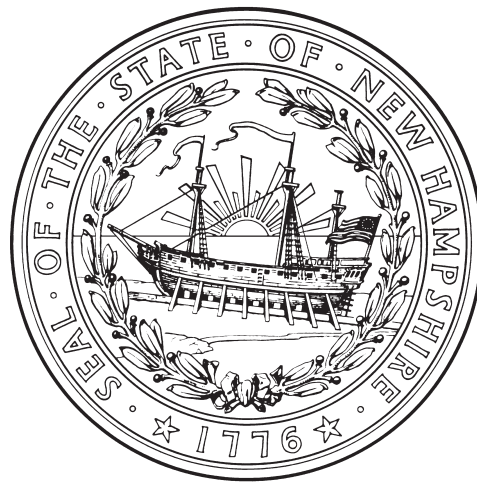


March 21, 2024
Nos. 6-7

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 – MARCH 7, 2024 SESSION
COMMENCEMENT – MARCH 21, 2024 SESSION**

SENATE JOURNAL 6 *(continued)*

March 7, 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 194-FN, (New Title) requiring the director of the division of historical resources to compile and maintain a list of public monuments.

HB 1006-FN, relative to creating a family access motion for the enforcement of parenting plans.

HB 1020, (New Title) establishing a committee to study restoration of competency.

HB 1030, (New Title) repealing certain task forces, study committees, and study commissions, repealing the John G. Winant memorial commission and making the maintenance of the memorial a duty of the joint legislative historical committee, and establishing a committee to study the appeals process administered by the environmental councils established under RSA 21-O.

HB 1036, relative to assessment of cost effectiveness of the systems benefit charge.

HB 1042, (New Title) repealing the requirement that each pharmacy establish a continuous quality improvement program.

HB 1104-FN, relative to the review of decisions in cases involving judicial misconduct.

HB 1109, (New Title) relative to requiring student identification cards to include the helpline for the National Alliance for Eating Disorders and the 988 Suicide and Crisis Lifeline.

HB 1118, relative to the issuance of drivers' licenses for aliens temporarily residing in New Hampshire.

HB 1125, relative to requiring public notice and comment at all county commissioner and delegation meetings.

HB 1142, (New Title) relative to eligibility for permits for the septic system designer program.

HB 1169-FN, creating a private cause of action for discrimination based on hairstyles relative to a person's ethnicity.

HB 1171, extending the commission to study environmentally-triggered chronic illness.

HB 1179-FN, relative to state park system fees for retired members of the armed forces.

HB 1189, relative to criteria for reporting child support delinquencies to federal agencies.

HB 1194, relative to the definition of noncommunicable disease.

HB 1197, relative to criminal background checks.

HB 1203, relative to prohibiting the charging of rent to charities by charitable gaming facilities.

HB 1213-FN, (New Title) relative to immunization requirements for child care agencies.

HB 1214, relative to establishing a committee to study best practices for the development of a restorative justice model for misdemeanor-level behavior and hate crimes committed by juveniles under the age of eighteen.

HB 1220-FN, (New Title) abolishing the collection of racial and educational data for use in a marital application worksheet.

HB 1235, relative to high school students serving as school board members.

HB 1263-FN, relative to parenting coordinators in high-conflict cases.

HB 1266-FN, relative to permitting recordings of open family court proceedings by parties.

HB 1278-FN, relative to qualifying medical conditions for purposes of therapeutic cannabis.

HB 1294-FN, (New Title) establishing a committee to study ways to facilitate municipal compliance with Clean Water Act requirements.

HB 1302, relative to elected conservation commissions in towns.

HB 1314-FN, relative to the comprehensive state development plan.

HB 1318, relative to the duties of the opioid abatement advisory commission.

HB 1349-FN, relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program.

HB 1350-FN, relative to therapeutic cannabis possession limits.

HB 1354, relative to special number plates for surviving spouses of veterans.

HB 1359, relative to appeals of certain zoning decisions by abutters.

HB 1360, relative to emergency authority on the public or coastal waters of the state.

HB 1386-FN, relative to prohibiting the disposal of lithium-ion batteries in solid waste landfill facilities, composting facilities, or incinerators.

HB 1412-FN, relative to court reporters.

HB 1415, relative to PFAS facility liability.

