of public health services in New Hampshire through regional public health networks and continued development of coordinated responses to public health incidents and emergencies in New Hampshire.

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

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

JUDICIARY
SB 298, repealing the law relative to certain discrimination in public workplaces and education.
Inexpedient to Legislate, Vote 3-2. Senator French for the committee.

President Pro Tempore Carson presiding.

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

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

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

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

The following Senators were excused: Avard.

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

President Morse presiding.

SB 302-FN, establishing the personal privacy protection act.
Ought to Pass with Amendment, Vote 3-2. Senator Carson for the committee.

Senate Judiciary
February 22, 2022
2022-0792s
04/10

Amendment to SB 302-FN

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

1 New Chapter; Personal Privacy Protection Act. Amend RSA by inserting after chapter 91-B the following new chapter:

CHAPTER 91-C

PERSONAL PRIVACY PROTECTION ACT

91-C:1 Public Bodies Prohibited Disclosures.

I. Public agencies and public bodies shall not disclose or release any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code.

II. Notwithstanding any law and subject to paragraph III, a public agency or public body shall not:

(a) Require any individual or entity exempt from federal income tax under section 501(c) of the Internal Revenue Code to provide the public agency with, or otherwise compel the release of, any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code;

(b) Release, publicize, or otherwise publicly disclose any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code already in possession of the public agency or public body; or

(c) Request or require a current or prospective contractor or grantee to provide the public agency or public body with a list of entities exempt from federal income tax under section 501(c) of the Internal Revenue Code to which it has provided financial or nonfinancial support.

(d) Release, publicize, or otherwise publicly disclose any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code for the purposes of responding to a request under New Hampshire's freedom of information act as outlined in RSA 91-A.

91-C:2 Exemptions. This section shall not preclude:

I. Any report or disclosure required by the following laws or successor provisions thereto:

(a) RSA 14-C relative to gifts for legislators and legislative employees;

(b) RSA 15 relative to lobbyists;

(c) RSA 15-A relative to financial disclosures; and

(d) RSA 664 relative to political expenditures and contributions.

II. A public body or agency from releasing a person's status as a member, volunteer, or donor of any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code that was voluntarily released by the person during meetings open to the public.

III. Any lawful warrant for any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code issued by a court of competent jurisdiction;

IV. A lawful request for discovery of any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code in litigation if both of the following conditions are met:

(a) The requestor demonstrates a compelling need for any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code by clear and convincing evidence; and

(b) The requestor obtains a protective order barring disclosure of any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code to any person not named in the litigation.

V. Admission of any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code as relevant evidence before a court of competent jurisdiction. Any filing in court that is subject to this section shall be filed under seal by the offering party. Any party who intends to display or produce any record that is subject to this section in a courtroom during a hearing or trial shall notify the court to allow for the courtroom to be cleared prior to discussion or display of the record. No court shall publicly reveal such information that has been filed in accordance with this paragraph absent a specific finding of good cause.

91-C:3 Limited Applicability.

I. Nothing in this chapter shall apply to a national securities association, as defined in section 15A of the Securities Exchange Act of 1934, 15 U.S.C. Section 78o-3, as amended, or regulations adopted thereunder, and any information such national securities association provides to the relevant public agency or body of this state pursuant to the rules and regulations provided by such agency or body.

II. The following activities by the attorney general pursuant to RSA 7:19 through RSA 7:32-a shall be specifically allowed:

(a) A request by the attorney general of a list of the members of the governing board of a charitable trust in reports required under RSA 7:28, II;

(b) A request by the attorney general for information required for an audit, examination, or investigation pursuant to RSA 7:24, provided that such information shall only be used in connection with the specific audit, examination, or investigation to which the request relates and for any related proceedings, provided further that any information so collected shall otherwise remain subject to the provisions of this chapter; and

(c) The voluntary release of information related to volunteers or donors by a charitable trust to the attorney general or to the public.

91-C:4 Penalties.

I. A person alleging a violation of this chapter may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:

(a) A sum of money not less than $2,500 to compensate for injury or loss caused by each violation of this chapter; or

(b) For an intentional violation of this chapter, a sum of money not to exceed $7,500.

II. A court, in rendering a judgment in the action brought under this chapter, may award all or a portion of the costs of litigation, including reasonable attorneys and witness fees, to the complainant in the action if the court determines that the award is appropriate.

III. A person who knowingly violates this chapter shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than $1,000, or both.

2 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.

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

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

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

The following Senators were excused: Avard.

Roll Call, Yeas: 14 - Nays: 9. Adopted, bill ordered to Third Reading.

SB 304, relative to discrimination in public workplaces and education.
Inexpedient to Legislate, Vote 3-2. Senator Gannon for the committee.

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

SB 322, relative to remote meetings under the right-to-know law.
Interim Study, Vote 3-2. Senator French for the committee.

Senator French moved to Lay on the Table. Adopted.

SB 375-FN, relative to requirements for charitable organizations.
Ought to Pass with Amendment, Vote 4-1. Senator Gannon for the committee.

