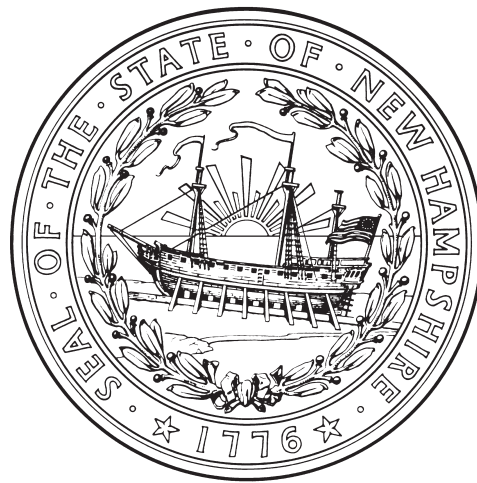


February 9, 2023
Nos. 5-6

STATE OF NEW HAMPSHIRE

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



**First Year of the 168th Session of the
New Hampshire General Court**

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – JANUARY 26, 2023 SESSION
COMMENCEMENT – FEBRUARY 9, 2023 SESSION**

SENATE JOURNAL 5 *(continued)*

January 26, 2023

HOUSE MESSAGE

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

HB 30-FN, allowing a county to exempt its chief administrative officer from compulsory participation in the retirement system.

HB 36, relative to fees of sheriffs and deputy sheriffs.

HB 52, naming a bridge in Hinsdale as the General John Stark Memorial Bridge.

HB 72, relative to the tenure of public librarians.

HB 75, to increase the threshold of county owned personal property subject to competitive bidding.

HB 83, relative to county commissioners' authority on county buildings.

HB 85, relative to antenuptial agreements.

HB 87, relative to county responsibility for capital building projects.

HB 197-LOCAL, relative to the proration of property tax exemptions.

HB 206, including the Space Force in various definitions of the armed forces.

HB 412, re-establishing a commission to study revenue alternatives to the road toll for the funding of improvements to the state's highways and bridges and their resulting improvements.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 6

February 9, 2023

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

The Reverend Father Stephen Lawson, Chaplain to the Senate, offered the following prayer:

Good morning. It's always a pleasure to be with you.

Let us pray.

Eternal creator of the universe, we acknowledge you as the giver of every good gift. Thank you for this winter season, a time for us to embrace silence and solitude. We pray for those who are without adequate housing in this harsh season of weather. Bless these lawmakers and staffers. Illumine their lives to keep them on the right path. May they work together in the spirits of civility and humility to continue to build up our society. Bring down your spirits upon our great state of New Hampshire and all its peoples, so that we may enjoy a time of prosperity and safety. We ask that you bless the family and friends of those serving in this body. May we recognize the sacrifice they are making so that their relatives can serve our community.

We end this prayer with a moment of silence for our deceased family members and friends, especially for Officer Lawrence Prather. May they be welcomed into paradise.

Amen.

Senator Gray led the Pledge of Allegiance.

Senator Gannon is excused.

INTRODUCTION OF GUESTS

Senator Soucy introduced Leadership Manchester visiting in the gallery.

(The Chair recognized Senator Pearl.)

SENATOR PEARL: Thank you, Mister President. I have the honor today of, my guests are the family and friends of Officer Prather, who was passed away recently while on the job at the correctional facility.

We have his daughter Cyan, his daughter Sarina, their mom Liz Medeiros, Commissioner Helen Hanks, assistant Commissioner Paul Raymond, and HR Director Eileen Meaney, who is the family liaison. We welcome you all here today.

On January 25 of 2023, Corrections Officer Lawrence C. Prather was on duty at the North End Transitional Housing Unit on the New Hampshire Department of Corrections campus here in Concord, when he suffered a medical emergency. Lifesaving attempts were immediately started by fellow staff and emergency responders from the Concord Fire Department, who transported him to the local hospital where he died. Officer Prather was a sworn and certified law enforcement corrections officer. He joined the New Hampshire Department of Corrections in 2017 and graduated with the 104 Class of the New Hampshire Corrections Academy. Over the last six years, Officer Prather left a mark on his colleagues as a caring and dedicated team member. Even in his death, Officer Prather provided an incredibly honorable and generous donation of life to complete strangers by donating his organs. Officer Prather is survived by his two daughters who are here today, Cyan and Sarina. He's survived by his brother, Will Stover, his father, Willie Stover, and many extended family and friends, including more than 750 colleagues at the department.

The work of a corrections officer requires dedication and courage. Every day, correction staff, including the officers, commit to doing difficult work in a challenging environment while maintaining professionalism and respect. They demonstrate the physical and moral fortitude to use their authority appropriately in the face of daily adversity. Officer Prather lived by these standards. In April 2018, he received a Team Commendation Award for his action as part of the team's response to a disturbance at the New Hampshire State Prison for Men. Corrections officers are often the forgotten members of law enforcement, but their role is critical to public safety across New Hampshire. We remain forever grateful for Officer Prather's sacrifice and we thank his family for sharing his time with us. and we will always do our part to remember him.

Would you like to all come up? So, we put together a resolution for your dad honoring him, and I'll quickly read it.

New Hampshire State Senate. A resolution recognizing Lawrence C Prather.

Whereas, Officer Prather, Corrections Officer with the New Hampshire Department of Corrections, passed away suddenly on January 25, 2023; and

Whereas, Lawrence joined the New Hampshire Department of Corrections in 2017 and graduated with the 104th class of the New Hampshire Corrections Academy; and

Whereas, Lawrence served for six years as a caring and dedicated team member; and

Whereas, in 2018 Lawrence received a Team Commendation Award for actions as part of the team's response to a disturbance at the New Hampshire State Prison; and

Whereas New Hampshire's Corrections Officers play a vital role in keeping our state safe and secure; and

Whereas, even in death, Lawrence provided an incredibly honorable and generous donation of life by donating his organs; and

Whereas, Lawrence is survived by two daughters, a brother and father and many extended family members and friends including more than 750 members of the Department; and

Now therefore, The New Hampshire Senate would like to thank Officer Prather for his dedicated service to the Department of Corrections. He exemplifies service and selflessness and has made tremendous contributions to the Granite State.

This is signed by all twenty-four of your State Senators, and I want to present this to you. I want to invite the commissioner to come up and say a few words on your behalf.

COMMISSIONER HANKS: Thank you, honorable members of the Senate. We appreciate all of the condolences and all of the support that has been shown to this agency, especially during this trying time with the

sudden loss of Officer Prather, who, at forty-three, really gave it all, both in his dedication to our department, in his friendships, and in the lasting relationship we've now formed with his daughters. We have always appreciated the support you've offered us in general, and we appreciate the acknowledgment and statements that Senator Pearl shared about the work we do. And it truly is an unseen job, literally, physically. And I think it's important for us to recognize the devotion that Corrections provides and Officer Prather did that and did it with the integrity you would hope he did, he did. And as I've said to his daughters, we the State of New Hampshire, and the department will forever be a resource to them. And I appreciate this moment and acknowledgement on behalf of the department. Thank you. Thank you, sir.

PRESIDENT BRADLEY: Thank you very much, Senator Pearl and Commissioner.

AMENDED FN REPORT FOR FEBRUARY 9, 2023

Senator Gray 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

SB 92-FN, relative to the authority of registers of probate.

SB 156-FN, relative to voter registration and verification of voter identity.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 150-FN, relative to the family mediator certification board.

JUDICIARY

SB 76-FN, establishing a criminal penalty for failure to report a medico-legal death.

SB 254-FN, relative to community-based sentencing alternatives for primary caregivers.

TRANSPORTATION

SB 118-FN, requiring children under the age of 2 years to be restrained in a motor vehicle.

REGULAR CALENDAR:

ENERGY AND NATURAL RESOURCES

SB 113-FN, relative to cost effectiveness review of the joint utility energy efficiency plan.

SB 160-FN, relative to the use of OHRVs on designated trails and requiring a permit to operate certain OHRVs from before sunrise to after sunset.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 71-FN, relative to workers' compensation for firefighter cancer disease and establishing a commission to study the implementation of optional annual cancer screenings.

HEALTH AND HUMAN SERVICES

SB 32-FN, relative to the opioid abatement trust fund.

