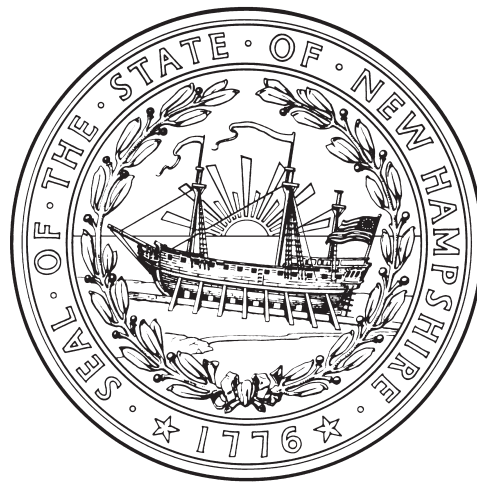


April 28, 2022
Nos. 9-10

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 – APRIL 21, 2022 SESSION
COMMENCEMENT – APRIL 28, 2022 SESSION**

SENATE JOURNAL 9 *(continued)*

April 21, 2022

HOUSE MESSAGE

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

SB 201, relative to naming a bridge in the town of Rumney and a bridge in the town of Center Harbor.
SB 223, relative to requirements for recovery houses.
SB 228, (New Title) relative to the regulation and practice of physician assistants.
SB 240, apportioning state senate districts.
SB 241, apportioning executive council districts.
SB 260, relative to search and rescue teams activated by fish and game.
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 284, relative to the treatment of glaucoma.
SB 306-FN, relative to the penalties for various motor vehicle violations.
SB 348, relative to political expenditures and contributions.
SB 356-FN, relative to medical benefits payments by state retirees.
SB 380-FN, relative to solid waste rules and landfill containment tests.
SB 391, relative to the operation of a state forensic psychiatric hospital.
SB 396-FN, relative to solid waste management.
SB 414-FN-A, (New Title) relative to the definition of Alzheimer's disease and related disorders.
SB 423-FN, relative to a closed loop referral system in the department of health and human services.
SB 439-FN, relative to the brain and spinal cord injury advisory council and community-based support program.
SB 460-FN, relative to salaries for employee positions approved by the joint committee on employee classification.

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 291, establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage.
SB 328, relative to the date of the state primary election.
SB 365, relative to absentee ballot outer envelopes.
SB 425-FN, relative to the establishment of an election information portal.
SB 427-FN, modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.

HOUSE MESSAGE

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

SB 403-FN-A, re-establishing the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program.
SB 456-FN-A, establishing a law enforcement conduct review committee in the police standards and training council and making an appropriation therefor.

HOUSE MESSAGE

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

SB 230-FN, relative to the practice of body art.
SB 378-FN, relative to the disposal of highway or turnpike funded real estate.

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 571, repealing the prohibition against OHRV travel on Hoit Road Marsh.

HB 1059, clarifying limits on licensure by operation of law.

HB 1110, relative to windshield tint waivers.

HB 1316, directing the director of the state police to develop requirements for eFoil and electric hydrofoil surfboard watercraft.

HB 1562, clarifying the prohibition on using an electronic or telecommunications device while driving.

HB 1581, relative to the use of open source software by state agencies.

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

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 1030, relative to licensure by alternate experience for licensed nursing assistant.

HB 1218-FN, relative to the merger of Granite State college with the university of New Hampshire.

HB 1234, relative to criminal background checks for an applicant for a teaching credential.

HB 1354, relative to regulation by the New Hampshire real estate commission.

HB 1456-FN, relative to the Hampton marine memorial.

HB 1558, relative to insurance holding companies.

HB 1559, relative to laws administered by the insurance department.

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

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 1214-FN, eliminating fees for walking disability placards.

HB 1323, relative to hike safe cards.

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

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 10

April 28, 2022

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

Without objection, pursuant to Senate Rule 2-33 Senator D'Allesandro and Senator Gannon will participate remotely.

Senator D'Allesandro stated his location and identified anyone present in his location.

Senator Gannon stated his location and identified anyone present in his location.

The Rabbi Robin Nafshi, Chaplain to the Senate, offered the following prayer:

Good Morning.

Eloheinu veilohei kol anashim. Our God and the God of all people. God of the poor and God of the powerful. God of the rich and God of the wretched. God of the hubris and God of the humility. God of those who believe and God of those who are beleaguered. God of those who have no God. We come together this morning in this

place of privilege and power to pray on behalf of those who have been chosen to lead our great state of New Hampshire by serving in its Senate. On this day of deliberation, may you open your eyes so that we might see the possibilities that lie in before us. May we hear the cries of those who are in pain, who suffer from the inequities and inequalities that plague our cities and towns. And may we hear the exuberance of those who are inspired by hope and the promise of tomorrow. May this be a day of transformation. May you, our State Senators, find ways to connect with one another, to build bridges of cooperation and collaboration that break down the barriers of political isolation and one-upmanship. May every disagreement that occurs in this room be for the sake of common vision of a path to improve our state, to improve our communities, to improve this sacred chamber, to improve ourselves. May you treat one another with dignity and respect. May you heed God's call to avoid lashon hara; hateful speech, as God teaches that such speech damages the speaker, the hearer, and the person about whom the speaker speaks.

God, you have given us the ability to learn and grow. May we strive to accept the individual gifts that we all bring to our collective work. May we treasure the possibilities that emerge from our deliberations. And may the work that we do bring us one more step closer to the perfection of your all too imperfect world. Help us to see your presence as we gaze. Forgive us our weaknesses. Push us to go beyond our limitations. God, help these Senators work together to do the vitally important work of shepherding our great state of New Hampshire toward a path of compassion and wholeness. Heal our divisions. And together we say, Amen.

Senator Ward led the Pledge of Allegiance.

MOTION OF RECONSIDERATION

Senator Kahn, having voted on the prevailing side, moved to reconsider the following action taken by the body on HB 1398, establishing a committee to study the feasibility of centralized criminal history records checks in education. Reconsider the vote on Third Reading and Final Passage, Rescind Third Reading, Reconsider the vote on Ought to Pass, Reconsider the vote on Committee Amendment #2022-1545s. Adopted.

HB 1398, establishing a committee to study the feasibility of centralized criminal history records checks in education.

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

Senate Education

April 14, 2022

2022-1545s

10/04

Amendment to HB 1398

Amend the bill by replacing section 5 with the following:

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

AMENDED FN REPORT FOR APRIL 28, 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:

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 1496-FN, requiring political subdivisions to make voter checklists available in spreadsheet form to any resident.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1552-FN, establishing a board for the certification of assessors.

JUDICIARY

HB 1388-FN, relative to the unsolicited disclosure of an intimate image.

REGULAR CALENDAR:

COMMERCE

HB 1237-FN, relative to the definition of cigar bar.

HB 1469-FN, relative to prohibited acts for banks, credit unions, and businesses.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 1170, limiting the authority of New Hampshire delegates to policymaking conventions.

HB 1203-FN, relative to domicile residency, voter registration, and investigation of voter verification letters.

HB 1467-FN, requiring partial audits of additional offices on ballots involved in recounts.

HB 1567-FN, relative to consequences resulting from election official misconduct.

ENERGY AND NATURAL RESOURCES

HB 1297, relative to taking lobster while engaged in recreational scuba diving.

HB 1599-FN, relative to customer generators who sell renewable energy certificates.

HB 1629-FN, relative to default service for net metering.

JUDICIARY

HB 1296-FN, relative to the forfeiture of items used in connection with a drug offense.

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:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 275, relative to the declaration of a state of emergency.

HB 1171-FN, exempting certain niche beauty services from licensure requirements—if Interim Study recommendation is overturned.

HB 1587-FN-A, relative to determination of average final compensation under the retirement system and making an appropriation therefor.

JUDICIARY

HB 1540-FN, relative to recording custodial interrogations—if Interim Study recommendation is overturned.

WAYS AND MEANS

HB 1598-FN, legalizing the possession and use of cannabis—if Inexpedient to Legislate recommendation is overturned.

REGULAR CALENDAR:

CAPITAL BUDGET

HB 1661-FN-L, relative to regional career technical education agreements and relative to an appropriation for constructing a legislative parking garage.

COMMERCE

HB 1503-FN, exempting the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws and adopting the Uniform Commercial Code relative to controllable electronic records.

ENERGY AND NATURAL RESOURCES

HB 614-FN, exempting the state and political subdivisions from payment of the costs of compliance with the renewable portfolio standard—if Interim Study recommendation is overturned.

HB 1328-FN, authorizing a utility to petition to be relieved of their carrier of last resort obligations—if Interim Study recommendation is overturned.

HB 1547-FN, setting maximum contaminant levels for perfluorochemicals in the soil.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1417-FN-L, relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

HB 1535-FN, relative to a one-time allowance for certain state retirees.

HB 1548-L, relating to the sale of the Lakes Region Facility.

HEALTH AND HUMAN SERVICES

HB 1606, making the state vaccine registry an opt-in program.

JUDICIARY

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

HB 1431-FN-L, establishing the parental bill of rights.

HB 1476-FN, relative to persons arrested while out on bail.

HB 1677-FN, relative to the administration and settlement of claims of abuse at the youth development center and making an appropriation therefor.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1552-FN, by Senator Gray

SPECIAL ORDER

Without objection, the following bill is Special Ordered to the next session. Adopted.

FINANCE

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

SPECIAL ORDER

Without objection, the following bill is Special Ordered to after lunch. Adopted.

JUDICIARY

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

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.

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 1021, prohibiting regulation of religious land use based on the religious nature of the assembly or speech taking place on the land or in the structure.

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

This bill as amended will prohibit zoning regulations from applying to land or structures based on the religious nature of the assembly or speech taking place on the land or in the structure. Such land or structures may be subject to objective dimensional and other zoning regulations as long as the requirements are applicable regardless of the nature of the use of the property.

Election Law and Municipal Affairs

April 19, 2022

2022-1653s

08/10

Amendment to HB 1021

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

AN ACT prohibiting certain zoning regulation of land or structures used primarily for religious purposes.

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

1 New Subdivision; Religious Use of Land and Structures. Amend RSA 674 by inserting after section 74 the following new subdivision:

Religious Use of Land and Structures

674:75 Religious Use of Land and Structures. No zoning ordinance or site plan review regulation shall prohibit, regulate, or restrict the use of land or structures primarily used for religious purposes; provided, however, that such land or structures may be subject to objective and definite regulations concerning the

height of structures, yard sizes, lot area, setbacks, open space, and building coverage requirements as long as said requirements are applicable regardless of the religious or non-religious nature of the use of the property and do not substantially burden religious exercise.

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

2022-1653s

AMENDED ANALYSIS

This bill prohibits certain zoning ordinance or site plan review regulation of land or structures primarily used for religious purposes.

HB 1070, relative to the default budget in official ballot jurisdictions.
Inexpedient to Legislate, Vote 5-0. Senator Ward for the committee.

This bill would have allowed the default budget in an official ballot town or district to be reduced by any reduction to an appropriation the governing body made in the proposed operating budget. In practice, this would make it very difficult for town officials to manage expenses, especially unforeseen costs. Considering that all budgets are reviewed and approved by the legislative body, the Committee determined that this bill is unnecessary at this time.

HB 1082, prohibiting certain state officers from forming political action committees.
Interim Study, Vote 5-0. Senator Gray for the committee.

RSA 5:1 advises that the election of the Secretary of State or the State Treasurer are to be conducted without regard to party affiliation. In accordance with that this bill would prohibit certain state officers and candidates for office from forming political committees or political advocacy organizations. While the Committee found this legislation well intended, the solution proposed in this bill is flawed.

HB 1153, relative to absentee ballot requests.
Interim Study, Vote 5-0. Senator Soucy for the committee.

This bill would clarify that absentee ballots may not be mailed to absentee voters before an absentee ballot application has been received and approved. Making changes to this procedure may require additional time and would risk voters being disenfranchised. While well intended to increase election integrity, this legislation needs further review to be effective.

HB 1163, relative to over voted ballots.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

This bill will require ballots which contain more than the allowable number of votes for an office on the ballot, be returned to the voter to be hand counted by election officials after the polls close. This will ensure that the voter is aware and that the vote will be counted correctly. Additionally, the number of over voted ballots, and the number of over votes and under votes will be included in the return for each election.

HB 1272, limiting the authority of town health officers.
Inexpedient to Legislate, Vote 5-0. Senator Birdsell for the committee.

This bill would have limited the authority of local health officers in making bylaws or ordinances relating to public health matters. The unintended consequence of this legislation is that it would limit municipalities ability to protect local health and safety when unfamiliar circumstances arise. Additionally, all cities and towns in New Hampshire are not one size fits all, each have needs that are specific and the language in this bill disregards that.

HB 1406, authorizing municipalities to collect compost.
Inexpedient to Legislate, Vote 5-0. Senator Ward for the committee.

This bill would have allowed municipalities to collect compost at transfer stations or have a contract with a solid waste disposal facility to collect compostable materials. Currently, there is nothing in state law that would restrict municipalities from engaging in collection of compost. Therefore, the Committee determined that this legislation would not provide any added benefit to the communities of New Hampshire.

HB 1496-FN, requiring political subdivisions to make voter checklists available in spreadsheet form to any resident.
Ought to Pass with Amendment, Vote 5-0. Senator Soucy for the committee.

This bill as amended will allow either a physical copy or an electronic copy of the voter checklists to be provided by the city or town clerk to any person making such a request. Town officials shall notify the person requesting an electronic copy, the format options that are available to them.

Election Law and Municipal Affairs
April 19, 2022
2022-1650s
08/05

Amendment to HB 1496-FN

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

AN ACT requiring political subdivisions to make voter checklists available in electronic form to any resident.

Amend the bill by replacing section 1 with the following:

1 Copies of Voter Checklist; Availability. Amend RSA 654:31, II to read as follows:

II. In towns and cities, the public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors of the checklist or city or town clerk shall furnish ~~[one or more copies]~~ **a physical copy or an electronic copy** of the most recent public checklist of their town or city to any person requesting such ~~[copies]~~ **copy. If a person requests an electronic copy, the supervisors of the checklist, or the city or town clerk, shall notify the person requesting the copy of the electronic format options available from which the person requesting may choose.** The supervisors of the checklist or city or town clerk may only provide checklist information for their town or city. The supervisors of the checklist or city or town clerk shall charge a fee of \$25 for each copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the supervisors of the checklist or city or town clerk shall charge a fee of \$25, plus \$0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping costs. The supervisors of the checklist or city or town clerk may provide public checklist information on paper, computer disk, computer tape, electronic transfer, or any other form.

2022-1650s

AMENDED ANALYSIS

This bill requires political subdivisions to make voter checklists available in electronic form to any resident.

HB 1667, relative to the standard and optional veterans' tax credits and the all veterans' tax credit.
Ought to Pass, Vote 5-0. Senator Gray for the committee.

This bill clarifies that veterans of the United States armed forces who served in any active duty status and who continue to serve qualify for the veterans' property tax credits. Currently, the veterans' property tax credit excludes two categories of veterans who have actively served the state of New Hampshire. This legislation removes the requirement to serve under Title 10.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 275, relative to the declaration of a state of emergency.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill modifies the powers the legislature grants to the Governor related to a state of emergency. This bill permits the Governor to declare a state of emergency for up to 21 days, that can be renewed up to three times for up to 21 days each, without involving the legislature. This permits the Governor to maintain emergency powers for up to 84 days. This bill also grants the legislature the power to meet and terminate individual emergency orders.

HB 1171-FN, exempting certain niche beauty services from licensure requirements.
Interim Study, Vote 5-0. Senator Carson for the committee.

This bill was intended to exempt certain niche beauty services from licensure requirements by making it legal to offer blow-dry styling, eyelash extension application, makeup application, and eyebrow threading without having to have a New Hampshire cosmetology license. After hearing considerable testimony, the committee agreed that this bill needs further study.

HB 1269, relative to certain legislative study committees.
Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

As amended, this bill repeals certain inactive commissions and revises the membership and duties of other commissions. This bill requires certain commissions to be repealed automatically unless reauthorized no later than five years after they are created.

Senate Executive Departments and Administration
 April 20, 2022
 2022-1682s
 07/05

Amendment to HB 1269

Amend the bill by replacing section 32 with the following:

32 Advisory Committee on Marine Fisheries; Membership Qualifications. Amend RSA 211:60, I to read as follows:

I. There is established an advisory committee on marine fisheries to recommend programs and policies regarding marine fisheries to the fish and game commission. The advisory committee shall consist of 5 members and one alternate member, all *with expertise in marine fisheries*, ~~[of whom]~~ *who* shall be residents of the ~~[seacoast region]~~ *tidewater towns, as defined in RSA 206:2-a*, appointed by the governor and council.

HB 1330, repealing the board of medical technicians in the office of professional licensure and certification. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

This bill is intended to repeal the necessity for medical technicians to register with the state. This Board was established in 2016 in response to the Hepatitis C outbreak at Exeter Hospital resulting from a technician who diverted injectable opioids for personal use, contaminating drug vials with hepatitis C. NH was the first state to require registration of such technicians, and there have been no similar outbreaks in the state subsequently. The Committee agreed that this board has worked well, and that the safety of NH patients is a priority that should not be compromised.

HB 1560, relative to nonresident licensure by the board of barbering, cosmetology, and esthetics. Interim Study, Vote 5-0. Senator Carson for the committee.

This bill intended to modify the requirements for nonresident licensure by the board of barbering, cosmetology, and esthetics by recognizing professionals who are licensed in another state. Given the range of differing requirements from state to state, the committee determined this issue is best addressed in a future study committee.

HB 1587-FN-A, relative to determination of average final compensation under the retirement system and making an appropriation therefor. Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill modifies final compensation for Group II retirees of the New Hampshire Retirement System (NHRS) by including their highest 5 years in the calculation. Additionally, this bill provides all Group II members who were employed on or after July 1, 2011 and not vested prior to January 1, 2012 the same retirement calculation and inclusion of overtime for retirement calculations as employees who were vested by January 1, 2012.

HEALTH AND HUMAN SERVICES

HB 1345, relative to the release of a teenager's medical records to a parent or guardian. Interim Study, Vote 5-0. Senator Bradley for the committee.

