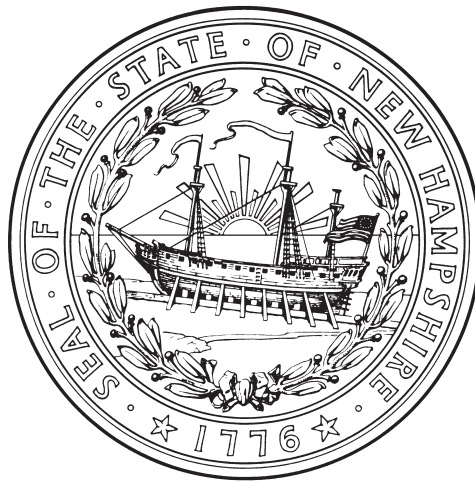


February 8, 2024
Nos. 2-3

STATE OF NEW HAMPSHIRE

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



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

Legislative Proceedings

SENATE JOURNAL

**ADJOURNMENT – JANUARY 18, 2024 SESSION
COMMENCEMENT – FEBRUARY 8, 2024 SESSION**

SENATE JOURNAL 2 *(continued)*

January 18, 2024

INTRODUCTION OF LEGISLATION

Senator Carson offered the following Resolution:

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

First and Second Reading and Referral

24-3147

SB 588-FN, relative to employer notice of veterans' benefits and services. (D'Allesandro, Dist 20; Avard, Dist 12; Ward, Dist 8; Fenton, Dist 10; Innis, Dist 7; Soucy, Dist 18; Gannon, Dist 23; Rosenwald, Dist 13; Birdsell, Dist 19; Bradley, Dist 3; Pearl, Dist 17; Ricciardi, Dist 9; Watters, Dist 4; Carson, Dist 14; Altschiller, Dist 24; Commerce)

24-3149

SB 589-LOCAL, relative to wastewater surcharges. (Birdsell, Dist 19; Carson, Dist 14; Energy and Natural Resources)

24-3150

SB 590-FN-A, making an appropriation to address damage done to the seacoast during January storms. (Altschiller, Dist 24; Gannon, Dist 23; Soucy, Dist 18; Fenton, Dist 10; Edgar, Rock. 29; Muns, Rock. 29; Maggiore, Rock. 23; Grote, Rock. 24; Balboni, Rock. 38; Finance)

24-3155

SB 591-FN-A, modifying definitions, claims procedures, and funding relating to the youth development center settlement fund and claims administration. (Bradley, Dist 3; Rosenwald, Dist 13; Soucy, Dist 18; D'Allesandro, Dist 20; Birdsell, Dist 19; Gray, Dist 6; Carson, Dist 14; Leishman, Hills. 33; Packard, Rock. 16; Wallner, Merr. 19; Edwards, Rock. 31; Wilhelm, Hills. 40; Judiciary)

24-3158

SB 592-FN, renaming Route 127 from Central Street in Franklin to the town line of Sanbornton as Officer Bradley Haas Memorial Highway. (Innis, Dist 7; Avard, Dist 12; Whitley, Dist 15; Ward, Dist 8; Fenton, Dist 10; Lang, Dist 2; Gannon, Dist 23; Gendreau, Dist 1; Rosenwald, Dist 13; Soucy, Dist 18; D'Allesandro, Dist 20; Bradley, Dist 3; Chandley, Dist 11; Gray, Dist 6; Watters, Dist 4; Prentiss, Dist 5; Birdsell, Dist 19; Pearl, Dist 17; Ricciardi, Dist 9; Murphy, Dist 16; Carson, Dist 14; Altschiller, Dist 24; Abbas, Dist 22; Sellers, Graf. 18; Gerhard, Merr. 25; Transportation)

24-3148

SB 593, relative to possession of firearms in safe school zones. (Fenton, Dist 10; D'Allesandro, Dist 20; Watters, Dist 4; Soucy, Dist 18; Rosenwald, Dist 13; Altschiller, Dist 24; Meuse, Rock. 37; Brennan, Merr. 9; D. Paige, Carr. 1; Judiciary)

24-3151

SB 594-FN, defining state approved processing facility and regulating on farm slaughter of amenable animals. (Innis, Dist 7; Ward, Dist 8; Bixby, Straf. 13; Spillane, Rock. 2; Energy and Natural Resources)

24-3152

SB 595-FN, relative to the rates for pole attachments. (Avard, Dist 12; Bradley, Dist 3; Carson, Dist 14; Energy and Natural Resources)

24-3153

SB 596-FN, relative to the definition of disability or special needs under the child care scholarship program. (Ricciardi, Dist 9; Gannon, Dist 23; Soucy, Dist 18; Carson, Dist 14; Innis, Dist 7; Altschiller, Dist 24; Whitley, Dist 15; Fenton, Dist 10; Education)

24-3154

SB 597, relative to lucky 7 ticket dispenser devices. (Avard, Dist 12; Ways and Means)

24-3156

SB 598-FN, requiring funeral procession lead vehicles to obey yield signs. (Ricciardi, Dist 9; Ward, Dist 8; Avard, Dist 12; Murphy, Dist 16; Soucy, Dist 18; Carson, Dist 14; Fenton, Dist 10; Kuttub, Rock. 17; Transportation)

24-3157

SB 599, relative to the state fire code. (Pearl, Dist 17; Gendreau, Dist 1; Carson, Dist 14; C. McGuire, Merr. 27; Grote, Rock. 24; Erf, Hills. 28; Executive Departments and Administration)

24-3159

SB 600, relative to the board of pharmacy. (Chandley, Dist 11; Rosenwald, Dist 13; D'Allesandro, Dist 20; Fenton, Dist 10; Ricciardi, Dist 9; Watters, Dist 4; Carson, Dist 14; Soucy, Dist 18; Altschiller, Dist 24; Goley, Hills. 21; C. McGuire, Merr. 27; Merchant, Sull. 6; Rochefort, Graf. 1; Executive Departments and Administration)

24-3160

SB 601-FN, restricting electronic mail solicitation. (Ricciardi, Dist 9; Gannon, Dist 23; Avard, Dist 12; Rosenwald, Dist 13; Judiciary)

24-3161

SB 602-FN-A, making an appropriation to the university system of New Hampshire and the community college system of New Hampshire for marketing of hospitality management programs. (Innis, Dist 7; Perkins Kwoka, Dist 21; Drye, Sull. 7; Finance)

24-3162

SB 604-FN-A, providing a death benefit for a New Hampshire hospital security officer killed in the line of duty. (D'Allesandro, Dist 20; Rosenwald, Dist 13; Fenton, Dist 10; Ricciardi, Dist 9; Bradley, Dist 3; Birdsell, Dist 19; Innis, Dist 7; Gannon, Dist 23; Watters, Dist 4; Ward, Dist 8; Avard, Dist 12; Carson, Dist 14; Soucy, Dist 18; Murphy, Dist 16; Altschiller, Dist 24; Chandley, Dist 11; Prentiss, Dist 5; Abbas, Dist 22; Whitley, Dist 15; Pearl, Dist 17; Executive Departments and Administration)

24-3163

SB 605, relative to ethical standards for members of the general court. (Bradley, Dist 3; Soucy, Dist 18; Judiciary)

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:

CACR 13, relating to slavery and involuntary servitude. Providing that slavery and involuntary servitude shall be prohibited in the state of New Hampshire.

HB 396, (New Title) permitting classification of individuals based on biological sex under certain limited circumstances.

HB 1003-FN, relative to name changes for inmates, parolees, and convicted violent felons.

HB 1004, relative to repealing the judicial conduct commission.

HB 1008, relative to the authority of the commissioner of the department of education to grant extensions for the filing of school expenditure reports.

HB 1009, relative to the submission of annual town reports to the commissioner of the department of education.

HB 1019, relative to the interstate compact on educational opportunity for military children.

HB 1047, (New Title) relative to the effectiveness of state outreach to residents without computer, tablet, smartphone, or other electronic device access.

HB 1060, relative to establishing a geologic resources committee.

HB 1160, relative to school assessments of statewide academic areas.

HB 1163, relative to review of public school minimum standards by the legislative oversight commission.

HB 1164, relative to criminal records checks of teacher credentialing applicants.

HB 1167, relative to the math learning communities program.

HB 1233, relative to animal chiropractors.

HB 1237-FN, relative to the use of unmarked or stealth police vehicles for traffic enforcement.

HB 1274-FN, relative to judicial administration.

HB 1499, establishing a committee to study the civilian clean energy, community resilience, and conservation corps

HB 1627, relative to recodifying certain laws concerning railroads, transportation, and telecommunications.

HCR 10, urging Congress to increase federal funding for special education services to reduce property taxes in New Hampshire.

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE
JOURNAL 3

February 8, 2024

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

INTRODUCTION OF GUESTS

Senator Whitley introduced students from Maple Street School in Contoocook visiting in the gallery.

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

Good morning. I'm Father Stephen from Saint Anselm College and Abbey. Always great to be with you.

Let us bow our heads in prayer.

Loving God as we gather here today in these hallowed chambers we come to you with hearts open to wisdom and compassion. Grant those gathered here discernment that their decisions be rooted in empathy and the common good. As these Senators debate on matters that impact our state and its people, may they be mindful of the sacred trust placed upon them. Bless their deliberations. Grant them an open ear that listens attentively to one another, respecting their colleagues and staff members. Guide their actions. Illuminate their path with wisdom so that they may enact laws that foster a society where all people can thrive and bring peace and prosperity to all citizens of our great state. In your name, O Merciful God, we humbly offer this prayer. Amen.

Senator Whitley and her son Jackson were invited to the podium to lead the Pledge of Allegiance.

PRESIDENT BRADLEY: So, I just have to say this before all of you leave. I've had the honor of sitting in this chamber many times, for a long time, and I think some of the people who have been here the longest like Senator D, and Senator Carson, and others would agree that one of the coolest moments that we ever have is when we have a classroom of fourth graders join us in the pledge. So, thank you very much. You made my day.

INTRODUCTION OF GUESTS

Senator Lang introduced members of the Legislative Youth Advisory Council visiting in the gallery.

SPECIAL ORDER

Without objection, the following bills are Special Ordered to the end of the calendar. Adopted.