HB 1431, relative to utility requirements for integrated distribution planning.
HB 1490, relative to the solid waste management act.
HB 1525, relative to historic horse racing game operator employer licensing.
HB 1548-FN, relative to recommendations of the joint committee on employee classification.
HB 1549, relative to buy-in amount deductions collected during the operation of games of chance.
HB 1550, authorizing municipalities to reduce speed limits seasonally.
HB 1581, relative to cultivation locations for alternative treatment centers.
HB 1600-FN, relative to participation in net energy metering.
HB 1604-FN, relative to the use of electronic medical records.
HB 1620-FN, relative to suspending the issuance of new landfill permits until 2031.
HB 1623-FN, relative to the state energy policy.
HB 1626-FN-A, relative to the repeal of certain designated funds and relative to the apportionment of dog license fees.
HB 1660-FN, relative to coverage of certain procedures for minor children under the state's Medicaid program.
HB 1687-FN, relative to disposal of construction and demolition debris from state construction projects.
HB 1695, relative to the release of student personally identifiable information.

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 1012-FN, exempting from criminal penalty certain parenting decisions intended to encourage a child's independence and freedom.
HB 1038-FN, relative to prohibiting registered sex offenders from employment at businesses providing direct services to minors or direct supervision or oversight of minors.
HB 1054-A, relative to the Northern Border Alliance Program fund.
HB 1126, relative to candidate requests for absentee ballot information.
HB 1146, relative to the removal of a voter from the checklist.
HB 1150, (New Title) relative to advertising rates for political advertising.
HB 1158, relative to establishing an exception to vessel registration.
HB 1204, relative to government agent entries into secured premises.
HB 1231, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.
HB 1252, relative to establishing a committee to study the needs of Native Americans in New Hampshire.
HB 1265, relative to the penalty for failure to file school expenditure reports, and relative to certain adequacy grants.
HB 1270-FN, relative to protective custody statutes.
HB 1276-FN, relative to repealing the prohibition on the possession or sale of blackjacks, slung shots, and metallic knuckles except by or to minors.
HB 1305-FN, relative to freedom of speech and association at public institutions of higher education.
HB 1310-FN, relative to meetings of supervisors of the checklist.
HB 1311, relative to school district collection development and reconsideration policies.
HB 1312, requiring parental notification of student health or well-being and certain curricula by school districts.
HB 1313-FN-LOCAL, relative to access to the voter checklist by candidates.
HB 1319-FN, relative to prohibiting the nonconsensual dissemination of synthetic sexual images.
HB 1328, relative to public safety providers defined as essential services.
HB 1329-FN, relative to creating special number plates for fire departments.
HB 1348, (New Title) governing the application for a ballot recount in a state general election.
HB 1369, relative to the verification of voter rolls every 4 years.
HB 1370-FN, relative to durable and tamper-proof containers for preserving ballots.
HB 1391-FN, allowing new vehicles purchased in the model year or before to be inspected in the second year after purchase.
HB 1403, (New Title) relative to temporary waivers for vehicle emission control equipment.
HB 1407, relative to child care staffing ratios.
HB 1457-FN, establishing penalties for driving over covered wooden bridges in vehicles that exceed posted limits and for vehicular damage to covered wooden bridges.
HB 1536-FN, relative to increasing the amount of the expense deduction allowed against the business profits tax.
HB 1569-FN, relative to eliminating voter identification exceptions.
HB 1609-FN, relative to the commission on the primary care workforce and the state office of rural health.
HCR 9, (New Title) rescinding House Concurrent Resolution No. 40 passed by the 2012 New Hampshire General Court asking that Congress call a convention under Article V of the United States Constitution.

HOUSE MESSAGE

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

SB 395, relative to establishing the position of assistant commissioner of the department of agriculture, markets, and food.

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 194-FN, requiring the director of the division of historical resources to compile and maintain a list of public monuments. (Energy and Natural Resources)

HB 1006-FN, relative to creating a family access motion for the enforcement of parenting plans. (Judiciary)

HB 1020, establishing a committee to study restoration of competency. (Judiciary)

HB 1030, repealing certain task forces, study committees, and study commissions, repealing the John G. Winant memorial commission and making the maintenance of the memorial a duty of the joint legislative historical committee, and establishing a committee to study the appeals process administered by the environmental councils established under RSA 21-O. (Executive Departments and Administration)

HB 1036, relative to assessment of cost effectiveness of the systems benefit charge. (Energy and Natural Resources)

HB 1042, repealing the requirement that each pharmacy establish a continuous quality improvement program. (Health and Human Services)

HB 1104-FN, relative to the review of decisions in cases involving judicial misconduct. (Judiciary)

HB 1109, relative to requiring student identification cards to include the helpline for the National Alliance for Eating Disorders and the 988 Suicide and Crisis Lifeline. (Education)