WAYS AND MEANS

SB 19-FN, relative to bingo dates.

SB 192-FN, relative to the hours that Lucky 7 tickets may be sold.

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

CONSENT CALENDAR:

COMMERCE

SB 197-FN, relative to the operation and regulation of certain business entities within the state.

EDUCATION

SB 154-FN, relative to tuition waivers for children in guardianships after being in state foster care.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 157-FN, relative to election audits.

ENERGY AND NATURAL RESOURCES

SB 69-FN, relative to allowing certain nonprofits to participate as a customer-generator group hosts under net energy metering.

SB 167-FN-L, relative to green hydrogen energy and infrastructure.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 49-FN, relative to creating a dedicated non-lapsing fund for OPLC.

HEALTH AND HUMAN SERVICES

SB 172-FN, allowing court-appointed guardians to receive Temporary Assistance to Needy Families benefits.

JUDICIARY

SB 128-FN, relative to payment for legal services for persons involuntarily admitted for mental health services.

SB 129-FN, relative to the payment of costs for indigent persons involved in mediation services.

TRANSPORTATION

SB 188-FN, relative to catalytic converters.

SB 256-FN, establishing a safety program for off-highway recreational vehicles.

REGULAR CALENDAR:**ENERGY AND NATURAL RESOURCES**

SB 56-FN, relative to payments for upland resource losses.

SB 123-FN, relative to the adoption of ambient groundwater quality standards by the department of environmental services.

WAYS AND MEANS

SB 51-FN, creating a commission to study charitable gaming and historical horse races and relative to the moratorium on licensed historical horse racing facilities.

SB 112-FN, relative to pari-mutuel pools and historic horse racing.

SB 119-FN, relative to criminal background checks for charitable games of chance license applicants.

SB 120-FN, relative to charitable gaming license applications, wages, stakes, and bonds.

SB 190-FN, relative to advanced deposit account wagering.

SB 191-FN, relative to road toll registration surcharges for electric vehicles.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

SB 207, by Senator Birdsell

CONSENT CALENDAR

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

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

COMMERCE

SB 22, establishing a study commission to study automobile insurance for newly acquired vehicles.

Re-refer to Committee, Vote 5-0. Senator Gannon for the committee.

When a vehicle has been purchased, insurance carriers use forms to specify the type of coverage being provided to a consumer. Since uniformity does not exist on what forms are used, this bill would have established a commission to study auto insurance for newly acquired vehicles. At the public hearing, the NH Insurance Department stated they did not believe a study commission would be necessary. The Committee felt that the motion of Re-Refer would provide the Department and the stakeholders with additional time to reach an informal resolution.

SB 64, establishing a study committee on resident-owned manufactured housing park disputes and oversight of resident-owned manufactured housing parks.

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

This bill would establish a committee to study resident-owned manufactured housing disputes as well as if an appropriate regulatory oversight mechanism could be established. At the public hearing, the Committee heard overwhelming testimony that there are no mechanisms in place to resolve disputes between residents and their own boards. In conjunction with other legislation, the Committee felt a study committee could be a step towards potentially resolving ongoing issues among the affected stakeholders.

SB 66, relative to financial transactions involving the liquidation or rehabilitation of an insurer in which the Federal Home Loan Bank is a party.

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

In 1932, Federal Home Loan Banks (FHLBs) were chartered by Congress. FHLBs can provide their members with reliable access to funding at a low cost and liquidity to support housing, finance, and community development. This bill would modify insurance insolvency regulations pertaining to stays and voidable transfers. Currently, the FHLB may have secured credit that is subjected to a stay, injunction, or voidable transfer that can cause a delay in the liquidation of their collateral. By treating insurance companies like depository institutions, insurers would be provided with better access to funding and more favorable credit terms, which is beneficial to their policyholders.

SB 101, relative to penalties for violations of manufactured housing park sales requirements.

Re-refer to Committee, Vote 5-0. Senator Chandley for the committee.

If an owner of a manufactured housing park does not comply with RSA 205-A:2 when the property has been sold or transferred, they are levied a penalty of \$10,000 or 10 percent of the total sales price. This bill would have increased the penalty to \$25,000 or 25 percent of the total sales price, whichever is greater. In addition, legal remedies would be provided to set aside a sale until a determination could be made if a violation had occurred. The Committee believes these issues may be addressed when the SB 64 study convenes. The motion to Re-Refer would allow the Commerce Committee to make further examination and to take action, if necessary.

SB 142, relative to the regulation of forms and rates for property and casualty insurance.

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

At the request of the NH Insurance Department, this bill would replace antiquated phrases – “rating bureau” and “rating organization” – with the term “advisory organization” in RSA 412. In addition, RSA 412:16 would clarify existing language regarding the confidentiality of insurers proprietary information when it has been submitted with a rate filing.

SB 196, establishing a minimum amount of uninsured motorist coverage required for vehicles operating as part of transportation network companies in New Hampshire.

Re-refer to Committee, Vote 5-0. Senator Innis for the committee.

This bill would have established a minimum amount of coverage required for vehicles operating as part of a transportation network company (TNC). At the request of the prime sponsor, the Committee felt a motion of Re-Refer would provide additional time to resolve concerns raised by the NH Insurance Department and industry stakeholders.

SB 197-FN, relative to the operation and regulation of certain business entities within the state.

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

This bill, a request of the NH Department of State, would make five statutory changes. First, nonprofits and other entities would be allowed to register an agent for service of process without it affecting their charter or standing. Second, foreign business entities would be required to affirm in their application to transact that they are in good standing in their home state. Third, domestic and foreign benefit corporations would be allowed to use PBC in their name. Fourth, limited partnerships would be allowed to electronically file changes to their registered agent and office address. Finally, the fee for certified documents would be changed from \$1 per page to \$1 per document. The process would be made fully automated to make it faster and simpler for consumers than the current practice.

SB 199, relative to the standard of care for insurance agents.

Re-refer to Committee, Vote 5-0. Senator Gannon for the committee.

This bill would have required insurance agents to have a better degree of knowledge on what they are selling. Industry stakeholders had raised concerns on when an agent is required to provide a higher duty of care. At the request of the prime sponsor, the Committee adopted a Re-Refer motion to provide stakeholders with additional time to work on this legislation.

EDUCATION

SB 109, relative to school safety and coordination with law enforcement.

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

SB109 amends RSA 193-D:7 to accommodate the sharing of documents and/or information among law enforcement officers and school administrators, pertaining only to acts of violence, property damage and/or theft on school property. This would promote a greater level of integrity and participation in investigations and disciplinary proceedings involving juveniles suspected of criminality or violence.

Senate Education
February 7, 2023
2023-0405s
09/05

Amendment to SB 109

Amend RSA 193-D7, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding any other provision of law, law enforcement may disclose law enforcement records or information contained within such records related to any report of a “serious threat to school safety” pursuant to RSA 169-B:2, XIV to the reporting school officials for use in disciplinary proceedings conducted in accordance with RSA 193:13, I(b) and II. Law enforcement may also, upon issuance of a court order pursuant to RSA 169-B:35, II, disclose court records to such school officials. All records shall be maintained in accordance with the Family Education Rights and Privacy Act, 20 U.S.C. section 1232g, and applicable state law.

SB 154-FN, relative to tuition waivers for children in guardianships after being in state foster care. Ought to Pass with Amendment, Vote 5-0. Senator Gendreau for the committee.

SB 154-FN amends RSA 187-A:20-b so that eligibility for state tuition waivers is expanded to include more individuals in the foster care system. Prior to SB 154-FN, exclusively those actively in the foster system, or under guardianship were entitled to limited subsidies. Specifically, 30 tuition waivers were mandated to be split between USNH and CCSNH. SB 154-FN moves to include those who were adopted following tenure in foster care, those moved out-of-state, and increases the total number of waivers to 70.

Senate Education
February 7, 2023
2023-0401s
06/08

Amendment to SB 154-FN

Amend introductory paragraph RSA 187-A:20-b, II as inserted by section 1 of the bill by replacing it with the following:

II. In this section, an eligible individual is a person who is less than ~~[23]~~ **26** years of age and who is or was:

Amend RSA 187-A:20-b, II(d) as inserted by section 1 of the bill by replacing it with the following:

(d) In placement out-of-state, through the interstate compact for the placement of children, at the time of their 18th birthday;

2023-0401s

AMENDED ANALYSIS

This bill modifies eligibility criteria for tuition waivers for children in guardianships after being in state foster care.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 63, enabling municipalities to adopt a tax credit for qualified private community property owners. Re-refer to Committee, Vote 5-0. Senator Murphy for the committee.

