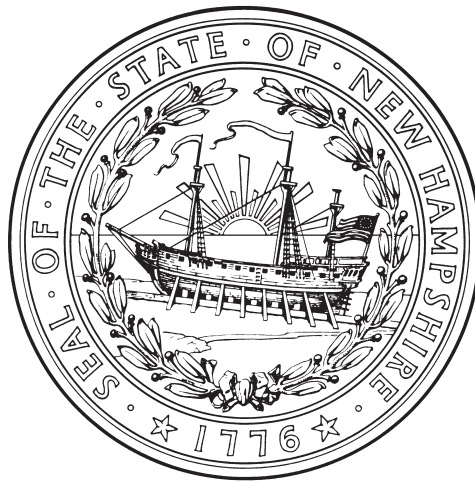


February 21, 2024
Nos. 4-5

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 – FEBRUARY 15, 2024 SESSION
COMMENCEMENT – FEBRUARY 21, 2024 SESSION**

SENATE JOURNAL 4 *(continued)* February 15, 2024

HOUSE MESSAGE

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

HB 1043, (New Title) relative to the capital appropriations for the legislative parking garage design and police standards and training council facility improvements.

HB 1055, relative to the property tax exemption for charitable organizations.

HB 1069, (New Title) relative to material subject to disclosure under the right-to-know law.

HB 1078, (New Title) directing the division of emergency services and communications to examine gaps in radio and broadband communications coverage with a focus on the needs of first responders.

HB 1524, relative to authorizing parents of special education children to observe in the classroom setting.

HB 1533-FN, relative to the safe harbor compensation amount under the business profits tax.

HB 1696, (New Title) relative to local records retention.

HCR 11, condemning medically unnecessary restrictions on medication abortion.

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

HB 70, relative to residency requirements for deputy town clerks. (Election Law and Municipal Affairs)

HB 115, relative to changing the date of the state primary election. (Election Law and Municipal Affairs)

HB 155, relative to the higher education commission. (Education)

HB 173, relative to toilet facilities provided by restaurants. (Commerce)

HB 182-FN, prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment. (Commerce)

HB 202, relative to property tax abatements. (Election Law and Municipal Affairs)

HB 243, requiring the tabulation of votes in elections to be done in public. (Election Law and Municipal Affairs)

HB 274, relative to the administrative rulemaking process. (Executive Departments and Administration)

HB 279-FN, increasing the penalty for on-premises licensees overserving alcohol. (Commerce)

HB 283, relative to rental application fees charged to prospective tenants. (Commerce)

HB 354, relative to chartered public school eligibility for state school building aid. (Education)

HB 370-FN, relative to after market window tinting on motor vehicles for drivers with medical conditions. (Transportation)

HB 447-FN, relative to the purchase of election equipment. (Election Law and Municipal Affairs)

HB 458, reestablishing the commission to study the assessing of power generation. (Energy and Natural Resources)

HB 463-FN, relative to the establishment of an election information portal. (Election Law and Municipal Affairs)

HB 476, enabling the secretary of state to conduct a second recount after an election. (Election Law and Municipal Affairs)

HB 518, relative to the administration of occupations by the office of professional licensure and certification. (Executive Departments and Administration)

HB 637-FN, relative to the calculation of average daily membership in attendance and average daily membership in residence for certain home educated pupils. (Education)

HB 644-FN, relative to regulating barbers, cosmetologists, and estheticians. (Executive Departments and Administration)

HB 645-FN, relative to the establishment of decentralized autonomous organizations as legal entities within the state. (Commerce)

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

HB 1009, relative to the submission of annual town reports to the commissioner of the department of education. (Education)
HB 1019, relative to the interstate compact on educational opportunity for military children. (Education)
HB 1045, relative to requiring a powerboat operator to wear an engine cut-off switch (ECOS) while operating certain powerboats traveling over headway speed. (Transportation)
HB 1048, relative to the commission on Holocaust and genocide education. (Education)
HB 1057, relative to provisional licenses for new applicants for state emergency medical services licensure. (Executive Departments and Administration)
HB 1062, relative to the use of special cover plates. (Transportation)
HB 1066, relative to the graduation requirement of filing a Free Application for Federal Student Aid (FAFSA). (Education)
HB 1083, relative to vehicles held in joint tenancy with rights of survivorship. (Transportation)
HB 1107, relative to public school curriculum frameworks. (Education)
HB 1122-FN, relative to lights on motor vehicles. (Transportation)
HB 1138-FN, equalizing the fines for operating an OHRV with a driver's license suspended and operating a snowmobile with a driver's license suspended. (Transportation)
HB 1160, relative to school assessments of statewide academic areas. (Education)
HB 1161, relative to use of the public school infrastructure fund for energy efficient school buses. (Education)
HB 1163, relative to review of public school minimum standards by the legislative oversight commission. (Education)
HB 1164, relative to criminal records checks of teacher credentialing applicants. (Education)
HB 1165, relative to procedures for school facilities under the department of education. (Education)
HB 1167, relative to the math learning communities program. (Education)
HB 1233, relative to animal chiropractors. (Executive Departments and Administration)
HB 1309, relative to the secretary of state's procedures for enrolled bills. (Executive Departments and Administration)
HB 1480, relative to alternative dispute resolution within individualized education programs. (Education)
HB 1627, relative to recodifying certain laws concerning railroads, transportation, and telecommunications. (Executive Departments and Administration)

REPORT OF COMMITTEE ON ENROLLED BILLS

The committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bills:

SB 255-FN, relative to the expectation of privacy.

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

Out of Recess. Call the Senate to Order.

MOTION TO ADJOURN FROM LATE SESSION

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

Adopted. Adjournment from the Late Session.

SENATE JOURNAL 5

February 21, 2024

The Senate reconvened at 1:00 p.m., a quorum being present.

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

Let us bow our heads.

Gracious and Almighty Creator. As we gather in this afternoon, we humbly bow our heads in your presence. We come before you with hearts filled with gratitude for the privilege of serving as stewards of the great state of New Hampshire. Grant, O Lord, wisdom to these legislators that their deliberations be guided by

humility, compassion, and courage. Bless the staff members and aides with understanding as they navigate the challenges and opportunities that lie ahead. Protect the family and friends of these Senators who have sacrificed so much so their family members can serve our state.

We ask that you look over Paula Perkins and provide solace to her family especially Senator Perkins Kwoka. As we embark on this legislative journey, may your grace be our compass and may our efforts be directed toward building a stronger state.

In your name we pray. Amen.

MOMENT OF SILENCE

PRESIDENT BRADLEY: Could we have a moment of silence please for Senator Perkins Kwoka's mom? Thank you.

Senator Abbas led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I have the honor of introducing some folks that are here from CSG. First, we have Mister David Biette. He is the Executive Director of the Eastern Region. We also have a former colleague of ours, a former Representative Tara Sad who Co-Chairs the Agriculture Committee. Unfortunately, another former colleague, Representative Bob Haefner had to leave. But please join me in welcoming them and before you do that, the Eastern Region meeting is taking place in Baltimore this summer so if anybody is interested in going come see me. Alright. Thank you, welcome.

(The Chair recognized Senator D'Allesandro.)

SENATOR D'ALLESANDRO: I was going to repeat it. I'll give you the second version. It'll be almost the same as the first. I want to introduce my colleagues of the Council of State Governments who are here, who are doing a super job for us and to recommend that everyone attend the conference in Baltimore. I think it'll be a winner. Thank you, Mister President.

(The Chair recognized Senator Avard.)

SENATOR AVARD: We have a former Chief of Staff up here, Kristy Merrill.

SPECIAL ORDER

Without objection, the following bill is Special Ordered to Thursday, March 7, 2024. Adopted.

FINANCE

SB 219-FN-LOCAL, requiring mandatory reporting by school districts of school expenses.

REVISED FN Report for 02/21/2024

W/F	Bill	Title	R/C	Committee	Full Name
Finance	SB 307	relative to electric transmission service agreements.	Consent	ENR	Energy and Natural Resources
Waive	SB 371	relative to the licensing of resident physicians.	Consent	EDA	Executive Departments and Administration
Waive	SB 438	relative to the use of lumber harvested in the United States for state building projects.	Consent	EDA	Executive Departments and Administration
Finance	SB 480	relative to the administration of professional licensure and certification and the regulation of real estate practice.	Consent	EDA	Executive Departments and Administration
Finance	SB 483	relative to establishing an office of regulatory efficiency and oversight.	Consent	EDA	Executive Departments and Administration
Finance	SB 484	relative to completion of the birth worksheet for hospital or institutional birth.	Consent	EDA	Executive Departments and Administration

Waive	SB 520	relative to the fiduciary duty and proxy voting activities of public retirement systems.	Consent	EDA	Executive Departments and Administration
Finance	SB 342	relative to school building aid funding.	Regular	EDU	Education
Waive	SB 489	relative to election audits. Municipal Affairs	Regular	ELMA	Election Law and
Waive	SB 490	relative to the verification of the checklist. Municipal Affairs	Regular	ELMA	Election Law and
Waive	SB 300	relative to education and training standards for voluntarily certified heating equipment installers and heating equipment service personnel.	Regular	EDA	Executive Departments and Administration

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 on the Consent and Regular Calendars to be acted upon by the Senate on February 21, 2024, and his recommendations are listed on this 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 483-FN, by Senator Carson

SB 484-FN, by Senator Bradley

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 526, relative to a public school facility condition assessment and school building aid grants for temperature control.

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

SB526 requires schools to monitor temperature in classrooms and develop policies to deal with the extremes, 60 degrees as the low, and 88 degrees as a high, allowing for possible school closures. The committee recognized that the extremes of temperature on both low and high ends, can greatly reduce the ability for students to learn efficiently, and policies should be adopted locally to address those events.