HB 1118, relative to the issuance of drivers' licenses for aliens temporarily residing in New Hampshire. (Judiciary)

HB 1125, relative to requiring public notice and comment at all county commissioner and delegation meetings. (Election Law and Municipal Affairs)

HB 1142, relative to eligibility for permits for the septic system designer program. (Energy and Natural Resources)

HB 1169-FN, creating a private cause of action for discrimination based on hairstyles relative to a person's ethnicity. (Judiciary)

HB 1171, extending the commission to study environmentally-triggered chronic illness. (Health and Human Services)

HB 1179-FN, relative to state park system fees for retired members of the armed forces. (Energy and Natural Resources)

HB 1189, relative to criteria for reporting child support delinquencies to federal agencies. (Judiciary)

HB 1194, relative to the definition of noncommunicable disease. (Health and Human Services)

HB 1197, relative to criminal background checks. (Judiciary)

HB 1203, relative to prohibiting the charging of rent to charities by charitable gaming facilities. (Ways and Means)

HB 1213-FN, relative to immunization requirements for child care agencies. (Health and Human Services)

HB 1214, relative to establishing a committee to study best practices for the development of a restorative justice model for misdemeanor-level behavior and hate crimes committed by juveniles under the age of eighteen. (Judiciary)

HB 1220-FN, abolishing the collection of racial and educational data for use in a marital application worksheet. (Judiciary)

HB 1235, relative to high school students serving as school board members. (Education)

HB 1263-FN, relative to parenting coordinators in high-conflict cases. (Judiciary)

HB 1266-FN, relative to permitting recordings of open family court proceedings by parties. (Judiciary)

HB 1278-FN, relative to qualifying medical conditions for purposes of therapeutic cannabis. (Health and Human Services)

HB 1294-FN, establishing a committee to study ways to facilitate municipal compliance with Clean Water Act requirements. (Energy and Natural Resources)

HB 1302, relative to elected conservation commissions in towns. (Election Law and Municipal Affairs)

HB 1314-FN, relative to the comprehensive state development plan. (Energy and Natural Resources)

HB 1318, relative to the duties of the opioid abatement advisory commission. (Health and Human Services)

HB 1349-FN, relative to generalized anxiety disorder as a qualifying condition for the therapeutic cannabis program. (Health and Human Services)

HB 1350-FN, relative to therapeutic cannabis possession limits. (Judiciary)

HB 1354, relative to special number plates for surviving spouses of veterans. (Transportation)

HB 1359, relative to appeals of certain zoning decisions by abutters. (Election Law and Municipal Affairs)

HB 1360, relative to emergency authority on the public or coastal waters of the state. (Energy and Natural Resources)

HB 1386-FN, relative to prohibiting the disposal of lithium-ion batteries in solid waste landfill facilities, composting facilities, or incinerators. (Energy and Natural Resources)

HB 1412-FN, relative to court reporters. (Judiciary)

HB 1415, relative to PFAS facility liability. (Judiciary)

HB 1431, relative to utility requirements for integrated distribution planning. (Energy and Natural Resources)

HB 1490, relative to the solid waste management act. (Energy and Natural Resources)

HB 1525, relative to historic horse racing game operator employer licensing. (Ways and Means)

HB 1548-FN, relative to recommendations of the joint committee on employee classification. (Executive Departments and Administration)

HB 1549, relative to buy-in amount deductions collected during the operation of games of chance. (Ways and Means)

HB 1550, authorizing municipalities to reduce speed limits seasonally. (Election Law and Municipal Affairs)

HB 1581, relative to cultivation locations for alternative treatment centers. (Health and Human Services)

HB 1600-FN, relative to participation in net energy metering. (Energy and Natural Resources)

HB 1604-FN, relative to the use of electronic medical records. (Health and Human Services)

HB 1620-FN, relative to suspending the issuance of new landfill permits until 2031. (Energy and Natural Resources)

HB 1623-FN, relative to the state energy policy. (Energy and Natural Resources)

HB 1626-FN-A, relative to the repeal of certain designated funds and relative to the apportionment of dog license fees. (Election Law and Municipal Affairs)

HB 1660-FN, relative to coverage of certain procedures for minor children under the state's Medicaid program. (Health and Human Services)

HB 1687-FN, relative to disposal of construction and demolition debris from state construction projects. (Energy and Natural Resources)

HB 1695, relative to the release of student personally identifiable information. (Education)

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 7

March 21, 2024

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

The Reverend Mark Warren, Chaplain to the Senate, offered the following prayer:

Thank you.