This bill would allow municipalities to adopt a tax credit for residents who live on private roads. While well intended, this legislation has many legal and technical issues as written. In order for stakeholders to examine and resolve those issues, members thought it best to re-refer this bill to committee.

SB 92-FN, relative to the authority of registers of probate. Ought to Pass with Amendment, Vote 5-0. Senator Gray for the committee.

This bill as amended establishes duties for the Registers of Probate as it pertains to the Court Probate Navigator Program. This volunteer program provides assistance with regards to process issues such as

logging in and navigating the court electronic filing process. In the event that a Register of Probate stops participating in the Court Navigator Program, the County Commissioners shall have the ability to fill the position.

Election Law and Municipal Affairs

February 7, 2023

2023-0398s

07/08

Amendment to SB 92-FN

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

1 New Section; Information About Probate Court Filings; Registers of Probate; Authority. Amend RSA 548 by inserting after section 1 the following new section:

548:1-a Information About Probate Court Filings.

I. Registers of probate may provide information to parties regarding probate process governed under state statute using information provided by the probate division regarding an overview of probate process and court information.

II. In order to qualify to be elected as register of probate, or to qualify to fill a vacancy, the candidate shall be an active volunteer with the court probate navigator program, and must continue to participate as an active volunteer with the court probate navigator program throughout the term as a register of probate. This paragraph shall not apply if the judicial branch does not have a probate navigator program at the time of the election or appointment, or if the probate navigator program is discontinued during the register of probate's term of office.

III. Registers of probate may provide assistance with process issues such as assistance in logging into and navigating the court electronic filing process and provide other assistance consistent with their training. Nothing in this section shall be construed to authorize registers of probate to give legal advice or otherwise engage in the unauthorized practice of law. Nothing in this section shall be construed to give registers of probate the status of judicial branch employees.

IV. Registers of probate shall not charge a fee or receive any compensation for services provided under this section other than what is authorized under RSA 548:17.

V. In the event that a register of probate stops participating in the court navigator program, the county commissioners shall have the ability to fill the position with a candidate who is qualified under paragraph II of this section. Failure to continue to participate in the program throughout the term shall disqualify the person to be a candidate for register of probate in the next election. This paragraph shall not apply if the judicial branch does not have a probate navigator program at the time of the election or appointment, or if the probate navigator program is discontinued during the register of probate's term of office.

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

SB 121, relative to the position of ballot clerk.

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

This bill would modify the duties of the inspectors of elections and how ballot clerks are selected. After a discussion of the options provided in the current statutes, the Committee agreed that this legislation, rather than solve a problem, would add confusion.

Senator Whitley is in opposition to the motion of Inexpedient to Legislate.

SB 156-FN, relative to voter registration and verification of voter identity.

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

This bill, as amended, updates the procedures for determining voter qualifications and voter registration by deleting language found unconstitutional by the courts and allowing authorized election officials to use non-public information from the centralized voter registration database to verify a voters identity. The intent of this legislation is to clarify procedures and provide additional tools for clerks and officials to use in order to verify legitimate voters. The amendment clarifies that the non-public information used will remain to be non-public.

Election Law and Municipal Affairs
January 31, 2023
2023-0253s
08/05

Amendment to SB 156-FN

Amend RSA 654:7, V(a) as inserted by section 1 of the bill by replacing it with the following:

(a) The secretary of state may collect additional voluntary, nonpublic 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, vehicle license plate number, and state of registration, social media account information, or other information.

SB 157-FN, relative to election audits.

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

This bill as amended requires the Secretary of State to conduct audits of up to 6 randomly selected AccuVote machines that are used at state primary and general elections. This was done during the 2022 elections, on a trial run, with positive results. Adding post-election audits to New Hampshire's election processes will increase voter confidence in our election results.

Election Law and Municipal Affairs
January 31, 2023
2023-0248s
07/08

Amendment to SB 157-FN

Amend RSA 660:34, II as inserted by section 1 of the bill by replacing it with the following:

II. At a state primary election, the secretary of state shall conduct an audit of one percent of the number of AccuVote machines to be used, but not less than 2 AccuVote machines. At a state general election, the secretary of state shall conduct an audit of 3 percent of AccuVote machines to be used, but not more than 6 AccuVote machines.

Amend RSA 660:34, VII as inserted by section 1 of the bill by replacing it with the following:

VII. A random sample of not less than 4 percent of the ballots scanned shall be selected and the images of the ballots selected shall be compared with the voters' choices recorded for the ballot. Any differences identified during the comparison shall be documented.

ENERGY AND NATURAL RESOURCES

SB 69-FN, relative to allowing certain nonprofits to participate as a customer-generator group hosts under net energy metering.

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

Senate Bill 69 enables certain nonprofits to participate as a customer-generator group host under net energy metering. SB 69 was introduced to clarify current statutory language to allow for nonprofits to participate in community energy projects and to increase. Additionally, the amendment the committee adopted provided a clear definition for what qualifies as a nonprofit to participate in net energy metering. SB 69 will allow nonprofits to save costs on energy and allow for these organizations to reinvest into themselves and surrounding communities to better serve those they are intended to.

Energy and Natural Resources
February 7, 2023
2023-0406s
10/08

Amendment to SB 69-FN

Amend the bill by replacing section 2 with the following:

2 Limited Electrical Energy Producers Act; Definitions. New Paragraph; Definition; Non-profit Host. Amend RSA 362-A:1-a by inserting after paragraph II-f the following new paragraph:

II-g. "Nonprofit host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers, who are nonprofit, provided that all customers are located within the

same utility franchise service territory. A nonprofit host may be owned by either a public or private entity. For this definition, “nonprofit” means any community and technical college, colleges and universities, hospitals as defined in RSA 151:2, I(a) that operate as a not for profit or a non-profit, housing authorities, bona fide religious organizations, and the Pease development authority.

2023-0406s

AMENDED ANALYSIS

This bill allows nonprofit entities of the community and technical colleges, colleges and universities, not-for-profit hospitals, housing authorities, bona fide religious organizations, and the Pease development authority, to participate as customer-generator group hosts under net energy metering.

SB 161, relative to low-moderate income community solar projects.

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

SB 161 amends current statute to allow for low- and moderate-income customers to participate in community solar projects. Current statute states that projects must directly benefit at least 5 eligible applicants. Additionally the current eligibility standards dictate that a customer is defined as having a meter in their unit, while many public housing authorities or housing projects have a single meter for all of its units meaning that low- and moderate-income communities are often denied to participate in community solar projects. SB 161 would amend the current statute and allow for single meter developments to participate in these projects if the majority of the residents are at or below 80 percent of the Area Median Income. By allowing low- and moderate-income communities to participate in community solar it will allow the housing authorities to save costs on energy prices and allow for them to reinvest the saved money into their units and residents.

Energy and Natural Resources

February 7, 2023

2023-0411s

10/05

Amendment to SB 161

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

1 Electric Renewable Portfolio Standard; Definition; Low-moderate Income Community Solar Project. Amend RSA 362-F:2, X-a to read as follows:

X-a. “Low-moderate income community solar project” means ground-mounted or rooftop solar arrays that directly benefit a group of at least 5 residential end-user customers, where at least a majority of the residential end-user customers are at or below 300 percent of the federal poverty guidelines, ***or directly benefit the residents of a public housing authority created pursuant to RSA 203 or a housing project as defined in RSA 78-B:2 XXIII, where the electric bills are either paid directly by the residents or by the public housing authority or housing project, provided that at least a majority of the residents receiving the direct benefit are at or below 80 percent of the Area Median Income (AMI) calculated by the Department of Housing and Urban Development.*** No more than 15 percent of the projected load for such project shall be attributable to non-residential end-user customers.