COMMERCE

HB 261, relative to rights of tenants in cases of domestic violence.

FINANCE

SB 345-FN, relative to state park fees for state residents.

FN Report for February 8, 2024					
W/F	Bill	Title	R/C	Comm	Full Name
Waive	SB 306	reinstating the board of manufactured housing.	Consent	EDA	Executive Departments and Administration
Waive	SB 318	relative to adoption of the social work licensure compact.	Consent	EDA	Executive Departments and Administration

Waive	SB 336	relative to misrepresentation by public employees.	Consent	EDA	Executive Departments and Administration
Finance	SB 337	relative to doula and lactation service provider certification.	Consent	EDA	Executive Departments and Administration
Finance	SB 370	relative to annual training days for retired law enforcement officers.	Consent	EDA	Executive Departments and Administration
Finance	SB 372	relative to plumbing apprenticeships.	Consent	EDA	Executive Departments and Administration
Waive	SB 439	to prohibiting discriminatory boycotts of Israel in state procurement and investments.	Consent	EDA	Executive Departments and Administration
Waive	SB 482	relative to National Guard and Staff Judge Advocate access to criminal history records.	Consent	EDA	Executive Departments and Administration
Waive	SB 486	adopting the physician assistant licensure compact.	Consent	EDA	Executive Departments and Administration
Finance	SB 350	relative to gap health insurance coverage for prima facie presumptive conditions for emergency response/public safety workers.	Consent	HHS	Health and Human Services
Waive	SB 351	relative to statewide work requirements for able-bodied adults without dependents on food stamps.	Consent	HHS	Health and Human Services
Waive	SB 353	relative to insurance coverage for autism spectrum disorder and Down syndrome.	Consent	HHS	Health and Human Services
Waive	SB 399	relative to insurance coverage for blood testing associated with elevated lead levels.	Consent	HHS	Health and Human Services
Finance	SB 405	relative to repealing certain rulemaking authority regarding long-term care.	Consent	HHS	Health and Human Services
Finance	SB 409	relative to reimbursement for ambulance services under the state Medicaid plan.	Consent	HHS	Health and Human Services
Finance	SB 495	relative to certification of alcohol and other drug use treatment facilities.	Consent	HHS	Health and Human Services
Waive	SB 497	relative to establishing the disproportionate share hospital fund.	Consent	HHS	Health and Human Services
Waive	SB 498	relative to the department of health and human services, division for children, youth and families.	Consent	HHS	Health and Human Services
Waive	SB 554	relative to Medicaid provider enrollment licensure verification.	Consent	HHS	Health and Human Services
Finance	SB 428	relative to the use of automated license plate readers by law enforcement officers.	Consent	TRANS	Transportation
Finance	SB 466	relative to allowing the department of transportation to erect sound barriers upon request of municipalities.	Consent	TRANS	Transportation
Finance	SB 511	relative to salt reduction in Merrimack.	Consent	TRANS	Transportation
Waive	SB 326	relative to the adjudication of lottery infractions.	Consent	WM	Ways and Means

Finance	SB 364	relative to establishing a historic housing preservation tax credit and making an appropriation to the Invest NH fund.	Consent	WM	Ways and Means
Finance	SB 473	governing unclaimed horse racing ticket and voucher money.	Consent	WM	Ways and Means
Waive	SB 514	relative to the timber tax.	Consent	WM	Ways and Means
Finance	SB 584	relative to application of the utility property tax to certain renewable electric generating facilities, and relative to communications services tax revenues.	Consent	WM	Ways and Means
Waive	SB 381	prohibiting a municipality from designating a road as a private road under certain conditions.	Regular	ELMA	Election Law and Municipal Affairs
Finance	SB 445	establishing a voter-owned elections fund for eligible candidates to executive councilor and making an appropriation to the fund.	Regular	ELMA	Election Law and Municipal Affairs
Waive	SB 447	relative to funding for school transportation services under default budgets.	Regular	ELMA	Election Law and Municipal Affairs
Finance	SB 387	relative to a state parks pass pilot program for recovery centers and community health centers.	Regular	ENR	Energy and Natural Resources
Finance	SB 319	relative to vaccine and pharmaceutical products purchased, promoted, or distributed by the state and its political subdivisions.	Regular	HHS	Health and Human Services
Finance	SB 352	establishing an early detection cancer screening pilot program for active and retired firefighters.	Regular	HHS	Health and Human Services
Waive	HB 135	prohibiting no-knock warrants.	Regular	JUD	Judiciary
Finance	SB 580	relative to establishing a noise barrier on Teaberry Lane, Bedford, NH.	Regular	TRANS	Transportation
Finance	SB 305	relative to allowing wholesalers of cigarettes to retain tax revenue collected for each package of cigarettes with tax stamps sold.	Regular	WM	Ways and Means
Finance	SB 363	relative to wagering on simulcast dog racing.	Regular	WM	Ways and Means

Please Note: Senate Rule 4-5 requires every bill and joint resolution appropriating money, and every other bill which is accompanied by a fiscal note pursuant to RSA 14:44, which has been referred to another committee and found Ought to Pass by the Senate, shall be referred to the Senate Finance Committee for review, unless otherwise ordered by the Senate upon recommendation of the Chair of the Senate Finance Committee. Senator Gray has reviewed the bills in the Consent and Regular Calendars to be acted upon by the Senate on February 8, 2024, and his recommendations are listed on the FN Report. Bills listed as Waive should be sent to Third Reading and bills listed as Finance should be sent to the Senate Finance Committee. The recommendations are only applicable to bills found Ought to Pass.

Without objection, the FN Report is adopted.

CONSENT CALENDAR REPORTS REMOVED

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 372-FN, by Senator Murphy

CONSENT CALENDAR

Senator Carson 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.

EDUCATION

SB 340, relative to communication between parents and school districts regarding special education. Ought to Pass, Vote 5-0. Senator Gendreau for the committee.

Senate Bill 340 came at the request of the Goffstown School District (SAU 19) and is simple legislation. Currently, the U.S Postal Service is the default communication method between schools and parents regarding their child's IEP. SB 340 would enable email to be the default, while the postal service remains as an elective option.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 306-FN, reinstating the board of manufactured housing.

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

New Hampshire had established a dispute resolution program that met the minimum Department of Housing and Urban Development requirements until the rules of the Installation Standards Board for Manufactured Housing expired in 2022. This has left the state without a dispute resolution program for Manufactured Housing. SB 306-FN would allow OPLC to include manufactured housing dispute resolution procedures in its rules while also keeping the Installation Standards Board for Manufactured Housing in place.

Senate Executive Departments and Administration

January 31, 2024

2024-0401s

09/08

Amendment to SB 306-FN

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

AN ACT relative to manufactured housing rulemaking authority.

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

1 Office of Professional Licensure and Certification; Rulemaking Authority. Amend RSA 310:6, II to read as follows:

II. Such organizational and procedural rules necessary to administer the boards in the office, including rules governing the administration of complaints and investigations, hearings, disciplinary and non-disciplinary proceedings, ***manufactured housing dispute resolution***, inspections, payment processing procedures, and application procedures.

2 Repeal. RSA 205-D:20, VII, X, and XI, relative to manufacturing housing installation standards rulemaking authority, is repealed.

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

2024-0401s

AMENDED ANALYSIS

This bill shifts rulemaking authority for manufactured housing dispute resolution to the office of professional licensure and certification. It further repeals the rulemaking authority of the installation standards board relative to fees.

SB 318-FN, relative to adoption of the social work licensure compact.

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

SB 318-FN codifies the social work licensure compact. The bill would allow portability of social work licenses with other compact states. The Committee heard testimony that the bill would help military spouses gain employment when their families are transferred to the state. The Committee also heard testimony that joining the compact would help address the state's social workforce shortage.

SB 336-FN, relative to misrepresentation by public employees.

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

SB 336-FN establishes that a public officer or employee who knowingly makes a fraudulent statement or material misrepresentation to a member of the public in the course of his or her employment shall be subject to disciplinary action through the disciplinary procedures of his or her employer or licensing board, subject to certain exceptions. The Committee heard testimony that all ten counties and most municipalities have policies against dishonesty and misrepresentation in place. The Committee heard concerns over the broadness of the bill.

SB 337-FN, relative to doula and lactation service provider certification.

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

SB 337-FN directs the office of professional licensure and certification to establish a voluntary certification process for doula and lactation service providers. The bill contains portions of last year's SB 175, the "Mommibus" bill, which were inadvertently left out when that bill was placed into HB 2. The committee amendment provides another avenue for individuals to gain lactation certification and enable them to bill insurance companies and Medicaid.

Senate Executive Departments and Administration

January 31, 2024

2024-0402s

05/08

Amendment to SB 337-FN

Amend the bill by replacing section 1 with the following:

1 New Subdivision; Medicaid Reimbursement-Eligible Doulas and Lactation Service Providers. Amend RSA 310-A by inserting after section 221 the following new subdivision:

Medicaid Reimbursement-Eligible Doulas and Lactation Service Providers

310-A:222 Doula and Lactation Service Provider Certification.

I. For the purposes of Medicaid reimbursement, the office of professional licensure and certification shall establish, pursuant to RSA 310:6, a voluntary doula certification process and a voluntary lactation service certification process to certify lactation service providers. The doula and lactation consultants certified by the office of professional licensure shall be credentialed by an organization accredited by the American National Standards Institute, the National Commission for Certifying Agencies, or another nationally or internationally recognized accreditation organization identified by the office of professional licensure. Coverage levels of such services are separately subject to Medicaid rules and regulations and shall not supplant federal funds.

II. The office of professional licensure and certification shall adopt rules pursuant to RSA 541-A relative to the authority set out in paragraph I.

III. The office shall make every effort to include racially and geographically diverse community members and providers when developing and implementing the doula and lactation service provider certification process pursuant to this section.

IV. Nothing in this section shall prevent a person certified by this state pursuant to any other provision of law from performing the occupation for which he or she is certified.

SB 367, reestablishing the commission to study the incidence of post-traumatic stress disorder in first responders.

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

SB 367 reestablishes the commission to study the incidence of post-traumatic stress disorder in first responders. The commission studies ways to track causes of suicides among veterans as well as different practices to assist veterans struggling with PTSD. Therefore, the committee recommends this bill ought to pass.