HB 1345 provides for the release of a minor's medical records to the parent or guardian unless the parent or guardian's consent is not required for the medical treatment or the health care provider reasonably believes that there is possibility of abuse and release of the record may endanger the minor. The Committee was unsure if HB 1345 would completely comply with federal regulations. The Committee was also unsure if the bill contained adequate protections for children in abusive or otherwise not supportive home environments. For these reasons, a motion of Interim Study is warranted.

HB 1466, relative to the off-label use of prescription drugs and relative to pharmacy prescriptions. Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

HB 1466 clarifies circumstances under which a physician, physician assistant, and advanced practice registered nurse may prescribe a drug for an off-label indication allowing patients access to certain medical treatments with the approval of a medical provider. The bill also prohibits disciplinary action against a pharmacist for filling a valid prescription for off-label use. The Committee Amendment both ensures that nothing in this bill shall be construed to authorize euthanasia or assisted suicide and ensures that the standardized form for informed consent will be approved by the appropriate medical boards.

Health and Human Services
April 20, 2022
2022-1696s
05/10

Amendment to HB 1466

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

1 New Paragraph; Physicians and Surgeons; Disciplinary Action; Off-Label Use of Prescription Drug. Amend RSA 329:17 by inserting after paragraph VI-a the following new paragraph:

VI-b. The state of New Hampshire confirms its strong support for shared decision making between healthcare professionals and their patients. A licensee may lawfully prescribe an FDA approved drug product for an off-label indication where there is sound scientific medical evidence or when the licensee has provided and documented informed consent for the patient including a disclosure that a prescription is for an off-label indication. The standardized form for informed consent shall be approved by the board of medicine. A licensee shall be held to the same standard of care as when prescribing for on-label indications.

2 New Paragraph; Nurse Practice Act; Advanced Practice Registered Nurse; Disciplinary Action; Off-label Use of Prescription Drug. Amend RSA 326-B:37 by inserting after paragraph III the following new paragraph:

III-a. The state of New Hampshire confirms its strong support for shared decision making between healthcare professionals and their patients. A licensee may lawfully prescribe an FDA approved drug product for an off-label indication where there is sound scientific medical evidence or when the licensee has provided and documented informed consent for the patient including a disclosure that a prescription is for an off-label indication. The standardized form for informed consent shall be approved by the board of nursing. A licensee shall be held to the same standard of care as when prescribing for on-label indications.

3 New Section; Physician Assistant; Disciplinary Action; Off-label Use of Prescription Drug. Amend RSA 328-D by inserting after section 6 the following new section:

328-D:6-a Off-label Use of Prescription Drugs; When Permitted. The state of New Hampshire confirms its strong support for shared decision making between healthcare professionals and their patients. A licensee may lawfully prescribe an FDA approved drug product for an off-label indication where there is sound scientific medical evidence or when the licensee has provided and documented informed consent for the patient including a disclosure that a prescription is for an off-label indication. The standardized form for informed consent shall be approved by the board of medicine. A licensee shall be held to the same standard of care as when prescribing for on-label indications.

4 New Section; Pharmacists and Pharmacies; Prescriptions. Amend RSA 318 by inserting after section 13 the following new section:

318:13-a Filling of Prescriptions. No licensed pharmacist shall face non-disciplinary or disciplinary action by the pharmacy board for filling a valid prescription for an off-label use.

5 Construction of Chapter. Nothing in this chapter shall be construed to legalize, constitute, condone, authorize, or approve suicide, assisted suicide, mercy killing, or euthanasia, or permit any affirmative or deliberate act or omission to end one's own life or to end the life of another other than to permit the natural process of dying.

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

JUDICIARY

HB 1388-FN, relative to the unsolicited disclosure of an intimate image.

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

This bill establishes a criminal penalty for the unsolicited disclosure of an intimate image. As technology has advanced the issue of these unsolicited images has become more prevalent in our world, and this bill will recognize that under the law, just as if this were to occur in person, the unsolicited disclosure of these images will be a crime. The Committee amended the bill to clarify the language, making the terminology used more in line with established law.

Senate Judiciary
 April 20, 2022
 2022-1676s
 04/05

Amendment to HB 1388-FN

Amend RSA 645:1, I(b) as inserted by section 1 of the bill by replacing it with the following:

(b) Such person knowingly transmits to another, who is 16 years of age or older, an image of himself or herself fornicating, exposing his or her genitals, or performing any other act of gross lewdness, when the recipient does not consent to receipt of the image.

HB 1493, relative to the drug forfeiture fund.

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

This bill will require that the Attorney General include the drug forfeiture fund in an annual report. Transparency is essential to trust in government and law enforcement, and to the civil functioning of our society. Enacting this clarification to the statute will require the Department of Justice to publicly disclose data regarding forfeitures, while protecting sensitive information within that data that would endanger informants or investigations.

HB 1540-FN, relative to recording custodial interrogations.

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

This bill would require the recording of custodial interrogations and specify exceptions in certain circumstances. The Committee heard testimony that this is already among the best practices for law enforcement across the State. However, in recognizing the merit this concept has for our citizens, our law enforcement community, and for our judicial process, the Committee encourages the continued effort to refine this language.

TRANSPORTATION

HB 1109, relative to approval for off highway recreational vehicles use on class IV, class V, and class VI roads.

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

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

Senate Transportation

April 26, 2022

2022-1829s

04/05

Amendment to HB 1109

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

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

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

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

IX. Pursuant to RSA 215-A:15, and following a duly noticed public hearing advertised at least 14 days in advance in a public location in the city or town and notification to abutters by verified mail pursuant to RSA 21:53, city or town councils and boards of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. ***If an abutter can show damage or deterioration to such a road that limits their ability to access their property resulting from recreational use, the governing body of the city or town may adopt regulations to close or limit the operation or use of a way in order to mitigate damage or deterioration.*** Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving

notification to the supervisor of the bureau and removing any signs that no longer apply. The petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV use is sought under this paragraph.

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

2022-1829s

AMENDED ANALYSIS

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

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

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

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

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

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

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

Senate Transportation

April 26, 2022

2022-1837s

12/10

Amendment to HB 1432

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

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

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

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

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

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

2022-1837s

AMENDED ANALYSIS

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

HB 1474, relative to annual vehicle inspections.

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

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

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

Amendment to HB 1474

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

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

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

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

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

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

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

2022-1818s

AMENDED ANALYSIS

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

WAYS AND MEANS

HB 527, relative to the charitable gift annuities exemption.

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

This bill sought to allow smaller charities, with assets of \$25,000, to offer charitable gift annuities as a fundraising mechanism. Under current law, only charities with \$300,000 in assets can offer such annuities. Under this bill, a charity would sell the annuity to a commercial insurer who would make the annuity payments. The committee did not hear from any charities requesting the ability to offer these annuities and felt there were too many unanswered questions with regard to the oversight and regulation of such annuities.

HB 1097, relative to taxation of income of New Hampshire residents when working remotely for an out of state employer.

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

This bill as amended by the Ways and Means Committee makes clear that income from employer-employee relationships such as wage income, salary income, or other employee compensation earned or received by residents of New Hampshire for services performed entirely within New Hampshire shall not be subject to personal income tax in any other state. The need for this legislation arose during the pandemic when another state assessed personal income tax on employee wages earned while working remotely from home in New Hampshire. With the increasing work-from-home trend, this legislation is critical to protect the wages of New Hampshire citizens earned entirely within this state from out-of-state taxation.

Senate Ways and Means
April 20, 2022
2022-1689s
10/04

Amendment to HB 1097

Amend the bill by replacing section 1 with the following:

1 New Chapter; Position on Out-of-state Taxation of Remote Worker Income. Amend RSA by inserting after chapter 78-E the following new chapter:

CHAPTER 78-F

POSITION ON OUT-OF-STATE TAXATION OF REMOTE WORKER INCOME

78-F:1 Purpose; Declaration. In order to promote the health of its economy and the welfare of its citizens, by preserving an environment in which labor is not unduly penalized, it is declared to be the sovereign interest of the state of New Hampshire that the income from employer-employee relationship such as wage income, salary income, or other employee compensation earned or received by residents of the state of New Hampshire for services entirely performed within the state of New Hampshire shall not be subject to personal income taxation in any other state.

HB 1598-FN, legalizing the possession and use of cannabis.

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

This bill sought to legalize the possession and use of cannabis for persons 21 years of age and older. It would have created a state-run model with the Liquor Commission responsible for regulating and administering the cultivation, manufacture, testing and retail sale of cannabis. The committee heard overwhelming testimony in opposition to the bill for various reasons including, but not limited to, the negative impact on the therapeutic cannabis program and alternative treatment centers, the message it would send to youth that cannabis is safe despite data showing the impacts on brain development and mental health including depression, anxiety and schizophrenia, the lack of potency limitations, increased use among adolescents, increased cannabis-related motor vehicle accidents, increased cannabis-related emergency room visits and hospitalizations, and an increase in autism linked to prenatal cannabis use. Several high school students testified to the pressure and ridicule they already face on a daily basis due to prevalence and availability of cannabis and that passage of this bill would only worsen that and send a terrible message. The state-run model outlined in this legislation is flawed, unworkable, and runs afoul of federal law. It could put state employees at risk of federal, criminal prosecution.

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

REGULAR CALENDAR

CAPITAL BUDGET

HB 1661-FN-L, relative to regional career technical education agreements and relative to an appropriation for constructing a legislative parking garage.

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

Capital Budget
April 19, 2022
2022-1659s
10/08

Amendment to HB 1661-FN-LOCAL

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

AN ACT relative to regional career technical education agreements and relative to an appropriation for preliminary work for a new legislative parking garage.

Amend the bill by replacing sections 6 and 7 with the following:

6 Appropriation; New Legislative Parking Garage; Department of Justice.

I. The sum of \$9,350,000 for the fiscal year ending June 30, 2022 is hereby appropriated to the department of administrative services for the purpose of preliminary design, engineering, and site work for a new legislative parking garage on the site of the department of justice building located at 33 Capitol Street and

for moving and leasing costs for relocating the department of justice. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated, and said appropriation shall not lapse.

II. Sums appropriated in paragraph I are based on, but shall not be restricted by, the estimates below:

(a) Preliminary design, engineering and site work:

- (1) Design and engineering costs of a 450 space parking garage - \$1,400,000.
- (2) Design and engineering costs to demolish Storrs Street garage - \$105,000.
- (3) Design and engineering costs to demolish current DOJ building - \$35,000.
- (4) Cost to abandon Capitol Street - \$25,000.
- (5) Cost of demolition of DOJ Building - \$1,100,000.
- (6) Cost and engineering for DOJ site prep - \$535,000.

(b) Moving and leasing related costs:

- (1) Cost to move the department of justice - \$1,200,000.
- (2) Approximate fit-up cost of 50,000 square feet - \$3,750,000.
- (3) Annual lease costs for the entire building - \$1,200,000.

7 Effective Date.

I. Sections 1-5 of this act shall take effect July 1, 2022.

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

2022-1659s

AMENDED ANALYSIS

This bill requires sending district schools and career and technical education (CTE) centers to enter into an agreement to include scheduling, access, transportation, and credits for CTE students. The bill also makes an appropriation for preliminary design, engineering, and site work for a new legislative parking garage and for costs for relocating the department of justice.

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).

INTRODUCTION OF GUESTS

Senator Whitley introduced students from Capital Christian School in Concord visiting in the gallery.

COMMERCE

HB 1106, establishing a commission to study recruiting members of the armed forces.

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

Commerce

April 19, 2022

2022-1652s

07/10

Amendment to HB 1106

Amend RSA 110-B:73-e, 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) Four members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The chairperson of the state veterans' advisory committee established in RSA 115-A, or designee.

(d) One person representing the department of military affairs and veterans services, appointed by the commissioner.

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

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 1

April 27, 2022

2022-1865s

07/04

Floor Amendment to HB 1106

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

AN ACT establishing a commission to study recruiting members of the armed forces and the commission on demographic trends.

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

3 New Section; Commission on Demographic Trends. Amend RSA 12-O by inserting after section 55 the following new section:

12-O:55-a Commission on Demographic Trends.

I. There is established a commission on demographic trends. The commission shall develop long-term net migration goals, review and recommend programs and legislation designed to meet the net migration goals, and monitor the success of any such programs.

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

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

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of business and economic affairs, or designee.

(d) Six New Hampshire citizens who have expertise to support the mission of the commission, appointed by the governor.

III. The commission shall elect a chairperson from its membership, and any other officers it deems necessary. The terms of the elected members of the commission shall be coterminous with their terms in offices; the terms of all other appointed members shall be 3 years. In the event of a vacancy, a new members shall be appointed for the unexpired term in the same manner as the original appointment. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held withing 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

IV. The commission shall report at least annually to the governor, speaker of the house of representatives, president of the senate, clerk of the house of representatives, clerk of the senate, and state library. The annual report shall be posted on the general court website.

V. The commission shall create a biennial scorecard on New Hampshire's demographic condition and trends, which shall be distributed to the governor, speaker of the house of representatives, president of the senate, clerk of the house of representatives, clerk of the senate, county commissioners, and state library. The scorecard also shall be posted on the general court website.

4 Department of Health and Human Services; Ten-Year Current Services Cost Projections; Reference to State Demographer Deleted. Amend RSA 9:9-e, IV to read as follows:

IV. The department shall issue the cost projections by September 30, 2019 and shall issue new projections every 2 years thereafter~~[-or upon notice to the department by the state demographer of demographically-induced changes in demand for public services and projected effects on state government revenues]~~.

5 Legislative Report of 10-Year Current Services Cost Projections; Reference to State Demographer Deleted. Amend RSA 9:9-f to read as follows:

9:9-f Legislative Report of 10-Year Current Services Cost Projections. On or before February 1 of each budget year, prior to the transmission of the budget to the legislature under RSA 9:2, the legislative budget assistant ~~[in consultation with the state demographer,]~~ shall provide to the house and senate finance committees, a report with the 10-year current services cost projections described in RSA 9:9-d and RSA 9:9-e and any other relevant factors identified by the legislative budget assistant or ~~[state demographer]~~ ***the state agencies listed in RSA 9:9-d and RSA 9:9-e.*** The report also shall be posted on the general court website.

6 Effective Date.

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

II. Sections 3-5 of this act shall take effect 60 days after its passage.

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

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.

HB 1237-FN, relative to the definition of cigar bar.

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

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

HB 1249, relative to weights and measures.

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

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

HB 1469-FN, relative to prohibited acts for banks, credit unions, and businesses.

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

Commerce

April 19, 2022

2022-1647s

07/05

Amendment to HB 1469-FN

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

AN ACT establishing a committee to study the need for anti-discrimination legislation in the New Hampshire financial services industry.

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

1 Committee Established. There is established a committee to study the need for anti-discrimination legislation in the New Hampshire financial services industry.

2 Membership and Compensation.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

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

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

3 Duties. The committee shall study:

I. The possible need for anti-discrimination legislation in the New Hampshire financial services industry based on legally-protected expression of political viewpoints or ideologies, social media activity, membership in clubs or organizations, possession or sales of firearms, or other legally protected activity that could cause financial institutions to decline to engage in business relations with people or businesses engaging in such activities; and

II. Whether the New Hampshire banking department has sufficient resources to receive and investigate complaints about such practices and to issue an annual report to the general court about its findings.

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.

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

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

2022-1647s

AMENDED ANALYSIS

This bill establishes a committee to study the need for anti-discrimination legislation in the New Hampshire financial services industry based on legally-protected expressions.

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.

HB 1503-FN, exempting the developer, seller, or facilitator of the exchange of an open blockchain token from certain securities laws and adopting the Uniform Commercial Code relative to controllable electronic records. Ought to Pass with Amendment, Vote 4-0. Senator Bradley for the committee.

Commerce
April 19, 2022
2022-1661s
08/04

Amendment to HB 1503-FN

Amend the bill by replacing section 34 with the following:

34 Effective Date. This act shall take effect January 1, 2025.

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).

EDUCATION

HB 1193, relative to chartered public school fees and enrollment policies. Inexpedient to Legislate, Vote 4-0. Senator Kahn for the committee.

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

ELECTION LAW AND MUNICIPAL AFFAIRS

HB 1170, limiting the authority of New Hampshire delegates to policymaking conventions. Inexpedient to Legislate, Vote 3-2. Senator Soucy for the committee.

Senator Bradley moved to Lay on the Table. Adopted.

SENATE CLERK'S NOTE

HB 1170 inadvertently stated Senator Birdsall made the motion of Lay on the Table but it should've been Senator Bradley. It has been corrected above.

HB 1203-FN, relative to domicile residency, voter registration, and investigation of voter verification letters. Ought to Pass with Amendment, Vote 3-2. Senator Gray for the committee.

Election Law and Municipal Affairs
April 19, 2022
2022-1660s
10/04

Amendment to HB 1203-FN

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

AN ACT relative to voter registration and verification of voter identity.

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

1 Voters; Temporary Absence. RSA 654:2 is repealed and reenacted to read as follows:

654:2 Temporary Absence.

I. A domicile for voting purposes acquired by any person in any town shall not be interrupted or lost by a temporary absence therefrom with the intention of returning thereto as his or her domicile. Domicile for the purpose of voting as defined in RSA 654:1, once existing, continues to exist until another such domicile is gained. Domicile for purposes of voting is a question of fact and intention. A voter can have only one domicile for these purposes. No person shall be deemed to have lost a domicile by reason of his or her presence or absence while the voter or his or her spouse is employed in the service of the United States; nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a teacher in or student of any seminary of learning; nor while confined in any public prison or other penal institution; nor while a patient or confined for any reason in any nursing, convalescent home or hospital, old folks or old age home, or like institution or private facility.

II.(a) A person present in New Hampshire for temporary purposes shall not gain a domicile for voting purposes. A person who maintains a voting domicile where he or she came from, to which he or she intends to return to as his or her voting domicile after a temporary presence in New Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her presence in New Hampshire.