2 Renewable Energy Fund; Public Housing Authority Projects. Amend RSA 362-F:10, X to read as follows:

X. Consistent with RSA 362-F:10, VI, the department of energy shall, over each 2-year period commencing July 1, 2010, reasonably balance overall amounts expended, allocated, or obligated from the fund, net of administrative expenditures, between residential and nonresidential sectors. Funds from the renewable energy fund awarded to renewable projects in the residential sector shall be in approximate proportion to the amount of electricity sold at retail to that sector in New Hampshire, and the remaining funds from the renewable energy fund shall be awarded to projects in the nonresidential sector which include commercial and industrial sited renewable energy projects, existing generators, and developers of new commercial-scale renewable generation in New Hampshire, provided no less than 15 percent of the funds shall annually benefit:

(a) Low-moderate income residential customers, including, but not limited to, the financing or leveraging of financing for low-moderate income community solar projects in manufactured housing communities or in multi-family rental housing.

(b) ***Residents of a public housing authority created pursuant to RSA 203, or a housing project as defined in RSA 78-B:2 XXIII, where the electric bills are either paid directly by the residents or by***

the public housing authority or housing project, provided that at least a majority of the residents benefiting are at or below 80 percent of the Area Median Income (AMI) calculated by the Department of Housing and Urban Development.

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

SB 167-FN-L, relative to green hydrogen energy and infrastructure.

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

Senate Bill 167-FN provides the framework for green hydrogen infrastructure in New Hampshire. SB 167-FN adds green hydrogen facilities and infrastructure to renewable electric generation. By adding green hydrogen energy into renewable electric generation, it provides fuel diversity, establishes a green hydrogen business tax and property tax program reduction program, and establishes a green hydrogen advisory committee established in the department of energy. Additionally, the committee amendment establishes a clear definition for green hydrogen. SB 167-FN paves the way for New Hampshire to begin to incorporate new forms and innovations in energy.

Energy and Natural Resources

February 7, 2023

2023-0407s

10/07

Amendment to SB 167-FN-LOCAL

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

VII. “Green hydrogen” means hydrogen derived from a clean energy resource that uses water as the source of the hydrogen. For purposes of green hydrogen electricity generation and hydrogen transmission, a green hydrogen project may include associated clean energy generation, including regenerative fuel cells, transmission, and other infrastructure. “Green hydrogen” electricity generation means a power plant technology in which an electrical generating unit creates electric power exclusively from electrolytic hydrogen, in a manner that produces zero carbon and co-pollutant emissions, using hydrogen fuel that is electrolyzed using a 100 percent zero carbon emission energy source. The term does not include hydrogen produced using steam reforming or any other conversion technology that produces hydrogen from fossil fuel feedstock.

Amend RSA 362-H:3, I and II as inserted by section 3 of the bill by replacing it with the following:

I. The production of green hydrogen by a green hydrogen facility shall be eligible for a credit against the business profits tax. A credit of not more than 10 percent of the qualifying costs or \$500,000, whichever is the lesser value, for investments in green hydrogen facilities and regenerative fuel cells brought into service after December 31, 2023, shall be applied against the business profits tax under RSA 77-A for a taxable period ending on or after December 31, 2024. No taxpayer may qualify for more than \$500,000 in any single taxable period. The aggregate total for this tax credit is \$5,000,000. If the total of applicants exceeds the cap, the funds shall be allocated proportionally.

II. The owner of a green hydrogen facility brought into service after December 31, 2023 shall be eligible under RSA 72:74 for the property tax reduction provided as a payment in lieu of taxes as a renewable generation facility, for a period of 5 years.

Amend RSA 362-H:4, II(g) as inserted by section 3 of the bill by replacing it with the following:

(g) Consider facilities that result in the blending of hydrogen into existing natural gas transmission and distribution systems that serve residential, commercial, transportation, and industrial uses, and consider policy recommendations for inclusion of hydrogen production from fossil fuel feedstock.

Amend the bill by replacing all after section 4 with the following:

5 New Paragraph; Business Profits Tax; Credit for Green Hydrogen Infrastructure. Amend RSA 77-A:5 by inserting after paragraph XVI the following new paragraph:

XVII. The tax credit computed under RSA 362-H:3, I for green hydrogen production and infrastructure.

6 Repeal; 2029; Business Profits Tax Credit. The following are repealed:

I. RSA 362-H:3, I, relative to the business profits tax credit for investments in green hydrogen facilities and regenerative fuel cells.

II. RSA 77-A:5, XVII, relative to the use of the green hydrogen business profits tax credit.

7 Effective Date.

I. Section 6 of this act shall take effect January 1, 2029.

II. The remainder of this act shall take effect July 1, 2023.

SB 168, relative to participation in a low-moderate income residential customers community solar project. Re-refer to Committee, Vote 5-0. Senator Avarad for the committee.

Senate Bill 168 allows for low-moderate income residential customers to participate in community solar project. SB 168 allows for certain large electrical generators in low-moderate income community solar projects and expands the eligibility of residents to benefit from community solar projects. SB 168 attempts to lower the cost of energy for low-moderate income individuals, who are hit the hardest by drastic changes in the cost of energy.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 49-FN, relative to creating a dedicated non-lapsing fund for OPLC.

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

This bill makes the office of professional licensure and certification fund a nonlapsing fund, a portion of which shall be used for capital expenditures and to lower fees.

Senate Executive Departments and Administration

January 25, 2023

2023-0144s

07/05

Amendment to SB 49-FN

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

AN ACT relative to creating a dedicated, non-lapsing fund, and a biennial report of such fund, for OPLC.

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

2 New Paragraph; Office of Professional Licensure and Certification; Fees; Biennial Fund Report. Amend RSA 310-A:1-e by inserting after paragraph III the following new paragraph:

IV. The office of professional licensure and certification shall report biennially by each July 1 on how the funds were expended over the previous biennium. The office shall forward the report to the president of the senate, the speaker of the house of representatives, the chairs of the house and senate executive departments and administration committees, the state library, the governor, and applicable boards, and shall make the report available online.

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

2023-0144s

AMENDED ANALYSIS

This bill makes the office of professional licensure and certification fund a nonlapsing fund, a portion of which shall be used for capital expenditures and to lower fees, and mandates a biennial report be made on the expenditures of the fund.

SB 94, relative to residential child care licensing of child care institutions and agencies.

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

This bill modifies and adds definitions to child day care licensing and modifies the requirements for licensing renewals for child day care licensing. This bill brought forward by DHHS to provide clarity to definitions, change definitions to better serve youth in residential programs, add provisions to clarify child day care renewal of licenses, add the provision to rulemaking, the process creating rules for the requesting of waivers to minimum standards. It also provides for the investigation of complaints at youth recreation programs and the confidentiality of complaint records.

Senate Executive Departments and Administration

February 2, 2023

2023-0307s

06/05

Amendment to SB 94

Amend RSA 170-E:25, I as inserted by section 5 of the bill by replacing it with the following:

I “Child” means any person under 21 years of age, ***or up to 22 years of age if the person is receiving special education or special education and related services as identified by the child’s school district.***

Amend the bill by deleting section 1 and renumbering the original sections 2-9 to read as 1-8, respectively.

SB 103, relative to proclaiming an observance of Fort Constitution Days.

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

As introduced, SB 103 would proclaim an observance of Fort Constitution Days. The events at what was then known as Fort William and Mary, including storming the garrison and lowering the Union Jack, played a critical role in the launch of the American Revolution. Given that there is already the American Revolution Sestercentennial Commission developing a state-wide plan for observing the 250th anniversary of the American Revolution, the Committee Amendment adds recognizing and celebrating the events at Fort Constitution to the Commission’s duties.

Senate Executive Departments and Administration

February 2, 2023

2023-0303s

08/07

Amendment to SB 103

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

AN ACT including the raid on Fort William and Mary in Portsmouth in the planning of the American revolution sestercentennial commission.

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

1 Duties; Sestercentennial Commission; Fort William and Mary. Amend RSA 17-S:3 to read as follows:

17-S:3 Duties. The commission shall:

I. Lead New Hampshire’s planning efforts to commemorate the significance of the American Revolution and Declaration of Independence to our state and national history, ***including the raid on Fort William and Mary in Portsmouth in December 1774 which included the first shots fired in the American Revolution.***

II. Make recommendations outlining the most effective and appropriate means for the state of New Hampshire to commemorate the American Revolution and Declaration of Independence sestercentennial celebration.