SB 370-FN, relative to annual training days for retired law enforcement officers.

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

SB 370-FN would require the Department of Safety, Division of State Police, to establish a program that provides annual training days for retired law enforcement officers to be firearms certified under the Federal Law Enforcement Safety Act, 18 U.S.C. section 926C. The Senate Executive Departments and Administration Committee heard testimony from the New Hampshire State Police that they have concerns with this bill. The State Police Training Unit is extremely taxed right now and there are only three full-time troopers assigned to the unit. This bill would require that the unit provide law enforcement officer safety act qualifications (LEOSA) qualifications and training to potentially thousands of retired law enforcement officers throughout the state.

SB 439-FN, to prohibiting discriminatory boycotts of Israel in state procurement and investments.

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

SB 439-FN prohibits discriminatory boycotts of Israel in state procurement and investments. The bill mirrors Executive Order 2023-05, which was issued by the governor last year.

SB 440, relative to the board of optometry and the regulation of optometry.
Ought to Pass with Amendment, Vote 5-0. Senator Gendreau for the committee.

SB 440 makes various amendments to the regulation of optometry, including changing the board's name to the board of optometry, definitional changes to include what constitutes the "practice of optometry", repealing the joint credentialing committee, modifying the rulemaking authority of the board, and modifying the prescribing authority of optometrists. The committee heard testimony that the bill would increase access to eye care, particularly in the rural portions of the state. The committee amendment added an exception to the definition of the "practice of optometry."

Senate Executive Departments and Administration
January 31, 2024
2024-0397s
09/10

Amendment to SB 440

Amend RSA 327:1, IV(b) as inserted by section 6 of the bill by replacing it with the following:

(b) Shall not mean the following ophthalmic surgery procedures, except for the preoperative and postoperative care, of:

(1) The following procedures:

- (A) Retina laser procedures.***
- (B) Penetrating keratoplasty or corneal transplant.***
- (C) The administration of general anesthesia.***
- (D) Surgery done with general anesthesia.***
- (E) Laser or non-laser procedures into the vitreous chamber of the eye to treat any retinal or macular disease.***
- (F) Laser-assisted in situ keratomileus, photorefractive keratectomy, laser epithelial keratomileusis, or any forms of refractive surgery.***

(2) The following non-laser surgical procedures:

- (A) Surgery related to removal of the eye from a living human being.***
- (B) Surgery requiring full thickness incision or excision of the cornea or sclera other than paracentesis in an emergency situation requiring immediate reduction of the pressure inside the eye.***
- (C) Surgery requiring incision of the iris and ciliary body, including diathermy or cryotherapy.***
- (D) Surgery requiring incision of the vitreous.***
- (E) Surgery requiring incision of the retina.***
- (F) Surgical extraction of the crystalline lens.***
- (G) Surgical intraocular implants.***
- (H) Incisional or excisional surgery of the extraocular muscles.***
- (I) Surgery of the eyelid for suspect malignancies or for incisional cosmetic or mechanical repair of blepharochalasis, ptosis, and tarsorrhaphy.***
- (J) Surgery of the bony orbit, including orbital implants.***
- (K) Incisional or excisional surgery of the lacrimal system other than probing or related procedures.***
- (L) Surgery requiring full thickness conjunctivoplasty with graft or flap.***
- (M) Pterygium surgery.***

SB 482-FN, relative to National Guard and Staff Judge Advocate access to criminal history records.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

SB 482-FN gives the New Hampshire Air National Guard, Army National Guard, and 157 Air Refueling Wing Offices of the Staff Judge Advocate access to criminal history records, criminal investigation records, and court records of New Hampshire National Guard employees and service members for the limited purpose of carrying out the office's responsibilities. The committee heard testimony from U.S. military officials and veterans regarding the importance of reshaping the current communication system provided to members of the National Guard.

SB 486-FN, adopting the physician assistant licensure compact.
Ought to Pass, Vote 5-0. Senator Pearl for the committee.

SB 486-FN adopts the physician assistant licensure compact. The bill would allow portability of physician assistant licenses with other compact states. The Committee heard testimony that the bill would help military spouses gain employment when their families are transferred to the state. The Committee also heard testimony that joining the compact would help expand access to health care in the state.

SB 488, relative to the regulation of physician assistants.
Ought to Pass with Amendment, Vote 5-0. Senator Pearl for the committee.

SB 488 requires the board of medicine to adopt rules to have the office of professional licensure and certification maintain continuing medical education for those physician assistants that have passed their initial National Commission on Certification of Physician Assistants certification but that have chosen not to maintain their certification. The bill also further exempts physician assistants from the provisions of the chapter relative to the board of barbering, cosmetology, and esthetics. Physician assistants were inadvertently left out of this exemption when SB 228 was passed in 2022. The committee amendment corrected a drafting error.

Senate Executive Departments and Administration
January 31, 2024
2024-0396s
09/05

Amendment to SB 488

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

1 New Subparagraph; Physician Assistants; Rulemaking. Amend RSA 328-D:10, I by inserting after subparagraph (l) the following new subparagraph:

(m) Continuing medical education ("CME") requirements for those physician assistants that have received their National Commission on Certification of Physician Assistants ("NCCPA") certification, but have chosen not to maintain their certification.

2 Barbering, Cosmetology, and Esthetics; Exemptions. Amend RSA 313-A:25, I to read as follows:

I. Physicians and surgeons licensed under RSA 329 *and physician assistants licensed under RSA 328-D* when engaged in the practice of their profession.

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

2024-0396s

AMENDED ANALYSIS

This bill requires the board of medicine to adopt rules regarding continuing medical education for those physician assistants that have received their National Commission on Certification of Physician Assistants certification, but have chosen not to maintain their certification, and further exempts physician assistants from the provisions of the chapter relative to the board of barbering, cosmetology, and esthetics.

HEALTH AND HUMAN SERVICES

SB 350-FN, relative to gap health insurance coverage for prima facie presumptive conditions for emergency response/public safety workers.

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

SB 350-FN requires that emergency response/public safety workers denied workers' compensation claims related to any claim of injury to which a prima facie presumption applies shall maintain their health insurance benefit until a final determination is made. Currently there exists a possibility that an emergency response/public safety worker is left without health insurance coverage while fighting serious illness or injury – which is believed prima facie to be related to their employment based on extensive research and

expertise. The Committee heard testimony that this would only apply to a small handful of people in the state each year. The Committee Amendment corrects a drafting error and ensures SB 350-FN would apply to all cases of prima facie presumptions.

Health and Human Services

January 24, 2024

2024-0260s

05/08

Amendment to SB 350-FN

Amend the introductory paragraph of RSA 281-A:17-f as inserted by section 1 of the bill by replacing it with the following:

281-A:17-f Emergency Response/Public Safety Worker; Insurance Coverage. If an emergency response/public safety worker, as defined in RSA 281-A:2, V-c, petitions for hearing in response to a memorandum of denial filed under RSA 281-A:42, I(b) related to any claim of injury to which a prima facie presumption applies:

SB 351-FN, relative to statewide work requirements for able-bodied adults without dependents on food stamps. Interim Study, Vote 5-0. Senator Birdsell for the committee.

SB 351-FN provides that the Department of Health and Human Services shall not seek any waiver or exemption of the work requirements for able bodied adults under the food stamp or SNAP program. The Committee heard testimony that the Department currently only has waivers in place for six towns which are considered to have very high unemployment. Passing SB 351-FN would eliminate the Department's ability to respond to these localized issues in an effective manner.

SB 353-FN, relative to insurance coverage for autism spectrum disorder and Down syndrome. Ought to Pass, Vote 5-0. Senator Avard for the committee.

SB 353-FN clarifies insurance coverage for autism spectrum disorder and Down syndrome pursuant to RSA 417-E. The Committee heard very compelling testimony about the real-world impact that applied behavioral analysis (ABA) has on individuals and families. ABA helps many people develop the skills needed to live full, healthy, vibrant lives as productive members of society and there is evidence that ABA is effective for people with Down syndrome. The Committee also believes that there is merit in having a conversation about expanding SB 353-FN to apply to all developmental disabilities, rather than just being limited to autism and Down syndrome, and hopes the bill will be sent to the Finance Committee so that conversation can take place.

SB 399-FN, relative to insurance coverage for blood testing associated with elevated lead levels. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

SB 399-FN expands mandatory health insurance coverage for blood tests associated with elevated lead levels. It was the intention of the legislature, when mandatory coverage for blood tests for elevated lead levels was adopted, to include follow up testing when required without cost-sharing. SB 399-FN clarifies that intent. The Committee Amendment represents an agreement reached by all stakeholders to ensure that SB 399-FN is a workable bill.

Health and Human Services

January 31, 2024

2024-0405s

05/06

Amendment to SB 399-FN

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

2 Accident and Health Insurance. Amend RSA 415:6-v to read as follows:

415:6-v Coverage for Blood Lead Testing. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance providing benefits for medical or hospital expenses shall provide to persons covered by such insurance who are residents of this state coverage for the costs of blood lead testing conducted pursuant to RSA 130-A:5-a. Benefits provided under this section shall not be subject to any [greater] co-payment, deductible, or coinsurance [~~than any other similar benefits provided by the insurer~~]. ***Benefits provided under this section shall include any follow-up blood lead testing that is necessary to complete the preventive screening when the initial blood lead testing indicates an elevated blood lead level or is inconclusive.***

3 Accident and Health Insurance. Amend RSA 415:18-aa to read as follows:

415:18-aa Coverage for Blood Lead Testing. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state, coverage for the costs of blood lead testing conducted pursuant to RSA 130-A:5-a. Benefits provided under this section shall not be subject to any [greater] co-payment, deductible, or coinsurance [~~than any other similar benefits provided by the insurer~~]. ***Benefits provided under this section shall include any follow-up blood lead testing that is necessary to complete the preventive screening when the initial blood lead testing indicates an elevated blood lead level or is inconclusive.***

2024-0405s

AMENDED ANALYSIS

This bill provides that health insurance coverage for blood lead testing shall not be subject to a co-payment, deductible, or coinsurance. The bill also requires coverage for follow-up blood testing that is necessary to complete the preventive screening when the initial blood testing indicates an elevated blood lead level or is inconclusive.