(b) A person who has been present and residing in one town or ward in New Hampshire for 30 or fewer days is presumed to be present for temporary purposes unless that person has the intention of making the place in which the person resides his or her one place, more than any other, from which he or she engages in the domestic, social, and civil activities of participating in democratic self-government including voting, and has acted to carry out that intent.

(c) For the purposes of this chapter, temporary purposes shall include, but are not limited to, being present in New Hampshire for 30 or fewer days for the purposes of tourism, visiting family or friends, performing short-term work, or volunteering or working to influence voters in an upcoming election.-

2 Voter Registration; Voter Registration Form. Amend RSA 654:7 to read as follows:

654:7 Voter Registration; Voter Registration Form.

I. Any person registering to vote shall be:

(a) At least 18 years of age on the day of the next election; and

(b) A United States citizen; and

(c) Domiciled in the town or city in which the applicant is registering to vote and not otherwise disqualified to vote.

II. The applicant shall be required to produce appropriate proof of qualifications as provided in RSA 654:12 and fill out the form as prescribed in paragraph IV.

III. If an applicant is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the necessary affidavits, pursuant to RSA 654:12[-and completing the form in subparagraph IV(b)-, unless the person is registering within 30 days before an election or at the polling place on election day. If an applicant is registering at the polling place on election day and is unable to provide the proof of qualifications as required in RSA 654:12, he or she may register by completing the form in subparagraph IV(c) under oath, which oath may be witnessed by an election official or any other person, working in conjunction with the supervisors of the checklist, who is authorized by law to administer oaths, including, but not limited to, any justice of the peace or notary public; should the applicant not otherwise have proof of identity and therefore be relying upon the form for proof of identity, the act of swearing to the form shall constitute sufficient proof of identity for the purposes of any person administering the oath, notwithstanding any language to the contrary in any laws relating to the administering of oaths for other purposes].

IV.(a) Standard registration application forms shall be used throughout the state. The registration forms shall be no larger than 8 1/2 inches by 11 inches. ***Amendments to the voter registration form may be additional pages attached to or printed on the back of the registration form.***

(b) The secretary of state shall prescribe the form of the voter registration form to be used for voter registrations, transfers, or updates [other than those used within 30 days of an election or at the polling place on election day,] which shall be in substantially the following form:

___ NEW REGISTRATION I am not registered to vote in New Hampshire

___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire

___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address

Date _____

VOTER REGISTRATION FORM

(Please print or type)

1. Name

Last (suffix) First Full Middle Name

2. Domicile Address

Street Ward Number

Town or City Zip Code

3. Mailing Address if different than in 2

Street

Town or City Zip Code

4. Place and Date of Birth

Town or City State

Date _____

5. Are you a citizen of the United States? Yes ____ No ____

If a naturalized citizen, give name of court where and date when naturalized

6. Place last registered to vote

Street Ward Number

I am not currently registered to vote elsewhere (initial here _____), or ***I am currently registered to vote elsewhere and*** I request that my name be removed as a registered voter in _____
(fill in your address where previously registered, street, city/town, state, and zip code)

7. Name under which previously registered, if different from above

8. Party Affiliation (if any)

9. Driver's License Number _____ State

If you do not have a valid driver's license, provide the last four digits of your social security number _____

My name is _____. I am today registering to vote in the city/town of _____,
New Hampshire. If a city, ward number _____.

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

Date Signature of Applicant _____

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

(c) ~~[The secretary of state shall prescribe the form of the voter registration form to be used only for voter registrations, transfers, or updates starting 30 days before each election and at the polling place on election day, which shall be in substantially the following form:-~~

~~___ NEW REGISTRATION I am not registered to vote in New Hampshire~~

~~___ TRANSFER I am registered to vote in New Hampshire and have moved my voting domicile to a new town or ward in New Hampshire~~

~~___ NAME CHANGE/ADDRESS UPDATE I am registered to vote in this town/ward and have changed my name/address~~

Date registration form is submitted _____

Date applicant moved to the address listed below as the voter's domicile _____

VOTER REGISTRATION FORM

~~FOR USE STARTING 30 DAYS BEFORE AN ELECTION AND AT THE POLLING PLACE ON ELECTION DAY~~

(Please print or type)

~~1. Name-~~

~~Last (suffix) First Full Middle Name-~~

~~2. Domicile Address-~~

~~-Street Ward Number-~~

~~-Town or City Zip Code-~~

~~3. Mailing Address if different than in 2-~~

~~-Street-~~

~~-Town or City Zip Code-~~

~~4. Place and Date of Birth-~~

~~-Town or City State-~~

~~Date _____~~

~~5. Are you a citizen of the United States? Yes _____ No _____~~

~~If a naturalized citizen, give name of court where and date when naturalized-~~

~~6. Place last registered to vote-~~

~~-Street Ward Number-~~

~~I am not currently registered to vote elsewhere (initial here _____), or I request that my name be removed as a registered voter in _____ (fill in your address where previously registered, street, city/town, state, and zip code)~~

~~7. Name under which previously registered, if different from above-~~

~~8. Party Affiliation (if any)-~~

~~9. Driver's License Number _____ State-~~

If you do not have a valid driver's license, provide the last four digits of your social security number _____

My name is _____. I am today registering to vote in the city/town of _____, New Hampshire. If a city, ward number _____.

I understand that to vote in this ward/town, I must be at least 18 years of age, I must be a United States citizen, and I must be domiciled in this ward/town.

I understand that a person can claim only one state and one city/town as his or her domicile at a time. A domicile is that place, to which upon temporary absence, a person has the intention of returning. By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or any other city/town.

In declaring New Hampshire as my domicile, I realize that I am not qualified to vote in the state or federal elections in another state.

If I have any questions as to whether I am entitled to vote in this city/town, I am aware that a supervisor of the checklist is available to address my questions or concerns.

I understand that to make the address I have entered above my domicile for voting I must have an intent to make this the one place from which I participate in democratic self-government and must have acted to carry out that intent.

I understand that if I have documentary evidence of my intent to be domiciled at this address when registering to vote, I must either present it at the time of registration or I must place my initials next to the following paragraph and mail a copy or present the document at the town or city clerk's office within 10 days following the election (30 days in towns where the clerk's office is open fewer than 20 hours weekly).

_____ By placing my initials next to this paragraph, I am acknowledging that I have not presented evidence of actions carrying out my intent to be domiciled at this address, that I understand that I must mail or personally present to the clerk's office evidence of actions carrying out my intent within 10 days following the election (or 30 days in towns where the clerk's office is open fewer than 20 hours weekly), and that I have received the document produced by the secretary of state that describes the items that may be used as evidence of a verifiable action that establishes domicile.

Failing to report and provide evidence of a verifiable action will prompt official mail to be sent to your domicile address by the secretary of state to verify the validity of your claim to a voting domicile at this address.

I understand that if I do not have any documentary evidence of my intent to be domiciled at this address, I must place my initials next to the following paragraph:

_____ By placing my initials next to this paragraph, I am acknowledging that I am aware of no documentary evidence of actions carrying out my intent to be domiciled at this address, that I will not be mailing or delivering evidence to the clerk's office, and that I understand that officials will be sending mail to the address on this form or taking other actions to verify my domicile at this address.

I acknowledge that I have read and understand the above qualifications for voting and do hereby swear, under the penalties for voting fraud set forth below, that I am qualified to vote in the above-stated city/town, and, if registering on election day, that I have not voted and will not vote at any other polling place this election.

~~Date Signature of Applicant~~

~~If this form is used in place of proof of identity, age, or citizenship, I hereby swear that such information is true and accurate to the best of my knowledge.~~

~~This form was executed for purposes of proving (applicant shall circle yes or no and initial each item):~~

~~Identity yes/no _____~~

~~(initials)~~

~~Citizenship yes/no _____~~

~~(initials)~~

~~Age yes/no _____~~

~~(initials)~~

~~Applicant Election Official~~

~~Notary Public/Justice of the Peace/Official Authorized by RSA 659:30~~

~~In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000. In accordance with RSA 659:34, a voting in more than one state in the same election is a class B felony with a maximum sentence of imprisonment not to exceed 7 years and a fine not to exceed \$4,000.~~

~~— V. The secretary of state shall prepare and distribute an addendum to the voter registration form used under subparagraph IV(c) to be distributed to those registrants who register within 30 days before the election or on election day and who do not provide proof of domicile or a verifiable action to demonstrate domicile. The “verifiable action of domicile” document shall provide notice of the requirements that registrants must furnish documentary evidence of domicile and shall be in substantially the following form:~~

~~Verifiable Action of Domicile~~

~~As a newly registered voter, you have received this document because you did not provide proof of domicile when you registered to vote. RSA 654:2, IV requires you to provide evidence that you have taken a verifiable act to establish domicile.~~

~~The following checklist shall be used as a guide for what you may use as evidence and shall be submitted to the town or city clerk along with documentation that you are required to provide. Only one item on the list is required to demonstrate a verifiable act.~~

~~To establish that you have engaged in a verifiable act establishing domicile, provide evidence that you have done at least one of the following:~~

~~— established residency, as set forth in RSA 654:1, I-a, at an institution of learning at the address on the voter registration form~~

~~— rented or leased an abode, for a period of more than 30 days, to include time directly prior to an election day at the address listed on the voter registration form~~

~~— purchased an abode at the address listed on the voter registration form~~

~~— obtained a New Hampshire resident motor vehicle registration, driver’s license, or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b listing the address on the voter registration form~~

~~— enrolled a dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of the address where the registrant resides, as listed on the voter registration form~~

~~Identified the address on the voter registration form as your physical residence address on:~~

~~— state or federal tax forms~~

~~— other government-issued forms or identification. Describe form of identification: _____~~

~~— provided the address on the voter registration form to the United States Post Office as your permanent address, provided it is not a postal service or commercial post office box, where mail is delivered to your home. This can be by listing the address on the voter registration form as your new address on a Postal Service permanent change of address form and providing a copy of the receipt, or an online emailed receipt~~

~~— obtained public utility services (electricity, cable, gas, water, etc.) for an indefinite period at the address on the voter registration form. List services obtained: _____~~

~~— arranged for a homeless shelter or similar service provider to receive United States mail on your behalf. Enter name of the shelter or provider: _____~~

~~— describe what other verifiable action or actions you have taken to make the address listed on your voter registration form your one voting domicile: _____~~

~~If you have no other proof of a verifiable act establishing domicile, and your domicile is at an abode rented, leased, or purchased by another and your name is not listed on the rental agreement, lease, or deed, you are required to provide a written statement, signed under penalty of voting fraud if false information is~~

~~provided, from a person who is listed on such document, or other reasonable proof of ownership or control of the property, attesting that you reside at that address, signed by that person or his or her agent who manages the property.~~

~~This verifiable action of domicile form, along with your written statement or other documentation proving a verifiable act, shall be delivered to the town or city clerk, by mail or in person, with 10 days, or within 30 days if the clerk's office is open fewer than 20 hours weekly.~~

~~Name~~

~~Last (suffix) First Full Middle Name~~

~~Domicile Address~~

~~Street Ward Number~~

~~Town or City Zip Code~~

~~Date Signature of Applicant~~

~~This document was received by the clerk, who examined and returned it to the applicant after making a copy of the evidence of verifiable action, said copy to be attached to the verifiable action of domicile form.~~

~~Date Signature of Clerk~~

~~The clerk shall forward the completed form and attachment or attachments to the supervisors of the checklist as soon as possible, but not later than their next meeting. The supervisors of the checklist shall attach the form and attachments to the voter registration form.]~~

The secretary of state shall prescribe an amendment to the voter registration based on the following:

(1) The secretary state may collect additional voluntary information to assist in the location of the voter after the election, if necessary. Such additional information may include, but is not limited to: phone numbers, email addresses, employer information, social service agency information, vehicle license plate number, and state of registration, social media account information, or a relative or friend's name and address.

(2) Document voter verification by an authorized election official or by a registered voter whose name was on the checklist at the opening of the polls and has valid identification documentation.

3 General Voter Registration; Determining Qualifications of Applicant. Amend RSA 654:12 to read as follows:

654:12 Determining Qualifications of Applicant.

I. [When determining the qualifications of an applicant] ***After the applicant has proven his or her identity as required in paragraph III of this section,*** the supervisors of the checklist, or the town or city clerk, shall require the applicant to present proof of citizenship, age, and domicile, as provided in the following categories:

(a) CITIZENSHIP. The supervisors of the checklist, or the town or city clerk, shall accept from the applicant any one of the following as proof of citizenship: the applicant's birth certificate, passport, naturalization papers if the applicant is a naturalized citizen, a qualified voter affidavit, ~~[a sworn statement on the voter registration form used starting 30 days before an election and on election day,]~~ or any other reasonable documentation which indicates the applicant is a United States citizen. The qualified voter affidavit shall be in the following form, and shall be retained in accordance with RSA 33-A:3-a:

Date: _____

QUALIFIED VOTER AFFIDAVIT (Identity, Citizenship, Age)

Name: _____

Name at birth if different: _____

Place of birth: _____

Date of birth: _____

Date and Place of Naturalization: _____

Domicile Address: _____

Mailing Address (if different): _____

Telephone number (requested but optional) _____

Email address (requested but optional) _____

If I am using this form for purposes of identity, I acknowledge my photograph shall be taken and that photo will be preserved in my voter record.

I hereby swear and affirm, under the penalties for voting fraud set forth below, that I am not in possession of some or all of the documents necessary to prove my identity, citizenship, and age and that I am the identical person whom I represent myself to be, that I am a duly qualified voter of this town (or ward), that I am a United States citizen, that I am at least 18 years of age as of this date or will be at the next election, and that to the best of my knowledge and belief the information above is true and correct.

(Signature of applicant)

In accordance with RSA 659:34, the penalty for knowingly or purposely providing false information when registering to vote or voting is a class A misdemeanor with a maximum sentence of imprisonment not to exceed one year and a fine not to exceed \$2,000. Fraudulently registering to vote or voting is subject to a civil penalty not to exceed \$5,000.

On the date shown above, before me, _____ (print name of notary public, justice of the peace, election officer), appeared _____ (print name of person whose signature is being notarized), (known to me or satisfactorily proven (circle one)) to be the person whose name appears above, and he or she subscribed his or her name to the foregoing affidavit and swore that the facts contained in this affidavit are true to the best of his or her knowledge and belief.

This affidavit was executed for purposes of proving (check all that apply):

☐ Identity

☐ Citizenship

☐ Age

Notary Public/Justice of the Peace/Official Authorized by RSA 659:30

(b) AGE. Any reasonable documentation indicating the applicant will be 18 years of age or older at the next election, or, if the applicant does not have reasonable documentation in his or her possession at the place and time of voter registration, a qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a[, or a sworn statement on the voter registration form used starting 30 days before an election and on election day].

(c) DOMICILE.

~~[(1) Registering more than 30 days in advance of an election.]~~

~~[(A)] (1) A person who possesses one of the following qualified documents identifying the applicant's name and the address claimed as domicile must present that document when applying for registration [prior to election day]: [(i)] (A) New Hampshire driver's license or identification card issued under RSA 260:21, RSA 260:21-a, or RSA 260:21-b; [(ii)] (B) New Hampshire resident vehicle registration; [(iii)] (C) a picture identification issued by the United States government that contains a current address; [(iv)] (D) government issued check, **pay stub**, benefit statement, or tax document. [A person who possesses such a document, but failed to bring it with the person when seeking to register to vote shall be required to return when he or she can present one of these documents or to bring the document and register on election day.]~~

~~(B) A person who attests under penalty of voter fraud that he or she does not possess any of the qualified documents listed in subparagraph (A) may present any reasonable documentation of having established a physical presence at the place claimed as domicile, having an intent to make that place his or her~~

domicile, and having taken a verifiable act to carry out that intent. The documentation must establish that it is more likely than not that the applicant has a domicile and intends to maintain that domicile, as defined in this chapter, at least until election day in the town or ward in which he or she desires to vote. Reasonable]

(2) **Additional documentation for the purpose of establishing a voter's domicile** may include, but is not limited to, evidence of:

- [(i)] (A) Residency, as set forth in RSA 654:1, I-a, at an institution of learning at that place;
- [(ii)] (B) Renting or leasing an abode [at that place for a period of more than 30 days, to include time directly prior to an election day];
- [(iii)] (C) Purchasing an abode at that place;
- [(iv)] (D) Enrolling the applicant's dependent minor child in a publicly funded elementary or secondary school which serves the town or ward of that place, using the address where the registrant resides;
- [(v)] (E) Listing that place as the person's physical residence address on state or federal tax forms, other government identification showing the address, or other government forms showing the address;
- [(vi)] (F) Providing the address of that place to the United States Post Office as the person's permanent address, provided it is not a postal service or commercial post office box;
- [(vii)] (G) Obtaining public utility services for an indefinite period at that place; [or]
- [(viii)] (H) Arranging for a homeless shelter or similar service provider located in the town or ward to receive United States mail on behalf of the individual.

An applicant whose domicile is at an abode of another and whose name is not listed on the document offered as proof of domicile may provide a written statement from a person who is listed as owner, property manager, or tenant on the document that the applicant resides at that address, signed by that person [under penalty of voting fraud if false information is provided];

(I) A qualified voter affidavit, or any other reasonable documentation which indicates the applicant meets the domicile requirements.

[(2) Registering within 30 days before an election and on election day.]

(A) When registering within 30 days before an election or on election day as provided in RSA 654:7-a, if the applicant does not have in his or her possession at the polls one of the qualified documents listed in subparagraph (1) or other reasonable documentation which establishes that it is more likely than not that the applicant has a domicile at the address claimed in the town or ward in which he or she desires to vote, he or she may execute a sworn statement on the voter registration form used starting 30 days before an election and on election day and initial the acknowledgment of domicile evidence obligation. If the applicant identifies on his or her application action taken to establish his or her domicile, which he or she has documentation of, he or she must agree to mail a copy of or present the document in person to the city or town clerk within 10 days, or where the town clerk's office is open fewer than 20 hours weekly, within 30 days. Copies of documents provided in compliance with this subparagraph are exempt from the public disclosure required by RSA 91-A. The clerk shall document receipt of a copy or completion of verification of a document presented in person and forward verification to the supervisors of the checklist. An applicant whose voter registration is approved based on an acknowledgment of a domicile evidence obligation who knowingly or purposely fails to provide a document to the city or town clerk as required by this paragraph shall be subject to the penalties of wrongful voting as established in RSA 659:34. The supervisors of the checklist shall initiate removing the name from the checklist of any such person who fails to provide proof of domicile by the deadline by sending the person the notice required by RSA 654:44.