Senate Education

February 13, 2024

2024-0683s

12/08

Amendment to SB 526

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

1 Education; Schools; Air Quality ***and Temperature***. Amend RSA 200:48 to read as follows:

200:48 Air Quality and Temperature Control in Schools.

I. The school board of each school district shall develop and implement a policy governing air quality issues in schools. ~~[The policy shall address methods of minimizing or eliminating emissions from buses, cars, delivery vehicles, maintenance vehicles, and other motorized vehicles used for transportation on school property taking into account the state anti-idling and clean air zone policies established by the department of environmental services.]~~

II. Each school district shall develop and implement a classroom temperature control plan. The plan shall include procedures to maintain classrooms temperatures between 68 degrees and 75 degrees Fahrenheit during heating months and between 72 degrees and 79 degrees Fahrenheit during cooling months, to the maximum extent practical. The plan shall also include procedures for closing classrooms when temperatures are below 60 degrees Fahrenheit or above 88 degrees Fahrenheit.

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

2024-0683s

AMENDED ANALYSIS

This bill requires public school districts to consider building temperatures conducive to education during extreme external temperatures.

ENERGY AND NATURAL RESOURCES

SB 307-FN, relative to electric transmission service agreements.

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

This bill allows for electric transmission service agreements by New Hampshire electric distribution utilities with the developer of any New England transmission project awarded a grant from, or entered a transmission capacity contract with the United States Department of Energy. This bill amended refines the bill by decreasing the size limits of agreements to 120 megawatts, aligning with New Hampshire's 10 percent load. It also shortens the maximum agreement length from 40 to 30 years, balancing risk for ratepayers. This amended bill also removes the concept of long-term power purchases, introduces criteria for PUC review of agreements, creates changes to the cost recovery mechanism, and makes minor technical adjustments.

Energy and Natural Resources

February 13, 2024

2024-0664s

06/02

Amendment to SB 307-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Electric Distribution Utilities; Transmission Service Agreements. Amend RSA 374-F by inserting after section 11 the following new section:

374-F:12 Transmission Service Agreements.

I.(a) One or more New Hampshire electric distribution public utilities, as defined in RSA 362:2, may recover through retail rates the costs incurred under, and in connection with, long-term transmission service agreements, with or without associated long-term agreements for storage services, entered into with the developer of any New England transmission project which has been awarded a grant from, or entered into a transmission capacity contract with, the United States Department of Energy, subject to the following conditions:

(1) Such agreements shall not exceed a total of 120 megawatts of transmission capacity in the aggregate.

(2) Each electric distribution utility shall not contract for more than its pro rata share of the total capacity amount, based upon its kWh sales to retail customers as reported on its most recent FERC Form 1.

(3) No such agreement shall exceed 30 years in length.

(4) Any such agreement shall meet the requirements of RSA 374-F:12, II.

(b) Electric distribution public utilities shall review and respond to proposals for long-term transmission service agreements, with or without associated storage services, from any such transmission project developer, within 3 months of receiving such proposals.

(c) No later than 3 months after entering into such an agreement with a transmission developer pursuant to this section, the electric distribution public utility shall petition the public utilities commission for authorization to recover the related costs through retail rates.

II. Electric distribution public utilities shall recover any prudently incurred costs related to the solicitation, review and negotiation of such agreements through retail rates. Costs associated with the administration of any

agreements shall be recovered pursuant to RSA 374-F:12, IV if the public utilities commission finds such agreements to be just and reasonable and in the public interest. The commission shall review and render a decision on any proposed agreement no later than 6 months after submission of the agreement to the commission.

III. In reviewing agreements under this section, the public utilities commission shall consider whether each agreement is, on balance, substantially consistent with the following factors:

- (a) Proportionally benefits New Hampshire ratepayers relative to regional benefits.
- (b) Provides net benefits throughout the lifetime of the agreement to New Hampshire ratepayers, based on net present value, by comparing the full costs of the agreements to projected wholesale energy market savings.
- (c) Fosters price stability and helps reduce exposure to market volatility.
- (d) Mitigates future investments in transmission and generation infrastructure.
- (e) Improves system reliability during extreme weather events.
- (f) Any other factors necessary to determine whether the agreement is just and reasonable and in the public interest.

IV. Upon receiving commission approval of cost recovery for any such long-term transmission service agreement, and any associated storage services, the electric distribution public utility shall minimize costs and maximize benefits to ratepayers throughout the term of the contract. The electric distribution public utility shall:

- (a) Calculate the net cost of payments made under the agreement, including all costs incurred by the utility to administer the agreement, against the proceeds obtained from such sales.
- (b) Credit or charge all of its distribution ratepayers through a uniform, fully-reconciling annual factor in retail rates the difference between (i) the agreement payments and utility costs to administer the agreement, and (ii) the sale proceeds. Any Federal Energy Regulatory Commission (FERC)-jurisdictional agreements entered into pursuant to paragraph I shall be filed with or reported to FERC, consistent with FERC regulations and Section 205 of the Federal Power Act.

SB 310, relative to bear registration.

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

This bill mandates the establishment of bear registration stations by the Executive Director of NH Fish and Game, mirroring the existing deer and turkey registration process. This bill's amendment ensures compliance with federal law by allowing the digital confirmation of a valid migratory bird hunting stamp. This adjustment aims to align state regulations with federal requirements and streamline the process for hunters awaiting physical stamps by keeping them legally covered throughout the season if they use digital confirmation.

Energy and Natural Resources

February 13, 2024

2024-0675s

08/05

Amendment to SB 310

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

AN ACT relative to bear registration and federal duck stamps.

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

2 Taking; Federal Duck Stamp Required. Amend RSA 209:6, II to read as follows:

II. No person who has attained the age of 16 years shall take any migratory waterfowl (brant, wild ducks, geese and swans) unless at the time of such taking he or she has on their person an unexpired federal migratory bird stamp (commonly called a duck stamp) validated by his or her signature written across the face of said stamp in ink, or confirmation, **including digital confirmation** of ~~[an]~~ **a current and valid** electronic migratory bird hunting and conservation stamp~~[-, purchased within the previous 45 days]~~. A person who has not attained the age of 16 years is not required to have a duck stamp. Said duck stamp shall be required in addition to a valid New Hampshire hunting license obtained pursuant to RSA 214:1. Regulations promulgated under the Federal Migratory Bird Hunting Stamp Act of 1934 are hereby made a part of the game law of the state.

2024-0675s

AMENDED ANALYSIS

This bill requires the executive director of fish and game to set up bear registration stations. This bill also allows valid federal duck stamps to be confirmed using digital and electronic means.

SB 389, relative to extending trout season for catch and release to December 31.
Interim Study, Vote 5-0. Senator Avard for the committee.

This bill addresses concerns related to the trout season for catch-and-release fishing and increasing revenue for the NH Department of Fish and Game. Upon further discussion with the Executive Director of NH Fish and Game, the potential fee increases to generate additional revenue were seen as problematic. In light of these concerns, the bill was referred to interim study, indicating a pause in its progression for further consideration and evaluation.

SB 451, relative to an expedited track for certain applications to the site evaluation committee.
Ought to Pass with Amendment, Vote 5-0. Senator Watters for the committee.

This bill aims to establish an alternative procedure and timeline for an expedited track for changes to existing energy facilities meeting certain criteria. The amendment refines procedures, allowing existing facilities to undergo an expedited Site Evaluation Committee certificate process. Additionally, the amendment clarifies interconnection capacity qualifications and outlines protocols for public notifications.

Energy and Natural Resources
February 12, 2024
2024-0665s
06/05

Amendment to SB 451

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

1 New Paragraph; Definitions. Amend RSA 162-H:2 by inserting after paragraph XI the following new paragraph:

XI-a. “Qualified existing energy facility expansion and repowering” means an existing electric generating facility which holds a current certificate from the site evaluation committee, or which began operating prior to the site evaluation committee certificate process and which has a current interconnection with the distribution and/or regional transmission system. Such facilities shall be subject to expansion requirements under RSA 162-H:7-a, and RSA 162-H:10. Expansion of such facilities shall be no larger than the existing facility’s name plate capacity and shall be located at the existing facility’s physical location or abutting parcel.

2 Energy Facility Siting, Construction, and Operation; Applications; Reference to Expedited Process. Amend RSA 162-H:7 to read as follows:

162-H:7 Application for Certificate; ***Qualified Existing Energy Facilities Expansion and Repowering.***

I. [Repealed.]

II. All applications for a certificate for an energy facility shall be filed with the chairperson of the site evaluation committee.

III. Upon filing of an application, the committee shall expeditiously conduct a preliminary review to ascertain if the application contains sufficient information to carry out the purposes of this chapter. If the application does not contain such sufficient information, the committee shall, in writing, expeditiously notify the applicant of that fact and specify what information the applicant must supply.

IV. Each application shall contain sufficient information to satisfy the application requirements of each state agency having jurisdiction, under state or federal law, to regulate any aspect of the construction or operation of the proposed facility, and shall include each agency’s completed application forms, which shall be contemporaneously filed with the state agency having jurisdiction. Upon receipt of a copy, each agency shall conduct a preliminary review to ascertain if the application contains sufficient information for its purposes. If the application does not contain sufficient information for the purposes of any of the state agencies having permitting or other regulatory authority, that agency shall, in writing, notify the committee and the applicant of that fact and specify what information the applicant must supply. Notwithstanding any other provision of law, for purposes of the time limitations imposed by this section, any application made under this section shall

be deemed not accepted either by the committee or by any of the state agencies having permitting or other regulatory authority if the applicant is reasonably notified that it has not supplied sufficient information for any of the state agencies having permitting or other regulatory authority in accordance with this paragraph.