Let us pray as your faith allows. Lord of all creation we are grateful to be here today using the gifts and talents they have given each person to serve the people of New Hampshire and in this Senate Chambers today. Lord, thank you that we can be here together and that we can remember one who served in this chamber before, Jim Forsythe, who unexpectedly lost his life at the young age of 55. Jim served this Senate from 2010 to 2012 representing District 4. We're grateful for his life of service to our country and to this great state of New Hampshire, and we pray that you would bring peace and comfort to his family today. As our Senators present arguments and new and amended laws, let your spirit of understanding and peace rule in the room today. Lord, you see each person's needs and you meet them in that place of need, and we thank you for being present by your spirit. Amen.

Senator Altschiller led the Pledge of Allegiance.

MEMORIAL CANDLE

PRESIDENT BRADLEY: Senator Carson, could you light the candle for former Senator Forsythe?

MOMENT OF SILENCE

PRESIDENT BRADLEY: Thank you. Could you please join me in a moment of silence for Senator Forsythe? Thank you.

INTRODUCTION OF PAGES

(The Chair recognized Senator Prentiss.)

SENATOR PRENTISS: Thank you, Mister President. Good morning, colleagues. I'd like to introduce to you our page for today from the great city of Lebanon, Nikki Boisvert. Nikki is a junior at the Connecticut College where she is majoring in government, minoring in environmental studies. So you're going to need to meet Senator Avard and Senator Watters and some of the folks that work on environment and natural resources. And I just also want to share with you a special personal connection is that Nikki's uncle, Nikki's grandfather, sorry, was Michael Wickham. He was a longtime captain at the Hanover New Hampshire Fire Department. who, when he retired after taking one of the first EMT courses in this state, he bequeathed to me his EMT notebook. And I still have it from 1973. So thank you for joining us today. Please join me in welcoming Nikki.

INTRODUCTION OF GUESTS

(The Chair recognized Senator Carson.)

SENATOR CARSON: Thank you, Mister President. I'd like to point out two individuals that are with us today in the gallery, someone who has been a fixture here at the State House for, I don't want to say too many years, but for quite a while, Bob Sculley is with us today. And Mister President, someone who is quickly becoming a fixture in the Senate, Marissa Chase.

(The Chair recognized Senator Prentiss.)

SENATOR PRENTISS: So I'd just like to introduce another regular fixture here in the State House representing emergency medical services. Christopher Stawasz from the town of Hollis.

CONSENT CALENDAR REPORTS REMOVED

ENERGY AND NATURAL RESOURCES

HB 458, by Senator Avard

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 487-FN, by Senator Carson

SPECIAL ORDER

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

COMMERCE

SB 328-FN, relative to deceptive ticket sale practices.

EDUCATION

SB 341, relative to mandatory disclosure by school district employees to parents.

SB 525-FN, relative to administration of the education freedom accounts program.

ENERGY AND NATURAL RESOURCES

HB 458, reestablishing the commission to study the assessing of power generation.

FINANCE

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

JUDICIARY

SB 423, relative to mandatory disclosure of insurance policy limits.

SB 462, relative to removing the cap on damages for wrongful death loss of consortium claims.

AMENDED FN Report for 03/21/2024

W/F	Bill	Title	R/C	Committee	Full Name
Waive	SB 545	relative to reestablishing the large animal veterinarians incentive.	Consent	ENR	Energy and Natural Resources
Finance	SB 550	relative to utility requirements for integrated distribution planning.	Consent	ENR	Energy and Natural Resources
Finance	SB 309	relative to the vesting period for members of the state retirement system.	Consent	EDA	Executive Departments and Administration
Waive	SB 478	relative to child day care, residential care, and child-placing agency licensing.	Consent	EDA	Executive Departments and Administration
Finance	SB 487	relative to the division of personnel in the department of administrative services.	Consent	EDA	Executive Departments and Administration
Waive	SB 403	relative to health care workforce investments.	Consent	HHS	Health and Human Services
Finance	SB 407	relative to direct pay for ambulance services.	Consent	HHS	Health and Human Services
Waive	SB 315	relative to law enforcement agency reporting on information concerning bias crimes.	Consent	JUD	Judiciary
Waive	SB 416	relative to the penalties for certain driving offenses while released on bail for certain offenses.	Consent	JUD	Judiciary
Finance	SB 417	relative to out-of-home placements for children.	Consent	JUD	Judiciary
Waive	SB 426	relative to the possession of controlled drugs in motor vehicles.	Consent	JUD	Judiciary
Waive	SB 573	relative to parental consent for medical care.	Consent	JUD	Judiciary
Waive	SB 578	relative to criminal pre-trial services and monitoring.	Consent	JUD	Judiciary
Finance	SB 601	restricting electronic mail solicitation.	Consent	JUD	Judiciary
Finance	SB 308	relative to the state minimum hourly rate.	Regular	COM	Commerce
Waive	SB 328	relative to deceptive ticket sale practices.	Regular	COM	Commerce
Waive	SB 335	relative to alcohol packaging.	Regular	COM	Commerce
Finance	SB 366	relative to restricting the purchase of real property on or around military installations.	Regular	COM	Commerce
Finance	SB 522	relative to establishing an early childhood education scholarship account and making an appropriation therefor.	Regular	EDU	Education
Finance	SB 525	relative to administration of the education freedom accounts program.	Regular	EDU	Education
Waive	SB 383	relative to local tax caps.	Regular	ELMA	Election Law and Municipal Affairs
Finance	SB 384	relative to a municipal loan and grant program for rental housing and making an appropriation therefor.	Regular	ELMA	Election Law and Municipal Affairs