III. Identify and pursue resources necessary to effectively communicate and implement commemorative activities.

IV. Implement recommendations by working with the office of the governor, appropriate state and local government agencies, members of the New Hampshire general court, organizations, and individuals that are interested in commemorating the American Revolution and signing of the Declaration of Independence.

V. Coordinate communications with the United States sestercentennial commission to ensure that New Hampshire will be a significant state for events recognizing the American Revolution and signing of the Declaration of Independence.

VI. Coordinate scheduling of New Hampshire American Revolution sestercentennial activities and coordinate activities with the national commission.

VII. Solicit information and testimony from any individual or entity with information or expertise relative to the commission’s charge.

VIII. Plan a publicly noticed and publicized event for July 4, 2026, relating to the American Revolution and the signing of the Declaration of Independence.

IX. Plan a publicly noticed and publicized event for December 14, 2026, relating to the raid on Fort William and Mary, now named Fort Constitution.

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

2023-0303s

AMENDED ANALYSIS

This bill includes the raid on Fort William and Mary in Portsmouth in the planning of the American revolution sescentennial commission.

SB 150-FN, relative to the family mediator certification board.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill modifies the Family Mediator Certification Board by changing the requirements for a quorum down to three members from five. This bill will also address the problem of board vacancies by changing the process for how the vacancies are filled. The number of required meetings per year will also be reduced from twelve to six since eleven of the twelve meetings in the past year were canceled.

SB 206, prohibiting corporal punishment in child day care agencies.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

This bill expands the definition of endangerment to include corporal punishment as defined by the Department of Health and Human Services. This bill will also ensure that individuals caught committing corporal punishment in a childcare facility will be reported to the appropriate licensing board and if found guilty of the charge, will be placed on a registry affecting their ability to be employed in childcare.

HEALTH AND HUMAN SERVICES

SB 50, relative to pharmaceutical drug take-back programs.
Ought to Pass with Amendment, Vote 5-0. Senator Prentiss for the committee.

SB 50 allows drug take-back programs to occur in long-term care facilities, nursing homes, and assisted living facilities. The Committee heard that the current process for drug disposal at these facilities is labor intensive and time consuming. Allowing drug take-back programs will make the process more efficient while maintaining important controls for safety. The Committee Amendment reflects a compromise between the Department of Environmental Services and the nursing facilities to ensure that only drugs prescribed to a patient can be discarded through a take-back program, rather than drugs in possession of an in-house pharmacy.

Health and Human Services
February 2, 2023
2023-0295s
07/10

Amendment to SB 50

Amend RSA 318-E:1, VII(a) as inserted by section 1 of the bill by replacing it with the following:

VII.(a) An authorized collector may establish and maintain a pharmaceutical drug take-back program at the site of a long-term care facility, nursing home, or assisted living facility, provided that all parties comply with the United States Drug Enforcement Administration regulations, 21 C.F.R. Part 1300 et. seq., and any applicable state and federal laws and regulations. A long-term care facility, nursing home, or assisted living facility may utilize a collection receptacle under such a drug take-back program on behalf of the ultimate user residing at, or who has resided at, the long-term care facility, nursing home or assisted living facility.

SB 83, relative to the signature authority of an advanced practice registered nurse or a certified midwife.
Ought to Pass, Vote 5-0. Senator Prentiss for the committee.

SB 83 allows an advanced practice registered nurse (APRN) or certified midwife, acting within the scope of their practice, to certify a document in the place of a physician. This change is commonsense and respects the autonomy of practice for APRNs and certified midwives, while also saving time and cutting red tape for patients. APRNs and certified midwives are critical pieces of our healthcare system and SB 83 will further their integration.

SB 91, relative to the qualifications of dentists to administer general anesthesia or deep sedation.
Re-refer to Committee, Vote 5-0. Senator Avarad for the committee.

SB 91 prohibits the Board of Dental Examiners from exempting dentists certified in dental anesthesiology or oral surgery from the requirement that sedation be administered by a dedicated anesthesia provider. The Committee heard testimony that the prime sponsor is attempting to reach a consensus agreement between the stakeholders. Re-referring this bill to the Committee will give the prime sponsor more time to seek such a consensus.

SB 171, relative to the definition of youth recreational programs.
Ought to Pass with Amendment, Vote 5-0. Senator Avarð for the committee.

SB 171 modifies the definition of “recreational program”. This will bring our statutes up to date with the current, widespread practice of all-day kindergarten and allow school-age children to attend certified before- and after-school programs. This will expand the opportunities available for high-quality, safe childcare options for working families in New Hampshire at a time when we are looking to support our workforce and bring young people to our state. The Committee Amendment will change the effective date of SB 171 to upon passage.

Health and Human Services
February 2, 2023
2023-0280s
06/07

Amendment to SB 171

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

1 Child Day Care Licensing; Definitions. Amend the introductory paragraph of RSA 170-E:2, XI-a to read as follows:

XI-a. “Recreational program” means any before and/or after school, vacation, or summer ~~[youth]~~ **school-age** program ~~[for children 6 years of age or older]~~ offered by a school or religious group, the Boys and Girls Clubs of America, Girls, Incorporated, the YMCA, or the YWCA, provided that the program:

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

SB 172-FN, allowing court-appointed guardians to receive Temporary Assistance to Needy Families benefits. Ought to Pass, Vote 5-0. Senator Avarð for the committee.

SB 172-FN permits court-appointed guardians to receive Temporary Assistance to Needy Families (TANF) benefits. Fictive kin, despite being the court-appointed guardians of children, are ineligible to receive financial assistance that is available for blood-related guardians. These families take on massive burdens, both personally and financially, to help give children the chance for a better life. Allowing fictive kin families to apply for TANF will be a small way to say “thank you” to those families who stepped up at a time of need.

JUDICIARY

SB 76-FN, establishing a criminal penalty for failure to report a medico-legal death.
Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

SB 76-FN would add a criminal penalty for failure to report a medico-legal death. The Committee Amendment adds law enforcement to the list of entities to which a person who discovers a body must report. This bill will ensure that appropriate steps are taken upon the discovery of a deceased person.

Senate Judiciary
February 7, 2023
2023-0419s
07/10

Amendment to SB 76-FN

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

AN ACT relative to reporting of medico-legal deaths.

Amend the bill by replacing section 1 with the following:

1 Office of the Chief Medical Examiner; Mandatory Reporting of Medico-Legal Deaths. Amend RSA 611-B:12 to read as follows:

611-B:12 Mandatory Reporting of Medico-Legal Deaths. It shall be the duty of anyone who finds the body of any person whose death is suspected to have been caused or to have occurred in any manner described in RSA 611-B:11, or who finds remains which are thought to be human to immediately notify the medical examiner, **the law enforcement agency having primary jurisdiction of the area, [and] or** the county attorney for the county where the body or remains are found. **Any person who violates this section shall be guilty of a misdemeanor.**

2023-0419s

AMENDED ANALYSIS

This bill creates the option of notification to the law enforcement agency having primary jurisdiction of the area in which remains thought to be human are found and adds a criminal penalty for failure to report a medico-legal death.

SB 128-FN, relative to payment for legal services for persons involuntarily admitted for mental health services. Ought to Pass with Amendment, Vote 5-0. Senator Abbas for the committee.

SB 128-FN would provide that legal services for individuals involuntarily committed for mental health services shall be paid from the indigent defense fund. The Committee Amendment makes a small change to ensure that the implementation of the bill is practical. This bill will transfer the reimbursement of legal counsels' payment, for involuntary admission cases, from the court system to the indigent defense fund.

Senate Judiciary
February 7, 2023
2023-0423s
07/05

Amendment to SB 128-FN

Amend the bill by replacing section 1 with the following:

1 New Hampshire Mental Health Services; Involuntary Admissions; Payment for Legal Services. Amend RSA 135-C:23 to read as follows:

135-C:23 Legal Services; Payment; Appointment. ~~[The client or person sought to be admitted shall pay the costs of the legal services in connection with hearings held under this chapter.]~~ If the client or person sought to be admitted ***does not have legal*** ~~[is unable to pay for]~~ counsel ***in connection with hearings held under this chapter***, the court shall appoint ~~[either a member of New Hampshire Legal Assistance, or its successor organization, or another]~~ ***an*** attorney who shall be compensated at a rate as determined by the supreme court. ***The cost of such court-appointed attorneys, including counsel and investigative, expert, or other services and expenses approved by the circuit court that are necessary to provide adequate representation, shall be paid from funds appropriated for indigent defense pursuant to RSA 604-A.***

SB 129-FN, relative to the payment of costs for indigent persons involved in mediation services. Ought to Pass, Vote 5-0. Senator Abbas for the committee.