V. Each application shall also:

- (a) Describe in reasonable detail the type and size of each major part of the proposed facility.
- (b) Identify both the applicant's preferred choice and other alternatives it considers available for the site and configuration of each major part of the proposed facility and the reasons for the applicant's preferred choice.
- (c) Describe in reasonable detail the impact of each major part of the proposed facility on the environment for each site proposed.
- (d) Describe in reasonable detail the applicant's proposals for studying and solving environmental problems.
- (e) Describe in reasonable detail the applicant's financial, technical, and managerial capability for construction and operation of the proposed facility.
- (f) Document that written notification of the proposed project, including appropriate copies of the application, has been given to the appropriate governing body of each affected municipality, as defined in RSA 162-H:2, I-b. The application shall include a list of the affected municipalities.
- (g) Describe in reasonable detail the elements of and financial assurances for a facility decommissioning plan.
- (h) Provide such additional information as the committee may require to carry out the purposes of this chapter.

V-a. Upon filing the application with the committee, the applicant shall publish a public notice in one or more newspapers having a regular circulation in the county in which the facility is located, describing the nature and location of the proposed facility.

VI. The committee shall ~~[decide]~~ ***make a finding of public interest*** whether or not to accept the application as administratively complete ***and that the application meets the requirements of RSA 162-H:2, XI-a, relative to qualified existing energy facility expansion and repowering,*** within ~~[60]~~ ***30*** days of filing. Notice of acceptance of the application shall be simultaneously provided to the applicant and the applicable state agency. If the committee rejects an application because it determines it to be administratively incomplete, the applicant may choose to file a new and more complete application or cure the defects in the rejected application within 10 days of receipt of notification of rejection.

VI-a. Public information sessions shall be held in accordance with RSA 162-H:10.

VI-b. All state agencies having permitting or other regulatory authority shall report their progress to the committee within ~~[150]~~ ***90*** days of the acceptance of the application, outlining draft permit conditions and specifying additional data requirements necessary to make a final decision on the parts of the application that relate to its permitting or other regulatory authority.

VI-c. All state agencies having permitting or other regulatory authority shall make and submit to the committee a final decision on the parts of the application that relate to its permitting and other regulatory authority, no later than ~~[240]~~ ***120*** days after the application has been accepted.

VI-d. Within ~~[365]~~ ***180*** days of the acceptance of an application, the committee shall issue or deny a certificate for an energy facility.

VII. This chapter shall not preclude an agency from imposing its usual statutory fees.

VIII. The applicant shall immediately inform the committee and applicable state agency of any substantive modification to its application.

3 Public Hearing; Studies; Rules. Amend RSA 162-H:10 to read as follows:

162-H:10 Public Hearing; Studies; Rules.

I. At least 30 days prior to filing an application for a certificate, an applicant shall hold at least one public information session in each county where the proposed facility is to be located and shall, at a minimum,

publish a public notice not less than 14 days before such session in one or more newspapers having a regular circulation in the county in which the session is to be held, describing the nature and location of the proposed facility. The applicant shall also send a copy of the public notice, not less than 14 days before the session, by first class mail to the governing body of each affected municipality. At such session, the applicant shall present information regarding the project and provide an opportunity for comments and questions from the public to be addressed by the applicant. Not less than 10 days before such session, the applicant shall provide a copy of the public notice to the chairperson of the committee. The applicant shall arrange for a transcript of such session to be prepared and shall include the transcript in its application for a certificate.

I-a. Within ~~[45]~~ **30** days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the applicant shall hold at least one public information session as described in paragraph I in each county in which the proposed facility is to be located and shall, at a minimum, publish a public notice not less than 14 days before said session in one or more newspapers having a regular circulation in the county in which the session is to be held, describing the nature and location of the proposed facility. The applicant shall also send a copy of the public notice, not less than 14 days before the session, by first class mail to the governing body of each affected municipality. Not less than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The administrator, or a designee of the presiding officer of the committee, shall act as presiding officer of the information session. The session shall be for public information on the proposed facility with the applicant presenting the information to the public. The presiding officer shall also explain to the public the process the committee will use to review the application for the proposed facility.

I-b. ~~[Upon request of the governing body of a municipality or unincorporated place in which any part of the proposed facility is to be located, or on the committee's own motion, the committee may order the applicant to provide such additional public information sessions as described in paragraph I as are reasonable to inform the public of the proposed project.]~~

I-c.] Within ~~[90]~~ **45** days after acceptance of an application for a certificate, pursuant to RSA 162-H:7, the site evaluation committee shall hold at least one public hearing in each county in which the proposed facility is to be located and the applicant shall publish a public notice not less than 14 days before such hearing in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the nature and location of the proposed facilities. Not fewer than 10 days before such session, the applicant shall provide a copy of the public notice to the presiding officer of the committee. The applicant shall arrange for a transcript of such session to be prepared. Except for state agencies and programs that are required by state or federal law or regulation to comply with program specific public notice and public hearing requirements, the public hearings may be joint hearings, with representatives of the agencies that have permitting or other regulatory authority over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. The hearing may be a joint hearing with the other state agencies; provided, however, if any of such other state agencies does not otherwise have authority to conduct hearings, it may not join in the hearing under this chapter; provided further, however, the ability or inability of any of the other state agencies to join shall not affect the composition of the committee under RSA 162-H:3 nor the ability of any member of the committee to act in accordance with this chapter.

II. ~~[Subsequent]~~ Public hearings shall be in the nature of adjudicative proceedings under RSA 541-A and shall be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee. The committee shall give adequate public notice of the time and place of each subsequent hearing.

III. The site evaluation committee shall consider and weigh all evidence presented at public hearings and shall consider and weigh written information and reports submitted to it by members of the public before, during, and subsequent to public hearings but prior to the closing of the record of the proceeding. The committee shall provide an opportunity at one or more public hearings for comments from the governing body of each affected municipality and residents of each affected municipality. The committee shall consider, as appropriate, prior committee findings and rulings on the same or similar subject matters, but shall not be bound thereby.

IV. The site evaluation committee shall require from the applicant whatever information it deems necessary to assist in the conduct of the hearings, and any investigation or studies it may undertake, and in the determination of the terms and conditions of any certificate under consideration.

V. The site evaluation committee and counsel for the public shall conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant or certificate holder in such amount as may be approved by the committee. The site evaluation committee and counsel for the public are further authorized to assess the applicant or certificate holder for all travel and related expenses associated with the processing of an application or other proceedings under this chapter.

VI. The site evaluation committee shall issue such rules to administer this chapter, pursuant to RSA 541-A, after public notice and hearing, as may from time to time be required.

~~[VII. As soon as practicable but no later than November 1, 2015, the committee shall adopt rules, pursuant to RSA 541-A, relative to the organization, practices, and procedures of the committee and criteria for the siting of energy facilities, including specific criteria to be applied in determining if the requirements of RSA 162-H:16, IV have been met by the applicant for a certificate of site and facility. Prior to the adoption of such rules, the department of energy shall hire and manage one or more consultants to conduct a public stakeholder process to develop recommended regulatory criteria, which may include consideration of issues identified in attachment C of the 2008 final report of the state energy policy commission, as well as others that may be identified during the stakeholder process. Except for the cases where the adjudicatory hearing has commenced, applications pending on the date rules adopted under this paragraph take effect shall be subject to such rules. Prior to the adoption of rules under this paragraph, applications shall be continuously processed pursuant to the rules in effect upon the date of filing. If the rules require the submission of additional information by an applicant, such applicant shall be afforded a reasonable opportunity to provide that information while the processing of the application continues.]~~

4 Applicability. RSA 162-H, as amended by this act, shall apply to applications submitted on or after the effective date of this act. An applicant with a pending application on the effective date of this act shall have the option to resubmit the application under RSA 162-H, as amended by this act.

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 371-FN, relative to the licensing of resident physicians.

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

SB 371-FN adds to the rulemaking authority of the board of medicine the eligibility requirements and duration of licensure for physician residency programs. The committee heard testimony that the current two-year license renewal requirement does not match up with the typical length of a physician residency program. This bill will remove the burden off physicians to require the renewal of their license in the middle of their residency.

SB 437, relative to local authority to amend the state building code.

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

SB 437 requires all local ordinances amending the state building code to comply with the procedures in law for review and approval of additional local regulations to the state building code established in RSA 155-A. The bill will require local amendments to the building code to be submitted for review by the state building code review board, who will catalog local changes. The committee heard testimony from contractors that the bill would allow easier access to municipalities' building code amendments.

Senate Executive Departments and Administration

February 14, 2024

2024-0712s

11/05

Amendment to SB 437

Amend RSA 674:51, I as inserted by section 1 of the bill by repealing and replacing it with the following:

I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional amendments to the state building code for structures in the municipality, providing that such additional amendments are not inconsistent with or less stringent than, nor intended to replace, the requirements of the most recent edition of the state building code adopted under RSA 155-A, and provided that each amendment submitted to the building code review board relates to one article or section of that code. The local legislative body may adopt a nationally recognized code not included in, and not inconsistent

with, the state building code, except for a nationally recognized code which has the same or similar scope or purpose, as determined by the building code review board, that is included in the most recent edition of the state building code adopted under RSA 155-A, and the intent of this restriction shall not be avoided by the adoption of local amendments as determined by the building code review board. The local legislative body may also enact a process for the enforcement of the state building code, additional amendments and any additional codes adopted under this paragraph. Local amendments and codes regulated by this paragraph adopted prior to July 1, 2024, and the procedural history of adoption per RSA 155-A:10 shall be submitted for review to the building code review board for review and confirmation that such additional amendments are not inconsistent with or less stringent than, nor intended to replace, the requirements of the most recent edition of the building code adopted under RSA 155-A. No local amendment shall be enforced, if it has not been submitted to the building code review board within 60 days of the effective date of this paragraph. Upon the withholding of confirmation of a submitted local amendment, by the state building code review board, the amendment shall not be enforced.