Waive	SB 532	relative to requiring all municipalities and school governing bodies to post on their official town or school website within 30 days the amount of funds received by the state either by allocation or grant.	Regular	ELMA	Election Law and Municipal Affairs
Waive	SB 536	enabling no-excuse absentee registration and voting.	Regular	ELMA	Election Law and Municipal Affairs
Finance	SB 368	relative to service retirement allowances for teachers and other group I retirement system members.	Regular	EDA	Executive Departments and Administration
Finance	SB 358	relative to invalidating out-of-state driver's licenses issued to undocumented immigrants.	Regular	JUD	Judiciary
Finance	SB 462	relative to removing the cap on damages for wrongful death loss of consortium claims.	Regular	JUD	Judiciary
Waive	SB 569	relative to the powers and duties of the attorney general as the state's attorney.	Regular	JUD	Judiciary

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 March 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

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.

ENERGY AND NATURAL RESOURCES

SB 385, relative to the cost of care fund.

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

This bill aimed to address concerns raised by the Department of Agriculture, particularly regarding the Cost of Care Fund. It enables direct coverage of animal care expenses via third-party payments, thereby alleviating budgetary constraints faced by municipalities in cases of animal confiscation due to cruelty. Advocates emphasized the bill's potential to expedite the process, benefiting organizations tasked with providing care for seized animals. Furthermore, this bill will address critical issues surrounding animal welfare and constraints on municipal budgets.

SB 386, relative to establishing a committee to study power generation, transmission, distribution, and storage. Ought to Pass with Amendment, Vote 5-0. Senator Avard for the committee.

This bill addresses the need for comprehensive understanding in the evolving energy landscape. The proposed committee will focus on power generation, transmission, distribution, and energy storage, reflecting the dynamic nature of the energy sector. Emphasizing an inclusive study, it covers power generation sources, necessity assessment, cost exploration, and the latest in storage capacity research. This bill as amended reduces the total required members of the senate from 2 to 1. The Department of Energy maintains a neutral stance, offering support and active participation if the committee seeks their expertise.

Energy and Natural Resources
 March 8, 2024
 2024-1032s
 08/05

Amendment to SB 386

Amend I(a) as inserted by section 2 of the bill by replacing it with the following:

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

SB 390, relative to defining “critical habitat”.

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

This bill aimed to define critical habitat in statute, aligning with existing rules and federal guidelines for endangered or threatened species. It also addressed concerns related to shifting habitats and species ranges due to environmental changes. While proponents stressed the importance of planning for the future and considering projected species ranges, NH Fish and Game opposed the bill, expressing concerns about making regulations more rigid and less flexible. The NH Timberland Owners Association also voiced concerns about potential impacts on conservation programs and land management activities. Given these varied perspectives, the bill was referred to interim study.

SB 449, relative to the permit issuance timeline for state air permits.

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

This bill aimed to rectify the air permit processing timelines and reconcile the differences between state and federal statutes. Advocates emphasized the importance of aligning state regulations with federal standards and extending permit timelines to 180 days to facilitate thorough public input. Supporters underscored the bill’s importance in upholding efficient permitting procedures while accommodating engineering review and public engagement. This bill as amended enhances the language to assuage concerns voiced by the small business community regarding the extended 180-day timeline, guaranteeing clarity and predictability for all stakeholders involved.