(B) A person registering within 30 days before an election or on election day who does not possess reasonable documentation of establishing domicile and has taken no verifiable action to carry out his or her intent to establish domicile at the address claimed on the voter registration application may nonetheless register to vote by initialing the paragraph on the registration form acknowledging that domicile may be verified. The supervisors of the checklist shall, as soon as practical following an election at which the person initials such paragraph to register and vote, attempt to verify that the person was domiciled at the address claimed on election day by means including, but not limited to:

(i) Examining public records held by the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office that may house public records containing domicile confirmation; or

~~(ii) Requesting 2 or more municipal officers or their agents or state election officers or their agents to visit the address and verify that the individual was domiciled there on election day. In unincorporated places that have not organized for the purposes of conducting elections, county officers may be asked to perform this function; or~~

~~(iii) Referring the registrant's information to the secretary of state, who shall cause such further investigation as is warranted.~~

~~(C) Any case where supervisors are unable to verify the applicant's domicile or where evidence exists of voting fraud shall be promptly reported to the secretary of state and to the attorney general, who shall cause such further investigation as is warranted.]~~

II. The supervisors may refuse to add the name of an applicant to the checklist if he or she fails to present the evidence or an affidavit as required by this section. Without limiting the acceptance of other forms of proof of domicile or identity deemed reasonable by the supervisors:

(a) Any one of the following documents is presumptive evidence that the individual seeking to vote meets the domicile requirement, provided the document is currently valid, was issued to or in the name of the applicant, and shows the address the applicant claims as a domicile:

(1) New Hampshire driver's license.

(2) New Hampshire vehicle registration.

(3) Armed services identification, or other photo identification issued by the United States government.

(b) Any one of the following is presumptive evidence of the identity of an applicant sufficient to satisfy the identity requirement for an official authorized by RSA 659:30 to take the oath of an applicant swearing to a qualified voter, domicile, or election day affidavit ~~[or a sworn statement on the voter registration form used starting 30 days before an election and on election day]~~:

(1) Photo driver's license issued by any state or the federal government.

(2) United States passport, armed services identification, or other photo identification issued by the United States government.

(3) Photo identification issued by local or state government.

(c) The presumptions established in this paragraph may be defeated by evidence establishing that it is more likely than not that the applicant is not qualified as a voter.

III. To prove the qualifications set forth in paragraphs I and II, an applicant for registration as a voter must prove his or her identity to establish that the evidence used to prove age, citizenship, and domicile relate to the applicant. A person who has in his or her immediate possession a photo identification approved for use by paragraph II must present that identification when applying for registration. A person who does not have an approved photo identification with him or her may establish identity through completion of the qualified voter affidavit, which shall be retained in accordance with RSA 33-A:3-a, ~~[or a sworn statement on the voter registration form used starting 30 days before an election and on election day]~~. Residents of a nursing home or similar facility may prove their identity through verification of identity by the administrator of the facility or by his or her designee. For the purposes of this section, the application of a person whose identity has been verified by an official of a nursing home or similar facility shall be treated in the same manner as the application of a person who proved his or her identity with a photo identification.

III-a. *The supervisors of the checklist and the town or city clerks may use the nonpublic information contained in the centralized voter registration database and other records, that they have access to, held by the state of New Hampshire, the town or city clerk, municipal assessing and planning offices, tax collector, or other municipal office records that contain records that confirm the identity, citizenship, age, or domicile information provided by the applicant.*

III-b. The supervisors of the checklist, town or city clerk, or election day official shall take a photograph of any person who registers using a qualified voter affidavit or sworn statement on the general election day registration form. Such photograph shall be retained in the same manner as qualified voter affidavits pursuant to RSA 33-A:3-a, CXLI(e). The photograph may be used for purposes of RSA 659:13, I(c).

IV. Any person who is applying for registration as a voter and who is currently *or was previously* registered to vote in a different town or ward in New Hampshire shall complete the voter registration form provided for in RSA 654:7. If the election official receiving the application confirms through the centralized voter registration database required by RSA 654:45 that the applicant is currently *or was previously* registered to vote in New Hampshire, the applicant shall prove identity and domicile, but shall not be required to prove his or her age or citizenship.

V.(a) The election official approving the application for registration as voter of a person who does not present an approved form of photo identification as proof of identity when registering, shall mark the voter registration form to indicate that no photo identification was presented and shall inform the person that, if he or she is a first-time election day registrant in New Hampshire, he or she will receive a letter of identity verification. The person entering the voter information into the centralized voter registration database shall determine if the person is listed in the system as having been previously registered in the town or ward reported by the applicant on the voter registration form. If the person is a new registrant who has not been previously registered anywhere in New Hampshire or if the centralized voter registration database does not confirm a previous registration claimed on the voter registration form, the election official shall cause the record created in the centralized voter registration database to indicate that the person is a new applicant in New Hampshire and that no photo identification was presented. When municipalities enter information on people who register on election day into the centralized voter registration database, to the extent practical applicants who are registering for the first time in New Hampshire and who also register without presenting an approved photo identification shall be entered first. ~~[The person entering the voter information of election day residents into the centralized voter registration database shall cause the records to indicate if the voter executed a sworn statement on the voter registration form used starting 30 days before an election and on election day.]~~

(b) The secretary of state shall cause a letter of identity verification to be mailed by first class mail to each voter identified at any election as a first-time election day registrant in New Hampshire who also did not verify his or her identity with an approved photo identification. The letter shall be mailed by January 10 in every odd-numbered year in the case of persons registering at a state primary or general election, or within 90 days after any other election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information. The letter shall notify the person that a person who was unable to present photo identification registered or registered and voted using his or her name and address and instruct the person to return the letter within 45 days with a written confirmation that the person registered and voted or to contact the attorney general immediately if he or she did not register and vote. Any voter under a protective order pursuant to RSA 173-B, and whose name does not appear on the checklist as provided under RSA 654:25, shall not be subject to the provisions of paragraph V. ***The secretary of state may establish and implement a process for the voter to respond to the letter of identity verification by an electronic communication such as an email message or a text message.***

(c) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant to subparagraph (b) that are returned as undeliverable by the United States Post Office and those persons who were mailed letters under subparagraph (b) and have not confirmed their registration. The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the voter registration form. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose identity or eligibility to vote could not be confirmed. Upon receipt of notice from a person who receives a letter of identity verification that the person did not register and vote, or upon receipt of a referral from the secretary of state, the attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.

(d) ~~[Within 90 days of each election, the secretary of state shall cause a list of persons executing sworn statements on the voter registration form used starting 30 days before an election and on election day since the prior election to be forwarded to the attorney general and the division of motor vehicles. The secretary of state shall send a letter to each such person informing him or her of a driver's obligation to obtain a New Hampshire driver's license within 60 days of becoming a New Hampshire resident. The letter shall be mailed within 60 days after the election, except that if the election is a state primary election, the letter shall be mailed 60 days after the general election, and if the election is a regularly scheduled municipal election, the letter shall be mailed by the July 1 or January 1 next following the election. The secretary of state shall mark the envelope with instructions to the United States Post Office not to forward the letter and to provide address correction information.]~~

~~(e) The secretary of state shall conduct an inquiry regarding any letters mailed pursuant to subparagraph (d) that are returned as undeliverable by the United States Post Office. The inquiry may include consulting with, and examining public records held by, municipal officials, which contain information relevant to a person's qualifications to vote in New Hampshire, and interviewing persons living at the address listed on the letters. After such inquiry, the secretary of state shall prepare and forward to the attorney general for investigation a list of those people whose eligibility to vote could not be confirmed. The attorney general shall cause an investigation to be made to determine whether fraudulent registration or voting occurred.~~

~~(f) Upon completion of any investigation authorized under RSA 654:12, the secretary of state and the attorney general shall forward a report summarizing the results of the inquiry and investigation, respectively, to the speaker of the house of representatives, the president of the senate, and the chairpersons of the appropriate house and senate standing committees with jurisdiction over election law.~~

4 Voting Procedures; Obtaining a Ballot. RSA 659:13, I(c) is repealed and reenacted to read as follows:

(c)(1) If the voter does not have a valid photo identification, the ballot clerk shall direct the voter to see the supervisor of the checklist.

(2) The supervisor of the checklist shall review the voter's qualifications and determine if the voter's identity can be verified. This review may include verification by the voter of nonpublic data contained in the centralized voter registration database or verification by a moderator or supervisor of the checklist, or the clerk of a town, ward, or city, or by a registered voter whose name was on the checklist at the opening of the polls and who possesses valid identification documentation. Other than an authorized election official, no registered voter whose name was on the checklist at the opening of the polls and who possesses valid identification documentation shall verify the identity of more than 2 voters in each election. Verification of identity shall be documented on a form provided by the secretary of state.

(3) If the supervisor of the checklist cannot verify the voter's identity, the supervisor of the checklist shall inform the voter that he or she may execute a challenged voter affidavit. The voter shall receive an explanatory document prepared by the secretary of state explaining the proof of identity requirements. If the voter executes a challenged voter affidavit, the ballot clerk shall mark the checklist in accordance with uniform procedures developed by the secretary of state.

(4) The person entering voter information into the centralized voter registration database shall cause the records to indicate when a voter has not presented a valid photo identification and has executed a challenged voter affidavit.

5 Voting Procedure; Obtaining a Ballot. Amend RSA 659:13, II(b) to read as follows:

(b) In addition to the forms of photo identification authorized in subparagraph (a), the identification requirements of paragraph I may be satisfied by verification of the person's identity by a moderator or supervisor of the checklist or the clerk of a town, ward, or city, ***or by a registered voter whose name was on the checklist at the opening of the polls and who possesses valid identification documentation***, provided that if any person authorized to challenge a voter under RSA 659:27 objects to such verification, identifies the reason for the objection in writing, and states the specific source of the information or personal knowledge upon which the challenge of the photo identification is based, the voter shall be required to execute a challenged voter affidavit as if no verification was made. ***Other than an authorized election official, no registered voter whose name was on the checklist at the opening of the polls and who possesses valid identification documentation shall verify the identity of more than 2 voters in each election.***

6 Repeals. The following are repealed:

- I. RSA 33-A:3-a, CXLI(f), relative to retention of municipal records of verifiable action of domicile.
- II. RSA 659:34, I(h) - (i), relative to certain penalties for voter fraud.
- III. 2016, 175:2, relative to Interstate Voter Registration Crosscheck Program.

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

2022-1660s

AMENDED ANALYSIS

This bill amends the procedures for determining voter qualifications and voter registration, and allows an authorized election official to use nonpublic information contained in the centralized voter registration database to verify a voter's identity.

Recess. Out of recess.

Senator Soucy moved to divide the question on the Committee Amendment: The first vote will be on Sections 1 and 7. The second vote will be on the remainder of the Committee Amendment #2022-1660s with the effective date.

The Chair ruled the question divisible.

The question is on the adoption of the Committee Amendment: Sections 1 and 7.

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

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.

The question is on the adoption of the Committee Amendment: The remainder with the effective date. Adopted.

Senator Perkins Kwoka offered a Floor Amendment.

Sen. Perkins Kwoka, Dist 21

Sen. Soucy, Dist 18

April 28, 2022

2022-1882s

10/04

Floor Amendment to HB 1203-FN

Amend RSA 654:2, II as inserted by section 1 of the bill by replacing it with the following:

II.(a) A person who maintains a voting domicile where he or she came from, to which he or she intends to return to as his or her voting domicile after a temporary presence in New Hampshire, does not gain a domicile in New Hampshire regardless of the duration of his or her presence in New Hampshire.

(b) For the purposes of this chapter, temporary purposes shall include, but are not limited to, being present in New Hampshire for 30 or fewer days for the purposes of tourism, visiting family or friends, performing short-term work while maintaining domicile in another state, or volunteering or working to influence voters in an upcoming election.

The question is on the adoption of the Floor Amendment.

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

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

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

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

Senator Soucy moved to divide the question on the motion of Ought to Pass with Amendment: The first vote will be on Sections 1 and 7. The Second vote will be on the remainder of the bill as amended with the effective date.

The Chair ruled the question divisible.

The question is on the adoption of the motion of Ought to Pass with Amendment: Sections 1 and 7.

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

Recess. Out of recess.

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.

The question is on the adoption of the motion of Ought to Pass with Amendment: Remainder of the bill as amended with the effective date. Adopted, bill ordered to Third Reading.

HB 1268, limiting the authority for city council bylaws and ordinances.
Interim Study, Vote 4-1. Senator Gray for the committee.

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

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

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

The following Senators voted No: Giuda, French, Daniels.

Roll Call, Yeas: 21 - Nays: 3. Adopted.

HB 1393, relative to the adoption of school district budget caps.
Inexpedient to Legislate, Vote 4-1. Senator Ward for the committee.

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

HB 1467-FN, requiring partial audits of additional offices on ballots involved in recounts.
Ought to Pass with Amendment, Vote 3-2. Senator Gray for the committee.

Election Law and Municipal Affairs
April 19, 2022
2022-1655s
04/05

Amendment to HB 1467-FN

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

AN ACT relative to recounts of state representative races during a general election.

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

1 New Section; General Provisions for Recounts; Recount of Additional Offices. Amend RSA 660 by inserting after section 17 the following new section:

660:17-a Recount of Additional Offices on Ballots Involved in Recounts. For general election recounts of state representative races, the secretary of state's office shall, in addition to recounting the state representative race:

I. Conduct an audit of the votes cast on those ballots for President, United States Senate, United States House of Representatives, or governor;

II. Conduct such audit using the ballots for 10 of the state representative races to be recounted. The races shall be selected randomly. If less than 10 races are to be recounted, the ballots for each recounted race shall be audited;

III. Select the office to be audited for each recount; and

IV. Allow a full recount of any race where there is a discrepancy of greater than one percent from the election results reported to the secretary of state.

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

2022-1655s

AMENDED ANALYSIS

This bill requires a partial audit of additional offices on ballots involved in recounts of state representative races in a general election, and creates parameters around such audits.

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.

HB 1567-FN, relative to consequences resulting from election official misconduct.
Ought to Pass, Vote 3-2. Senator Birdsell for the committee.

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19
April 26, 2022
2022-1808s
05/04

Floor Amendment to HB 1567-FN

Amend the bill by replacing section 1 with the following:

1 Provisions for Purity of Elections; Official Misconduct; Consequences. Amend RSA 666:3 to read as follows:
666:3 Official Misconduct.

I. Any public officer upon whom a duty relating to elections is imposed who shall knowingly fail to perform such duty or who shall knowingly perform it in such a way as to hinder the objects thereof shall be guilty of a misdemeanor if no other penalty is provided by law.

II. The attorney general may investigate misconduct by an election official if upon a conviction of a violation of an election law due to the official's misconduct, the attorney general shall remove the official's right to vote in accordance with part I, article 11 of the New Hampshire constitution.

III. The attorney general shall order the municipality to pay for the cost of the investigation under paragraph II.

Recess. Out of recess.

SPECIAL ORDER

Without objection, HB 1567-FN is Special Ordered to the end of the Calendar. Adopted.

ENERGY AND NATURAL RESOURCES

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

Interim Study, Vote 4-0. Senator Gray for the committee.

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

HB 1168, establishes a committee to study the New Hampshire law relative to soil conditioners.
Ought to Pass with Amendment, Vote 3-0. Senator Watters for the committee.

Energy and Natural Resources
April 19, 2022
2022-1662s
08/05

Amendment to HB 1168

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

AN ACT establishes a committee to study the New Hampshire law relative to soil conditioners and relative to costs eligible for reimbursement from the oil discharge and disposal cleanup fund.

Amend the bill by replacing all after section 5 with the following:

6 Oil Discharge and Disposal Cleanup Fund; Eligible Expenses and Availability of Funds. Amend RSA 146-D:6, III to read as follows:

III. Owners of on-premises-use facilities who have demonstrated financial need may apply for reimbursement of costs to meet local and department operating standards in amounts not to exceed a total of [~~\$2,250~~] **\$3,300**, and may apply for reimbursement of underground storage tank abandonment or removal costs in amounts not to exceed a total of \$2,500.

7 Effective Date.

I. Section 6 of this act shall take effect January 1, 2023.

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

2022-1662s

AMENDED ANALYSIS

This bill establishes a committee to study the New Hampshire law relative to soil conditioners.

The bill also increases costs eligible for reimbursement from the oil discharge and disposal cleanup fund for certain owners of on-premises-use facilities.

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.

HB 1220, prohibiting the docking of houseboats on Perkins Pond in Sunapee.
Ought to Pass, Vote 3-0. Senator Gray for the committee.

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

HB 1297, relative to taking lobster while engaged in recreational scuba diving.
No Recommendation, Vote 2-2. Senator Avard for the committee.

Senator Gray moved Inexpedient to Legislate.

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

HB 1328-FN, authorizing a utility to petition to be relieved of their carrier of last resort obligations.
Interim Study, Vote 3-1. Senator Watters for the committee.

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

INTRODUCTION OF GUESTS

Senator Cavanaugh introduced Garth Corriveau his sons are Heath and Beau visiting in the gallery.

HB 1547-FN, setting maximum contaminant levels for perfluorochemicals in the soil.
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 the Committee on Finance (Rule 4-5).

HB 1599-FN, relative to customer generators who sell renewable energy certificates.
Inexpedient to Legislate, Vote 4-0. Senator Avard for the committee.

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

Senator Perkins Kwoka moved Ought to Pass.

Senator Perkins Kwoka offered a Floor Amendment.