SB 405-FN, relative to repealing certain rulemaking authority regarding long-term care.
Interim Study, Vote 5-0. Senator Birdsell for the committee.

SB 405-FN repeals rulemaking authority of the Commissioner of Health and Human Services under RSA 151-E, relative to long-term care. The Committee heard testimony that the Department has a robust stakeholder input process for adopting rules and that having the flexibility to re-open the rulemaking process within the initial ten-year period provides flexibility to address challenges stakeholders face. Repealing rulemaking authority under RSA 151-E would also have wide-ranging impacts on the Department's ability to administer the Choices for Independence program, which would increase the number of people receiving care in an institutional setting.

SB 409-FN, relative to reimbursement for ambulance services under the state Medicaid plan.
Ought to Pass with Amendment, Vote 5-0. Senator Prentiss for the committee.

SB 409-FN directs the Department of Health and Human Services to submit an amendment to the state Medicaid plan regarding reimbursement for ambulance services. Currently, ambulance services only receive reimbursement through Medicaid if the patient is transported to a hospital emergency department. This is the most expensive way to provide care and, frequently, is not the most appropriate way for a patient to be treated. Currently the cost of care when not transporting a patient is borne by the municipality. SB 409-FN establishes criteria for when nontransport is appropriate, including patient refusal after care. The Committee Amendment adds a contingency clause to ensure that the Department does not move forward with a policy that is not supported by the Centers for Medicare and Medicaid Services.

Health and Human Services
January 31, 2024
2024-0408s
12/05

Amendment to SB 409-FN

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

2 Contingency. Section 1 of this act shall take effect on the date the Centers for Medicare and Medicaid Services certifies the approval of the amendment to the state Medicaid plan to the director of legislative services and the secretary of state.

3 Effective Date.

I. Section 1 of this act shall take effect as provided in section 2 of this act.

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

SB 495-FN, relative to certification of alcohol and other drug use treatment facilities.
Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

SB 495-FN provides for certification of substance use treatment programs by the Department of Health and Human Services and establishes an Office of the Behavioral Health Ombudsman in the Department. This will provide much needed oversight to outpatient substance use treatment programs, ensuring people in recovery receive the high-level care and attention that they need. The Committee Amendment changes the effective date to "upon passage".

Health and Human Services
January 31, 2024
2024-0407s
12/05

Amendment to SB 495-FN

Amend the bill by replacing section 5 with the following:

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

SB 497-FN, relative to establishing the disproportionate share hospital fund.
Ought to Pass, Vote 5-0. Senator Birdsell for the committee.

SB 497-FN establishes a disproportionate share hospital fund in the Department of Health and Human Services for the purpose of distributing funds to hospitals for completion of federally required disproportionate share hospital examinations. This is a simple housekeeping bill to make the Department's accounting process more efficient and more transparent.

SB 498-FN, relative to the department of health and human services, division for children, youth and families.
Ought to Pass, Vote 5-0. Senator Whitley for the committee.

SB 498-FN provides that under RSA 169-B, relative to delinquent children, and RSA 169-D, relative to children in need of services, a child may be placed with fictive kin or a child care institution, psychiatric residential treatment program, or other program certified by the Department of Health and Human Services. This bill is a request of the Department in order to make several technical changes and aligns with other legislation moving forward on the same issues.

SB 554-FN, relative to Medicaid provider enrollment licensure verification.
Ought to Pass with Amendment, Vote 5-0. Senator Prentiss for the committee.

SB 554-FN allows a data match process between the Department of Health and Human Services and the Office of Professional Licensure and Certification to ensure that Medicaid providers have a current valid licensure. This is a simple technical change to ensure the smooth operation of the Medicaid provider program. The Committee Amendment is a Department request to ensure that the language is workable.

Health and Human Services
January 31, 2024
2024-0404s
09/08

Amendment to SB 554-FN

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

1 New Paragraph; Department of Health and Human Services; Commissioner of Health and Human Services. Amend RSA 126-A:5 by inserting after paragraph XXXIV the following new paragraph:

XXXV. Notwithstanding any other provisions in the law, the department of health and human services may participate in a data match process with the office of professional licensure and certification to ensure that Medicaid providers have current valid licensure by matching the provider's first and last name and the provider's social security number or other taxpayer identification number.

2 New Paragraph; Office of Professional Licensure and Certification; Duties of Executive Director. Amend RSA 310:4 by inserting after paragraph II the following new paragraph:

III. Notwithstanding any other provisions in the law, the office of professional licensure and certification may participate in a data match process with the department of health and human services to ensure that Medicaid providers have current valid licensure by matching the provider's first and last name and the provider's social security number or other taxpayer identification number.

TRANSPORTATION

SB 428-FN-A, relative to the use of automated license plate readers by law enforcement officers.
Interim Study, Vote 5-0. Senator Ricciardi for the committee.

This bill defines the appropriate use of automated license plate readers by law enforcement officers. It also makes an appropriation to the Department of Safety for digital automatic programming interface to connect data from the Division of Motor Vehicles to the State Police. Upon review of the fiscal note from the Department of Safety, it has been decided that it would be best to revisit this issue in the future. Therefore, we recommend this bill be referred to interim study.

SB 429, relative to the color of executive council official cover plates.
Ought to Pass, Vote 5-0. Senator Ricciardi for the committee.

This bill changes the official cover plates for members of the Governor's Council to be white with blue lettering. This design has been used on Executive Council license plates for years, until last year when the DMV followed RSA 261:90, which requires all legislative plates to be printed with red or green lettering. This bill will allow the Division of Motor Vehicles to go back to the standard blue and white design that they have been previously using. Therefore, we recommend this bill ought to pass.

SB 430, relative to establishing a commission to study the impacts of electric vehicles, lithium-ion batteries, and e-mobility devices on first responder response, the environment, building and fire codes, and life and safety property protection.

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

This bill establishes a council to study the impacts of electric vehicles, e-mobility devices, and associated lithium-ion batteries on first responder response, the environment, building and fire codes, life safety, and property protection. There are growing concerns surrounding battery safety in electric vehicles and e-mobility devices, especially regarding fire safety. However, there is a lack of solid research surrounding these topics, and having a formal group to study these issues and find answers would be beneficial. Originally the scope of this council was broader, but an amendment has been adopted to both focus the scope of the council and specify its membership and duties. Therefore, we recommend this bill ought to pass with amendment.

Senate Transportation

January 30, 2024

2024-0362s

11/05

Amendment to SB 430

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

AN ACT relative to establishing a council to study the impacts of electric vehicles, e-mobility devices, and the associated lithium-ion batteries on first responder response, the environment, building and fire codes, life safety, and property protection.

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

1 New Section; Council to Study the Impacts of Electric Vehicles, E-mobility Devices, and the Associated Lithium-ion Batteries on First Responder Response, the Environment, Building and Fire Codes, Life Safety, and Property Protection.

Amend RSA 154 by inserting after section 8-c the following new section:

154:8-d Council to Study the Impacts of Electric Vehicles, E-mobility Devices, and the Associated Lithium-ion Batteries on First Responder Response, the Environment, Building and Fire Codes, Life Safety, and Property Protection.

I. There is established a council to study the impacts of electric vehicles, e-mobility devices, and the associated lithium-ion batteries on first responder response, the environment, building and fire codes, life safety, and property protection.

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

- (a) The commissioner of safety, or designee;
- (b) The insurance commissioner, or designee;
- (c) The commissioner of the department of transportation, or designee;
- (d) The commissioner of the department of environmental services, or designee;
- (e) The state fire marshal, or designee, who shall serve as chair;
- (f) The director of the division of motor vehicles, or designee;
- (g) A representative of the New Hampshire Municipal Association, appointed by the association;

- (h) A fire chief, appointed by the New Hampshire Association of Fire Chiefs;
- (i) One member appointed by the New Hampshire Auto Dealer's Association;
- (j) One member appointed by the New Hampshire Towing Association;
- (k) One member appointed by the New Hampshire Association of Chiefs of Police;
- (l) A representative of the Professional Firefighters of New Hampshire, appointed by that organization.

III. The council shall study:

- (a) The occurrence of electric vehicle, e-mobility device and the associated lithium-ion batteries fire department responses in New Hampshire;
- (b) The impacts to public safety response and personal protective equipment;
- (c) The impacts to the built environment;
- (d) The impacts to the environment to include air, water and ground pollution;
- (e) The impacts to the state transportation system;
- (f) Cost and administration of first responder training;
- (g) The impacts to the state building and fire codes.

IV. The council may solicit input from any person or entity the council deems relevant to its study.

V. The first meeting of the council shall be called by the state fire marshal. The first meeting of the council shall be held within 45 days of the effective date of this section. Seven members of the council shall constitute a quorum.

VI. On or before November 1, 2024, the council shall submit an interim report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library and shall submit a final report on or before November 1, 2025.

2 Prospective Repeal. RSA 154:8-d, relative to establishing a council to study the impacts of electric vehicles, lithium-ion batteries, and e-mobility devices on first responder response, the environment, building and fire codes, and life and safety property protection, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2025.

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

2024-0362s

AMENDED ANALYSIS

This bill establishes a council to study the impacts of electric vehicles, e-mobility devices, and the associated lithium-ion batteries on first responder response, the environment, building and fire codes, life safety, and property protection.

SB 466-FN, relative to allowing the department of transportation to erect sound barriers upon request of municipalities.

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

This bill establishes two noise barrier programs and the noise barrier construction fund, and makes an appropriation for the fund. This would allow municipalities to request noise barrier construction and pay for 30% of the costs, while the remaining 70% would be funded with federal funds or with revenue from the meals and rooms tax. Because we are amending a similar bill pertaining to noise barrier construction that will address the intent of this bill, we recommend this bill be referred to interim study.

SB 469, relative to allowing surveillance of a park and ride facility in certain circumstances.

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

This bill allows surveillance of a park and ride facility in certain circumstances by extending the exemption of prohibiting surveillance at privately leased park and ride facilities. This will allow surveillance footage to be stored longer, and it will give local police departments better access to stored surveillance

when needed. An amendment has been adopted to include private legal entities who are both leasing or otherwise operating on behalf of the Department of Transportation at a park and ride facility. Therefore, we recommend this bill ought to pass with amendment.