Amend RSA 155-A:2, V as inserted by section 2 of the bill by replacing it with the following:

V. Counties, towns, cities, and village districts may adopt **additional regulations** by ordinance pursuant to RSA 674:51 or RSA 47:22[~~any additional regulations provided that such regulations are not less stringent than the requirements of the state building code and the state fire code~~].

Amend RSA 47:22 as inserted by section 3 of the bill by replacing it with the following:

47:22 Grant of Power. The board of mayor and aldermen, or the corresponding governmental body of any city, is hereby empowered and authorized in the passing and adopting of ordinances, establishing codes, rules and regulations for the construction of buildings, relating to the installation of plumbing, the use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto or for the prevention of fires to adopt any additional regulations [~~provided that the regulations are not less stringent than the requirements of the state building code under RSA 155-A or the state fire code under RSA 153; provided, that~~] **or amendments provided that such additional amendments are not inconsistent with or less stringent than, nor intended to replace, the requirements of the most recent edition of the state building code adopted under RSA 155-A, or the state fire code adopted under RSA 153, and provided that each amendment submitted to the building code review board or the state fire marshal relates to one article or section of the code. The board of mayor and aldermen may adopt a nationally recognized code not included in, and not inconsistent with, the state building code or state fire code, except for a nationally recognized code which has the same or similar scope or purpose, as determined by the building code review board for amendments to the state building code or the state fire marshal for amendments to the state fire code, that is included in the most recent edition of the state building code adopted under RSA 155-A, or the state fire code adopted under RSA 153, and the intent of this restriction shall not be avoided by the adoption of local amendments as determined by the building code review board for amendments to the state building code and the state fire marshal for amendments to the state fire code.** Upon adoption of such ordinance wherein such code, rules and regulations or portions thereof have been incorporated by reference, there shall be filed 3 copies of such codes, rules and regulations in the main office of the municipal department or agency administering the same and 3 copies in the office of the city clerk. All copies of any code, rules and regulations filed as provided herein, shall be for use and examination by the public. **Local amendments to the state building code and codes regulated by this paragraph adopted prior to July 1, 2024, and the procedural history of adoption per RSA 155-A:10 shall be submitted for review to the building code review board for review and confirmation that such additional amendments are not inconsistent with or less stringent than, nor intended to replace, the requirements of the most recent edition of the state building code adopted under RSA 155-A. No local amendment shall be enforced if it has not been submitted to the state building code review board within 60 days of the effective date of this paragraph. Upon the withholding of confirmation of a submitted local amendment by the building code review board the local amendment shall not be enforced. Local amendments to the state fire code adopted prior to July 1, 2024, and the procedural history of adoption per RSA 153:4-a, shall be submitted to the state fire marshal for review and confirmation that such amendments are not in conflict or less restrictive than the state fire code and are based on sound engineering practices. The state fire marshal shall confirm that the local amendments are enacted and adopted by the local legislative body. No local amendment shall be enforced if it has not been submitted to the state fire marshal within 60 days of the effective date of this paragraph. Upon the withholding of confirmation of a submitted local amendment by the state fire marshal local amendment shall not be enforced.**

Amend the bill by inserting after section 4 the following sections and renumbering the original section 5 to read as 8:

5 State Building Code Review Board; Local Amendments. Amend RSA 155-A:3, V to read as follows:

V. Any ordinance adopted under RSA 674:51 by a local legislative body shall be submitted to the state building code review board for ~~[informational purposes]~~ **review and confirmation**.

6 Municipal Amendments; Limited Review. Amend RSA 155-A:10, IV(c) to read as follows:

(c) Municipal amendments: municipalities shall submit proposed amendments to the state building code to the board for review and confirmation prior to adoption. Municipalities may submit proposed language to the board for an advisory opinion at any time. Cities shall submit the final proposed building code amendment no later than 90 days before final adoption. Towns shall submit the final proposed building code amendment no later than 10 days after the conclusion of the final public hearing. Municipal submissions shall include the final text for each amendment. The board shall act to review and confirm proposed municipal amendments within 90 days of submission for cities, and 45 days for towns. Failure of the board to act within these time frames shall constitute a confirmation of the municipal amendment. The board's review shall be limited to a confirmation that the local amendment ~~[does not establish requirements conflicting with, or less stringent than, the requirements of the state building code, and to verify with the state fire marshal that there is no conflict with the fire code]~~ **complies with RSA 674:51 or RSA 47:22, and a verification with the state fire marshal that there is no conflict with the fire code**.

7 Repeal. RSA 674:51-a, relative to local adoption of building codes by reference, is repealed.

SB 438-FN, relative to the use of lumber harvested in the United States for state building projects. Interim Study, Vote 5-0. Senator Pearl for the committee.

SB 438-FN requires a preference for spruce-pine-fir lumber in state building projects. The bill recognizes a significant amount of lumber coming from Canada and seeks to prioritize lumber harvested from the United States for state building projects. The committee heard testimony from the New Hampshire Retail Lumber Association that they are working with the Structural Engineers Association of New Hampshire to solve the problem non-legislatively.

SB 479, relative to recognizing the second Thursday in October as children's environmental health day. Ought to Pass, Vote 5-0. Senator Altschiller for the committee.

SB 479 establishes the second Thursday in October as children's environmental health day. Children's environmental health day is a nationwide movement to encourage collective efforts to enhance awareness and understanding of children's environmental health issues. For the past seven year the Governor has, upon request, issued an annual proclamation. This bill removes the need for future proclamations.

SB 480-FN, relative to the administration of professional licensure and certification and the regulation of real estate practice.

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

SB 480 requires any board or commission whose total number of active licensees exceeds 7,000 to have a dedicated, trained, and knowledgeable customer service administrator that works for the administrative section of the office of professional licensure and certification to respond to inquiries from the public and licensees. The bill also makes various amendments to allow for inactive real estate licenses and amends the education approval process for the real estate commission. The committee heard testimony that more discussion was needed between the New Hampshire real estate commission and the office of professional licensure and certification.

SB 520-FN, relative to the fiduciary duty and proxy voting activities of public retirement systems. Inexpedient to Legislate, Vote 5-0. Senator Carson for the committee.

SB 520 requires state and local public retirement systems to discharge its duties solely in the financial interest of the participants and beneficiaries. The bill would alter the definition of "fiduciary", which is already in statute and currently modeled on the internal revenue code definition. The committee heard testimony that the New Hampshire Retirement System (NHRS) already acts solely out of fiduciary duty to members. The committee heard testimony that the bill might prohibit the NHRS to invest in many well performing companies.

SB 599, relative to the state fire code.

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

SB 599 revises the definition of and ratifies amendments to the state fire code. The bill would replace the 2018 New Hampshire fire code with the 2021 edition. The committee heard testimony from the New Hampshire State Fire Marshal's Office in support of the bill.

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

REGULAR CALENDAR

EDUCATION

SB 342-FN, relative to school building aid funding.

Ought to Pass with Amendment, Vote 3-1. Senator Lang for the committee.

Senate Education

February 13, 2024

2024-0658s

02/05

Amendment to SB 342-FN

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

1 Department of Education; Rulemaking. Amend RSA 21-N:9, II(c) to read as follows:

(c) Standards for school building construction, *including under the provisions of RSA 198:15-a through RSA 198:15-z*.

2 New Section; School Construction Fund Established. Amend RSA 198 by inserting after section 39 the following new section:

198:39-a School Construction Fund Established.

I. There is hereby established in the state treasury the school construction fund, which shall be kept distinct and separate from all other funds and which shall be continually appropriated to the department of education. Moneys in such fund shall be nonlapsing and shall not be used by the department for any purpose other than to distribute funds to schools and approved chartered public schools pursuant to RSA 198:15-f for new school construction projects.

II. Beginning July 1, 2025, the state treasurer shall transfer \$30,000,000 to the school construction fund. Each year thereafter, this amount will be increased by \$5,000,000 until the amount reaches \$80,000,000. Each year thereafter, the state treasurer shall transfer \$80,000,000 annually on July 1 to the school construction fund.

III. Any earnings on moneys within this fund shall be added to the school construction fund.

IV. For the fiscal year beginning July 1, 2025, and every fiscal year thereafter, the amount necessary to fund the grants under RSA 198:15-f is hereby appropriated to the department of education from the school construction fund created under this section. The governor is authorized to draw a warrant from the school construction fund to satisfy the state's obligation under this section. Such warrant for payment shall be limited to the balance of funds available in the school construction fund.

V. The department of education may retain up to 3 percent of the total annual appropriation of the school construction fund to be used to administer the program or for the department of education to support the development, implementation, and maintenance of a facility condition assessment for public elementary and secondary schools.

VI. This fund shall not be used for building projects approved by the department of education prior to July 2025.

3 School Building Aid; School Construction Allocation Grants for School Construction. Amend RSA 198:15-a to read as follows:

198:15-a *School Building Aid and School Construction Allocation* [Grant] *Grants* for School Construction.

I. To aid local [school districts] *schools and chartered public schools* in meeting the costs of school buildings, the department of education shall[, from funds appropriated by the general court to carry out the

~~provisions of this subdivision,]~~ pay to the school districts of the state, sums in accordance with the provisions ~~[of this subdivision or the alternative school building aid provisions]~~ under ~~[RSA 198:15-u through RSA 198:15-w]~~ ***RSA 198:15-b and RSA 198:15-f.***

I-a. For purposes of this subdivision, “school [district]” means any school district duly organized, any city maintaining a school department within its corporate organization, any cooperative school district as defined in RSA 195:1, any receiving district operating an area school as defined in RSA 195-A:1, or any receiving district providing an education to pupils from one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA 194:22.