Energy and Natural Resources
 March 13, 2024
 2024-1120s
 12/06

Amendment to SB 449

Amend the bill by replacing section 1 with the following:

1 Application for Air Pollution Control Permit; Commissioner’s Requirement to Act. Amend RSA 125-C:12, II to read as follows:

II. ***Notwithstanding RSA 541-A:29 and RSA 541-A:29-a, [The] the commissioner shall act upon a permit application [within a reasonable period of time] for all sources, except affected sources, within a reasonable period of time and does not exceed 180 days from receipt of a complete application, unless the applicant agrees in writing to extend the time period. Applications for affected sources shall be subject to the time limits established pursuant to Title V, Clean Air Act, including 40 C.F.R. 70.4(b)(4) and 70.7(b)(4), July 1, 2023.*** Prior to such action, the commissioner shall provide notice of the application by publication in at least one newspaper of general circulation. The commissioner shall also provide an opportunity for a hearing to interested persons. The requirement of public notice and hearing shall not apply to such devices or sources that will have, in the opinion of the commissioner, an insignificant effect on air quality. The commissioner may adopt rules relative to the requirements of public notice and hearing for such devices or sources.

SB 545-FN, relative to reestablishing the large animal veterinarians incentive.

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

This bill initially aimed to address the shortage of large animal veterinarians in New Hampshire, proposing measures such as incentivizing relocation or educational pipelines for veterinarians. Concerns arose regarding potential impacts on the Department of Agriculture’s workflow and legal authority. The bill,

however, was amended to establish a committee tasked with studying the scope and practice of veterinary technicians in New Hampshire's northern rural areas, where large animal veterinarians are in high demand. The committee's duties include examining the current scope of practice for veterinary technicians, exploring practice opportunities outside the current scope, particularly focusing on large animal veterinary care, and evaluating the licensure of veterinary technicians, with a specific emphasis on enhancing large animal veterinary services in the state.

Energy and Natural Resources
March 12, 2024
2024-1101s
12/08

Amendment to SB 545-FN

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

AN ACT Establishing a committee to study the scope and role of veterinary technicians.

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

1 Committee Established. There is established a committee to study the scope and practice of veterinary technicians.

2 Membership and Compensation.

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

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

(b) Two members of the house of representatives, one of whom shall be a member of the house environment and agriculture committee and one of whom shall be a member of the house executive departments and administration committee

appointed by the speaker of the house of representatives.

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

3 Duties.

I. The committee shall study the scope and role of veterinary technicians. The committee's study shall include, but not be limited to:

(a) The current scope of practice for veterinary technicians

(b) Practice opportunities outside of the current scope that would benefit the system of animal care in New Hampshire, with a focus on large animal veterinary care

(c) The licensure of veterinary technicians, particularly the value of licensure to enhancing large animal veterinary services in New Hampshire.

II. The committee shall seek input from, but not limited to, the following: New Hampshire Veterinary Medical Association; New Hampshire Veterinary Technician Association; New Hampshire Farm Bureau Federation; the office of professional licensure and certification, board of veterinary medicine, and the state veterinarian.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

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

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

2024-1101s

AMENDED ANALYSIS

This bill establishes a committee to study the scope and practice of veterinary technicians.

SB 550-FN, relative to utility requirements for integrated distribution planning.
Interim Study, Vote 5-0. Senator Watters for the committee.

This bill aimed to establish a 10-year plan for integrated distribution planning by utilities, streamlining the rate case process and mitigating potential risks. Proponents stressed the importance of rigorous review by the Public Utilities Commission (PUC) to ensure transparency and comprehensive coverage of energy infrastructure costs. The Department of Energy opposed the bill in its introduced form, citing concerns about the necessity and effectiveness of least cost plans, with suggestions that similar information is available through other proceedings. Given the passage of a revised version of this bill in the House, the bill was referred to interim study.

SB 589-L, relative to wastewater surcharges.
Ought to Pass with Amendment, Vote 5-0. Senator Birdsell for the committee.

This bill, initiated at the request of the town of Derry, addresses water and wastewater service challenges. The proposed 15 percent surcharge on out-of-town sewer customers aims to generate funds for economic development in Derry, building on past successful initiatives. The legislation's flexibility allows for intermunicipal agreements, promoting regionalization and preventing the need for new wastewater facilities. The Department of Energy remains neutral, recognizing the municipality's autonomy in imposing surcharges. Additionally, this bill as amended addresses an ambiguity in the statute regarding the regulation of community sewer systems, proposing the addition of the words "or sewer" to clarify that the Department of Energy and the Public Utilities Commission do not regulate such systems.