Senate Transportation

January 16, 2024

2024-0158s

11/06

Amendment to SB 469

Amend RSA 236:130, III(i) as inserted by section 1 of the bill by replacing it with the following:

(i) Is undertaken by a private legal entity that is leasing, or otherwise operating on behalf of the department, a park and ride facility from the state pursuant to a lease or agreement for at least 5 years. The private legal entity is authorized to conduct surveillance for the safety of the premises and users of the facility as any private entity or business is legally authorized and is not limited to the surveillance parameters set forth for the department of transportation in subparagraph (g).

SB 510, relative to sale of a vehicle to a Massachusetts resident.

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

This bill eliminates the requirement that a retail motor vehicle dealer submit a form notifying the New Hampshire Division of Motor Vehicles of a vehicle sale to a Massachusetts resident. Current processes place a burden on both customers and automobile dealers because vehicles purchased by Massachusetts residents cannot be taken home until they are registered by the dealer. This process was previously established when Massachusetts did not have a temporary license plate system in place. Now that this is not the case, this bill will streamline the vehicle purchase process by allowing Massachusetts residents to take home their vehicles with temporary license plates issued by automobile dealers. This bill also addresses a fairness issue, as Massachusetts automobile dealers can now issue temporary license plates to New Hampshire residents purchasing vehicles. Therefore, we recommend this bill ought to pass.

SB 511-FN, relative to salt reduction in Merrimack.

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

This bill specifies salt application requirements and procedures in Merrimack. There are growing concerns regarding the use of salt to treat a particular portion of roadway in Merrimack and the impacts it is having on water quality. This is both affecting the health of those living in the area and posing a steep financial burden to treat water and infrastructure. The bill originally proposed to implement specific guidelines on treating roads to reduce overall salt use. However, in the interest of balancing both health and safety on the roads, an amendment has been adopted to allow the Department of Transportation upon agreement with the town of Merrimack to reduce the use of granular salt and chlorides while still properly preparing roads for inclement weather. Therefore, we recommend this bill ought to pass with amendment.

Senate Transportation

February 1, 2024

2024-0413s

11/08

Amendment to SB 511-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Salt Reduction; Town of Merrimack. Amend RSA 489-C by inserting after section 5 the following new section:

489-C:6 Salt Reduction; Town of Merrimack. Upon a written request from the Town of Merrimack signed by the Town Council, the Fire Chief, the Police Chief, and the School Board, the department of transportation in consultation with the town officials shall implement a low salt area on Continental Boulevard and Industrial Drive within the Merrimack Village District wellhead protection area, and to the maximum extent possible, pre-treat with liquid deicers and other deicing products for a winter weather event to reduce hazards while minimizing the use of granular salt and chlorides.

SB 581, relative to temporary drivers licenses and non-driver identification cards.

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

This bill provides for the issuance of a temporary proof of license or non-driver identification upon expiration of a valid driver's license or non-driver identification card. It formalizes in statute online renewal for licenses and other identification cards from the Division of Motor Vehicles. Currently, temporary documents from online renewal hold no legal bearing. They are considered to be temporary proof of license and are meant to be used with current identification. Formalizing this process will create more understanding about what these temporary cards are intended for between citizens, law enforcement, and other officials. Therefore, we recommend this bill ought to pass.

SB 582, relative to providing an alternate address to the department of motor vehicles.
Ought to Pass, Vote 5-0. Senator Ricciardi for the committee.

This bill permits residents to use an alternate mailing address with the Division of Motor Vehicles when absent from their residence for less than six months. The DMV has developed a process in which temporary out-of-state mailing addresses can be used by residents to receive DMV documents excluding first-time licenses or identification cards while they are away from home. This bill will formalize this beneficial and convenient option for residents in statute. Therefore, we recommend this bill ought to pass.

WAYS AND MEANS

SB 326-FN, relative to the adjudication of lottery infractions.
Interim Study, Vote 5-0. Senator D'Allesandro for the committee.

This bill sought to transfer the authority to adjudicate certain lottery infractions from the Lottery Commission to the Attorney General. After hearing testimony from the Lottery Commission, the committee determined that further study on such a change is warranted.

SB 364-FN, relative to establishing a historic housing preservation tax credit and making an appropriation to the Invest NH fund.
Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

This bill establishes a historic housing preservation tax credit to be administered by the New Hampshire Housing Finance Authority. The intent of the legislation is to help solve New Hampshire's housing shortage as well as to preserve historic buildings. The tax credit, which can be taken to offset business profits or enterprise taxes, will encourage developers to convert historic structures into useful housing. The committee amendment removes a \$15 million appropriation to the InvestNH Fund. It also removes the ability for the tax credit to be used against the insurance premium tax.

Senate Ways and Means
January 17, 2024
2024-0172s
05/08

Amendment to SB 364-FN

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

AN ACT relative to establishing a historic housing preservation tax credit.

Amend RSA 204-C:94, III and IV as inserted by section 1 of the bill by replacing them with the following:

III. An investment tax credit equal to 65 percent of the contribution made to the authority during the contributor's tax year shall be allowed against any of the following individually or in combination:

(a) Taxes imposed by RSA 77-A.

(b) Taxes imposed by RSA 77-E.

IV. Credits provided by this section applied against the liabilities imposed by RSA 77-E shall be deemed to be taxes paid for the purpose of RSA 77-A:5, X.

Amend RSA 204-C:94 as inserted by section 1 of the bill by deleting paragraph VII.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

2024-0172s

AMENDED ANALYSIS

This bill establishes a historic housing preservation tax credit program administered by the housing finance authority.

SB 473-FN, governing unclaimed horse racing ticket and voucher money.
Ought to Pass, Vote 5-0. Senator Lang for the committee.

This bill states that on or before July 1 of every year, horse racing gaming operators must total up unclaimed voucher money for the previous fiscal year and submit a check to the State Treasurer. The Treasurer will then deposit that money into the Governor's Scholarship Fund. The bill also requires the horse racing gaming operators to submit an itemized report to the Lottery Commission detailing the previous fiscal year's unclaimed money. 100% of the unclaimed winnings will go to the Governor's Scholarship Fund.

SB 514-FN, relative to the timber tax.
Ought to Pass with Amendment, Vote 5-0. Senator Innis for the committee.

This bill increases the amount of wood or wood chips a landscaper can use for personal use or for land conservation purposes without being subject to the timber tax. The bill increases the current personal use exemptions from 10,000 to 15,000 board feet of logs, and from 20 to 30 cords of fuel wood. It also cleans up the equivalent language by replacing it with an exemption of 300 tons of whole tree chips. The fiscal impact is negligible, and the bill will reduce time and paperwork for both landowners and local officials. The committee amendment corrects a typo in the original bill that referenced 30 tons rather than 300 tons.

Senate Ways and Means
January 17, 2024
2024-0167s
06/05

Amendment to SB 514-FN

Amend RSA 79:1, II(b)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) A person who cuts or causes to be cut, within the tax year, up to ~~[10,000]~~ **15,000** board feet of logs and ~~[20]~~ **30** cords of wood ~~[or the equivalent in]~~ **and 300 tons of** whole tree chips, from the person's own land within a municipality, for land conversion purposes other than timber growing and forest uses, provided that those persons intending to convert the use of the land have secured all required permits including, but not limited to, building permits, subdivision or zoning permits, excavation permits, or site plan approvals, as necessary for the use to which the land will be converted, and are able to furnish proof of such permits.

SB 584-FN, relative to application of the utility property tax to certain renewable electric generating facilities, and relative to communications services tax revenues.
Ought to Pass with Amendment, Vote 5-0. Senator Lang for the committee.

This bill exempts certain generating facility properties from the Utility Property Tax. It also does not subject these facility properties to the Statewide Education Property Tax while making payments in lieu of taxes if the agreement was in effect as of January 1, 2025. The committee amendment cleans up language on line 24 of page one of the bill at the request of the Department of Revenue Administration. The amendment also removes the provision that would have dedicated 50% of the Communications Services Tax revenue to the Education Trust Fund.

Senate Ways and Means
January 18, 2024
2024-0185s
06/08

Amendment to SB 584-FN

Amend RSA 83-F:5, V(c) as inserted by section 3 of the bill by replacing it with the following:

(c) As of May 1 of each year the owners of property exempted from the definition of utility property under RSA 83-F:1, V(g) shall file a form, designated by the commissioner, that collects sufficient information identifying utility and non-utility property and maintain an inventory of assets that are and are not subject to the utility property tax. The form shall be signed by an authorized representative, subject to the pains and penalties of perjury. If by May 1 the taxpayer is unable to file the form required under this subparagraph, the taxpayer shall request an extension from the department. Such extension shall be valid only upon written confirmation from the department, and shall not exceed 30 days per request. No more than 2 extensions shall be granted in a given tax year.

Amend the bill by deleting section 5 and renumbering the original section 6 to read as 5.

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

REGULAR CALENDAR

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 380, relative to moving the state primary date.

Ought to Pass, Vote 3-1. Senator Abbas for the committee.

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

SB 381-FN, prohibiting a municipality from designating a road as a private road under certain conditions.

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

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

SB 445-FN-A, establishing a voter-owned elections fund for eligible candidates to executive councilor and making an appropriation to the fund.

Inexpedient to Legislate, Vote 3-1. Senator Gray for the committee.

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

SB 446, allowing voters to vote for multiple candidates for an office.

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

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

SB 447-FN, relative to funding for school transportation services under default budgets.

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

Election Law and Municipal Affairs

January 30, 2024

2024-0358s

02/05

Amendment to SB 447-FN

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

AN ACT establishing a committee to study the inclusion of transportation expenses in default budgets.

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

1 Committee Established. There is established a committee to study the inclusion of transportation expenses in default budgets.

2 Membership and Compensation.

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

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

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

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 the inclusion of transportation expenses in default budgets to maintain the current level of services.

4 Chairperson. 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 first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section.

5 Report. The committee 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.

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

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

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

SB 535, relative to absentee ballot forms.

Ought to Pass, Vote 2-1. Senator Perkins Kwoka for the committee.

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

ENERGY AND NATURAL RESOURCES

SB 387-FN, relative to a state parks pass pilot program for recovery centers and community health centers.