Sen. Perkins Kwoka, Dist 21

Sen. Avard, Dist 12

April 27, 2022

2022-1841s

12/04

Floor Amendment to HB 1599-FN

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Net Energy Metering. Amend RSA 362-A:9 by inserting after paragraph XXI the following new paragraph:

XXII. When the department of energy's distributed energy resource valuation study is completed and thereafter the public utilities commission opens a new proceeding that includes consideration of the adoption of net metering tariffs that apply to newly-constructed customer-generators with a total peak generating capacity of greater than one megawatt, the commission shall consider whether and when further changes should be made to the net metering tariff structure approved in order no. 26,029 issued on June 23, 2017, applicable to such newly-constructed customer-generators. Such consideration of net metering tariffs that apply to newly-constructed customer-generators with a total peak generating capacity of greater than one megawatt shall include but not be limited to whether or not the cost of compliance with the electric renewable

portfolio standard, RSA 362-F, inclusive of prior period reconciliations, should be excluded from the monetary credit for exports to the grid, as well as whether or not the monetary credit should include compensation for services and value currently not compensated such as avoided transmission, distribution, and capacity costs and other grid services.

2022-1841s

AMENDED ANALYSIS

This bill requires the public utilities commission to consider whether changes should be made to net metering tariffs.

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.

HB 1629-FN, relative to default service for net metering.

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

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

Recess. Out of recess.

SPECIAL ORDER

Without objection, the following bill is Special Ordered to after HB 629-FN. Adopted.

HEALTH AND HUMAN SERVICES

HB 1131, relative to facial covering policies for schools.

SPECIAL ORDER

Without objection, the following bill is Special Ordered to the end of the Regular Calendar. Adopted.

HEALTH AND HUMAN SERVICES

HB 1099, prohibiting the department of health and human services from requiring vaccine passports for services.

INTRODUCTION OF GUESTS

Senator Avarad introduced Chief Joseph Hoebeke, Hollis PD and Captain Clark Gephardt, Nashua PD visiting in the gallery.

Senator Bradley introduced Chief Al Aldenberg, Manchester PD, Chief Janet Bouchard, Hooksett PD, Chief John Bryfonski, Bedford PD, and Chief Tim Crowley, Atkinson PD visiting in the gallery.

Senator Prentiss introduced Chris Stawasz of Nashua visiting in the gallery.

JUDICIARY

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

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

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10

Sen. French, Dist 7

Sen. Reagan, Dist 17

April 28, 2022

2022-1885s

04/10

Floor Amendment to HB 629-FN

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

AN ACT relative to the possession of cannabis and certain cannabis-infused products.

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

1 Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. This section shall not apply to the possession of cannabis or hashish as provided in RSA 318-B:2-c[; or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b)].

2 Controlled Drug Act; Personal Possession of Cannabis. Amend RSA 318-B:2-c to read as follows:

318-B:2-c Personal Possession of [~~Marijuana~~] **Cannabis**.

I. In this section:

(a) [~~"Marijuana"~~] **"Cannabis"** includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Marijuana shall not include hemp grown, processed, marketed, or sold under RSA 439-A.

(b) [~~"Personal-use amount of a regulated marijuana-infused product"~~] **"Cannabis-infused product"** means one or more products that is comprised of [~~marijuana, marijuana~~] **cannabis, cannabis** extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures[, which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol].

(c) **"Possession limit" means:**

(1) **Three-quarters of an ounce of cannabis, excluding hashish, cannabis-infused products, and growing cannabis plants;**

(2) **Five grams of hashish; and**

(3) **Cannabis-infused products containing no more than 300 milligrams of tetrahydrocannabinol (THC).**

I-a. Except as provided in paragraph I-b, if undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law, shall not be a criminal or civil offense under New Hampshire law or the law of any political subdivision of New Hampshire, and shall not be a basis for seizure or forfeiture of assets under New Hampshire law:

(a) **Possessing, consuming, processing, or transporting an amount of cannabis that does not exceed the possession limit; or**

(b) **Transferring $\frac{3}{4}$ of an ounce of cannabis, 5 grams of hashish, or cannabis-infused products containing no more than 300 milligrams of THC, to a person who is 21 years of age or older without remuneration. For purposes of this subparagraph, a transfer is for remuneration if cannabis is given away contemporaneously with another transaction between the same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of goods or services, or if the gift of cannabis is contingent upon a separate transaction for goods or services; and**

(c) **Manufacturing, possessing, or purchasing cannabis accessories, or distributing or selling cannabis accessories to a person who is 21 years of age or older.**

I-b. No person shall consume cannabis in a public place. A person 21 years of age or older who violates this paragraph shall be guilty of a violation and may be fined not more than \$100.

II. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses $\frac{3}{4}$ of an ounce or less of [~~marijuana~~] **cannabis**, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph [V] IV.

III. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph [V] IV.

IV. ~~[Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.]~~

V.](a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III ~~or any person 21 years of age or older who is convicted of violating paragraph IV]~~ shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph ~~[H, HH, or IV]~~ **II or III**, or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the ~~[marijuana, regulated marijuana-infused products,]~~ **cannabis** or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the ~~[marijuana]~~ **cannabis** or hashish and shall be subject to a delinquency petition under RSA 169-B:6.

~~[VI:]~~ V.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph ~~[H, HH, or IV]~~ **II or III** and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.

(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph ~~[H, HH, or IV]~~ **II or III**.

(d) Any person in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of ~~[marijuana, a personal-use amount of a regulated marijuana-infused product,]~~ **cannabis** or 5 grams or less of hashish, may be arrested for a violation of paragraph ~~[H, HH, or IV]~~ **II or III**.

~~[VII:]~~ VI. All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed substance abuse prevention programs.

~~[VIII:]~~ VII.(a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the number of violations of paragraph ~~[H, HH, or IV]~~ **II or III**. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

VIII. Nothing in this section shall:

(a) *Be construed to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, or sale of cannabis in the workplace or to affect the ability of employers to have policies restricting the use of cannabis by employees.*

(b) *Be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by cannabis.*

(c) Be construed to permit the transfer of cannabis, with or without remuneration, to a person under 21 years of age, or to allow a person under 21 years of age to purchase, possess, use, transport, or consume cannabis.

(d) Prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, or transportation of cannabis on or in the correctional facility's property.

3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c) and (d) to read as follows:

(c) In the case of more than 3/4 ounce of ~~[marijuana]~~ **cannabis, cannabis-infused products containing more than 300 milligrams of THC**, or more than 5 grams of hashish, including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the case of ~~[marijuana-infused]~~ **cannabis-infused** products possessed by persons under the age of 21 ~~[or marijuana-infused products as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older]~~, the person shall be guilty of a misdemeanor.

(d) In the case of 3/4 ounce or less of ~~[marijuana]~~ **cannabis** or 5 grams or less of hashish, including any adulterants or dilutants, **possessed by a person under 21 years of age**, the person shall be guilty of a violation pursuant to RSA 318-B:2-c. ~~[In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.]~~

4 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph VIII the following new paragraph:

VIII-a.(a) No person, other than an alternative treatment center approved pursuant to RSA 126-X, shall perform solvent-based extractions on cannabis using solvents other than water, glycerin, propylene glycol, vegetable oil, or food grade ethanol.

(b) No person shall extract compounds from cannabis using ethanol in the presence or vicinity of an open flame.

(c) Any person who violates this paragraph shall be guilty of a class A misdemeanor.

5 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, **the possession, use, manufacture, sale, or transportation of which is not otherwise authorized by law.**

6 Alcohol or Drug Impairment; Driving or Operating Under Influence of Drugs or Liquor. Amend RSA 265-A:2, I to read as follows:

I. No person shall drive or attempt to drive a vehicle upon any way or operate or attempt to operate an OHRV:

(a) While such person is under the influence of intoxicating liquor or any controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive or any combination of intoxicating liquor and controlled drugs, prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive; or

(b) While such person has an alcohol concentration of 0.08 or more or in the case of a person under the age of 21, 0.02 or more; **or**

(c) While such person has a marijuana concentration, as shown by 5 or more nanograms per milliliter of blood, of any of the following:

(1) Delta 9-tetrahydrocannabinol (delta 9-THC).

(2) 11-hydroxy-delta 9-tetrahydrocannabinol (11-OH-THC).

(3) 11-nor-9-carbox-delta 9-tetrahydrocannabinol (THC-COOH).

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

2022-1885s

AMENDED ANALYSIS

This bill permits adults to possess up to 3/4 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to give cannabis to other adults, provided it is not more than 3/4 of

an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; penalizes dangerous, volatile extraction; permits adults to possess, make, and sell cannabis accessories to other adults; and adds blood chemical levels indicating the presence of marijuana to the prohibitions on driving or operating under the influence of drugs or liquor.

Recess. Out of recess.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Watters, Prentiss, French, Kahn, Rosenwald, Whitley, Cavanaugh, Reagan, Soucy, Perkins Kwoka, Sherman.

The following Senators voted No: Hennessey, Giuda, Bradley, Gray, Ward, Ricciardi, Daniels, Avard, Carson, Birdsell, D'Allesandro, Gannon, Morse.

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

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

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

The following Senators voted Yes: Watters, Prentiss, French, Kahn, Rosenwald, Whitley, Reagan, Perkins Kwoka, Sherman.

The following Senators voted No: Hennessey, Giuda, Bradley, Gray, Ward, Ricciardi, Daniels, Avard, Carson, Cavanaugh, Soucy, Birdsell, D'Allesandro, Gannon, Morse.

Roll Call, Yeas: 9 - Nays: 15. Failed.

Senator Bradley moved Inexpedient to Legislate.

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

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

The following Senators voted Yes: Hennessey, Giuda, Bradley, Gray, Ward, Ricciardi, Daniels, Avard, Carson, Cavanaugh, Soucy, Birdsell, D'Allesandro, Gannon, Morse.

The following Senators voted No: Watters, Prentiss, French, Kahn, Rosenwald, Whitley, Reagan, Perkins Kwoka, Sherman.

Roll Call, Yeas: 15 - Nays: 9. Adopted.

HEALTH AND HUMAN SERVICES

HB 1131, relative to facial covering policies for schools.

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

Health and Human Services

April 20, 2022

2022-1688s

10/05

Amendment to HB 1131

Amend the bill by replacing section 1 with the following:

1 New Section; Schools; Instruction of Pupils; Facial Coverings Policy. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Facial Covering Policy for Schools. The school board of a school district or the chief executive officer of a chartered public school or public academy shall not adopt, enforce, or implement a policy that requires students or members of the public to wear a facial covering for any purpose while on the school's property unless the facial covering is necessary for a specific extracurricular or instructional purpose, or is required by some other section of the law. In this section, "facial covering" means any item worn on the face which covers a student's mouth, nose, or both. This provision shall not prohibit any public school board or governing person or body of a school from requiring participating students to wear athletic gear intended to protect against concussive or similar sports-related physical damage, or to wear protective equipment while handling chemicals, fire, or other similar hazardous elements for scientific or similar educational purposes.

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 Avar, seconded by Senator Soucy.

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1375, relative to the definition of veteran.

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

Senate Executive Departments and Administration

April 20, 2022

2022-1698s

04/08

Amendment to HB 1375

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

1 Statutory Construction; Definition of Veteran. Amend RSA 21:50, I(a)(2)(A) to read as follows:

(A) ~~[An honorable discharge]~~ **Any honorable discharge or any discharge under honorable conditions;** or

2 New Hampshire Veterans' Home; Command and Employees. Amend RSA 119:6 to read as follows:

119:6 Commandant and Employees. The board shall appoint, or may remove, for just cause, a commandant of the home. ~~[Honorable discharged veterans as defined in RSA 119:1]~~ **A veteran honorably discharged or discharged under honorable conditions pursuant to RSA 21:50** shall have preference for employment in the home if qualified by the New Hampshire division of personnel.

3 Preference of Resident Laborers and Veterans; Employment of Veterans. Amend RSA 283:4, I to read as follows:

I. In public employment of clerks, office help, mechanics, laborers, inspectors, supervisors, foremen, janitors, peace officers, and relief employees in the construction of public works, public projects and in the conduct of city, town or district departments by a county, city, town, or district, or by persons contracting therewith for such construction, carrying out of relief projects and in the conduct of city, town, or district departments, preference shall be given to citizens of the state who have served in the armed forces of the United States, for not less than 90 days, in times of war, and have been **honorably discharged** ~~[honorably]~~ **or discharged under honorable conditions pursuant to RSA 21:50** therefrom or released from active duty therein, if equally qualified for said employment and if registered in accordance with the provisions of RSA 283:7. Where such employment is obtained from relief rolls or for persons in need, in cases of equal or greater need preference shall be given to such veterans.

4 Reemployment of Veterans; Veterans Guaranteed Reemployment. Amend RSA 97:1 to read as follows:

97:1 Veterans Guaranteed Reemployment. Each county, town, city, precinct, school board or other political subdivision of the state shall reemploy a veteran of any branch of the military service of the United States who has been placed on inactive status or been ~~[given a discharge other than dishonorable]~~ **honorably discharged or discharged under honorable conditions pursuant to RSA 21:50** and who, within 90 days after being so made inactive or discharged, in writing, notifies the treasurer or other fiscal agent of such political subdivision that he **or she** desires to be reinstated in the position he held with such political subdivision at the time he **or she** entered said military service.

5 Interstate Compact on Educational Opportunity for Military Children. Amend RSA 110-D:3, XX to read as follows:

XX. "Veteran" means a person who served in the uniformed services and who was **honorably discharged** or ~~[released there from under conditions other than dishonorable]~~ **discharged under honorable conditions pursuant to RSA 21:50.**

6 Honorable Discharge; References Amended. Amend the following RSAs by replacing “honorable discharge” or “an honorable discharge” with “an honorable discharge or a discharge under honorable conditions pursuant to RSA 21:50”: RSA 115-A:16; 115-A:29, I-II; 115-B:1, II(a); 115-B:1, II(c); 165:5; 175:1, XXII; 176:10; 261:86, I(d); 261:87-b, I; 275-G:1, II; 466:8, I; and 651-A:13.

7 Honorably Discharged; References Amended. Amend the following RSAs by replacing “honorably discharged” with “an honorable discharge or discharged under honorable conditions pursuant to RSA 21:50”: RSA 72:28, IV(a); 72:28-b, IV; 72:35, I; 99-F:2, VI(a)(1)-(3); 100-A:4, VI(a)(2); 119:1, I; 119:2, II; 261:86, I(c)-(e); 261:141, VIII(c); 261:157-a; and 291:3.

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

Recess. Out of recess.

Senator Carson moved to Lay on the Table.

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.

HB 1417-FN-L, relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

Ought to Pass, Vote 4-1. Senator Prentiss for the committee.

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

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

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

The following Senators voted No: Giuda, Reagan.

Roll Call, Yeas: 22 - Nays: 2. Adopted.

Senator Giuda moved to Lay on the Table.

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

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.

HB 1535-FN, relative to a one-time allowance for certain state retirees.

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

Senate Executive Departments and Administration

April 20, 2022

2022-1683s

10/05

Amendment to HB 1535-FN

Amend subparagraph I(a) of section 1 of the bill by replacing it with the following:

(a) The member has been retired for at least 60 months prior to or on July 1, 2022; and

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).

HB 1548-L, relating to the sale of the Lakes Region Facility.
Ought to Pass, Vote 3-2. Senator Reagan for the committee.

Senator Bradley offered a Floor Amendment.

Sen. Bradley, Dist 3
April 28, 2022
2022-1884s
04/10

Floor Amendment to HB 1548-LOCAL

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Sale of Lakes Region; Restrictions. Amend RSA 10:11 by inserting after paragraph II the following new paragraph:

III. If the sale of the Lakes Region Facility includes the portion that includes the parcel identified as 50-67 Communication Drive containing a state 911 call center and Lakes Region Mutual Fire Aid, then American Rescue Plan Act funds may be used to the extent possible, and a portion of the proceeds of the sale may be used to relocate this facility to a new location. Relocation shall include purchase of land, if necessary, and the renovation or construction of a new facility.

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).

FINANCE

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.
Interim Study, Vote 6-1. Senator Daniels for the committee.

Recess. Out of recess.

SPECIAL ORDER

Without objection, HB 536-FN and HB 1606 are Special Ordered to the next session. Adopted.

HB 1256-FN, relative to positions within the department of military affairs and veterans services.
Ought to Pass with Amendment, Vote 7-0. Senator Giuda for the committee.

Senate Finance
April 19, 2022
2022-1663s
07/05

Amendment to HB 1256-FN

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

AN ACT relative to positions within the department of military affairs and veterans services and making an appropriation to the state regenerative manufacturing workforce development fund.

Amend the bill by replacing all after section 6 with the following:

7 State Regenerative Manufacturing Workforce Development Fund; Appropriation. The sum of \$1,000,000 for the fiscal year ending June 30, 2022 is hereby appropriated to the state regenerative manufacturing workforce development fund established in RSA 162-T:3. This appropriation shall be nonlapsing. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date.

I. Section 7 of this act shall take effect upon its passage.

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

2022-1663s

AMENDED ANALYSIS

This bill:

I. Renames the position of cemetery superintendent to cemetery director and establishes duties and salary classifications for that office.

II. Alters the list of positions the adjutant general nominates for appointment.

III. Renames the position of administrator of the division of community based military programs to director of the division of community based military programs and establishes the salary classification for that office.

IV. Makes an appropriation to the state regenerative manufacturing workforce development fund.

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

Senator Hennessey offered a Floor Amendment.

Sen. Hennessey, Dist 1

Sen. Morse, Dist 22

Sen. Prentiss, Dist 5

April 26, 2022

2022-1804s

07/05

Floor Amendment to HB 1256-FN

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

AN ACT relative to positions within the department of military affairs and veterans services, making an appropriation to the state regenerative manufacturing workforce development fund, and adjusting and making an appropriation relative to the medicaid reimbursement rates for ambulance services.

Amend the bill by replacing all after section 7 with the following:

8 Department of Health and Human Services; Medicaid Reimbursement Rates for Ambulance Services. The department of health and human services shall increase the Medicaid reimbursement rate for ambulance services to be equal to 50 percent of the Medicare rate or ambulance services based on the rate in effect as of June 30, 2022.

9 Appropriation; Medicaid Reimbursement Rates for Ambulance Services. The sum of \$868,264 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human services to implement Medicaid reimbursement rate increases for ambulance services. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. Notwithstanding RSA 14:30-a, VI, in addition to the amounts appropriated in this section, the department of health and human services may accept and expend any matching federal funds available for the purposes of this section without prior approval of the fiscal committee of the general court.