Energy and Natural Resources
March 8, 2024
2024-1036s
08/02

Amendment to SB 589-LOCAL

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as 3-4, respectively:

2 Water Companies, When Public Utilities. Amend the introductory paragraph of RSA 362:4, VII(a) to read as follows:

(a) A homeowners association, including but not limited to a condominium unit owners association, shall not be considered a public utility under this title by virtue of providing water **or sewer** service if:

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 309-FN, relative to the vesting period for members of the state retirement system.
Ought to Pass, Vote 5-0. Senator Pearl for the committee.

SB 309 changes the vesting period for retirement system benefits from 10 years to 5 years. The bill came out of the Retirement Benefits Commission, which was established last year. The committee heard testimony that this change to the vesting period for retirement benefits would increase the state's ability to attract and retain younger employees, as well as older citizens looking for a second career.

SB 478-FN, relative to child day care, residential care, and child-placing agency licensing.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

SB 478-FN removes the requirement for child care employment eligibility cards; removes the requirement that the department of health and human services give notice of a residential child care facility's license to the local health officer and local fire department; revises the specialized care license from a 2-year to a 3-year license cycle; and authorizes the department to fine residential child care facilities and child placing agencies for noncompliance with licensure requirements. This bill was filed at the request of the Department of Health and Human Services. After hearing testimony from stakeholders, the committee found this policy appropriate, and, therefore, we move this bill ought to pass.

SB 600, relative to the board of pharmacy.

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

SB 600 adds a member of the board of pharmacy, who is required to be a pharmacy technician, and sets eligibility requirements for the pharmacy technician member of the board. The amendment changes the bill's requirement for board members from six members to seven. The amendment also increases the amount of time for an individual to pass all four sections of the Certified Public Accountant exam from eighteen months to thirty months. This was done at the request of the New Hampshire Board of Accountancy.

Senate Executive Departments and Administration

March 6, 2024

2024-1000s

09/05

Amendment to SB 600

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

AN ACT relative to the board of pharmacy and certified public accountant examinations.

Amend the bill by replacing section 1 with the following:

1 Pharmacy Board; Board. Amend RSA 318:2 to read as follows:

318:2 Board. There shall be a pharmacy board consisting of [5] **7** members; including [4] **5** practicing pharmacists, at least one of whom shall be a full-time hospital pharmacist, **one pharmacy technician**, and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member shall be appointed to more than 2 consecutive terms and no member shall serve for more than 10 consecutive years. Only board members provided for in this section shall have the authority to vote in board determinations. The public member shall be a resident of the state of New Hampshire who is not, and never has been, a member of the pharmacy profession or the spouse of any such person. The public member shall not have, and shall never have had, a material financial interest in either the provision of pharmaceutical services or an activity directly related to pharmaceutical services, including the representation of the board or its predecessor or the profession for a fee at any time during the 5 years preceding the date of appointment.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 New Hampshire Accountancy Act; Qualifications for a Certificate as a Certified Public Accountant. Amend RSA 309-B:5, V to read as follows:

V. An applicant shall be required to pass all sections of the examination provided for in paragraph IV in order to qualify for a certificate. A passing grade for each section shall be 75. The applicant shall pass all sections of the examination within ~~[18 months of the examination at which the first section was passed]~~ **a time period established by the board, in accordance with rules adopted by the board pursuant to RSA 309-B:4, VI and RSA 309-B:5, IV.**

2024-1000s

AMENDED ANALYSIS

This bill increases the number of the members of the board of pharmacy to seven members, requires one member to be a pharmacy technician, and sets eligibility requirements for the pharmacy technician member of the board. This bill further requires the board of accountancy to establish the time frame that applicants to be a certified public accountant must pass all sections of an examination.

HEALTH AND HUMAN SERVICES

SB 403-FN, relative to health care workforce investments.

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

SB 403-FN, as introduced, would extend the deadlines of the legislative commission on the interdisciplinary primary care workforce issues, make clarifying amendments to the home health care provider and nurse practice act statutes, establish the position of and regulation of community health workers, and establish

various programs and provide appropriations therefor focused on community health and health care employment. As amended, SB 403-FN maintains important reforms to the health care workforce while also preserving the important work done by case managers who are licensed – and the associated federal funding. It is not the intention of the legislation to have case managers supplanted by community health workers; they provide distinct services. The Committee Amendment also removes all appropriations from SB 403-FN, instead directing the Department to pursue federal funding and use of their existing budget and to work on a plan for the next budget cycle to support community health workers.