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

Energy and Natural Resources

January 16, 2024

2024-0151s

05/10

Amendment to SB 387-FN

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

AN ACT relative to a state parks pass pilot program for recovery centers and community mental health centers.

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

1 New Paragraph; Fees for State Park System; Pilot Program; Recovery Centers and Community Mental Health Centers. Amend RSA 216-A:3-g by inserting after paragraph VIII the following new paragraph:

IX. The commissioner of the department of natural and cultural resources shall establish in its fee package a 3-year pilot program for recovery centers and community mental health centers registered with the department of health and human services to provide one or more passes to state parks for each participating center. The commissioner shall consult with the department of health and human resources to determine eligible participants, evaluation, and review of program usage. Each participating community mental health center shall report annually in an anonymized data report on the usage and impact of the pilot program, as well as any recommendations for changes. The program shall be funded through state and federal grants, based on available funds, and donations.

2 Prospective Repeal; 2027. RSA 216-A:3-g, IX, relative to the pilot program for recovery centers and community mental health centers, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect July 1, 2027.

II. The remainder of this act shall take effect July 1, 2024.

2024-0151s

AMENDED ANALYSIS

This bill requires the establishment of a 3-year pilot program for state parks passes for recovery centers and community mental health centers registered with the department of health and human services.

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

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

FINANCE

SB 97-FN, relative to the use of animals in product testing.

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

Senate Finance

January 31, 2024

2024-0371s

08/02

Amendment to SB 97-FN

Amend RSA 359-V:3 as inserted by section 1 of the bill by replacing it with the following:

359-V:3 Record Keeping Requirements. Beginning on January 20, 2026, every manufacturer or contract testing facility in the state shall make a report annually available electronically on the manufacturer's website,

or on a website affiliated with the manufacturer, on any animal testing conducted for purposes other than biomedical research under the provision of RSA 359-V:2, including the number and species of animal used, the type and number of alternative test methods used, the number of waivers used, and the purpose of the testing for all methods.

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 217-FN-A, establishing a rural and underserved area educator incentive program for higher education and making an appropriation therefor.

Ought to Pass with Amendment, Vote 6-1. Senator Birdsell for the committee.

Senate Finance
January 31, 2024
2024-0382s
09/05

Amendment to SB 217-FN-A

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

2 Rural and Underserved Area Educator Incentive Program; Appropriation. There is hereby appropriated the sum of \$1 for the fiscal year ending June 30, 2025, to the department of education, division of educator support and higher education, for the purpose of funding the rural and underserved area educator incentive program established in RSA 21-N:8-c. All funds appropriated for the program shall be nonlapsing. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

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

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

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

SB 347-FN, relative to infrastructure appropriations for reimbursement to the city of Laconia.
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 369-FN-A, directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment, creating a new position, and making an appropriation therefor.
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 454-FN, increasing the annual real estate transfer tax revenue contribution to the affordable housing fund.
Ought to Pass with Amendment, Vote 7-0. Senator Innis for the committee.

Senate Finance
January 30, 2024
2024-0365s
12/06

Amendment to SB 454-FN

Amend the bill by replacing section 2 with the following:

2 Effective Date. This act shall take effect July 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 Third Reading.

SB 493-FN, relative to establishing municipal emergency disaster relief loan fund to aid municipalities in a natural disaster.

Interim Study, Vote 7-0. Senator Gray for the committee.

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

INTRODUCTION OF GUESTS

Senator Soucy introduced the Manchester Leadership group visiting in the gallery.

HEALTH AND HUMAN SERVICES

SB 319-FN, relative to vaccine and pharmaceutical products purchased, promoted, or distributed by the state and its political subdivisions.

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

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

SB 352-FN-A, establishing an early detection cancer screening pilot program for active and retired firefighters. Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

Health and Human Services

January 17, 2024

2024-0173s

10/06

Amendment to SB 352-FN-A

Amend section 1 of the bill by replacing paragraph III with the following:

III. Funds shall be disbursed upon submission of forms as presented in the plan outlined in paragraph IV and adopted by the department of safety, division of fire standards and training, in coordination with, and with the approval of, the governor.

Amend section 1 of the bill by replacing paragraph V with the following:

V.(a) Firefighter participation in cancer screenings shall be optional and a firefighter shall be eligible to receive any combination of offered screenings, not to exceed a cost of \$1,300 per individual.

(b) Expenditure of funds shall be made available for not more than 24 months from the date of a plan approval by the governor and/or council and funds have been made available to administer early-detection cancer screening services unless the governor grants a request for an extension.

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

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

Recess. Out of recess.

INTRODUCTION OF GUESTS

Senator Whitley introduced students from Maple Street School in Contoocook visiting in the gallery.

JUDICIARY

HB 135-FN, prohibiting no-knock warrants.

Pending Motion: Ought to Pass with Amendment, SJ 1.

Senator Chandley.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

February 8, 2024

2024-0575s

05/10

Floor Amendment to HB 135-FN

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

AN ACT relative to requisites for a criminal search warrant.

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

1 Search Warrants; Requisites of Warrant. Amend RSA 595-A:2 to read as follows:

595-A:2 Requisites of Warrant.

I. Search warrants shall designate or describe the person, building, vessel, or vehicle to be searched and shall particularly describe the property or articles to be searched for. They shall be substantially in the

form prescribed in RSA 595-A:3 and shall be directed to a sheriff or his deputy or to a constable or police officer, commanding him to search in the daytime, or if the warrant so directs, in the night time, the person, building, vessel, or vehicle where the property or articles for which he is required to search are believed to be concealed, and to bring such property or articles when found, and the persons in whose possession they are found, before any circuit or superior court named therein.

II. In this section, a “no-knock search warrant” means a warrant authorizing a law enforcement officer to enter a premises to execute a warrant without first knocking or announcing his or her presence.

III.(a) Any law enforcement officer involved in executing a search warrant shall be recognizable and identifiable as a law enforcement officer and provide audible notice of the officer’s authority and purpose reasonably expected to be heard by occupants of such place to be searched prior to the execution of such search warrant. The executing officer shall, before entering the premises, give appropriate notice of the identity, authority, and purpose of the officer to the person to be searched, or to the person in apparent control of the premises to be searched. No evidence obtained from a search warrant in violation of this subparagraph shall be admitted into evidence for the state in any prosecution. This subparagraph shall apply to all circumstances with the exception of a no-knock warrant.

(b) Notwithstanding subparagraph (a), a no-knock warrant may be granted under any of the following circumstances:

(1) If an officer has reasonable grounds to believe at the time the warrant is sought that knocking and announcing the officer’s presence would create an imminent threat of physical injury to the officer and/or another person. Prior to seeking judicial authorization for a no-knock entry, an officer must first obtain written approval from the chief law enforcement officer or his or her designee in the municipality or, in the case of any state law enforcement agency, the chief law enforcement officer of the specific agency or designee. The chief law enforcement officer in the municipality or state agency shall make a timely report of the use of any no-knock warrants by his or her agency and department to the county attorney and attorney general. Such reports will become a public record once the warrant is returned to the court unless otherwise ordered by the court. Timely notification shall mean within 48 hours. Once judicial authorization is obtained, officers may proceed without knocking and announcing their presence unless they learn of facts that negate the circumstances that justified this exception to the knock and announce rule.

(2) If an officer did not anticipate the need for a no-knock entry at the time the warrant was sought, the officer may conduct a no-knock entry only if exigent circumstances arise at the scene such that knocking and announcing the officer’s presence would create an imminent threat of physical injury to the officer and/or another person. If the officer relies on this exigent circumstances exception in executing the warrant, the officer shall immediately notify his or her chief law enforcement officer who shall provide written notice to the county attorney, attorney general, or their designee.

(3) If an exceptional circumstance arises, such as, but not limited to, a human trafficking or missing person case where computer evidence leading to the location of victims could be destroyed, where no imminent threat of physical injury is present, but an officer in good faith believes the evidence is so significant, and the risk of its destruction so pronounced, that a no-knock entry is warranted, judicial authorization for a no-knock warrant may be sought if approval is first obtained from the chief law enforcement officer or his or her designee and the county attorney, attorney general, or their designee.

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

2024-0575s

AMENDED ANALYSIS

This bill limits the circumstances under which a law enforcement officer may obtain or execute no-knock search warrant.

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.

TRANSPORTATION

SB 580-FN, relative to establishing a noise barrier on Teaberry Lane, Bedford, NH.
Ought to Pass, Vote 5-0. Senator Ricciardi for the committee.

Senator Ricciardi offered a Floor Amendment.

Sen. Ricciardi, Dist 9

February 7, 2024

2024-0546s

11/05

Floor Amendment to SB 580-FN

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

AN ACT authorizing the sale of toll credits to fund a newly established noise barrier construction fund for the design and construction of noise barrier projects.

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

1 New Section; Noise Barrier Construction Fund. Amend RSA 228 by inserting after section 228:12-a the following new section:

228:12-b Noise Barrier Construction Fund.

I. Provided there are sufficient turnpike toll credits for the state match for the federal apportionment totals for 5 years based on the current federal fiscal year and the preceding 4 federal fiscal years, the commissioner is authorized in his or her discretion to sell up to \$10,000,000 per year in turnpike toll credits in compliance with federal rules and regulations and turnpike covenants, said sale being subject to the approval of the fiscal committee of the general court and the joint legislative capital project overview committee.

II. The revenue from the sale of the turnpike toll credits shall be deposited into a restricted fund to be established and known as the noise barrier construction fund, said revenue to be nonlapsing and continually appropriated to the department of transportation. Expenditures from the noise barrier construction fund made by the commissioner being subject to the approval of the fiscal committee of the general court and the joint legislative capital project overview committee.

III. The commissioner is authorized to use said revenue for the design and construction of noise barrier projects that meet the Type II noise barrier criteria set forth in the department's Policy and Procedural Guidelines for the Assessment and Abatement of Highway Traffic Noise for Type I & Type II Projects, as updated and amended. The commissioner may consider additional authorized adjustment factors for the determination of eligibility after consultation with an affected community concerning impacts to the community.

2 New Subparagraph; Dedicated Account; Noise Barrier Construction Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (394) the following new subparagraph:

(395) Moneys in the noise barrier construction fund, established in RSA 228:12-b.

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

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).