Senate Judiciary
February 10, 2022
2022-0672s
07/10

Amendment to SB 375-FN

Amend RSA 7:29-a as inserted by section 2 of the bill by inserting after paragraph III the following new paragraph:

IV. Nothing in this section shall be construed to limit or restrict the powers, duties, remedies, or penalties available to the attorney general, the state of New Hampshire, or any private person under any other provision of statutory or common law.

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

3 Reports by Trustees of Charitable Trusts; Threshold for Submitting Audited Financial Statements. Amend RSA 7:28, III-b to read as follows:

III-b. Any charitable organization with revenue, gains, and other support of [~~$1,000,000~~] ***$2,000,000*** or more that is required to file an Internal Revenue Service Form 990 with the attorney general shall also submit the organization's latest audited financial statement prepared in accordance with generally accepted accounting principles.

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

2022-0672s

AMENDED ANALYSIS

This bill:

I. Prohibits New Hampshire state agencies and officials from imposing filing or reporting requirements that are more stringent than those established in RSA 7:19 through RSA 7:32-l or other areas of statutory or common law.

II. Increases the amount of revenue, gains, and other support required of charitable organizations for the filing of additional audited statements to the attorney general to $2,000,000.

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 377-FN, relative to the diagnosis of post-traumatic stress disorder in state troopers.
Ought to Pass with Amendment, Vote 4-1. Senator Carson for the committee.

Senate Judiciary
February 10, 2022
2022-0670s
08/04

Amendment to SB 377-FN

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

AN ACT relative to the eligibility of certain injuries of state troopers for workers' compensation.

Amend the bill by replacing section 1 with the following:

1 New Section; State Troopers; Eligibility for Workers Compensation. Amend RSA 281-A by inserting after section 17-d the following new section:

281-A:17-e State Troopers; Eligibility for Workers Compensation. Notwithstanding RSA 281-A:2, there shall be a prima facie presumption that any injury sustained by a trooper operating a state police vehicle while wearing the uniform of the day is occupationally caused.

2022-0670s

AMENDED ANALYSIS

This bill creates a prima facie presumption that an injury that occurs while a state trooper is operating a state police vehicle in the performance of the trooper's official duties is occupationally caused.

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 392, relative to the statutory definition of insane or insane person.
Ought to Pass with Amendment, Vote 4-1. Senator Whitley for the committee.

Senate Judiciary
February 22, 2022
2022-0796s
05/04

Amendment to SB 392

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

AN ACT establishing a commission to study insanity and restoration of competency.

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

1 Statement of Findings and Purpose. The general court finds that:

I. Individuals with severe mental illness are at increased risk of interacting with the probate court on civil commitments as well as with the criminal justice system in 3 important areas: insanity, trial competency, and competency restoration. Current New Hampshire statutes for insanity and competency have not evolved with changing trends in the frequency of these types of orders or the improvements in mental health treatment.

II. As is evidenced by the number of individuals ordered for competency evaluations, the need for these evaluations has increased substantially over the last 5 years, with some state jurisdictions reporting 70 to 100 percent increases. Accordingly, New Hampshire experienced a 75 percent increase in the number of competency orders since 2015. In 2019, there was an average of 66 court orders for trial competency evaluations each month. With increases of the numbers of competency evaluations, there are more individuals court ordered for competency restoration. An individual ordered into competency restoration is expected to improve and return to court to face their charges upon restoration of his or her competency. Analysis of 56 published studies from 1975 to 2013 showed that nationwide, 81 percent of individuals ordered to inpatient competency restoration treatment were able to return to court.

III. In New Hampshire, there is no formal, existing system to provide treatment for individuals found incompetent. In stark contrast to these national numbers, fewer than half of the individuals ordered into a competency restoration period are able to return to court and complete their criminal case. Specifically, in 2019 only 44 percent of individuals were found to have his or her competency restored.

IV. The current statutory definition of insanity in New Hampshire, originating in 1871, is outdated and not in keeping with today's standards of the dignity afforded to people with mental illness. The 43 state jurisdictions in which the insanity defense is available commit acquitted individuals to a state hospital and or forensic psychiatric hospital for mental health treatment, under the care and supervision of the department of health or human services or similar entity.

V. Numerous state jurisdictions have sought to reform their respective competency restoration system. The Council of State Governments and the National Center for State Courts have published useful guidance for state-level improvements. New Hampshire is currently planning to build a new forensic hospital. Creation of a study commission will allow informed stakeholders to review the existing statutes, examine the current competency, restoration, and sanity needs of New Hampshire, and utilize national resources to develop needed improvements.

2 New Subdivision; New Hampshire Hospital and Insane Persons; Commission to Study Insanity and Restoration of Competency; Established. Amend RSA 135 by inserting after section 48 the following new subdivision:

Commission to Study Insanity and Restoration of Competency

135:49 Commission to Study Insanity and Restoration of Competency; Established. There is hereby established a commission to study insanity and restoration of competency.

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

(a) 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 criminal justice and public safety committee, one of whom shall be a member of the health, human services and elderly affairs committee, and one of whom shall be a member of the judiciary committee. At least one of the 3 house members shall be a member of the minority party.