I-b. For the purposes of this subdivision, “chartered public school” means any chartered public school established in accordance with RSA 194-B.

II. Beginning with construction authorized by a [local] school [district] on or after July 1, 2013, office facilities for school administrative units and the purchase or lease-purchase of temporary space for any purpose, including but not limited to modulars, trailers, or other similar structures to be used as classroom, office, or storage space shall not be eligible for school building aid grants ***or for school construction allocation grants.***

III. Facilities constructed using school building aid grants ***or for school construction allocation grants*** shall be used as instructional facilities for kindergarten through grade 12 for at least 20 years. A school [district] ***or chartered public school*** that discontinues the use of the facilities within 20 years shall be required to repay the state 100 percent of the state grant received. Upon a showing of good cause by the school [district] ***or chartered public school***, the commissioner of the department of education may waive this penalty in whole or part on a case by case basis.

IV. ***Beginning July 1, 2025, the legislature shall make an appropriation from the education trust fund in the annual grant amount approved by the department of education for building aid projects approved prior to 2013.***

V. Beginning July 1, [2013] ***2025***, ~~[and every fiscal year thereafter,]~~ ***the annual appropriation for school building aid grants [for construction or renovation projects approved by the department of education] shall not exceed \$50,000,000 [per fiscal year less any debt service payments owed in the fiscal year] for new projects,*** unless otherwise provided by an act of the general court. School building aid grants shall be funded from appropriations in the state operating budget and no state bonds shall be authorized or issued for the purpose of funding such school building aid grants.

VI. The amount in paragraph V shall be decreased by \$5,000,000, each year thereafter, until the amount is reduced to zero.

~~[V-]~~ ***VII.*** The department of education shall develop and maintain a 10-year school facilities plan of potential school building grant projects. Potential projects shall include, but not be limited to, criteria pursuant to RSA 198:15-c, II(b). The 10-year plan is intended to create a method to identify and enhance school facilities in a safe, healthy, and efficient manner while providing adequate learning environments for New Hampshire’s students. The 10-year plan shall be updated every biennium to provide the department a summary of projects and school facility capital expenditures that are anticipated for the next 10 years. The plan shall identify new construction, renovation, and emergency projects, and describe the overall condition of projects contained in the plan. In support of the 10-year plan, it is recommended that each [district] ***school or chartered public school*** have in place and provide the department a long-range capital improvement program that identifies school facility goals, provides projected expenditures, and outlines procedures and guidelines to be followed to accomplish goals. Each [district] ***school or chartered public school*** is encouraged to review and update the [district’s] ***school’s or chartered public school’s*** anticipated school facility capital improvement plan on a 2-year recurring basis or as needed. The department shall use this information to better plan, prioritize, and project new anticipated capital construction and renovation expenditures relative to the state building aid program. The state board of education shall adopt rules pursuant to RSA 541-A relative to this paragraph.

4 School Building Aid; Amount of Grant. Amend the heading of RSA 198:15-b, through paragraph I to read as follows:

198:15-b Amount of Grant ***for School Building Aid.***

I.(a) For construction authorized by a school district on or before July 1, 2013, the amount of the annual grant to any school district shall be the grant amount approved by the department of education at the time of final approval of the project.

(b)(1) For construction authorized by a school district after July 1, 2013, the amount of *the school building aid* grant to the school district shall be calculated based on the criteria set forth in RSA 198:15-u through RSA 198:15-w.

(2) The state board of education shall approve the disbursement of 80 percent of the eligible *school building aid* grant amount upon approval of the application for school building aid grants by the state board of education, and shall disburse the balance of the grant amount upon completion of the construction and verification of the final cost of construction by the department of education.

(3) The amount of the *school building aid* grant to any chartered public school established in accordance with RSA 194-B:3-a shall be 30 percent of the eligible cost of construction.

(4) Funds received from federal grants or grants from other state programs shall be subtracted from total project costs when computing grants under this paragraph.

5 Approval of Plans; Specifications, and Costs of Construction or Purchase. Amend the heading of RSA 198:15-c, through paragraph I to read as follows:

198:15-c *School Building Aid* Approval of Plans; Specifications, and Costs of Construction or Purchase.

I.(a) A school [~~district~~] maintaining approved schools, desiring to avail itself of the *school building aid* grants herein provided shall submit schematic design plans, cost estimates, and other items determined by the department of education for an eligible school construction project prior to the start of the construction. Projects with approval from the school district's legislative body to construct, not subject to receiving building aid, are not eligible.

(b) Beginning January 1, 2025 and each year thereafter, to be considered for a school building aid grant, the complete building aid application shall be submitted no later than April 1 of the fiscal year that immediately precedes the fiscal year in which the school desires to seek the district's legislative body's approval for construction. The application shall include at a minimum, schematic design plans, cost estimates, educational needs assessment, existing facility conditions assessment including, but not limited to a review of the mechanical, electrical, plumbing, and structural components of the building, proof of an annual school budget to support good maintenance, and other documentation as required by the department and identified in the department's school building construction rules.

(c) As deemed appropriate, emergency projects that are recommended by the commissioner of education *for school building aid grants* shall be addressed on a case-by-case basis by the state board of education at any time during the school year. A school construction project requiring the replacement of all or a significant portion of a school facility which is declared uninhabitable or is identified as an imminent danger or substantial risk by the state fire marshal or a state or federal agency, and which results from an unanticipated and sudden natural or human disaster, shall qualify as an emergency project.

6 School Building Aid; Time Computation. Amend RSA 198:15-d to read as follows:

198:15-d Time of Computation of Grant. As of January 1 in each year, the department of education shall cause to be computed the amount of the annual grants for school building aid to be paid to eligible [~~school districts~~] *schools or chartered public schools* in the succeeding fiscal year. The computation shall be based upon the total of eligible costs of construction of school buildings approved by the *school's or chartered public school's* legislative body [~~of the school district~~] and the department of education for which loans are outstanding in each school district for the fiscal year in which the computations are made.

7 School Building Construction Allocation Program. RSA 198:15-f is repealed and reenacted to read as follows:

198:15-f School Construction Allocation Program.

I. New moneys shall be deposited into this fund each fiscal year pursuant to RSA 198:39-a, including appropriated amounts and interest earned. Funds shall be administered as follows:

(a) The department of education may retain up to 3 percent of the total annual appropriation of the school construction fund to be used to administer the program or for the department of education to support the development, implementation, and maintenance of a facility condition assessment for public elementary and secondary schools.

(b) The total annual appropriation of the school construction fund, less any amount retained by the department of education allowed by subparagraph (a) above, shall be allocated annually to each school

and chartered public school based on per pupil average daily membership in attendance, as defined in RSA 189:1-d, III for grades K-12 who are legal residents of the school pursuant to RSA 193:12 or RSA 193:27, IV and attend a state-approved public or nonpublic school as assigned by the school district in which the pupil resides, or by the state, or attend an approved chartered public school; and

(c) The interest earned the previous year shall be prorated based on the fund balance and allocated annually to each school and chartered public school.

II. A school maintaining approved schools, desiring to avail itself of the school construction allocation grants herein provided shall submit schematic design plans, cost estimates, and other items determined by the department of education no later than 120 days prior to the desired date of construction. The commissioner shall review the applications to determine eligibility as determined by the rules of the department of education.

III. School construction allocation grants may be expended for the following purposes:

- (a) New building construction, including land acquisition and development of a site;
- (b) Capital renovations of existing buildings, including land acquisition and development of a site; or
- (c) Security improvements.

IV. For construction authorized by the school's or chartered public school's legislative body, for an approved school construction allocation grant, the amount of grant shall be the eligible amount requested by the school or the assigned balance in the school's construction allocation fund, whichever is less.

V. Annually by October 1 each year the department of education shall calculate the total amount a school or chartered public school may apply for. This amount shall be any appropriations and accumulated interested made through the life of this program less any payments previously made under this program.

VI. All school construction plans and specifications shall comply with the rules of the department of education in requesting a distribution from the fund for payment or reimbursement of school construction approved under this section, notwithstanding any requirements for authorization of bonds or notes or payment of debt service unless such project contains an authorization of bonds as a component of funding.

8 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting after subparagraph (394) the following new subparagraph:

(395) Moneys deposited in the school building construction allocation program fund established under RSA 198:39-a.

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

The question is on the adoption of the Committee Amendment.

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

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Gannon, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

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

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 489-FN, relative to election audits.

Ought to Pass with Amendment, Vote 3-0. Senator Gray for the committee.

Election Law and Municipal Affairs

February 13, 2024

2024-0674s

05/02

Amendment to SB 489-FN

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

1 New Subdivision; Election Audits. Amend RSA 660 by inserting after section 31 the following new subdivision:

Election Audits

660:32 Audit Authorized. The secretary of state shall conduct an audit of the devices used to tabulate ballots after each state primary, general elections, and after the presidential primary.

660:33 Equipment and Technical Assistance. The secretary of state shall develop policies, procure the equipment, and arrange for any required technical assistance to support the audit process of ballot counting devices used in state elections in accordance with RSA 660:34.

660:34 State Election Audit.

I. The secretary of state shall randomly select not less than 8 ballot counting devices used by towns or city wards to be audited. The secretary of state may divide towns or city wards into groups for the selection based on criteria such as the device vendor or estimated number of election day ballots to be processed. The selection of the devices to be audited shall be made after the ballot counting device memory cards have been programed. The devices and the towns or city wards where devices to be audited are located shall be non-public.

II. The secretary of state shall not announce which devices have been selected to be audited and the towns or city wards where they are located until after the polls are open on election day.