WAYS AND MEANS

SB 305-FN, relative to allowing wholesalers of cigarettes to retain tax revenue collected for each package of cigarettes with tax stamps sold.

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

Senator Innis moved to Lay on the Table. Adopted.

SB 363-FN, relative to wagering on simulcast dog racing.

Ought to Pass with Amendment, Vote 4-1. Senator D'Allesandro for the committee.

Senate Ways and Means
January 17, 2024
2024-0179s
02/06

Amendment to SB 363-FN

Amend the bill by replacing section 8 with the following:

8 Effective Date. This act shall take effect January 1, 2027.

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 433, relative to establishing a commission to study the enforcement and collection of taxes on electronic cigarettes.

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

Senate Ways and Means
January 24, 2024
2024-0258s
11/05

Amendment to SB 433

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

AN ACT establishing a commission to study the marketing of e-cigarettes and e-liquid in this state, including the legality of available products, appropriate wholesale and retail compliance and tax collection system of the same.

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

1 New Section; Liquor Licenses and Fees; Commission to Study the Marketing of E-cigarettes and E-liquid.
Amend RSA 178 by inserting after section 31 the following new section:

178:32 Commission to Study the Marketing of E-cigarettes and E-liquid.

I. There is established a commission to study the marketing of e-cigarettes and e-liquid in this state, including the legality of available products, appropriate wholesale and retail compliance and tax collection system of the same.

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

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) One representative of the department of revenue administration, appointed by the commissioner.
- (d) One representative of the liquor commission, appointed by the chairman.
- (e) Two members, appointed by the governor, engaged in the business wholesale and/or retail of tobacco products.

III. Members of the commission shall serve without compensation, except that legislative members shall receive mileage at the legislative rate when attending to the duties of the commission.

IV. The commission shall study the marketing of e-cigarettes and e-liquid in this state, including the legality of available products, appropriate wholesale and retail compliance and tax collection systems for such products. The commission shall focus on the sales, marketing, enforcement and tax collection mechanisms of e-cigarettes and e-liquid pursuant to retail tobacco licensing set forth in RSA 178:19-a.

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

VI. 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.

2 Repeal. RSA 178:32, relative to the commission to study the marketing of e-cigarettes and e-liquid, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2024.

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

2024-0258s

AMENDED ANALYSIS

This bill establishes a commission to study the marketing of e-cigarettes and e-liquid in this state, including the legality of available products, appropriate wholesale and retail compliance and tax collection system of the same.

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

Senator D'Allesandro offered a Floor Amendment.

Sen. D'Allesandro, Dist 20

Sen. Rosenwald, Dist 13

February 7, 2024

2024-0570s

11/08

Floor Amendment to SB 433

Amend RSA 178:32, II as inserted by section 1 of the bill by replacing it with the following:

II. Notwithstanding RSA 14:49. the members of the commission shall be as follows:

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

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

(c) One representative of the department of revenue administration, appointed by the commissioner.

(d) One representative of the liquor commission, appointed by the chairman.

(e) Two members, appointed by the governor, engaged in the business wholesale and/or retail of tobacco products.

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

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

SB 435, relative to the New Hampshire unitrust statute.

Ought to Pass with Amendment, Vote 4-0. Senator D'Allesandro for the committee.

Senate Ways and Means

January 24, 2024

2024-0261s

08/05

Amendment to SB 435

Amend RSA 547:3, I(c) as inserted by section 17 of the bill by replacing it with the following:

(c) The interpretation and construction of wills and the creation by judgment or decree, interpretation, construction, modification, and termination of those trusts described in ~~[RSA 564-A:1, I]~~ **RSA 564-B:1-103(34)**.

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.

Recess. Out of recess.

COMMERCE

HB 261, authorizing residential tenants to terminate their lease in instances of domestic violence or following a disabling illness or accident.

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

Commerce

December 12, 2023

2024-0009s

05/10

Amendment to HB 261

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

AN ACT relative to rights of tenants in cases of domestic violence.

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

1 Termination of Tenancy; Victims of Domestic Violence, Sexual Assault, or Stalking. Amend RSA 540:2, VII to read as follows:

VII.(a) No lessor or owner of restricted property shall terminate a tenancy solely based on a tenant or a household member of a tenant having been a victim of domestic violence as defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a, provided that:

~~(1) The tenant or household member of a tenant who is the victim [provides the lessor or owner with written verification that the tenant or household member of a tenant who is the victim] has obtained a valid protective order against the perpetrator of the domestic violence, sexual assault, or stalking; or~~

(2) The tenant or household member of a tenant who is the victim:

(A) Initiates legal action to obtain a protective order and provides written verification thereof to the lessor or owner; or

(B) Reports the domestic violence, sexual assault, or stalking to a law enforcement agency and provides written verification thereof to the lessor or owner; or

(C) Provides written verification from a third party including, but not limited to, a law enforcement official, victim's advocate, attorney, or health care provider that he or she is a victim of domestic violence, sexual assault, or stalking; or

(D) Provides a signed Self-Certification Form in accordance with the Violence Against Women Act, 24 CFR 5.2007(b)(1).

(b) A tenant who has obtained a protective order from a court of competent jurisdiction granting him or her possession of a dwelling to the exclusion of one or more other tenants or household members may request that a lock be replaced or configured for a new key at the tenant's expense. The lessor or owner shall, if provided a copy of the protective order, comply with the request and shall not give copies of the new keys to the tenant or household member restrained or excluded by the protective order.

(c) A lessor or owner who replaces a lock or configures a lock for a new key in accordance with subparagraph (b) shall not be liable for any damages that result directly from the lock replacement or reconfiguration.

(d) If, after a hearing in the possessory action, the court finds that there are grounds under this section to evict the tenant or household member accused of the domestic violence, sexual assault, or stalking, it may issue a judgment in favor of the lessor or owner of the property against the person accused, and allow the tenancy of the remainder of the residents to continue undisturbed. The lessor or owner of the rental unit at issue in the possessory action shall have the right to bar the person accused of the domestic violence, sexual assault, or stalking from the unit and from the lessor's or owner's property once judgment in the possessory action becomes final against such person. Thereafter, and notwithstanding RSA 635:2, the person's entry upon the lessor's or owner's property after being notified in writing that he or she has been barred from the property shall constitute a trespass.

(e) The written verification provided to the lessor or owner, including the fact that an individual is a victim of domestic violence, sexual assault, or stalking, shall be maintained in strict confidence. The lessor or owner shall not disclose this information to any other entity or individual, except to the extent that disclosure is:

(1) Requested or consented to in writing by the tenant or household member of the tenant who is the victim of domestic violence, sexual assault, or stalking.

(2) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or

(3) Otherwise required by applicable law.

[(e)] ***(f)*** Nothing in this section shall preclude eviction for nonpayment of rent. A landlord may evict on any grounds set forth in RSA 540:2, II which are unrelated to domestic violence, sexual assault, or stalking.

[(f)] ***(g)*** The defense set forth in subparagraph VII(a) shall be an affirmative defense to possessory actions brought pursuant to subparagraph II(b), (c), (d), or (e) of this section.

2 New Section; Termination of Lease by Tenant Due to Domestic Violence, Sexual Assault, or Stalking. Amend RSA 540 by inserting after section 11-a the following new section:

540:11-b Termination of Lease by Tenant Due to Domestic Violence.

I. A tenant may terminate his or her lease or rental agreement when the tenant or household member of the tenant has been a victim of domestic violence as defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a, provided that:

(a) The tenant or household member of a tenant who is the victim has obtained a valid protective order against the perpetrator of the domestic violence, sexual assault or stalking; or

(b) The tenant or household member of a tenant who is the victim:

(1) Initiates legal action to obtain a protective order and provides written verification thereof to the lessor or owner; or

(2) Reports the domestic violence, sexual assault, or stalking to a law enforcement agency and provides written verification thereof to the lessor or owner; or

(3) Provides written verification from a third party including, but not limited to, a law enforcement official, victim's advocate, attorney or health care provider that he or she is a victim of domestic violence, sexual assault, or stalking; or

(4) Provides a signed Self-Certification Form in accordance with the Violence Against Women Act, 24 CFR 5.2007(b)(1).

II. The written verification provided to the lessor or owner, including the fact that an individual is a victim of domestic violence, sexual assault, or stalking, shall be maintained in strict confidence. The lessor or owner shall not disclose this information to any other entity or individual, except to the extent that disclosure is:

(a) Requested or consented to in writing by the tenant or household member of the tenant who is the victim of domestic violence, sexual assault, or stalking.

(b) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or

(c) Otherwise required by applicable law.

III. The tenant who has given notice pursuant to paragraph I shall vacate the premises within 30 days of giving notice to the landlord or at any other time as may be agreed upon by the landlord and the tenant.

IV. A tenant who terminates a lease or rental agreement pursuant to this section is only liable, if solely or jointly liable for purposes of the lease or rental agreement, for rent owed through the date of termination.

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

2024-0009s

AMENDED ANALYSIS

This bill clarifies lease protections for tenants who are victims of domestic violence, sexual assault, or stalking and establishes a procedure for residential tenants to terminate their lease in such cases.

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

Senator Chandley offered a Floor Amendment.

Sen. Chandley, Dist 11
 January 22, 2024
 2024-0574s
 05/02

Floor Amendment to HB 261

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

AN ACT relative to rights of tenants in cases of domestic violence.

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

1 Termination of Tenancy; Victims of Domestic Violence, Sexual Assault, or Stalking. Amend RSA 540:2, VII to read as follows:

VII.(a) No lessor or owner of restricted property shall terminate a tenancy solely based on a tenant or a household member of a tenant having been a victim of domestic violence as defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a, provided that:

(1) The tenant or household member of a tenant who is the victim provides the lessor or owner with written verification that the tenant or household member of a tenant ~~[who is the victim]~~ has obtained a valid protective order against the perpetrator of the domestic violence, sexual assault, or stalking; **or**

(2) The tenant or household member of a tenant who is the victim:

(A) Initiates legal action to obtain a protective order and provides written verification thereof to the lessor or owner; or

(B) Reports the domestic violence, sexual assault, or stalking to a law enforcement agency and provides written verification thereof to the lessor or owner; or

(C) Provides written verification from a law enforcement official, victim's advocate, attorney, or health care provider that he or she is a victim of domestic violence, sexual assault, or stalking; or

(D) Provides a signed self-certification form provided by the circuit court. The circuit court shall develop and provide forms for self-certification modeled after those developed by the New Hampshire housing finance authority in accordance with the Violence Against Women Act, 24 CFR section 5.2007(b)(1)(i). The self-certification form developed by the circuit court shall include the same information as is required by 24 CFR section 5.2005(a)(1)(ii); and

(i) Language swearing that the facts provided by the tenant in the self-certification form are true and accurate to the best of their knowledge and recollection; and

(ii) Language informing the tenant that false statements may be subject to criminal penalties, including potentially perjury.