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

(c) The commissioner of the department of health and human services, or designee.

(d) The commissioner of the department of corrections, or designee.

(e) The chief executive officer of the New Hampshire Hospital, or designee.

(f) The chief medical officer of the New Hampshire Hospital, or designee.

(g) The director of the division for behavioral health, department of health and human services, or designee.

(h) Two representatives from the department of justice, one from the criminal bureau and one from the civil bureau, appointed by the attorney general.

(i) A representative from the New Hampshire Association of Chiefs of Police, appointed by the association.

(j) A defense attorney, appointed by the New Hampshire Public Defender.

(k) A private defense attorney, appointed by the New Hampshire Bar Association.

(l) A county attorney, appointed by the New Hampshire Association of Counties.

(m) A superintendent of a county correctional facility, appointed by the New Hampshire Association of Counties.

(n) A representative from a community mental health centers, appointed by the New Hampshire Community Behavioral Health Association.

(o) A member of the judiciary, appointed by the judicial branch.

(p) A representative from National Alliance on Mental Illness of New Hampshire (NAMI-NH), appointed by the alliance.

(q) A representative from the Disability Rights Center, appointed by the center.

(r) A representative from the New Hampshire Psychiatric Society, appointed by the society.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall study:

(a) The statutory definition of insane or insane person and shall revise the definitions based on current practices and standards.

(b) Organizational and statutory alignment of insanity-acquitted individuals to align with the development of the forensic hospital.

(c) Best practice for inpatient and outpatient insanity-acquitted individuals.

(d) Quality improvement elements for insanity-acquitted individuals.

(e) Methods to streamline and improve the system of care for individuals with severe mental illness who have been deemed incompetent to stand trial.

(f) Restoration of competency and to develop a plan for a comprehensive restoration program for those individuals deemed not competent but restorable. The plan would include:

(1) Review of organizational alignment of the office of forensic examiners;

(2) Best practices for inpatient and outpatient competency restoration;

(3) Improvement of current judicial review process;

(4) Identify a central repository and management entity for the competency restoration process;

(5) Quality improvement elements for competency restoration; and

(6) Review of incorporating juvenile competency.

IV. Commission members shall be appointed within 30 days after the effective date of this section.

V. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. The commission shall hold a minimum of 10 meetings over the course of its study. A majority of the members of the commission shall constitute a quorum.

VI. The commission shall submit an interim report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2022. The commission shall submit a final report of 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, 2023.

3 Repeal. RSA 135:49 and the subdivision heading preceding RSA 135:49, relative to the commission to study the statutory definition of insane or insane person and restoration of competency, are repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2023.

II. The remainder of this act shall take effect upon its passage.

2022-0796s

AMENDED ANALYSIS

This bill establishes a commission to study insanity and restoration of competency.

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.

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT MORSE: We are at the conclusion of the Regular Calendar and will take up the bill that was removed from the Consent Calendar.

ELECTION LAW AND MUNICIPAL AFFAIRS
SB 247, relative to broadband infrastructure bonds.
Interim Study, Vote 5-0. Senator Soucy for the committee.

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

MOTION TO ADJOURN FROM EARLY SESSION

Senator Bradley moved that the Senate adjourn from the Early Session, that the business of the Late Session be in order at the present time, that all bills and resolutions ordered to Third Reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Birdsell: SB 246, SB 250

ANNOUNCEMENTS

(The Chair recognized Senator Bradley.)

SENATOR BRADLEY: Thank you, Mister President. Just a reminder to members of the Rules Committee, we'll meet, probably for less than one minute downstairs right after we're done here, in room 100. Thank you.

PRESIDENT MORSE: The Senate will be going back to the Senate Chambers on March 17th. So, the 10th you have off. I'm sure there's committees that want to schedule that time period though. So, we currently only have what you Special Ordered today to the 17th. So, beyond that we need to get, I believe 70 some bills out of committee. Am I right? Somewhere in that number. So, we have a lot of work to do, but on the 17th, we'll be meeting in the Senate Chambers. Seventy-eight bills still in committee.

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 435-FN, relative to the suspension of drivers' licenses

SB 212-FN, relative to liquor manufacturers.

SB 245, establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters.

SB 246, relative to qualified private communities.

SB 259, relative to the definition of "municipal host" for purposes of limited electrical energy producers.

SB 261-FN, relative to net metering participation.

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

SB 269-FN, establishing a commission to study energy saving weatherization programs.

SB 302-FN, establishing the personal privacy protection act.

SB 325, relative to local organization for emergency management and first responders.

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

SB 367, relative to the regulatory status of advanced recycling and manufacturing facilities.

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

SB 377-FN, relative to the eligibility of certain injuries of state troopers for workers' compensation.

SB 392, establishing a commission to study insanity and restoration of competency.

SB 396-FN, relative to solid waste management.

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

SB 410, relative to public comment periods at school district meetings and meetings of the state board of education.

SB 419-FN, establishing a commission to study the delivery of public health services in New Hampshire through regional public health networks.

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

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

SB 440-FN, relative to the office of offshore wind industry development.

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.