10 Effective Date.

I. Section 7 of this act shall take effect upon its passage.

II. Sections 8 and 9 of this act shall take effect July 1, 2022.

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

2022-1804s

AMENDED ANALYSIS

This bill:

I. Renames the position of cemetery superintendent to cemetery director and establishes duties and salary classifications for that office.

II. Alters the list of positions the adjutant general nominates for appointment.

III. Renames the position of administrator of the division of community based military programs to director of the division of community based military programs and establishes the salary classification for that office.

IV. Makes an appropriation to the state regenerative manufacturing workforce development fund.

V. Increases the Medicaid reimbursement rates for ambulance services and makes an appropriation thereof.

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.

HB 1421-FN, relative to lead in school drinking water.
Ought to Pass with Amendment, Vote 7-0. Senator D'Allesandro for the committee.

Senate Finance
April 20, 2022
2022-1665s
08/10

Amendment to HB 1421-FN

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

2 Funds for Revolving Funds. The sum of \$7,760,000 for the biennium ending June 30, 2023 is hereby appropriated to the department of environmental services for the purpose of providing state matching funds for supplemental Drinking Water State Revolving Fund and Clean Water State Revolving Fund funding authorized by the Infrastructure Investment and Jobs Act, Public Law 117-58. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated, and said appropriation shall not lapse.

2022-1665s

AMENDED ANALYSIS

This bill requires public and private schools and licensed child care facilities to install water bottle filling stations or test and remediate all water outlets at the facility.

This bill also makes an appropriation for certain drinking water grant programs administered by the department of environmental services.

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

Senator Rosenwald offered a Floor Amendment.

Sen. Rosenwald, Dist 13
Sen. Hennessey, Dist 1
April 26, 2022
2022-1839s
05/04

Floor Amendment to HB 1421-FN

Amend RSA 485:17-a, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Within 180 days of the effective date of this section, installing and providing access to water bottle filling stations in accordance with paragraph II; or

Amend RSA 485:17-a, II(c) as inserted by section 1 of the bill by replacing it with the following:

(c) Water from other outlets available to children such as classroom and bathroom sinks and water outlets used for food preparation shall be tested and remediated if necessary, per the provisions in paragraph III.

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.

HB 1475-FN, relative to the enforcement authority of liquor enforcement officers.
Ought to Pass, Vote 6-1. Senator D'Allesandro for the committee.

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

HB 1614-FN, requiring the recording and storing of digital video in all state-funded juvenile detention facilities.
Ought to Pass, Vote 7-0. Senator Hennessey for the committee.

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

JUDICIARY

HB 1296-FN, relative to the forfeiture of items used in connection with a drug offense.
Ought to Pass with Amendment, Vote 4-1. Senator French for the committee.

Senate Judiciary
 April 20, 2022
 2022-1677s
 04/10

Amendment to HB 1296-FN

Amend RSA 318-B:17-b, I-d as inserted by section 1 of the bill by replacing it with the following:

I-d. A document purporting to waive or relinquish rights or interests in seized property shall be valid only if the document is obtained by the prosecuting authority and accepted by the superior court in conjunction with a plea or conviction. Before accepting the document, the superior court shall determine that the waiver was executed knowingly and voluntarily.

Amend RSA 318-B:17-b, III as inserted by section 1 of the bill by replacing it with the following:

III. The court may order forfeiture of all items or property interests subject to the provisions of paragraph I[, except as follows:

(a) ~~No item or property interest shall be subject to forfeiture unless the owner or owners thereof were consenting parties to a felonious violation of this chapter and had knowledge thereof.~~

(b) ~~No items or property interests shall be subject to forfeiture unless involved in an offense which may be charged as a felony]~~ ***as part of a criminal prosecution and following a conviction for a felony violation of this chapter pursuant to paragraph III-a. All forfeiture-related petitions shall be filed at and heard by the superior court that has jurisdiction over the criminal case.***

Amend RSA 318-B:17-b, III-a(a)-(j) as inserted by section 1 of the bill by replacing them with the following:

III-a.(a)(1) If a defendant in a criminal matter is represented by a public defender or counsel appointed by the court, the public defender or appointed counsel shall represent the defendant in the forfeiture proceeding and any other related criminal proceeding.

(2) Following seizure, a defendant or any other person with an interest in the property shall have a right to a post-seizure hearing. The court shall give such post-seizure hearings priority on the court's docket.

(3) A person with an interest in the property may petition the superior court for a hearing.

(4) The court may hold a post-seizure hearing:

(A) As a separate hearing; or

(B) At the same time as a probable cause determination, a post-arraignment hearing, or other pretrial hearing.

(5) A party, by agreement or for good cause, may move for one extension of no more than 10 days. Any motion may be supported by affidavits or other submissions.

(6) The court shall order the return of property if it finds:

(A) The seizure was invalid;

(B) A criminal charge has not been filed and no extension of the filing period is available;

(C) The property is not reasonably required to be held as evidence; or

(D) The final judgment likely shall be in favor of the defendant or any other person with an interest in the property.

(7) The provisions of this section shall not apply to contraband.

(b) In a case in which the state seeks forfeiture of property the prosecuting authority shall file with the superior court a petition for forfeiture. The petition shall be a separate document and accompany the initial or a subsequent indictment or information. It shall include the following information:

(1) A description of the property seized;

(2) The time, date, and place of the seizure; and

(3) A description of how the property was used in or derived from the alleged crime.

(c)(1) The prosecuting authority may allege, in the petition, the forfeiture of property as a sanction related to the crime for which the defendant is charged, as part of sentencing consideration, or through other means for the court to oversee the forfeiture proceeding.

(2) The petition shall not be read to the jury.

(3) At the superior court's discretion, the court may allow the prosecuting authority to amend the petition for forfeiture as required in the interest of justice.

(4) The prosecuting authority shall serve the indictment or information as provided by the rules of the court.

(5) The prosecuting authority shall serve the petition for forfeiture:

(A) At arraignment;

(B) For cases initiated in the circuit court-district division, no later than 90 days after the underlying criminal case has been bound over to the superior court;

(C) For cases initiated in superior court, no later than 90 days after the complaint has been filed;

(D) As established by the superior court in its grant of a motion by the prosecuting authority that seeks extension of the deadlines in subparagraphs (B) or (C) as required in the interests of justice; or

(E) At the superior court's discretion.

(6) The court shall order the return of the property to the owner if the prosecuting authority does not file an indictment or information as provided by the court's rules, the period of an extension expires, or the court does not grant an extension.

(d) Discovery related to the forfeiture proceeding shall be subject to rules 12 and 13 in New Hampshire's rules of criminal procedure.

(e) The court shall consider the loss of property subject to forfeiture as a criminal sanction as part of and following the prosecution of the underlying crime. Property may be forfeited if:

(1) The state secures a conviction under this chapter; and

(2) The state establishes by a preponderance of the evidence that the property is an instrumentality of, or proceeds derived directly from, the crime for which the state secured a conviction.

(f) After the defendant's conviction, the court shall hold the forfeiture proceeding at its discretion. It shall be conducted by the court without a jury.

(g) Nothing in this paragraph shall prevent property from being forfeited as part of:

(1) A plea agreement; or

(2) A grant of immunity or reduced punishment, with or without the filing of a criminal charge, in exchange for testifying or assisting a law enforcement investigation or prosecution.

(h) The court may waive the conviction requirement and grant title to the property to the state if the prosecuting authority files a motion no fewer than 90 days after seizure and shows by a preponderance of the evidence that, before conviction, the defendant:

(1) Is deceased;

(2) Was deported by the United States government;

(3) Has abandoned the property; or

(4) Has fled the jurisdiction.

(i) The defendant may petition the superior court to determine, before trial, at trial or upon conviction, whether the forfeiture is unconstitutionally excessive under the state or federal constitution. The defendant shall bear the burden of establishing the forfeiture is unconstitutionally excessive by a preponderance of the evidence at a hearing conducted by the court without a jury. In determining whether the forfeiture is unconstitutionally excessive, the court shall not consider the value of the property to the state, but may consider other relevant factors including:

(1) The seriousness of the crime and its impact on the community, including the duration of the activity, use of a firearm, and harm caused by the defendant;

(2) The extent to which the defendant participated in the crime;

(3) The extent to which the property was used in committing the crime;

(4) Whether the crime was completed or attempted;

(5) The sentence or fine to be imposed for committing the crime;

(6) The hardship to the defendant if the forfeiture of a motor vehicle would deprive the defendant of the defendant's livelihood;

(7) An unjust hardship to the defendant's family if the property is forfeited; and

(8) All relevant factors related to the fair market value of the property.

(j)(1) Property encumbered by a security interest shall not be forfeited. The prosecuting authority shall return property to a secured interest holder, other than the defendant or rightful owner, up to the value of the interest. Contraband shall not be returned.

(2) If the property is not returned, the secured interest holder may petition the court at any time before the court enters judgment in the criminal prosecution or grants the motion in subparagraph (h).

(3) The court shall hear the petition within 30 days after its filing or at the court's discretion. The hearing shall be held before the court without a jury. The court may consolidate the hearing on the petition with any other hearing before the court in the case.

(4) The secured interest holder shall establish by a preponderance of the evidence the validity of the security interest, mortgage, lien, leasehold, lease, rental agreement, or other agreement.

(5) If the secured interest holder alleges a valid interest but the prosecuting authority seeks to proceed, the prosecuting authority shall prove by a preponderance of the evidence that:

(A) The interest is invalid;

(B) The interest resulted from a fraudulent conveyance; or

(C) The secured interest holder consented to the use of the property in the crime for which the defendant is charged.

(6) If the state fails to meet its burden under subparagraph (5), the court shall order the state to relinquish claims to the property, up to the value of the interest, and return the interest to the secured interest holder.

Amend RSA 318-B:17-b, III-a (k)(2) as inserted by section 1 of the bill by replacing it with the following:

(2) If the property is not summarily returned, an innocent owner may petition the superior court at any time before the court enters judgment in the criminal prosecution or grants the motion in subparagraph (h).

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

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

Senator French moved Inexpedient to Legislate.

Senator French withdrew Inexpedient to Legislate.

Senator French moved to Refer to Interim Study.

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

HB 1431-FN-L, establishing the parental bill of rights.

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

Senate Judiciary
April 20, 2022
2022-1670s
07/04

Amendment to HB 1431-FN-LOCAL

Amend the bill by replacing section 1 with the following:

1 Declaration of Purpose. The general court finds that it is a fundamental right of parents to direct the upbringing, education, and care of their minor children. The general court further finds that important information relating to a minor child should not be withheld, either inadvertently or purposefully, from his or her parent, including information relating to the minor's education. The general court further finds it is necessary to establish a consistent mechanism for parents to be notified of information relating to the health, education, and well-being of their minor children.

Amend RSA 169-I:3 through RSA 169-I:5 as inserted by section 2 of the bill by replacing them with the following:

169-I:3 Infringement of Parental Rights Prohibited. The state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity shall not infringe on the fundamental rights of a parent to direct the upbringing and education of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and cannot be achieved by less restrictive means.

169-I:4 Parental Rights.

I. All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, or any other governmental entity including, but not limited to, all of the following rights of a parent of a minor child in this state:

- (a) The right to direct the education and care of his or her minor child.
- (b) The right to direct the upbringing and the moral or religious training of his or her minor child.
- (c) The right to apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.
- (d) The right to access and review all school records relating to his or her minor child, pursuant to RSA 189:66, IV.
- (e) The right to be notified promptly if an employee of the state, any of its political subdivisions, or any other governmental entity has a reasonable basis to believe that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to law enforcement or the bureau of child protective services and notifying the parent would impede the investigation.

II. An employee of the state, any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent who is not suspected of a criminal offense against the minor and sharing the information would not impede an investigation of a criminal offense against the minor may be subject to disciplinary action.

III. A parent of a minor child in this state has rights that are more comprehensive than those listed in this section. This chapter shall not be construed to prescribe all rights to a parent of a minor child in this state.

169-I:5 Parental Rights in Education.

I. Each school board, school district, or school administrative unit shall, in consultation with parents, teachers, and administrators, develop and adopt publicly a policy to promote parental involvement in the public school system. Such policy shall include:

- (a) A plan for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline.
- (b) A procedure for a parent to learn about his or her minor child's course of study, including the source of any supplemental education materials.

(c) Procedures for a parent to learn about the nature and purpose of clubs and activities offered at his or her minor child's school, including those that are extracurricular or part of the school curriculum.

(d) Procedures for a parent to learn about gifted or special education programs offered in the district.

(e) Procedures for a parent to learn about parental rights and responsibilities under general law, including all of the following:

(1) Their right to object to instructional materials and other materials used in the classroom, pursuant to RSA 186:11, IX-c.

(2) Their right to exercise their option to get an exception to a particular health or sex education instruction, pursuant to RSA 186:11, IX-b.

(3) Their right to exempt his or her minor child from immunizations, as provided in RSA 141-C:20-a.

(4) Their right to review statewide, standardized assessment results.

(5) Their right to inspect school district instructional materials.

(6) Their right to access information relating to the school district's policies for promotion or retention, including high school graduation requirements.

(7) Their right to receive a school report card and be informed of his or her minor child's attendance requirements and compliance with such requirements.

(8) Their right to access information relating to the state standards, report card requirements, attendance requirements, and instructional materials requirements.

(9) Their right to participate in parent-teacher associations and parent-teacher organizations that are sanctioned by a school board or the department of education.

(10) The right of a parent to opt out of any district-level data collection relating to his or her minor child not required by law.

(f) The right to be notified promptly when any school board, school district, school administrative unit, school administrator, or other school employee initiates, terminates, or changes:

(1) A student's course of study or registration in classes, athletic teams, clubs, or other extra-curricular activities;

(2) Any discipline imposed by school authorities;

(3) Services recommended or provided pursuant to an individualized education plan or Section 504 of the Rehabilitation Act of 1973;

(4) Provision of any Medicaid services;

(5) Enrollment in any Title I services or free and reduced lunch program;

(6) Off-campus activities, including field trips or off-campus privileges;

(7) Medical treatment, including provision of medication, psychological, or counseling services; or

(8) Directory information.

(g) The right to be notified promptly when any school board, school district, school administrative unit, school administrator, or other school employee initiates, investigates, or finds the need for any action by school authorities relating to the student pursuant to school policies governing student conduct, truancy, dress code violations, sexual harassment, bullying, hazing, behavior management and intervention, substance use, suicide prevention, gender expression or identity, disability accommodation, and special meal prescription.

II. A parent may request, in writing, from the superintendent the information required under this section. Within 10 business days of such request, the superintendent shall provide such information to the parent. If the superintendent denies a parent's request for information or does not respond to the parent's request within 10 business days, the parent may appeal the denial to the school board. The school board shall place a parent's appeal on the agenda for its next public meeting. If it is too late for a parent's appeal to appear on the next agenda, the appeal shall be included on the agenda for the subsequent meeting. If a parent is

dissatisfied with the results of such an appeal, or such an appeal does not take place in a timely fashion as required by this paragraph, the aggrieved parent may bring an action for declaratory and injunctive relief as set forth in RSA 169-I:7.

Amend RSA 169-I:7 as inserted by section 2 of the bill by replacing it with the following:

169-I:7 Violations. Any parent claiming a violation of any provisions of this chapter may bring an action for declaratory relief, injunctive relief, and money damages against the state or any of its political subdivisions, including, without limitation, any school board, school district, or school administrative unit, any other governmental entity which the parent claims has violated this chapter in the superior court having jurisdiction over the relevant individual or the state or any of its political subdivisions. If the court finds in favor of the parent, it may award reasonable attorneys' fees and court costs to the parent.

The question is on the adoption of the Committee Amendment.

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

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

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

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

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

Sen. Bradley, Dist 3

April 28, 2022

2022-1881s

07/04

Floor Amendment to HB 1431-FN-LOCAL

Amend RSA 169-I:6 as inserted by section 2 of the bill by replacing it with the following:

169-I:6 Exceptions. This chapter does not:

I. Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of general law, as defined in RSA 169-C.

II. Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his or her official capacity.

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

Senator Kahn offered a Floor Amendment.

Sen. Kahn, Dist 10

April 27, 2022

2022-1862s

12/10

Floor Amendment to HB 1431-FN-LOCAL

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

AN ACT relative to the publishing of a parental rights guidebook.

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

1 New Section; Department of Education; Parental Rights Guidebook. Amend RSA 189 by inserting after section 27-b the following new section:

189:27-c Parental Rights Guidebook Published. Prior to the start of each school year, the department of education and the department of health and human services shall jointly publish a guidebook containing all current statutes pertaining to parental rights in education and child welfare and make the guidebook available to the public in paper copy and on their respective department website so that parents may access a comprehensive list of parental rights established by the general court in a single accessible document. Each local school district shall annually post a link to the document and shall provide information regarding how to access this document within student/parent handbooks.

2 New Section; Department of Health and Human Services; Parental Rights Guidebook. Amend RSA 126-A by inserting after section 18-b the following new section:

126-A:18-c. Parental Rights Guidebook. The department, jointly with the department of education, shall publish the parental rights guidebook pursuant to RSA 189:27-c.

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

2022-1862s

AMENDED ANALYSIS

This bill requires the department of education and the department of health and human services to publish a guidebook containing all current statutes pertaining to parental rights in education and child welfare.

The question is on the adoption of the Floor Amendment.

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

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

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

Roll Call, Yeas: 12 - Nays: 12. Failed.

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).

HB 1476-FN, relative to persons arrested while out on bail.

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

Senate Judiciary

April 20, 2022

2022-1686s

04/08

Amendment to HB 1476-FN

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

AN ACT relative to release of a defendant pending trial.

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

1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2, I-III(a) to read as follows:

597:2 Release of a Defendant Pending Trial.

I. Except as provided in paragraph **III or** VI, upon the appearance before the court of a person charged with an offense, the court shall issue an order that, pending arraignment or trial, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III;

(c) Detained; or

(d) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph VIII.