(b) A tenant who has obtained a protective order from a court of competent jurisdiction granting him or her possession of a dwelling to the exclusion of one or more other tenants or household members may request that a lock be replaced or configured for a new key at the tenant's expense. The lessor or owner shall, if provided a copy of the protective order, comply with the request and shall not give copies of the new keys to the tenant or household member restrained or excluded by the protective order.

(c) A lessor or owner who replaces a lock or configures a lock for a new key in accordance with subparagraph (b) shall not be liable for any damages that result directly from the lock replacement or reconfiguration.

(d) If, after a hearing in the possessory action, the court finds that there are grounds under this section to evict the tenant or household member accused of the domestic violence, sexual assault, or stalking, it may issue a judgment in favor of the lessor or owner of the property against the person accused, and allow the tenancy of the remainder of the residents to continue undisturbed. The lessor or owner of the rental unit at issue in the possessory action shall have the right to bar the person accused of the domestic violence, sexual assault, or stalking from the unit and from the lessor's or owner's property once judgment in the possessory action becomes final against such person. Thereafter, and notwithstanding RSA 635:2, the person's entry upon the lessor's or owner's property after being notified in writing that he or she has been barred from the property shall constitute a trespass.

(e) The written verification provided to the lessor or owner, including the fact that an individual is a victim of domestic violence, sexual assault, or stalking, shall be maintained in strict confidence. The lessor or owner shall not disclose this information to any other entity or individual, except to the extent that disclosure is:

(1) Requested or consented to in writing by the tenant or household member of the tenant who is the victim of domestic violence, sexual assault, or stalking.

(2) Relevant and reasonably necessary for use in an eviction proceeding or hearing regarding termination of housing assistance; or

(3) Otherwise required by applicable law.

[(e)] **(f)** Nothing in this section shall preclude eviction for nonpayment of rent. A landlord may evict on any grounds set forth in RSA 540:2, II which are unrelated to domestic violence, sexual assault, or stalking.

[(f)] **(g)** The defense set forth in subparagraph VII(a) shall be an affirmative defense to possessory actions brought pursuant to subparagraph II(b), (c), (d), or (e) of this section.

2 New Section; Termination of Lease by Tenant Due to Domestic Violence, Sexual Assault, or Stalking. Amend RSA 540 by inserting after section 11-a the following new section:

540:11-b Termination of Lease by Tenant Due to Domestic Violence.

I. A tenant may terminate his or her lease or rental agreement when:

(a) The tenant or household member within the most recent 150 days residing at the current premises, has been a victim of domestic violence as defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a; or

(b) Within the most recent 150 days, an event occurs relative to the victim of past domestic violence as defined in RSA 173-B, sexual assault as defined in RSA 632-A, or stalking as defined in RSA 633:3-a, that, in conjunction with the past abuse, causes a victim lessee or victim household member to fear for their safety.

(c) Provided that:

(1) The tenant or household member of a tenant who is the victim provides the lessor

or owner with written verification that the tenant or household member of a tenant has obtained a valid protective order against the perpetrator of the domestic violence, sexual assault stalking; or

(2) The tenant or household member of a tenant who is the victim:

(A) Initiates legal action to obtain a protective order and provides written verification thereof to the lessor or owner;

(B) Reports the domestic violence, sexual assault, or stalking to a law enforcement agency and provides written verification thereof to the lessor or owner;

(C) Provides written verification from a law enforcement official, victim's advocate, attorney or health care provider that he or she is a victim of domestic violence, sexual assault, or stalking;

(D) Provides a signed self-certification form provided by the circuit court. The circuit court shall develop and provide forms for self-certification modeled after those developed by the New Hampshire housing finance authority in accordance with the Violence Against Women Act, 24 CFR section 5.2007(b)(1)(i). The self-certification form developed by the circuit court shall include the same information as is required by 24 CFR section 5.2005(a)(1)(ii); and

(i) Language swearing that the facts provided by the tenant in the self-certification form are true and accurate to the best of their knowledge and recollection; and

(ii) Language informing the tenant that false statements may be subject to criminal penalties, including potentially perjury.

II. The written verification provided to the lessor or owner, including the fact that an individual is a victim of domestic violence, sexual assault, or stalking, shall be maintained in strict confidence. The lessor or owner shall not disclose this information to any other entity or individual, except to the extent that disclosure is:

(a) Requested or consented to in writing by the tenant or household member of the tenant who is the victim of domestic violence, sexual assault, or stalking.

(b) Relevant and reasonably necessary for use in an eviction proceeding or hearing regarding termination of housing assistance; or

(c) Otherwise required by applicable law.

III. The tenant who has given notice pursuant to paragraph I shall vacate the premises within 30 days of giving notice to the landlord or at any other time as may be agreed upon by the landlord and the tenant.

IV. For the purposes of determining rent owed, a tenant who terminates a lease or rental agreement pursuant to this section is only liable, if solely or jointly liable for purposes of the lease or rental agreement, for rent owed through the date of termination or the date the tenant actually vacates the premises, whichever is later. The security deposit, if any, shall remain applied to the rental of the premises until all tenants have vacated, at which time the security deposit shall be returned pursuant to RSA 540-A:7.

3 New Subparagraph; Termination of Tenancy. Amend RSA 540:2, II by inserting after subparagraph (g) the following new subparagraph:

(h) If a remaining cotenant or occupant is the accused perpetrator of domestic violence, sexual assault, or stalking, resulting in the termination of a lease pursuant to RSA 540:11-b.

4 Eviction Notice. Amend RSA 540:3, II to read as follows:

II. For all residential tenancies, 30 days' notice shall be sufficient in all cases; provided, however, that 7 days' notice shall be sufficient if the reason for the termination is as set forth in RSA 540:2, II(a), (b), ~~(c)~~ (d), **or (h)**.

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

2024-0574s

AMENDED ANALYSIS

This bill clarifies lease protections for tenants who are victims of domestic violence, sexual assault, or stalking and establishes a procedure for residential tenants to terminate their lease in such cases.

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

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

FINANCE

SB 345-FN, relative to state park fees for state residents.

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

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

Senator Murphy moved Ought to Pass.

Senator Murphy offered a Floor Amendment.

Sen. Murphy, Dist 16

February 8, 2024

2024-0576s

06/05

Floor Amendment to SB 345-FN

Amend the bill by replacing section 2 with the following:

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

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.

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT BRADLEY: 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

SB 372-FN, relative to plumbing apprenticeships.

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

Senator Murphy moved to Lay on the Table. Adopted.

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 Fenton: SB 510

LIST OF IN FAVOR/OPPOSITION FORMS FOR THE DAY

Senator Abbas: HB 135-FN: In opposition to the Committee Amendment, Floor Amendment, and the motion of Ought to Pass as Amended.

Senator Avar: SB 305-FN: In opposition to the motion of Laid on the Table.

Senator Carson: SB 380: In opposition to the motion of Ought to Pass.

Senator Lang: HB 135: In opposition to the motion of Ought to Pass as Amended.

Third Reading and Final Passage

HB 135-FN, relative to requisites for a criminal search warrant.

HB 261, relative to rights of tenants in cases of domestic violence.

SB 97-FN, relative to the use of animals in product testing.

SB 217-FN-A, establishing a rural and underserved area educator incentive program for higher education and making an appropriation therefor.

SB 306-FN, relative to manufactured housing rulemaking authority.

SB 318-FN, relative to adoption of the social work licensure compact.

SB 340, relative to communication between parents and school districts regarding special education.

SB 345-FN, relative to state park fees for state residents.

SB 347-FN, relative to infrastructure appropriations for reimbursement to the city of Laconia.

SB 353-FN, relative to insurance coverage for autism spectrum disorder and Down syndrome.

SB 367, reestablishing the commission to study the incidence of post-traumatic stress disorder in first responders.

SB 369-FN-A, directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment, creating a new position, and making an appropriation therefor.

SB 380, relative to moving the state primary date.

SB 399-FN, relative to insurance coverage for blood testing associated with elevated lead levels.

SB 429, relative to the color of executive council official cover plates.

SB 430, relative to establishing a council to study the impacts of electric vehicles, e-mobility devices, and the associated lithium-ion batteries on first responder response, the environment, building and fire codes, life safety, and property protection.

SB 433, establishing a commission to study the marketing of e-cigarettes and e-liquid in this state, including the legality of available products, appropriate wholesale and retail compliance and tax collection system of the same.

SB 435, relative to the New Hampshire unitrust statute.

SB 439-FN, to prohibiting discriminatory boycotts of Israel in state procurement and investments.

SB 440, relative to the board of optometry and the regulation of optometry.

SB 447-FN, establishing a committee to study the inclusion of transportation expenses in default budgets.

SB 454-FN, increasing the annual real estate transfer tax revenue contribution to the affordable housing fund.

SB 469, relative to allowing surveillance of a park and ride facility in certain circumstances.

SB 482-FN, relative to National Guard and Staff Judge Advocate access to criminal history records.

SB 486-FN, adopting the physician assistant licensure compact.

SB 488, relative to the regulation of physician assistants.

SB 497-FN, relative to establishing the disproportionate share hospital fund.

SB 498-FN, relative to the department of health and human services, division for children, youth and families.

SB 510, relative to sale of a vehicle to a Massachusetts resident.

SB 514-FN, relative to the timber tax.

SB 535, relative to absentee ballot forms.

SB 554-FN, relative to Medicaid provider enrollment licensure verification.

SB 581, relative to temporary drivers licenses and non-driver identification cards.

SB 582, relative to providing an alternate address to the department of motor vehicles.

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.