SB 129-FN requires indigent mediation costs to be funded out of the mediation fund without reimbursement. This is a request of the Judicial Branch to remove a requirement to repay the costs by indigent parties, as part of an effort to clean up existing statutes.

SB 254-FN, relative to community-based sentencing alternatives for primary caregivers. Inexpedient to Legislate, Vote 5-0. Senator Whitley for the committee.

This bill would have addressed community-based sentencing alternatives for primary caregivers. The language is in need of further examination, and a working group intends to come together to discuss the impact primary caregiver incarceration has on children, the problem the bill intended to address. Therefore, the Committee recommends a motion of Inexpedient to Legislate.

TRANSPORTATION

SB 81, relative to ignition interlock device preset levels. Ought to Pass, Vote 5-0. Senator Fenton for the committee

This bill sets the level for alcohol ignition interlock devices to 0.020. The bill would help to keep New Hampshire roads safer and is designed to prevent driving under the influence.

SB 118-FN, requiring children under the age of 2 years to be restrained in a motor vehicle. Ought to Pass, Vote 5-0. Senator Fenton for the committee.

This bill requires children under the age of 2 years old to be restrained in a rear facing child restraint in a motor vehicle. The bill would attempt to keep children under the age of 2 years old safer when traveling in a vehicle in the event of a collision.

SB 188-FN, relative to catalytic converters. Ought to Pass with Amendment, Vote 5-0. Senator Fenton for the committee.

This bill places a variety of record keeping requirements on catalytic converter and scrap metal dealers, and requires their cooperation with enforcement in the event of a theft. The amendment exempted licensed vehicle salvage yards from selling parts of a car related to the catalytic converter.

Senate Transportation
February 7, 2023
2023-0424s
09/10

Amendment to SB 188-FN

Amend RSA 266:118 as inserted by section 1 of the bill by inserting after paragraph XIII the following new paragraph:

XIV. Licensed vehicle salvage yards shall be exempt from the provisions of this section if they take in a full and complete car and not pieces, or parts of a car related to the sale of a catalytic converter.

SB 256-FN, establishing a safety program for off-highway recreational vehicles.
Ought to Pass with Amendment, Vote 5-0. Senator Ward for the committee.

This bill establishes a safety program for off highway recreational vehicles. The amendment further detailed training certificate requirements, temporary certificates beginning in July 2024, and explaining the lifetime permanent certificate requirements.

Senate Transportation
February 7, 2023
2023-0425s
07/05

Amendment to SB 256-FN

Amend the introductory paragraph of RSA 215-A:32-a, I as inserted by section 3 of the bill by replacing it with the following:

I. No person born after January 1, 1978 shall operate an OHRV on land not owned or leased by such person or such person's parent, grandparent, or guardian unless such person carries a temporary or permanent certificate that is in full force and effect evidencing completion of an approved OHRV safety training program as required by this section. Any person may voluntarily complete program requirements and obtain the certificate earlier than required herein. The temporary certificate requirement shall be implemented on July 1, 2024. The lifetime permanent certificate requirement shall be implemented for all operators on the following schedule:

Amend RSA 215-A:32-a, II(e) as inserted by section 3 of the bill by replacing it with the following:

(e) Issuance by the department or its agents of a temporary safety training certificate to a person 16 years of age or older who passes an approved examination administered by the department or its agents, which shall be valid for one calendar year.

Amend RSA 215-A:32-a, III(a) as inserted by section 3 of the bill by replacing it with the following:

(a) Beginning July 1, 2024, the executive director, or designee, may issue an OHRV temporary safety training certificate to a person 16 years of age or older who passes a temporary examination administered by the department or its agents and approved by the executive director.

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

Recess. Out of recess.

REGULAR CALENDAR

ENERGY AND NATURAL RESOURCES

SB 56-FN, relative to payments for upland resource losses.

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

Energy and Natural Resources
February 7, 2023
2023-0404s
09/08

Amendment to SB 56-FN

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

AN ACT relative to payments for restoration of certain jurisdictional resource losses.

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

1 Aquatic Resource Compensatory Mitigation; Fund Established. Amend RSA 482-A:29, I and II to read as follows:

I. There is hereby established the aquatic resource compensatory mitigation fund into which payments made under this subdivision shall be deposited. The fund shall be a separate, nonlapsing fund continually appropriated to the department to be used only as specified in this subdivision for costs related to wetlands creation or restoration, stream and river restoration, stream and river enhancement, **restoration or enhancement of any jurisdictional area identified under RSA 482-A:30-b**, preservation of upland areas adjacent to wetlands and riparian areas, and the subsequent monitoring and maintenance of such areas.

II. A separate, non-lapsing account shall be established within the fund into which all administrative assessments collected under RSA 482-A:30, III, [and] RSA 482-A:30-a, II, **and RSA 482-A:30-b, III** shall be placed. Such account moneys shall be used for administration of the fund, including staff, and aquatic resource mitigation related projects.

2 New Section; Payment For Other Jurisdictional Losses. Amend RSA 482-A by inserting after section 482-A:30-a the following new section:

482-A:30-b Payment for Other Jurisdictional Resource Losses. For losses to sand dunes, undeveloped portions of a duly-established 100-foot buffers of designated prime wetlands, and undeveloped tidal buffer zones, the in-lieu payment shall be the sum of:

I. The cost that would have been incurred if a resource of the same type was restored at the ratios adopted by the department, based on a price of \$65,000 per acre of resource area created, to be adjusted at the beginning of the calendar year according to the annual simple rate of interest on judgments established by RSA 336:1;

II. The area of resources impacted, as used in the calculation performed under paragraph I, times the cost of land in the municipality where the impact is occurring as calculated by the total assessed land values in the municipality, as determined by the department of revenue administration, which are equalized, divided by the number of acres in the municipality to yield a per acre equalized land value; and

III. An administrative assessment equal to 20 percent of the amount in paragraphs I and II.

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

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

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

SB 113-FN, relative to cost effectiveness review of the joint utility energy efficiency plan.
Ought to Pass, Vote 4-0. Senator Avard for the committee.

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

SB 123-FN, relative to the adoption of ambient groundwater quality standards by the department of environmental services.
Ought to Pass, Vote 4-0. Senator Watters 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).

SB 160-FN, relative to the use of OHRVs on designated trails and requiring a permit to operate certain OHRVs from before sunrise to after sunset.
Ought to Pass, Vote 4-0. Senator Pearl for the committee.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 71-FN, relative to workers' compensation for firefighter cancer disease and establishing a commission to study the implementation of optional annual cancer screenings.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

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

FINANCE

SB 20-FN, relative to keno license applications and fees.

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

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

SB 42-FN, relative to overpayment of unemployment compensation.

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

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

SB 70-FN, relative to the establishment of an election information portal.

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

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

SB 114-FN-L, relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

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

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

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

The following Senators voted Yes: Gendreau, Lang, Watters, Prentiss, Gray, Innis, Ward, Ricciardi, Fenton, Chandley, Avar, Rosenwald, Carson, Whitley, Murphy, Pearl, Soucy, Birdsell, D'Allesandro, Perkins Kwoka, Abbas, Altschiller, Bradley.

The following Senators voted No: (None)

The following Senators were excused: Gannon.

Roll Call, Yeas: 23 - Nays: 0. Adopted.

Senator Gray moved to Lay on the Table. Adopted.

SB 124-FN-A, making an appropriation for the Eastern Slopes Regional Airport.

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

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

Senator Gray moved to Lay on the Table. Adopted.

SB 125-FN-A, relative to annual grants to regional development corporations.

Ought to Pass, Vote 6-0. Senator Pearl for the committee.

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

Senator Gray moved to Lay on the Table. Adopted.

HEALTH AND HUMAN SERVICES

SB 32-FN, relative to the opioid abatement trust fund.