II. Except as provided in RSA 597:1-d, a person charged with a probation violation shall be entitled to a bail hearing. The court shall issue an order that, pending a probation violation hearing, the person be:

(a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;

(b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or

(c) Detained.

III. When considering whether to release or detain a person, the court **and, if applicable, a bail commissioner** shall consider the following issues:

(a) Safety of the public or the defendant.

(1) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; stalking under RSA 633:3-a; trafficking in persons under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; or computer pornography and child exploitation under RSA 649-B; shall not be brought before a bail commissioner and shall, upon arrest, be detained for a period of not more than 36 hours from the time of his or her arrest, excluding Saturdays, Sundays and holidays.

(2) If a person is charged with any **other** criminal offense, an offense listed in RSA 173-B:1, I, or a violation of a protective order under RSA 458:16, III, or after arraignment, is charged with a violation of a protective order issued under RSA 173-B, the court may order preventive detention without bail, or, in the alternative, may order restrictive conditions including but not limited to electronic monitoring and supervision, only if the court determines by clear and convincing evidence that release will endanger the safety of that person or the public. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant factors presented pursuant to paragraph IV.

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

2022-1686s

AMENDED ANALYSIS

This bill lists certain offenses which, if committed by the defendant, create a rebuttable presumption that a defendant is a danger to the public and shall be detained for up to 36 hours.

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 Avar.

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

The following Senators voted No: Kahn, Whitley, Perkins Kwoka.

Roll Call, Yeas: 21 - Nays: 3. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

HB 1677-FN, relative to the administration and settlement of claims of abuse at the youth development center and making an appropriation therefor.

Ought to Pass, Vote 5-0. Senator Whitley 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).

TRANSPORTATION

HB 1000, prohibiting motorcycle profiling.

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

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

HB 1188, establishing a commission to study OHRV use in the state.

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

Senate Transportation

April 20, 2022

2022-1691s

12/05

Amendment to HB 1188

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

AN ACT establishing a commission to study OHRV use in the state and clarifying certain towing statutes. Amend RSA 215-A:44-a, II(14) as inserted by section 1 of the bill by replacing it with the following:

(14) Two members of the public; one of whom shall be appointed by the New Hampshire Association of Conservation Commissions; and one of whom shall be appointed by the North Country Council who shall be an abutter.

Amend RSA 215-A:44-a, III(f)-(g) as inserted by section 1 of the bill by replacing it with the following:

(f) Positive and adverse effects of OHRV activity upon the state and local economies.

(g) The impacts of requiring all rental agents to install speed regulating governors on any OHRV provided to members of the general public for temporary use and the impacts of requiring charging infrastructure near trail heads.

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

3 Removal of Abandoned Vehicles by State Police; Requirements for Placement on the Tow List. Amend RSA 106-B:30, IV to read as follows:

IV. Any ~~[criminal]~~ history of **criminal** convictions involving (i) a felony against persons or property involving fraudulent activity, aggravated assaults, **or** sex offenses[;]; (ii) burglary, or thefts resulting in a felony conviction within the last 3 years[;]; or (iii) a serious or repetitive motor vehicle violation history ~~[of any]~~ **involving** such individual **or business**, shall be grounds for refusing to place on or removing the **individual or** business from the rotation list.

4 Removal of Abandoned Vehicles by State Police; Liens. Amend RSA 106-B:30, XIII to read as follows:

XIII. The tow business shall provide reasonable accommodations for after-hours release of personal property in stored vehicles or other related storage once the state police releases any hold on personal or other property not affixed to the towed vehicle, and upon payment in full or mutual agreement for payment of all towing and storage fees. The towing of a vehicle at the request of law enforcement shall ~~[grant]~~ **create** a lien to the tow business, equal to the cost of ~~[recovery and storage]~~ **impoundment, recovery, transport, and storage**.

5 Removal of Abandoned Vehicles by State Police; Requirements to Remain on the Tow List. Amend RSA 106-B:31, IX to read as follows:

IX. Tow companies on the tow list shall not permit any person to drive a wrecker if said person has been convicted for any felony against persons or property involving fraudulent activity, sex offenses, aggravated assaults, burglary, **or** theft resulting in a felony conviction within the last 3 years. No tow company shall permit any person to drive a wrecker if the person is currently subject to probation, parole restrictions, or **a** court order restricting the area the person may or may not be present in at any time.

6 Removal of Abandoned Vehicles by State Police; Confiscated Vehicles; Impoundment. Amend RSA 106-B:33, II to read as follows:

II. ~~[The towing and storage of the vehicle shall be at the expense of the state police.]~~ The wrecker business shall not release the vehicle to anyone unless and until authorized to do so by the trooper who arranged for the hold or a state police officer superior in rank to that trooper, or on an order by the court.

7 Removal of Abandoned Vehicles by State Police; Procedure for Removal and Impoundment. Amend RSA 262:33, II to read as follows:

II. Whenever a vehicle is towed pursuant to **RSA 262:31-a or** RSA 262:32 the owner or other person lawfully entitled to the possession of the vehicle shall be entitled to recover said vehicle and release of the above lien by payment of all reasonable towing and storage charges. If the owner or other person lawfully entitled to possession of the vehicle wishes to challenge whether there was sufficient grounds for towing and impoundment, he or she may pay over to the custodian of the vehicle an amount equal to the towing and storage charges to secure the release of such vehicle, and, within 15 days of the towing and impoundment, request in writing a hearing.

8 Effective Date.

I. Section 2 of this act shall take effect November 1, 2026.

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

2022-1691s

AMENDED ANALYSIS

This bill establishes a commission to study OHRV use in the state and requires the commission to submit annual reports and proposed legislation. This bill also makes changes to certain statutes related to the removal of abandoned vehicles by the state police.

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.

HB 1636, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.
Ought to Pass, Vote 4-0. Senator Ricciardi for the committee.

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

HB 2022, relative to the 10-year transportation plan.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

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

Amendment to HB 2022

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

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

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

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

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

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

(a) Traffic counts by town with average speed data.

(b) Road conditions to include shoulders.

(c) Accident data by location.

(d) Correspondences to the department from the towns and citizens with safety concerns in this corridor.

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

Project	Funding	Proposed TYP Year
ALSTEAD 40649	SAB to MOBIL	2026
ALSTEAD 40661	SAB to MOBIL	2024
AMHERST 40654	SAB	2023
AMHERST 40657	SAB to MOBIL	2024
ANDOVER 41407	SAB to MOBIL	2024
ANTRIM 14942	SAB	2023
AUBURN 29316	SAB to MOBIL	2023
BARRINGTON 26722	SAB	2023
BARRINGTON 41410	SAB	2025
BEDFORD 21684	SAB	2023
BEDFORD 24217	SAB to MOBIL	2023
BOW 24223	SAB	2024
BOW 24224	SAB	2025
BROOKLINE 41408	SAB	2025
CANAAN 26704	SAB	2023
CANAAN 41399	SAB to MOBIL	2023
CANAAN 41406	SAB to MOBIL	2024
COLEBROOK 40651	SAB	2023
COLEBROOK 40652	SAB	2023
COLEBROOK 40655	SAB to MOBIL	2023
CONCORD 41212	MOBRR	2023
DORCHESTER 42091	SAB	2023
DORCHESTER 42092	SAB	2025
ENFIELD 13592	SAB to MOBIL	2025
FRANCESTOWN 42709	SAB to MOBIL	2026
FREMONT 23793	SAB	2023
GOFFSTOWN 41597	SAB	2025
HARRISVILLE 16114	SAB to MOBIL	2026
JACKSON 40808	SAB	2023
JAFFREY 41401	SAB	2023
KEENE 40653	SAB	2023
KEENE-SWANZEY 40666	MOBRR	2025
LACONIA 26706	SAB to MOBIL	2023
LACONIA 43845	MOBRR	2026
LANCASTER 22192	SAB	2025
LEBANON 13558A	MOBRR	2023
LEBANON 24221	SAB to MOBIL	2023
LEBANON 24222	MOBRR	2023
MADBURY 41462	SAB	2026
MANCHESTER 15837	SAB to MOBRR	2025
MANCHESTER 24206	MOBRR	2024
MANCHESTER 24212	MOBRR	2024
MERRIMACK 29174	MOBRR	2026
MILTON, NH-LEBANON, ME 40658	MOBRR	2023
NEW BOSTON 14771	SAB to MOBIL	2026

Project	Funding	Proposed TYP Year
NEW BOSTON 15505	SAB to MOBIL	2024
NEWPORT 20006	SAB	2023
ORFORD 41151	SAB to MOBIL	2023
PELHAM 29450	SAB to MOBIL	2023
PITTSFIELD 14972	SAB	2025
RICHMOND 29055	SAB to MOBIL	2023
RICHMOND 29056	SAB	2023
RUMNEY 27162	SAB	2023
SANDOWN 41412	SAB	2027
SUGAR HILL 24218	SAB to MOBIL	2023
SWANZEY 41403	SAB to MOBIL	2024
WEARE 14338	SAB	2026
WEBSTER 40810	SAB to MOBIL	2023
WENTWORTH 40648	SAB	2023
WILTON 15767	SAB	2023
WILTON 15768	SAB to MOBIL	2025

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

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

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

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

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

237:7 Funds Provided.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. The council shall have the following members:

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

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

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

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

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

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

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

15 Repeal. The following are repealed:

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

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

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

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

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

2022-1816s

AMENDED ANALYSIS

This bill:

I. Adopts the 10-year transportation plan for 2023-2032.

II. Eliminates the scenic and cultural byways council.

III. Amends the membership and meeting structure of the New Hampshire transportation council

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

Senator Birdsell offered a Floor Amendment.

Sen. Birdsell, Dist 19

Sen. Watters, Dist 4

Sen. Ward, Dist 8

Sen. Ricciardi, Dist 9

Sen. Sherman, Dist 24

April 27, 2022

2022-1878s

12/10

Floor Amendment to HB 2022

Amend RSA 238-A:4, I as inserted by section 13 of the bill by replacing it with the following:

I. The council shall have the following members:

(a) The commissioner of the department of transportation, or designee.

(b) The commissioner of the department of business and economic affairs, or designee.

(c) The commissioner of the department of safety, or designee.

(d) A member of the senate transportation committee, appointed by the president of the senate.

(e) A member of the house transportation committee, appointed by the speaker of the house of representatives.

(f) An individual knowledgeable in transportation technology, appointed by the governor and approved by the executive council.

(g) ~~[A member of the New Hampshire College and University Council, appointed by the president of that organization.]~~ ***The commissioner of the department of environmental services, or designee.***

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

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

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

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

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

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4
April 27, 2022
2022-1872s
12/10

Floor Amendment to HB 2022

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

AN ACT relative to the 10-year transportation plan and relative to electric vehicle infrastructure funding.

Amend the bill by replacing all after section 9 with the following:

10 Transportation; Electric Vehicle Charging Stations; Subdivision Heading Amended. Amend the subdivision heading preceding RSA 236:132 to read as follows:

Electric Vehicle Charging Stations *and*
Electric Vehicle and Infrastructure Funds

11 New Section; Electric Vehicle Infrastructure Funding. Amend RSA 236 by inserting after section 134 the following new section:

236:135 Electric Vehicle Charging Station and Infrastructure Funds.

I. The commissioner of the department of transportation may accept federal appropriations and grants to support the construction of electric vehicle infrastructure, in addition to any state appropriations for such purpose. Funds may be distributed by the commissioner of the department of transportation in accordance with all federal or grant requirements for the following uses:

(a) Construction of electric vehicle charging infrastructure on New Hampshire transportation corridors, utilizing the plans developed by the department in consultation with the department of environmental services, the New Hampshire transportation council, and Drive Electric NH.

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

(c) Construction of electric vehicle charging infrastructure for use by the department of transportation, and other state agencies, needed for electric vehicles used by state agencies.

II. The commissioner of the department of transportation may accept federal appropriations and grants to support the acquisition of electric vehicles. Funds may be distributed by the commissioner of the department of transportation in accordance with all federal or grant requirements for the following uses:

(a) Acquisition of electric vehicles for use by the department of transportation and other state agencies, utilizing plans developed by the department, the New Hampshire transportation council, and the department of environmental services.

(b) Acquisition of electric school buses in consultation with the department of environmental services.

(c) Acquisition of electric buses in consultation with local transit authorities.

III. The commissioner of the department of transportation may contract with private entities for the construction of electric vehicle charging infrastructure and selecting a contractor or contractors for the program, provided that all contracts shall be approved by the executive council. Services and contracts entered into under this paragraph shall be exempt from the requirements of RSA 228:107-115. If additional funds are received after the initial contract selection, the commissioner may revise the existing contracts, upon approval of the executive council, or issue a new request for proposals.

IV. The commissioner of the department of transportation shall report annually on the progress of the development of electric vehicle infrastructure in the state to the governor, the president of the senate, the speaker of the house of representatives, the chairperson of the senate transportation committee, the chairperson of the house transportation committee, the chairperson of the house public works and highways committees, and the New Hampshire transportation council.

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

2022-1872s

AMENDED ANALYSIS

This bill adopts the ten-year transportation plan for 2023-2032. This bill also permits the commissioner of the department of transportation to accept federal appropriations and grants to support the construction of electric vehicle infrastructure.

Recess. Out of recess.

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.

SENATE CLERK'S NOTE: TECHNICAL AND ADMINISTRATIVE CORRECTIONS

Without objection, the Clerk is authorized to make technical and administrative corrections which are necessary to reflect the intent of the Senate. Adopted.

HB 1567-FN, relative to consequences resulting from election official misconduct.
Ought to Pass, Vote 3-2. Senator Birdsell for the committee.

The pending motion is Floor Amendment #2022-1808s.

Sen. Birdsell, Dist 19

April 26, 2022

2022-1808s

05/04

Floor Amendment to HB 1567-FN

Amend the bill by replacing section 1 with the following:

1 Provisions for Purity of Elections; Official Misconduct; Consequences. Amend RSA 666:3 to read as follows:

666:3 Official Misconduct.

I. Any public officer upon whom a duty relating to elections is imposed who shall knowingly fail to perform such duty or who shall knowingly perform it in such a way as to hinder the objects thereof shall be guilty of a misdemeanor if no other penalty is provided by law.

II. The attorney general may investigate misconduct by an election official if upon a conviction of a violation of an election law due to the official's misconduct, the attorney general shall remove the official's right to vote in accordance with part I, article 11 of the New Hampshire constitution.

III. The attorney general shall order the municipality to pay for the cost of the investigation under paragraph II.

Recess. Out of recess.

Senator Birdsell withdrew Floor Amendment #2022-1808s.

Senator Giuda offered a Floor Amendment.

Sen. Giuda, Dist 2

April 28, 2022

2022-1888s

12/10

Floor Amendment to HB 1567-FN

Amend the bill by replacing section 1 with the following:

1 Provisions for Purity of Elections; Official Misconduct; Consequences. Amend RSA 666:3 to read as follows:

666:3 Official Misconduct.

I. Any public officer upon whom a duty relating to elections is imposed who shall knowingly fail to perform such duty or who shall knowingly perform it in such a way as to hinder the objects thereof shall be guilty of a misdemeanor if no other penalty is provided by law.

II. The attorney general shall investigate misconduct by an election official. If an election official is convicted, the attorney general shall remove the official's right to vote in accordance with part I, article 11 of the New Hampshire constitution.

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 bill is Special Ordered to the next session. Adopted.

HEALTH AND HUMAN SERVICES

HB 1099, prohibiting the department of health and human services from requiring vaccine passports for services.

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 1552-FN, establishing a board for the certification of assessors.

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

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

Senator Gray moved Ought to Pass.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6

April 25, 2022

2022-1747s

10/05

Floor Amendment to HB 1552-FN

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

AN ACT establishing a board for the certification of assessing persons.

Amend RSA 310-C as inserted by section 1 of the bill by replacing it with the following:

310-C:1 Assessing Certification Board.

I. There is established an independent assessing certification board within the office of professional licensure and certification. The board shall be composed of the commissioner of the department of revenue administration, or designee, and the following additional members, appointed by the governor with the consent of council:

(a) Two certified assessor supervisors who are certified for municipal property taxation purposes with a minimum of 5 years' experience.

(b) One member of the general public, who is not associated with assessing or any related industry.

(c) One member representing municipalities who shall be a municipal governing body official who shall not be an assessor.

II. The term of each member shall be 3 years, except that, of the members initially appointed, 2 shall serve for 3 years, one shall serve for 2 years, and one shall serve for one year.

III. Upon expiration of their terms, members of the board shall continue to hold office until the appointment and qualification of their successors. No person, except the commissioner or designee, shall serve as a member of the board for more than 2 consecutive full terms. The appointing authority may remove a member for cause.

IV. The board shall meet at least once each calendar quarter to conduct its business and more often on call of the chair, or when the chair is requested to do so by 2 or more members of the board. The action of the majority of the members of the board present and voting shall be deemed the action of the board, and at least 3 members shall be present and voting on every vote of the board. Locations of future meetings shall

be decided by the vote of members at meetings or, in the event of a special meeting, by the chair. Written notice shall be given by the chair to each member of the time and place of each meeting of the board at least 10 days in advance.

V. The chairperson of the board shall be elected from the board's members. Neither the commissioner of the department of revenue administration nor his or her designee shall serve as chairman.

VI. No board member shall be entitled to a per diem allowance. Board members shall be reimbursed for actual travel in the performance of official duties at the usual state employee rate.

VII. The members of the board shall be immune from any civil action or criminal prosecution for actions taken in their capacity as members of the board, provided that such action is taken in good faith and in the reasonable belief that the action was taken pursuant to the powers and duties of the board under this chapter.

310-C:2 Certification Process.

I. Applications for original certification, renewal license or certification, and examinations shall be made in writing to the board on forms approved by the executive director of the office of professional licensure and certification.

II. Appropriate fees, as established by the executive director of the office of professional licensure and certification, shall accompany all applications for original license, certification, renewal license, renewal certification, reciprocal license, and reciprocal certification.

III. At the time of filing an application for certification or licensure, each applicant shall sign a pledge to comply with the standards set forth in this chapter and state that he or she understands the types of misconduct for which disciplinary proceedings may be initiated against a certified assessing official, as set forth in this chapter.