III. Each audit team shall consist of at least 2 individuals appointed by the secretary of state. One such individual shall have been trained by the secretary of state in the audit process and the use of audit equipment. The other individual, if not trained by the secretary of state in the audit process and the use of audit equipment, shall be an elected election official. The secretary of state may enlist the support of technical experts as an audit team member to assist with the technology being used.

IV. The audit shall be open to the public, but no one except audit team members shall be allowed to touch any ballot or any of the audit equipment.

V. The paper ballots for each device audited shall be processed by the audit equipment, and the results shall be compared with the results from the specific device being audited. The audit team shall announce the results of each comparison as it is completed. The secretary of state shall report final results pursuant to paragraph VII.

VI.(a) A random sample of the paper ballots processed by each device being audited shall be selected, and each selected paper ballot shall be physically examined and compared with the voters choices recorded by the audit equipment for that ballot. The sample size shall be as follows:

(1) If 2 percent of the ballots processed by the device is greater than 50, then 2 percent of the ballots counted and/or scanned shall be the sample size.

(2) If 2 percent is equal to or less than 50 ballots, then 50 ballots or the total number of ballots processed, whichever is smaller, shall be the sample size.

(b) Any differences identified during the comparison shall be documented. In the event of significant differences, the secretary of state may expand the number of ballots sampled and compared with the voters' choices recorded for each ballot and may order a full hand recount.

(c) To facilitate the review of the randomly selected ballots in subparagraph (a) the audit team may add marks to the ballots selected to allow the audit equipment or auditors to identify them for the review. The location of the added marks shall be prescribed by the secretary of state.

VII. The secretary of state shall make the results of the audits available prior to 12:00 p.m. on the Friday after the election, except that any full hand recount conducted under paragraph VI shall be performed under the provisions of RSA 660:4 through RSA 660:6 and no costs for such recount shall be assessed against any candidate. The secretary shall also report the results of all audits to the ballot law commission, and the chairpersons of the house of representatives and senate standing committees with jurisdiction over election law.

2 Marking Ballot by Election Officers and Auditors. Amend RSA 659:36 to read as follows:

659:36 Marking Ballot by Election Officers *and Auditors*.

I. No mark of any nature shall be placed on any ballot by:

(a) An election officer except as provided in RSA 659:20, 659:22, 659:26-a, and 659:51.

(b) An auditor except as provided in RSA 660:33.

II. Whoever knowingly violates this section shall be guilty of a misdemeanor.

3 New Section; Recount and Audit Procedures; Publication. Amend RSA 660 by inserting after section 17-b the following new section:

660:17-c Recount and Audit Procedures; Publication.

The secretary of state shall publish all recount and audit procedures, as well as the times to hold any recounts and audits that may take place.

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

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

Senator Soucy offered a Floor Amendment.

Sen. Soucy, Dist 18

February 20, 2024

2024-0802s

05/02

Floor Amendment to SB 489-FN

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

1 New Subdivision; Election Audits. Amend RSA 660 by inserting after section 31 the following new subdivision:

Election Audits

660:32 Audit Authorized. The secretary of state shall conduct an audit of the devices used to tabulate ballots after each state primary, general elections, and after the presidential primary.

660:33 Equipment and Technical Assistance. The secretary of state shall develop policies, procure the equipment, and arrange for any required technical assistance to support the audit process of ballot counting devices used in state elections in accordance with RSA 660:34.

660:34 State Election Audit.

I. The secretary of state shall randomly select not less than 8 ballot counting devices used by towns or city wards to be audited. The secretary of state may divide towns or city wards into groups for the selection based on criteria such as the device vendor or estimated number of election day ballots to be processed. The selection of the devices to be audited shall be made after the ballot counting device memory cards have been programed. The devices and the towns or city wards where devices to be audited are located shall be non-public.

II. The secretary of state shall not announce which devices have been selected to be audited and the towns or city wards where they are located until after the polls are open on election day.

III. Each audit team shall consist of at least 2 individuals appointed by the secretary of state. One such individual shall have been trained by the secretary of state in the audit process and the use of audit equipment. The other individual, if not trained by the secretary of state in the audit process and the use of audit equipment, shall be an elected election official. The secretary of state may enlist the support of technical experts as an audit team member to assist with the technology being used.

IV. The audit shall be open to the public, but no one except audit team members shall be allowed to touch any ballot or any of the audit equipment.

V. The paper ballots for each device audited shall be processed by the audit equipment, and the results shall be compared with the results from the specific device being audited. The audit team shall announce the results of each comparison as it is completed. The secretary of state shall report final results pursuant to paragraph VII.

VI.(a) A random sample of the paper ballots processed by each device being audited shall be selected, and each selected paper ballot shall be physically examined and compared with the voters choices recorded by the audit equipment for that ballot. The sample size shall be as follows:

(1) If 2 percent of the ballots processed by the device is greater than 50, then 2 percent of the ballots counted and/or scanned shall be the sample size.

(2) If 2 percent is equal to or less than 50 ballots, then 50 ballots or the total number of ballots processed, whichever is smaller, shall be the sample size.

(b) Any differences identified during the comparison shall be documented. In the event of significant differences, the secretary of state may expand the number of ballots sampled and compared with the voters' choices recorded for each ballot and may order a full hand recount.

(c) To facilitate the review of the randomly selected ballots in subparagraph (a) the audit team may add marks to the ballots selected to allow the audit equipment or auditors to identify them for the review. The location of the added marks shall be prescribed by the secretary of state.

VII. The secretary of state shall make the results of the audits available prior to 12:00 p.m. on the Friday after the election, except that any full hand recount conducted under paragraph VI shall be performed under the provisions of RSA 660:4 through RSA 660:6 and no costs for such recount shall be assessed against any candidate. The secretary shall also report the results of all audits to the ballot law commission, and the chairpersons of the house of representatives and senate standing committees with jurisdiction over election law.

2 Marking Ballot by Election Officers and Auditors. Amend RSA 659:36 to read as follows:

659:36 Marking Ballot by Election Officers *and Auditors*.

I. No mark of any nature shall be placed on any ballot by:

(a) An election officer except as provided in RSA 659:20, 659:22, 659:26-a, and 659:51.

(b) *An auditor except as provided in RSA 660:33.*

II. Whoever knowingly violates this section shall be guilty of a misdemeanor.

3 New Section; Recount and Audit Procedures; Publication. Amend RSA 660 by inserting after section 17-b the following new section:

660:17-c Recount and Audit Procedures; Publication.

The secretary of state shall publish all recount and audit procedures, as well as the times to hold any recounts and audits that may take place. The secretary of state shall complete any audit conducted under this chapter prior to the commencement of a recount for any recount requested.

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

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

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

SB 490-FN, relative to the verification of the checklist.

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

Election Law and Municipal Affairs

February 13, 2024

2024-0673s

08/02

Amendment to SB 490-FN

Amend RSA 654:39 as inserted by section 1 of the bill by replacing it with the following:

654:39 Verification Every [10] **5** Years.

I. In addition to any verification carried out[~~under the provisions of RSA 654:38~~], the supervisors shall verify the checklist in [1981] **2026** and once every [10] **5** years thereafter.

II. Between April 1 and August 1 of [1981] **2026** and **every 5 years** thereafter [~~in each year ending with a one~~], the supervisors shall post notice of their sessions in 2 appropriate places one of which shall be the town or city's Internet website, if such exists, and published at least twice in a newspaper of general circulation and hold [sufficient] sessions **at least once a month** for verification of the checklist as in their opinion will enable all eligible voters in said town or ward to appear before them and register or reregister as the case may be. Whenever a person is reregistered, his or her party designation, if any, on the checklist undergoing revision shall not be changed except as provided in RSA 654:34.

III. Beginning[~~June~~] **April** 1 of such year, the supervisors shall review the checklist and shall strike therefrom the names of all persons who have not registered or reregistered under paragraphs I and IV; provided, that there shall not be stricken from said checklist the name of any person duly qualified to vote unless such person, not less than 30 days prior to such action, shall have been sent notice by the supervisors **or by the secretary of state** at his last known address of his failure to reregister stating the procedure to be followed in order to reregister and have his name retained on said checklist nor unless such person shall have been given a reasonable opportunity to follow said procedure.

IV. For the purpose of this section, a person shall be deemed reregistered and need not appear before the supervisors if:

(a) The person voted in any election within the 4 years immediately preceding a [~~10~~] **5-year** verification; or

(b) The person has been added to the checklist [~~since~~] **in** the last [~~state general election~~] **4 years**.

V. Upon completion of verification of the checklist, but in no event later than September 1, the supervisors shall file with the secretary of state the following certificate: We, the supervisors of the checklist (or registrars of voters) of the town (or ward _____) of _____, do hereby certify that we have verified the checklist of registered voters in the town (or ward _____ of the city) of _____, pursuant to the provisions of RSA 654:39.

VI. In verifying the checklist in accordance with this section, the provisions of RSA 654:38, IV and V shall apply.

2024-0673s

AMENDED ANALYSIS

This bill changes the verification of the checklist from every 10 years to every 5 years.

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 491, relative to authorizing municipalities to enter into voluntary agreements with owners of private roads. Ought to Pass with Amendment, Vote 3-0. Senator Soucy for the committee.

Election Law and Municipal Affairs

February 13, 2024

2024-0678s

11/08

Amendment to SB 491

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

AN ACT relative to authorizing legislative bodies of municipalities to enter into voluntary agreements with owners of private roads.