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

Health and Human Services

February 2, 2023

2023-0291s

05/07

Amendment to SB 32-FN

Amend the bill by replacing section 1 with the following:

1 Opioid Abatement Trust Fund. Amend RSA 126-A:84, II(b) to read as follows:

(b) All remaining funds shall be deposited into the opioid abatement trust fund as established by RSA 126-A:83, I to be distributed by the commissioner of the department of health and human services, with approval of the opioid abatement advisory commission. Funds may be awarded to a qualifying governmental entity or program for an approved use under RSA 126-A:86, I(b). ***The department shall solicit applica-***

tions for qualifying projects at least once in any calendar year that the balance in the trust fund exceeds \$5,000,000. The commission shall collaborate with the department as to how many times the department shall solicit applications in any calendar year in which the fund balance is at least \$5,000,000, along with what amount above \$5,000,000 for which to solicit applications.

Amend RSA 126-A:86, I(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) Reimburse the state and any political subdivision within the state for any portion of the cost related to outpatient and residential opioid use disorder (OUD) and any co-occurring substance use disorder or mental health (SUD/MH) treatment services, including, but not limited to, services provided to ~~incarcerated individuals, Medication-assisted treatment (MAT)]~~ ***people currently or previously involved with the criminal justice system; medications for substance use disorders (MSUD);*** abstinence-based treatment; treatment, recovery or other services provided by ~~[states, subdivisions, community health centers, or not-for-profit providers]~~ ***states, political subdivisions, community health centers, and not-for-profit providers, as long as no other reimbursement would otherwise have been received for such services;***

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

Senator Rosenwald offered a Floor Amendment.

Sen. Birdsell, Dist 19
 Sen. Avar, Dist 12
 Sen. Bradley, Dist 3
 Sen. Whitley, Dist 15
 Sen. Prentiss, Dist 5
 Sen. Rosenwald, Dist 13
 February 8, 2023
 2023-0432s
 05/10

Floor Amendment to SB 32-FN

Amend RSA 126-A:86, I(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) Reimburse the state and any political subdivision within the state for any portion of ~~[the cost]~~ ***its costs*** related to outpatient and residential opioid use disorder (OUD) and any co-occurring substance use disorder or mental health (SUD/MH) treatment services, including, but not limited to ~~[- services provided to incarcerated individuals, Medication-assisted treatment (MAT); abstinence-based treatment; treatment, recovery or other services provided by states, subdivisions, community health centers, or not-for-profit providers]~~ ***costs for:***

(A) Medications for substance use disorders (MSUD), abstinence-based treatment, treatment and recovery or other services provided by the state, any of its political subdivisions, community health centers, and not-for-profit providers, as long as no other reimbursement would otherwise have been received by any such recipient for such services; or

(B) Treatment provided to persons charged with crimes who are participating in a pre-trial services program, are being held on bail, are serving sentences in a state or county correctional facility, or are receiving treatment as a condition of probation, parole, or of a suspended or deferred sentence, as long as no other reimbursement would otherwise have been received by any such recipient for such services;

Amend RSA 126-A:86, I(b)(5) as inserted by section 2 of the bill by replacing it with the following:

(5) Reimburse the state and any political subdivision within the state for any portion of the cost of administering ~~[naloxone]~~ ***FDA-approved opioid reversal agents;***

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.

Recess. Out of recess.

SPECIAL ORDER

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 207, establishing a committee to study licensure of mental health professionals.

HEALTH AND HUMAN SERVICES

SB 65, establishing a committee to study the medical screening panel process and temporarily pausing the screening panel process.

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

Health and Human Services

February 2, 2023

2023-0285s

07/08

Amendment to SB 65

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

AN ACT relative to screening panels for medical injury claims.

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

1 Repeal. RSA 519-B, relative to screening panels for medical injury claims, is repealed.

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

2023-0285s

AMENDED ANALYSIS

This bill repeals the chapter of law on screening panels for medical injury claims.

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

Senator Prentiss is in opposition to the Committee Amendment.

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

WAYS AND MEANS

SB 19-FN, relative to bingo dates.

Ought to Pass, Vote 3-0. Senator Rosenwald for the committee.

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

SB 51-FN, creating a commission to study charitable gaming and historical horse races and relative to the moratorium on licensed historical horse racing facilities.

Ought to Pass with Amendment, Vote 2-1. Senator Lang for the committee.

Senate Ways and Means

January 25, 2023

2023-0141s

02/07

Amendment to SB 51-FN

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

1 New Section; Study Commission Established. Amend RSA 284 by inserting after section 6-b the following new section:

284:6-c Study Commission Established.

I. There is established a commission to study the effect of recent changes made to charitable gaming laws, including the newly authorized historical horse races.

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

(1) Two members of the senate, appointed by the president of the senate.

(2) Five members of the house of representatives, appointed by the speaker of the house of representatives.

(3) The lottery executive director, or the executive director's designee.

- (4) One representative of the facility owners.
- (5) Two representatives of charitable gaming charities.
- (6) The attorney general, or the attorney general's designee.
- (7) One member of the public appointed by the governor.

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

III. The commission shall examine how charities are selected and whether a uniform process should exist; whether the state should implement a limit on the number of charitable gaming locations; and whether charging rent to the charities is necessary with historic horse racing. The commission shall bring together different stakeholders to address these questions, and ensure those involved in the process have a voice in the discussion that will result in recommendations benefitting all stakeholders. The commission also shall monitor the benefits of historical horse racing to charities to ascertain whether additional licenses for historical horse racing machines would increase or reduce revenues to charities.

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

V. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2024.

VI. The commission shall be administratively attached to the lottery commission.

2 Commission to Study Charitable Gaming; Appropriation. There is hereby appropriated to the lottery commission the sum of \$250,000 for the fiscal year ending June 30, 2023, which shall be nonlapsing, for the purpose of studying charitable gaming and soliciting input from stakeholders. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

3 Amend Effective Date; Licensed Historical Horse Racing Facilities. Amend 2021, 66:11, I to read as follows:

I. Section 10 of this act shall take effect July 1, ~~[2024]~~ **2026**.

4 Repeal. RSA 284:6-c, relative to studying the effect of recent changes made to charitable gaming laws, including the newly authorized historical horse races, is repealed.

5 Effective Date.

I. Section 2 of this act shall take effect June 30, 2023.

II. Section 4 of this act shall take effect July 1, 2025.

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

2023-0141s

AMENDED ANALYSIS

This bill establishes a commission to study charitable gaming and the impact of historical horse racing on revenues for charities, and appropriates \$250,000 to the lottery commission for such purposes. The bill also amends the moratorium on historic horse racing.

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

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

SB 90-A, establishing a commission to study charitable gambling.
Inexpedient to Legislate, Vote 3-0. Senator Murphy for the committee.

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

SB 112-FN, relative to pari-mutuel pools and historic horse racing.
Ought to Pass with Amendment, Vote 3-0. Senator Rosenwald for the committee.

Senate Ways and Means
January 25, 2023
2023-0139s
02/05

Amendment to SB 112-FN

Amend the bill by deleting section 1 and renumbering the original sections 2 through 7 to read as 1 through 6, respectively.

Amend the bill by replacing section 2 with the following:

2 Pari-Mutuel Pools on Simulcast Racing. Amend the introductory paragraph of RSA 284:22-a, II(a) to read as follows:

II.(a) ~~[During the calendar years 1941-2029, a]~~ A licensee may sell pari-mutuel pools on races held at racetracks other than at the facility of the licensee, if any, provided:

2023-0139s

AMENDED ANALYSIS

This bill changes the redistribution of pari-mutuel wagers, eliminates employee state residency restrictions, and eliminates annual financial statement requirements.

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

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

SB 119-FN, relative to criminal background checks for charitable games of chance license applicants. Ought to Pass, Vote 3-0. Senator Lang 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).

SB 120-FN, relative to charitable gaming license applications, wages, stakes, and bonds. Ought to Pass with Amendment, Vote 3-0. Senator Lang for the committee.

Senate Ways and Means
January 25, 2023
2023-0145s
02/10

Amendment to SB 120-FN

Amend the bill by deleting section 17 and renumbering the original section 18 to read as 17.

Amend the bill by replacing section 17 with the following:

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

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

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

Senator Prentiss is in opposition to the motion of Ought to Pass with Amendment.