310-C:3 Prohibited Conduct. A person certified by the board under this chapter, shall, after a hearing, be subject to disciplinary action as provided in RSA 310-C:13 for being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, sexual crimes, drug distribution, arson, physical violence, or any similar offense or offenses; provided that, for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended.

310-C:4 Classes of Certification.

I. There shall be the following classifications of certified assessing persons which shall meet the criteria set forth in the rules adopted by the assessing standards board or as may be adopted by the assessing certification board pursuant to RSA 21-J:14-f, IV:

- (a) Certified building measurer and lister.
- (b) Certified assessor assistant.
- (c) Certified assessor.
- (d) Certified assessor supervisor.

II. The application for original certification, or renewal certification shall specify the classification of certification being applied for or previously granted.

310-C:5 Criminal History Record Checks.

I. Every applicant for initial certification shall submit to the executive director a criminal history record release form, as provided by the New Hampshire division of state police, department of safety, which authorizes the release of his or her criminal history record, if any, to the board.

II. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the board. The executive director shall maintain the confidentiality of all criminal history records information received pursuant to this section.

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

310-C:6 Examination Requirements. An original certification as a certified assessor supervisor may be issued to any person who has demonstrated through a written examination process that he or she meets the minimum requirements established by the board.

310-C:7 Examination Prerequisites. As prerequisites to taking the examination for certification as a certified assessor supervisor, an applicant shall present evidence, satisfactory to the board, of having completed the required classroom hours in subjects related to assessing for ad valorem property taxation from an educational source approved by the board.

310-C:8 Experience Requirements.

I. An applicant for original certification shall possess such experience as the board shall require by rules adopted under RSA 541-A, for each level of certification requested.

II. Each applicant for certification shall furnish a signed, detailed listing of assessing experience for each year for which experience is claimed by the applicant pursuant to rules adopted under RSA 541-A.

310-C:9 Term of Certification. All initial certificates issued by the board shall expire on the last day of the month of the holder's birth in the year 2 years following the year of issuance. The renewal term of a certificate issued under the authority of this chapter shall be 2 years from the date of issuance, and shall expire on the last day of the month of the certificate holder's birth. The expiration date of the certificate shall appear on the certificate and notice of its expiration shall be given to its holder.

310-C:10 Nonresident Certification.

I. Every nonresident applicant for certification under this chapter shall submit, with the application for certification, an irrevocable consent that service of process may be made by delivery of the process to the secretary of state if, in an action against the applicant in a court of this state arising out of the applicant's activities as a person required to be certified under this chapter, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.

II. A nonresident who has complied with paragraph I may obtain certification under this chapter by conforming to all of the provisions of this chapter relating to licensed or certified assessing personnel.

310-C:11 Continuing Education.

I. As a prerequisite to renewal of certification, an applicant shall present evidence satisfactory to the board of having met the continuing education requirements for this chapter.

II. The basic continuing education requirement for renewal of certification shall be the completion by the applicant, during the immediately preceding term of certification, of those courses and programs required by the board by rules adopted under RSA 541-A.

III. In lieu of meeting the requirements of paragraph II, an applicant for recertification may satisfy all or part of the requirements by presenting evidence of the following:

(a) Completion of an educational program of study determined by the board to be equivalent, for continuing education purposes, to courses approved by the board under paragraph II.

(b) Participation other than as a student in educational processes and programs approved by the board which relate to assessing theory, practices or techniques, including, but not necessarily limited to, teaching, program development and preparation of textbooks, monographs, articles, and other instructional materials.

IV. The board shall give favorable consideration to courses of instruction, seminars, and other assessing educational courses or programs previously or hereafter developed by or under the auspices of professional assessing organizations or other approved educational resources.

V. No amendment or repeal of a rule adopted by the board relative to this section shall operate to deprive a certified assessing person of credit toward renewal of certification for any course of instruction completed by the applicant prior to the amendment or repeal of the rule which would have qualified for continuing education credit under the rule as it existed prior to the repeal or amendment.

VI. Certification that has been revoked as a result of disciplinary action by the board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required by this chapter. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for certified individuals as a condition to reinstatement of certification.

310-C:12 Assessing Certificate.

I. A certificate issued under authority of this chapter shall bear the class of certification, and the signature of the board chair or a designee who is a member of the board and a certificate number assigned by the executive director of the office of professional licensure and certification.

II. Certified assessing personnel shall place their assessing certificate number adjacent to or immediately below their signature whenever their signature is used in an assessment or in a contract or other instrument used by the certificate holder in conducting assessing activities.

310-C:13 Disciplinary Proceedings.

I. The board may undertake disciplinary proceedings:

(a) Upon its own initiative; or

(b) Upon written complaint of any person which charges that a person certified by the board has committed misconduct under paragraph II and which specifies the grounds therefor.

II. Misconduct sufficient to support disciplinary proceedings under this section shall include:

(a) Procuring or attempting to procure a certificate pursuant to this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or through any form of fraud or misrepresentation.

(b) Failing to meet the minimum qualifications established by this chapter.

(c) Paying compensation, including money or any other thing of value, other than as provided for by this chapter, to any member of or employee of the board to procure a certificate under this chapter.

(d) A conviction of a crime which is substantially related to the qualifications, functions, and duties of a person developing assessments and communicating assessments to others.

(e) An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the license or certificate holder or another person or with the intent to substantially injure another person.

(f) Violation of any of the standards for the development or communication of assessment as provided in this chapter.

(g) Failure or refusal without good cause to exercise reasonable diligence in developing an assessment, preparing an assessment or communicating an assessment.

(h) Negligence or incompetence in developing an assessment, in preparing an assessment, or in communicating an assessment, as determined by the board.

(i) Disregarding or violating any of the provisions of this chapter or the rules of the assessing standards board or the rules adopted by the assessor certification board, or violating of any applicable New Hampshire property assessing statutes, or violating the right-to-know law.

(j) Accepting an assignment when the employment itself is contingent upon the assessor reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the assignment.

(k) Violating the confidential nature of governmental records to which he or she gained access through employment or engagement as an assessor by a governmental agency.

(l) Disregarding or violating the Code of Ethics and Standards of Professional Conduct, Re-adopted by the New Hampshire Assessing Standards Board on March 9, 2018, or the Uniform Standards of Professional Appraisal Practice (USPAP) ethical and professional conduct standards in effect at the time of the assessing assignment.

III. The board, upon making an affirmative finding under paragraph II, may take disciplinary action in any one or more of the following ways:

(a) By written reprimand.

(b) By suspension, refusal to renew, limitation or restriction of a certification, or probation for a period of time determined to be reasonable by the board.

(c) By revocation of a certificate.

(d) By requiring the person to participate in a program of continuing education in the area or areas in which the person has been found deficient.

(e) By requiring the person to practice under the direct supervision of a certified assessor for a period of time specified by the board.

(f) By assessing a fine of not more than \$2,000 per violation or, in the case of a continuing violation, \$100 for each day the violation continues, whichever would be greater.

(g) By taking any combination of the preceding actions, relating to any certified individual, in accordance with the provisions of this chapter.

310-C:14 Hearings; Investigations. The board may undertake investigations of allegations of misconduct. The form of an investigation is a matter of discretion of the board. The board shall take no disciplinary action without a hearing. At least 14 days prior to hearing, all parties to a disciplinary proceeding shall be served, either personally or by certified mail, return receipt requested, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board, but no complaint shall be acted upon unless in writing. A hearing shall be held on all written complaints not dismissed by the board within one year after the date notice of a complaint was received by the accused, unless otherwise agreed to by the parties. Disciplinary hearings shall be conducted within one year of receipt of the complaint before at least 4 members of the board. Written notice of all disciplinary decisions made by the board shall be given to all parties to the proceeding upon their issuance.

310-C:15 Fees. The executive director of the office of professional licensure and certification shall adopt rules to establish fees for application and renewals of certification under this chapter, and for transcribing and transferring records and other services.

310-C:16 Summons; Oaths; Witnesses.

I. The executive director shall have the power to administer oaths or affirmations, preserve testimony, subpoena witnesses, and to compel, by subpoena duces tecum, the production of all books, records, files and documents, whether originals, copies, or in electronic or other form, and other materials, relevant to its investigation of any complaint or disciplinary proceeding before the board.

II. The executive director may issue subpoenas with the approval of the office of the attorney general.

III. A minimum of 10 business days' notice shall be given for compliance with a subpoena under this chapter.

310-C:17 Rulemaking Authority.

I. The board shall adopt rules pursuant to RSA 541-A, relative to:

(a) The eligibility requirements for the issuance of any initial certificate issued under this chapter, including the issuance of such certificates to applicants holding a currently valid certificate from the department of revenue administration or other authorization to practice in another jurisdiction.

(b) The eligibility requirements for the issuance of any temporary practice permit issued under this chapter.

(c) How an applicant shall be examined.

(d) How a certificate shall be renewed.

(e) Ethical standards required to be met by each holder of a certificate issued under this chapter and how such certificate may be revoked for violation of these standards.

(f) Standards for appraisal education programs and the issuance of evidence indicating satisfactory completion of such program.

(g) Establishing continuing education and experience requirements which comport with criteria set forth by the board.

(h) The conditions and requirements for granting a waiver to any rule adopted by the board.

II. The executive director of the office of professional licensure and certification shall adopt rules pursuant to RSA 541-A: relative to:

(a) The application procedure for the issuance of any initial or renewal certificate.

(b) The design and content of all forms required under this chapter.

(c) Establishing all fees required under this chapter.

(d) The conduct of investigations and procedures for the conduct of hearings consistent with the requirements of RSA 541-A.

(e) The requirements for public requests for information.

Amend the bill by replacing section 7 with the following:

7 Certification of Assessing Personnel and Auditing Authority. Amend RSA 21-J:14-f to read as follows:

21-J:14-f Certification Required.

I. Every person, whether working individually, for a firm or corporation, or as a municipal employee, making appraisals of a municipality for tax assessment purposes, except elected officials making appraisals pursuant to RSA 75:1, shall be certified by the [department] ***assessing certification board*** according to rules adopted by the assessing standards board as provided in paragraph II ***or the assessing certification board under RSA 310-C as provided in paragraph IV, as the case may be.*** Department of revenue administration employees shall be certified at the level appropriate to their duties.

II. The assessing standards board shall adopt rules, pursuant to RSA 541-A, relative to qualifications for certification, requirements for continuing education, and decertification of, suspension of, or other disciplinary actions against persons required to be certified in paragraph I. Such rules shall specify the minimum qualifications with respect to education and training required for certification according to the following functional job categories ranked in ascending hierarchical order:

(a) Building measurer and lister.

(b) Property assessor assistant.

(c) Property assessor.

(d) Property assessor supervisor.

III. No person, except boards of assessors and selectmen making appraisals pursuant to RSA 75:1, shall make appraisals without first obtaining the certification required by this section ***and RSA 310-C***. Certification is non-assignable and cannot be transferred. Any person who willfully fails to obtain certification as provided in this section ***and RSA 310-C*** shall be subject to the penalties imposed under RSA 21-J:39, IV.

IV. The assessing standards board rules shall remain in effect until such time as they may be amended or modified by the assessing standards board or superseded by the assessing certification board.

Amend the bill by replacing all after section 8 with the following:

9 Department of Revenue Administration; Decertification. Amend RSA 21-J:14-g, I to read as follows:

I. The commissioner may decertify, suspend, or take other disciplinary action against any person for failure to comply with the rules of the assessing standards board adopted pursuant to RSA 21-J:14-f, II ***or the assessing certification board adopted pursuant to 310-C.***

10 Department of Revenue Administration; Decertification. Amend RSA 21-J:14-g, II to read as follows:

II. Any person aggrieved by a decertification, suspension, or other disciplinary action of the [commissioner] ***assessing certification board under RSA 310-C*** may appeal from such decision by application to the board of tax and land appeals or by petition to the superior court in the county in which such person resides or maintains his or her business within 30 days after receiving written notice of the commissioner's decision. The board of tax and land appeals or the court, as the case may be, shall hear the appeal forthwith.

11 Certification of Assessing Persons. The department of revenue administration shall continue to issue certifications, and discipline certified assessing personnel pursuant to RSA 21-J:14-f and 21-J:14-g, until the governor and council have confirmed 4 members of the assessing certification board established pursuant to RSA 310-C as inserted by this act. Upon the confirmation of 4 members of the board, the authority of the department of revenue administration to issue certifications and discipline assessing personnel shall expire.

12 Extension to Complete Continuing Education Requirements. Notwithstanding any statute or rule to the contrary, the commissioner of the department of revenue administration may, upon request in writing by any department certified assessor personnel, prior to the expiration of his or her certification, extend the period of time necessary to complete their continuing education hours until August 31, 2023.

13 Effective Date.

I. Section 10 of this act shall take effect September 1, 2023.

II. Sections 1-9 of this act shall take effect January 1, 2023.

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

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.

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.

ANNOUNCEMENTS

(The Chair recognized Senator Soucy.)

SENATOR SOUCY: Thank you, Mister President. Personal Privilege. Thank you. Our colleagues in the House last week paid tribute to a member and I wanted to do so this week.

Representative Katherine Rogers was a friend of mine for nearly thirty years, and she was really an extraordinary person. Kathy was born and raised in Concord and considered herself a child of the Heights. The Heights was her part of Concord. She had an illustrious career, she went to Clark University, and then started her career as a political consultant, first and foremost working for Jimmy Carter in his first presidential campaign. Her work included scheduling, organizing, budgeting, communication, strategic planning. And this work carried her to over forty states on behalf of President Carter, later Vice President Walter Mondale, Massachusetts Governor Mike Dukakis, Senator Tom Harkin of Idaho, John Evans, and many, many others. In the 90s though, Kathy decided to hang up her traveling shoes and begin serving right here in her home community and putting her energies into local and state politics. She was elected to the first of eight terms on the Concord City Council in 1991, the first of eight terms in the New Hampshire House of Representatives in '92, to the first of five terms on the Merrimack County Commission in 1988. For those of you that worked with Kathy, she was a counselor, a lawmaker, and a commissioner who consistently, consistently championed the interests of the most vulnerable and least fortunate among us. And Kathy never, ever shrank from tackling the most controversial issues, most notably, issues around firearms.

Kathy later in life decided to turn to a legal career. She graduated from Suffolk University and then served as a town prosecutor in Allenstown until 2008 when she was elected the first woman Merrimack County Attorney. Even as recently as the Thursday, she died on a Sunday, Palm Sunday, that Thursday I was visiting her in Concord Hospital. And Representative Mary Jane Wallner was there. And Kathy was talking about the legislation that we had acted on today in the Sununu Center, ensuring that we advocate for more funding, ensuring that we advocate for those who had been emotionally abused.

For those who knew Kathy, she was brilliant, she was strategic, she was tenacious, but most importantly she was loyal. She was very loyal to her friends and her friends that she considered family. She was an extraordinary person who advocated as I said, for the underserved, the underprivileged, for animals. Kathy really left a mark on the state of New Hampshire, her city of Concord and on Democratic Party politics, and I for one am very proud to have called her a friend for many years. I will miss her dearly, but I hope her memory lives on in some of the important things that she did to make this state a better place. Thank you, Mister 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 1000, prohibiting motorcycle profiling.

HB 1021, prohibiting certain zoning regulation of land or structures used primarily for religious purposes.

HB 1097, relative to taxation of income of New Hampshire residents when working remotely for an out of state employer.

HB 1106, establishing a commission to study recruiting members of the armed forces and the commission on demographic trends.

HB 1109, relative to the authority of a city or town to limit the use or operation of an OHRV on certain ways.

HB 1131, relative to facial covering policies for schools.

HB 1163, relative to over voted ballots.

HB 1168, establishes a committee to study the New Hampshire law relative to soil conditioners and relative to costs eligible for reimbursement from the oil discharge and disposal cleanup fund.

HB 1188, establishing a commission to study OHRV use in the state and clarifying certain towing statutes.

HB 1203-FN, relative to voter registration and verification of voter identity.

HB 1220, prohibiting the docking of houseboats on Perkins Pond in Sunapee.

HB 1249, relative to weights and measures.

HB 1256-FN, relative to positions within the department of military affairs and veterans services, making an appropriation to the state regenerative manufacturing workforce development fund, and adjusting and making an appropriation relative to the medicaid reimbursement rates for ambulance services.

HB 1269, relative to certain legislative study committees.

HB 1388-FN, relative to the unsolicited disclosure of an intimate image.

HB 1398, establishing a committee to study the feasibility of centralized criminal history records checks in education.

HB 1421-FN, relative to lead in school drinking water.

HB 1432, prohibiting the use of state funds for a certain passenger rail project.

HB 1466, relative to the off-label use of prescription drugs and relative to pharmacy prescriptions.

HB 1467-FN, relative to recounts of state representative races during a general election.

HB 1469-FN, establishing a committee to study the need for anti-discrimination legislation in the New Hampshire financial services industry.

HB 1474, relative to annual vehicle inspections.

HB 1475-FN, relative to the enforcement authority of liquor enforcement officers.

HB 1493, relative to the drug forfeiture fund.

HB 1496-FN, requiring political subdivisions to make voter checklists available in electronic form to any resident.

HB 1552-FN, establishing a board for the certification of assessing persons.

HB 1567-FN, relative to consequences resulting from election official misconduct.

HB 1599-FN, relative to customer generators who sell renewable energy certificates.

HB 1614-FN, requiring the recording and storing of digital video in all state-funded juvenile detention facilities.

HB 1636, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile.

HB 1667, relative to the standard and optional veterans' tax credits and the all veterans' tax credit.

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

ANNOUNCEMENTS

(The Chair recognized Senator Kahn.)

SENATOR KAHN: We talked a lot about schools today and throughout this session. And I just don't want to wait until next week to remind the body that next week is Teacher Appreciation Week. So, it's been a long year if you've been in a school. And I hope that all of us will take that opportunity of finding those stars in our community, the people who have endured a long year in school and kept students learning. Give them a thanks, give them a pat on the back, they well deserve it and then I hope we all take that opportunity. Thank you, Mister President.

Without objection, Senate Kahn's remarks shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

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.