Amend the bill by replacing section 1 with the following:

1 New Section; Private Roads; Agreements. Amend RSA 231 by inserting after section 81-a the following new section:

231:81-b Private Road Agreements. Legislative bodies of municipalities may enter into agreements with owners of private roads allowing the municipalities to use the road. An agreement shall not obligate the municipality to maintain the road. The municipality shall be responsible for obtaining the written consent of every owner of the road. The contract for municipal use shall be in writing and explain the terms regarding, among other things, the specific types of uses contemplated and which party is responsible for road maintenance. The commissioner of the department of transportation shall adopt rules pursuant to RSA 541-A governing this law's requirements.

2024-0678s

AMENDED ANALYSIS

This bill authorizes legislative bodies of municipalities to enter into voluntary agreements with owners of private roads.

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 530, relative to reports of receipts and expenditures filed by political committees of candidates and candidates. Ought to Pass with Amendment, Vote 3-0. Senator Abbas for the committee.

Election Law and Municipal Affairs

February 13, 2024

2024-0672s

08/02

Amendment to SB 530

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

1 Political Expenditures and Contributions; Reports of Receipts and Expenditures. RSA 664:9-a and RSA 664:9-b are repealed and reenacted to read as follows:

664:9-a Reports of Receipts and Expenditures Filed Electronically. A political committee of a candidate or a candidate may file such candidate's report of receipts and expenditures, pursuant to RSA 664:6, RSA 664:7, and RSA 664:7-b, electronically online by using the New Hampshire Campaign Finance System, which may also be used to register, file reports, and search information filed by candidates, political committees, and candidate committees.

664:9-b Reports of Receipts and Expenditures Filed by Other Methods. A political committee of a candidate or a candidate may file such candidate's required reports as an email attachment or a paper copy, provided that:

I. The font size of the document as printed is not less than an 8 point font.

II. Email attachments are to be in portable document format archive (PDF/A) or other acceptable format as determined by the secretary of state.

III. The report is mailed, delivered, or sent to the secretary of state on or before the date and time that the report is due.

2 New Section; Reports; Legibility Required. Amend RSA 664 by inserting after section 9-b the following new section:

664:9-c Reports; Legibility Required. A political committee of a candidate or a candidate who files a report pursuant to RSA 664:9-b shall be responsible for ensuring the report is legible. The political committee of a candidate or a candidate shall file an amended copy of such candidate's report within one week after being notified by the secretary of state or attorney general's office that such report is non-compliant. Non-compliant reports shall not be accepted by the secretary of state as filed and shall not be published to the online campaign finance system, pursuant to 664:11, until a legible amendment is received.

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.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 300-FN, relative to education and training standards for voluntarily certified heating equipment installers and heating equipment service personnel.

Inexpedient to Legislate, Vote 3-2. Senator Pearl for the committee.

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

FINANCE

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

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 348-FN-A, relative to emergency crop relief.

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

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

SPECIAL ORDER

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

FINANCE

SB 352-FN-A, establishing an early detection cancer screening pilot program for active and retired firefighters.
SB 363-FN, relative to wagering on simulcast dog racing.

SB 387-FN, relative to a state parks pass pilot program for recovery centers and community mental health centers.
Ought to Pass, Vote 7-0. Senator Birdsell for the committee.

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

SB 393-FN, relative to making an appropriation to the department of environmental services to fund drinking water infrastructure in Derry.

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

Senate Finance

February 13, 2024

2024-0670s

06/02

Amendment to SB 393-FN

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

AN ACT relative to making an appropriation to the department of environmental services to fund regional drinking water infrastructure.

Amend the bill by replacing section 1 with the following:

1 Department of Environmental Services; Appropriation. The sum of \$25,000,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the department of environmental services from a combination of federal funds, the drinking water and groundwater trust fund established under RSA 485-F, the PFAS remediation loan and grant fund established under RSA 485-H, and local contributions for the purpose of funding regional drinking water infrastructure as part of Phase 2 of the Southern New Hampshire Regional Water Project to increase water supply by over 2 million gallons per day to multiple towns impacted by per- and polyfluoroalkyl substance contamination and growing water demands. The infrastructure shall include all ancillary projects needed, including but not limited to booster pumping stations, pressure reducing stations, water storage tanks, water mains, raising the water level of Lake Massabesic, and all associated design and construction permits. This sum shall be nonlapsing.

2024-0670s

AMENDED ANALYSIS

This bill makes an appropriation to the department of environmental services for the funding of regional drinking water infrastructure as part of Phase 2 of the Southern New Hampshire Regional Water Project to increase water supply to multiple towns impacted by PFAS contamination and growing water demands.

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 396-FN-A, relative to making an appropriation to the culinary arts program at the Wilbur H. Palmer Regional Career and Technical Education Center.

Ought to Pass with Amendment, Vote 5-2. Senator Gray for the committee.

Senate Finance

February 14, 2024

2024-0697s

02/06

Amendment to SB 396-FN-A

Amend the bill by replacing section 1 with the following:

1 Wilbur H. Palmer Regional Career and Technical Education Center; Appropriation. Notwithstanding the provisions of RSA 198:39, I, there is hereby appropriated to the department of education the sum of \$672,672.99

from the education trust fund, for the biennium ending June 30, 2025, for the purpose of funding the repair and replacement of the ventilation and exhaust fan system for the teaching kitchen in the culinary arts program at the Wilbur H. Palmer Regional Career and Technical Education Center at Alvirne High School in Hudson. The governor is authorized to draw a warrant for said sum out of any money in the education trust fund not otherwise appropriated.

2024-0697s

AMENDED ANALYSIS

This bill makes an appropriation from the education trust fund to the department of education to fund the repair and replacement of the ventilation and exhaust fan system for the teaching kitchen in the culinary arts program at the Wilbur H. Palmer Regional Career and Technical Education Center at Alvirne High School in Hudson.

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 398-FN-A, appropriating additional funds to the department of transportation for existing municipal bridges.

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

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

Recess. Out of recess.

SB 452-FN-A, relative to making an appropriation for the hiring and training of small business development counselors in rural areas of New Hampshire.

Interim Study, Vote 4-3. Senator Gray for the committee.

Senator Gray moved to Lay on the Table. Adopted.

SB 473-FN, governing unclaimed horse racing ticket and voucher money.

Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

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

SB 494-FN-A, relative to establishing a farmer assistance fund.

Interim Study, Vote 5-2. Senator Pearl for the committee.

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

SB 552-FN, relative to lapse of funds from the education trust fund.

Interim Study, Vote 5-2. Senator Innis for the committee.

SPECIAL ORDER

Without objection, SB 552-FN is Special Ordered to when Senator D'Allesandro returns. Adopted.

SB 553-FN, requiring that funds held by the public deposit investment pool be invested in New Hampshire. Ought to Pass with Amendment, Vote 7-0. Senator Rosenwald for the committee.

Senate Finance

February 14, 2024

2024-0696s

11/08

Amendment to SB 553-FN

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

1 Public Deposit Investment Pool. Amend RSA 6:45, II to read as follows:

II. The public deposit investment pool shall be operated under contract with a private investment advisor, approved by the state treasurer and advisory committee. The state treasurer and advisory committee shall choose an investment advisor by requesting proposals from advisors and reviewing such proposals based on criteria ~~[adopted by rule under RSA 6:46]~~ ***established by the state treasurer. Beginning June 22, 2025, any private investment advisor approved by the state treasurer and advisory committee shall ensure***

that all of the funds held by the public deposit investment pool are invested or deposited within the state of New Hampshire, and that all funds held by the public deposit investment pool are insured or collateralized. Securities defined by the bank commissioner in rules adopted pursuant to RSA 383-B:3-301(e) shall be eligible to be pledged as collateral.

2 Rulemaking; State Treasurer. Amend RSA 6:46 to read as follows:

6:46 Rulemaking.

The state treasurer ~~[shall]~~ **may**, with the approval of the advisory committee, adopt rules, pursuant to RSA 541-A, relative to:

I. Formulation of a disclosure policy and materials to be included in a prospectus and in periodic reports to participants, including:

- (a) A written statement of policy and pool objectives;
- (b) Investment objectives designed to meet the pool objectives;
- (c) A description of eligible investment instruments;
- (d) The credit standard of investment;
- (e) Allowable maturity range of investments;
- (f) The limits of portfolio concentration permitted for each type of security;
- (g) Safekeeping practices **and disclosure of percentage of funds that are collateralized;**
- (h) Definition of pool participant eligibility;
- (i) Disclosure of size of accounts, size of transactions and administrative costs;
- (j) **Disclosure of the amount of funds invested or deposited within the state of New Hampshire;**

and

- (k) Instructions for establishing and utilizing accounts.

II. Investment and administrative policies, practices, and restrictions, including the frequency and method used for calculating valuation, yields, and earnings.

III. Requests for proposals from investment managers and criteria for reviewing such proposals.

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

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

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

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

SB 552-FN, relative to lapse of funds from the education trust fund.
Interim Study, Vote 5-2. Senator Innis for the committee.

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

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

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avar, Carson, Murphy, Pearl, Birdsell, Abbas, Gannon, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

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

SB 580-FN, authorizing the sale of toll credits to fund a newly established noise barrier construction fund for the design and construction of noise barrier projects.

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

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

SB 352-FN-A, establishing an early detection cancer screening pilot program for active and retired firefighters. Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

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

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

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

The following Senators voted No: (None)

Roll Call, Yeas: 24 - Nays: 0. Adopted, bill ordered to Third Reading.

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

Ought to Pass, Vote 7-0. Senator D'Allesandro for the committee.

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

CONSENT CALENDAR REPORTS REMOVED

PRESIDENT BRADLEY: We are at the conclusion of the Regular Calendar and will take up the bills that were removed from the Consent Calendar.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 483-FN, relative to establishing an office of regulatory efficiency and oversight.

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

Senator Carson moved to Lay on the Table. Adopted.

SB 484-FN, relative to completion of the birth worksheet for hospital or institutional birth.

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

Senator Carson moved to Lay on the Table.