SB 139, relative to the price of Lucky 7 tickets. Ought to Pass with Amendment, Vote 4-0. Senator D'Allesandro for the committee.

Senate Ways and Means
February 1, 2023
2023-0265s
02/08

Amendment to SB 139

Amend the bill by replacing section 1 with the following:

1 Lucky 7 Tickets; Price. Amend RSA 287-E:20, II to read as follows:

II. The price of any lucky 7 ticket pack or ticket card shall not exceed \$1, ***except that lucky 7 tickets sold by dispenser devices shall not exceed \$10***, provided that at any location where a charitable organization offers \$1 tickets ***or higher*** for sale the charitable organization shall also offer \$.50 tickets for sale.

2023-0265s

AMENDED ANALYSIS

This bill raises the maximum price allowed for lucky 7 tickets sold by dispenser devices.

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

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

SB 190-FN, relative to advanced deposit account wagering.

Ought to Pass, Vote 4-0. Senator Lang 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).

SB 191-FN, relative to road toll registration surcharges for electric vehicles.

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

Senate Ways and Means

February 1, 2023

2023-0268s

02/07

Amendment to SB 191-FN

Amend the bill by replacing sections 2 and 3 with the following:

2 New Section; Electric Vehicle Registration Fee to be Collected. Amend RSA 261 by inserting after section 141-b the following new section:

261:141-c Electric Vehicle Registration Fee to be Collected.

I. Battery electric vehicles and plug-in hybrid electric vehicles, as defined in RSA 236:132, I and V, shall be assessed a surcharge of \$100 on annual registration, to be deposited in the highway fund. The department of transportation is authorized to dedicate no more than 20 percent annually of collected fees for the construction of electric vehicle service equipment on New Hampshire transportation corridors, utilizing plans developed by the department in consultation with the department of environmental services, the New Hampshire transportation council, and Drive Electric NH. The department of safety, division of motor vehicles shall determine necessary procedures for determining vehicles subject to this surcharge.

II. The division of motor vehicles and the department of transportation shall report annually on or before January 1 of each year to the New Hampshire transportation council, speaker, president, and chairs of house and senate transportation committees on the surcharge revenue and the use of funds for electric vehicle service equipment under this section.

3 Effective Date. This act shall take effect January 1, 2024.

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

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

SB 192-FN, relative to the hours that Lucky 7 tickets may be sold.

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

Senate Ways and Means

February 1, 2023

2023-0271s

02/08

Amendment to SB 192-FN

Amend the bill by replacing section 2 with the following:

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

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

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

INTRODUCTION OF SENATE CONCURRENT RESOLUTION

Senator Birdsell offered the following Resolution:

RESOLVED, That in accordance with the list in the possession of the Senate Clerk, the following legislation shall be by this Resolution read a first and second time by the therein listed title. Adopted, by the necessary 2/3 vote.

First and Second Reading

23-0891

SCR 1, affirming the general court's support for New Hampshire's first in the nation primary. (Birdsell, Dist 19; Bradley, Dist 3; Murphy, Dist 16; Gannon, Dist 23; Avard, Dist 12; Altschiller, Dist 24; Gray, Dist 6; Pearl, Dist 17; Ricciardi, Dist 9; Carson, Dist 14; Abbas, Dist 22; Gendreau, Dist 1; Lang, Dist 2; Ward, Dist 8; Watters, Dist 4; Perkins Kwoka, Dist 21; Soucy, Dist 18; Innis, Dist 7; D'Allesandro, Dist 20; Chandley, Dist 11; Rosenwald, Dist 13; Fenton, Dist 10; Whitley, Dist 15; Prentiss, Dist 5; No Committee Assignment)

SUSPENSION OF THE RULES

Senator Birdsell moved that the Senate suspend all rules necessary to permit consideration of SCR 1, affirming the general court's support for New Hampshire's first in the nation primary. at the present time. Adopted, by the necessary 2/3 vote.

Senator Birdsell moved Ought to Pass.

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

MOTION TO ADJOURN FROM EARLY SESSION

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

Adopted. Adjournment from the Early Session.

LATE SESSION

LIST OF RULE 6-25'S FOR THE DAY

Senator Perkins Kwoka: SB 168

ANNOUNCEMENTS

(The Chair recognized Senator Prentiss.)

SENATOR PRENTISS: Thank you, Mister President. I'm not always comfortable with silence, so I'll fill this moment with an important announcement and honor. As you know, our Senator our beloved Senator from District 20, Senator D'Allesandro, has been a lifelong educator. And in his work on behalf of his district, he has not only visited every school in the city of Manchester, but throughout his district for years. Through re-districting recently, Goffstown, that school district is no longer in his district. And he made a point again not just Manchester, but he went to every school. So, the Goffstown School District honored Senator D'Allesandro this past week with their Dream Keeper Award. And I think it's a really important honor to recognize because he has honored the dreams of so many children in the Granite State. So please join me in congratulating our Senate Dream Keeper, Lou D'Allesandro.

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I would ask all of you to join with me in welcoming a former member of this body and a former Senate Majority Leader, Senator Robert Clegg.

PRESIDENT BRADLEY: So, it's 11:30. We've done great in every one of these sessions, but I would advise everybody on our next session will probably be a little bit longer, so just take that into your thoughts. And I'm going to use this as a Personal Privilege.

As you know, it was rather cold over the weekend. I love, as much as I love to be in this room, I love to be on the summit of Mount Washington. And on Saturday morning at about 4:00 a.m., the Mount Washington Observatory set an all-time, tied an all-time low for a record temperature of -47 degrees and I was you know up half the night feeding my wood stove looking at my phone to see because they update it all the time. It was -46, -46, -46. I finally fell asleep and when I woke up a couple of hours later I saw that it had touched -47 and not only had it set the record low temperature, but the record low wind chill had been established in I believe the entire United States of -110 degrees, that is cold. Now it got warm on Sunday, and I was able to go hiking, but that was very cool. If you ever get the chance to go up to the Mount Washington Observatory it is without doubt one of the coolest places, no pun intended, in New Hampshire.

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

SB 19-FN, relative to bingo dates.

SB 20-FN, relative to keno license applications and fees.

SB 32-FN, relative to the opioid abatement trust fund.

SB 42-FN, relative to overpayment of unemployment compensation.

SB 50, relative to pharmaceutical drug take-back programs.

SB 64, establishing a study committee on resident-owned manufactured housing park disputes and oversight of resident-owned manufactured housing parks.

SB 65, relative to screening panels for medical injury claims.

SB 66, relative to financial transactions involving the liquidation or rehabilitation of an insurer in which the Federal Home Loan Bank is a party.

SB 70-FN, relative to the establishment of an election information portal.

SB 71-FN, relative to workers' compensation for firefighter cancer disease and establishing a commission to study the implementation of optional annual cancer screenings.

SB 76-FN, relative to reporting of medico-legal deaths.

SB 81, relative to ignition interlock device preset levels.

SB 83, relative to the signature authority of an advanced practice registered nurse or a certified midwife.

SB 92-FN, relative to the authority of registers of probate.

SB 94, relative to residential child care licensing of child care institutions and agencies.

SB 103, including the raid on Fort William and Mary in Portsmouth in the planning of the American revolution sestercentennial commission.

SB 109, relative to school safety and coordination with law enforcement.

SB 113-FN, relative to cost effectiveness review of the joint utility energy efficiency plan.

SB 118-FN, requiring children under the age of 2 years to be restrained in a motor vehicle.

SB 139, relative to the price of Lucky 7 tickets.

SB 142, relative to the regulation of forms and rates for property and casualty insurance.

SB 150-FN, relative to the family mediator certification board.

SB 156-FN, relative to voter registration and verification of voter identity.

SB 160-FN, relative to the use of OHRVs on designated trails and requiring a permit to operate certain OHRVs from before sunrise to after sunset.

SB 161, relative to low-moderate income community solar projects.

SB 171, relative to the definition of youth recreational programs.

SB 192-FN, relative to the hours that Lucky 7 tickets may be sold.

SB 206, prohibiting corporal punishment in child day care agencies.

SCR 1, affirming the general court's support for New Hampshire's first in the nation primary.

MOTION TO RECESS TO CALL OF THE CHAIR

Senator Carson 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.