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

Recess. Out of recess.

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

The following Senators voted No: Chandley, Rosenwald, Soucy, Altschiller.

Roll Call, Yeas: 20 - Nays: 4. Adopted.

MOTION TO REMOVE FROM THE TABLE

Senator Gray moved to remove SB 63 from the Table. Adopted.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 63, relative to the adoption of public health ordinances by municipalities.

The pending motion is Ought to Pass.

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6

February 8, 2024

2024-0583s

08/05

Floor Amendment to SB 63

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

AN ACT relative to the adoption of public health ordinances by municipalities.

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

1 Local Adoption of Public Health Ordinances. Amend RSA 147:1, I to read as follows:

I. The health officers of towns may make regulations for the prevention and removal of nuisances, [~~and such other regulations relating to public health~~] **or other similar threats to public health**, as in their judgment the health and safety of the people require, which shall take effect when approved by the selectmen, recorded by the town clerk, and published in some newspaper printed in the town, or when copies thereof have been posted in 2 or more public places in the town.

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

2024-0583s

AMENDED ANALYSIS

This bill changes when town public health officials may make regulations relating to public health.

The Chair ruled sections of the Floor Amendment non-germane.

Without objection, Senate Rule 3-17 is suspended to allow consideration of the non-germane Floor Amendment. Adopted by the necessary 2/3 vote.

Recess. Out of recess.

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

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

MOTION TO REMOVE FROM THE TABLE

Senator Murphy moved to remove SB 372-FN from the Table. Adopted.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 372-FN, relative to plumbing apprenticeships.

The pending motion is Refer to Interim Study.

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 21, 2024

2024-0815s

09/06

Floor Amendment to SB 372-FN

Amend the bill by replacing section 1 with the following:

1 Mechanical Licensing; Plumbers; Definitions; Apprentices. Amend RSA 153:27, XV to read as follows:

XV. "Plumbing apprentice" means any person who is engaged in learning and assisting in the installation of plumbing and drainage under an apprenticeship program that meets the requirements of [~~the state apprenticeship advisory council established in RSA 278 or~~] the rules of the board, **except that the maximum number of apprentices that a plumbing licensee is permitted to employ shall not be fewer than 2 per licensee. The master plumber shall not be required to register the apprentice in an approved apprenticeship program pursuant to RSA 278. If the apprentice is so registered, the program shall comply with all requirements of the United States Department of Labor.**

2024-0815s

AMENDED ANALYSIS

This bill establishes requirements for the employment of plumbing apprentices.

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.

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

The following Senators voted Yes: Gendreau, Lang, Gray, Innis, Ward, Ricciardi, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Gannon, Bradley.

The following Senators voted No: Watters, Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

Roll Call, Yeas: 14 - Nays: 10. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

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 Pearl: SB 348-FN-A, SB 494-FN-A

ANNOUNCEMENTS

(The Chair recognized Senator Watters.)

SENATOR WATTERS: Thank you, Mister President. Unanimous Consent. Thank you. Jack Thomas Casey, Captain in the United States Marine Corps died suddenly in a tragic accident along with four other crew members February 7, 2024 in Pine Valley, California during a CH-53E helicopter training exercise. He's survived by his wife Emma Lindberg of Shepardson, West Virginia, his mother, Catherine Robinson Casey of Dover, his father James B. Casey of Andover, Maine, his grandparents, Jean Robinson of Portsmouth, and Janice Casey of Dover, New Hampshire, and James Casey of Hampton, New Hampshire, and siblings James D. Casey, and Kristen Tavares of Dover, Patrick Casey of Topsfield, Mass, Sean Casey and Caitlin Parsons of Nantucket and Catherine Casey and Brian DiCredico from Berwick, Maine, beloved nephew of fifteen, favorite cousin of twenty-three, amazing uncle to six.

Jack was born April 17, 1997 in Dover. He attended St. Mary's and St. Thomas Aquinas High School where he played football and lacrosse as well as being a member of the robotics team. He then decided he wanted to serve his country in any capacity. He attended college at Virginia Military Institute in Lexington, Virginia. During his time there, he served as Company Clerk and earned his position of Company Commander for India Company his senior year. He graduated with a Bachelor of Science in Physics in 2019. He graduated from officer candidate school in 2018 earning a Pilots Commission in the United States Marine Corps. He ran the Marine Corps full marathon while training in Quantico. After training extensively, he earned his wings on September 20, 2022 and became a skilled CH-53 helicopter pilot. He was promoted to captain on September 2, 2023.

As a leader, he would carry people's burden and help them find a solution. When in doubt, flat out, drama was not in his vocabulary, leading by example in a calm, convincing manner. He did the right thing, whether or not someone was looking. He was a fierce, loyal husband, son, brother, and friend. Our universe has a loss of precious, rare, amazing soul. A solemn procession brought him home yesterday to Dover. And Dover and all of New Hampshire mourns and honors his giving the fullest measure to our nation and to our freedom. Thank you, Mister President.

(The Chair recognized Senator Innis.)

SENATOR INNIS: Moment of Personal Privilege, please. Sometimes we put bills in that are really important. to us and I had one of those this session and I was reasonably quiet about it. Had to do with cytomegalovirus and it went to Health and Human Services, it wasn't perfect. And I want to thank the Chair, the Senator from District 19 and the members of the committee and our Department of Health and Human Services for getting that bill corrected and through.

Cytomegalovirus is a nasty virus and I know of it because my nephew Ethan was born with it, and we didn't know. He wasn't tested. His life has been hell as has his parents. And yet through the work of his mother, Heather, my sister-in-law he's been brought along. He's now 18 years old. He'll never live alone but he's a wonderful, beautiful young man. This bill encourages education and testing for CMV when a child is born,

and that testing can change a life. There are hundreds, thousands of cases of this every year and Heather has metastatic breast cancer. It became important to me and to her that New Hampshire do this and become one of the few states that has done so. I'm grateful to all of you for passing it. It was on consent. I didn't mention it last week because we ran late but this is big. Thank you from the bottom of my heart and thank you from Heather, my brother Richard, and their son Ethan. Thank you, Mister President.

(The Chair recognized Senator Perkins Kwoka.)

SENATOR PERKINS KWOKA: I just want to stand up. Not that I'm ready to, but just to say thank you all of you for the past couple weeks that I've received so many messages and so much care and just

so many people helping me through this and I just wanted to say thank you. You know at the end of the day. There's only twenty-four of us, plus our, you know, the staff and everybody that's here that really understands what it's like to be up here and there's a lot so I just you know, I just wanted to let you know that I really appreciated all the expressions of gratitude or sympathy that people sent, you know, I've gotten calls, emails, flowers, visits. I know a bunch of you were at the services over the weekend and I just want you to know it means a lot and I wanted to give a special thanks to Cam and to Jenny and to Senator Prentiss who has picked up the phone every time I've called. So, thank you.

(The Chair recognized Senator Abbas.)

SENATOR ABBAS: Thank you, Mister President. With all my spare time I found myself reading the New Hampshire Constitution. I stumbled across some of the qualifications for office. I just wanted to raise an issue to this body that I came across. All members have to be thirty years of age by the time they actually are seated to be in the Senate, or when their term begins. I've learned that our good friend, our mutual good friend from District 2, was born February 29, 1964. This means next week he'll be celebrating his fifteenth birthday. So, before we potentially expel the member from the body, we should probably still wish him a happy birthday out of just respect since we won't be meeting again until after his birthday. We can all join together. I know that some Senators are better at singing than I am, but I'll take the leave of what's all due together. And count it three, okay? One, two, three. Happy birthday to you. Happy birthday to you. Happy birthday, Senator Lang. Happy birthday to you. Thank you, Mister President.

PRESIDENT BRADLEY: Okay, congratulations. You're now an adult. First of all, just an announcement, everybody have a great break. You've earned it. You've worked hard. So, have a great time. So, when we come back in March, I've spoken with Senator Soucy. We will be in session on March 7th and 21st. Not on the 14th and not on the 28th, the 28th being the day before Good Friday and Easter weekend. We'll also not be in session on April 25th, which is school vacation. So I think for planning purposes, have at it. Okay?

Without objection, all Personal Privileges and Unanimous Consent shall be entered into the permanent *Journal of the Senate*. (Rule 2-16 and Rule 2-17). Adopted.

LATE SESSION

Third Reading and Final Passage

SB 63, relative to the adoption of public health ordinances by municipalities.

SB 310, relative to bear registration and federal duck stamps.

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

SB 352-FN-A, establishing an early detection cancer screening pilot program for active and retired firefighters.

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

SB 371-FN, relative to the licensing of resident physicians.

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

SB 393-FN, relative to making an appropriation to the department of environmental services to fund regional drinking water infrastructure.

SB 396-FN-A, relative to making an appropriation to the culinary arts program at the Wilbur H. Palmer Regional Career and Technical Education Center.

SB 437, relative to local authority to amend the state building code.

SB 451, relative to an expedited track for certain applications to the site evaluation committee.

SB 473-FN, governing unclaimed horse racing ticket and voucher money.

SB 479, relative to recognizing the second Thursday in October as children's environmental health day.

SB 489-FN, relative to election audits.

SB 490-FN, relative to the verification of the checklist.

SB 491, relative to authorizing legislative bodies of municipalities to enter into voluntary agreements with owners of private roads.

SB 526, relative to a public school facility condition assessment and school building aid grants for temperature control.

SB 530, relative to reports of receipts and expenditures filed by political committees of candidates and candidates.

SB 553-FN, requiring that funds held by the public deposit investment pool be invested in New Hampshire.

SB 580-FN, authorizing the sale of toll credits to fund a newly established noise barrier construction fund for the design and construction of noise barrier projects.

SB 599, relative to the state fire code.

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.