Health and Human Services
March 6, 2024
2024-1004s
09/08

Amendment to SB 403-FN

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

AN ACT relative to the health care workforce.

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

1 Purpose and Findings.

I. The state of New Hampshire shall address the health care workforce shortage through establishing programs designed to incentivize students to seek employment in health care and remain in New Hampshire upon graduation; removing career-advancement barriers for our dedicated direct care providers; and equipping health care organizations with the tools necessary to secure skilled clinicians. Voluntary certification of community health workers will aid in addressing the health care workforce shortage.

II. Case managers play a critical role in helping individuals access needed medical, social, educational, and other services, and case managers' ability to serve their clients must be preserved.

2 Commission on the Interdisciplinary Primary Care Workforce Issues; Reports. Amend RSA 126-T:4 to read as follows:

126-T:4 Reports. The commission shall make an interim report on November 1, [2020] **2026** which shall focus on the status of the New Hampshire state loan repayment program and the New Hampshire division of public health service's health professions survey, and a final report on November 1, [2024] **2029**, including its findings and any recommendations for proposed legislation, to the speaker of the house of representatives, the president of the senate, the governor, the oversight committee on health and human services, and the chairpersons of the senate and house executive departments and administration committees.

3 Commission on the Interdisciplinary Primary Care Workforce Issues Extended. Amend 2010, 114:4, I as amended by 2015, 238:4; 2018, 248:3; and 2020, 17:7 to read as follows:

I. Section 3 of this act shall take effect November 1, [2024] **2029**.

4 Nurse Practice Act; Certificate of Medication Administration for Licensed Nursing Assistants. Amend RSA 326-B:27, I to read as follows:

I. The board may issue a certificate of medication administration to a current LNA who:

(a) Has participated in and completed a board-approved medication administration education program;

(b) Has been employed as a licensed nursing assistant for one full year;

[(b)] (c) Has passed an examination approved by the board; and

[(e)] (d) Has paid the certification fee.

5 New Paragraph; Office of Professional Licensure and Certification; Definitions; Establishment. Amend RSA 310:2 by inserting after paragraph (bbb) the following new paragraph:

(ccc) Community health workers under RSA 326-N.

6 New Chapter; Community Health Workers. Amend RSA by inserting after chapter 326-M the following new chapter:

CHAPTER 326-N
COMMUNITY HEALTH WORKERS

326-N:1 Definitions.

I. “Applicant” means an individual applying to be certified or recertified as a community health worker.

II. “Certificate” means the document issued by the office of professional licensure and certification to qualified applicants for certification as community health workers.

III. “Certification” means the voluntary process by which the office of professional licensure and certification grants recognition and use of a credential to individuals who are eligible to practice as certified community health workers.

IV. “Certified community health worker” means a community health worker to whom the office of professional licensure and certification has issued a certificate to practice as a certified community health worker.

V. “Commissioner” means the commissioner of the department of health and human services.

VI. “Community health worker” means a public health worker who applies an understanding of the experience, language, and culture of the populations that the individual serves and who provides direct services aimed at optimizing individual and family health outcomes, including:

- (a) Informal and motivational counseling and education;
- (b) Interventions to maximize social supports;
- (c) Community health integration services;
- (d) Facilitation of access to health care and social services;
- (e) Health screenings; and
- (f) Other services that the commissioner defines by rules adopted under RSA 541-A;

VII. “Department” means the department of health and human services.

VIII. “Executive director” means the executive director of the office of professional licensure and certification.

IX. “Recertification” means a renewal of certification.

X. “Telemedicine” means the use of audio, video, or other electronic media for the purpose of optimizing individual and family health outcomes.

326-N:2 Powers and Duties of the Executive Director. The powers and duties of the executive director under this chapter include:

I. Accepting applications for certification under this chapter, and approving or denying such applications.

II. Renewing certifications.

III. Suspending or revoking certification of a certified community health worker upon the grounds listed in RSA 326-N:5, and conducting hearings regarding the denial, suspension, revocation and renewal of certificates as provided in RSA 326-N:8.

IV. Accepting written complaints from the public against registrants and conducting necessary investigations upon such written complaints.

V. Publicizing the complaint procedure.

VI. Adopting such rules under RSA 541-A as are necessary to carry out the purposes of this chapter.

VII. Reporting to the governor and commissioner annually on the activities conducted under this chapter.

326-N:3 Rulemaking.

I. The executive director shall, in consultation with the New Hampshire area health education centers, adopt rules pursuant to RSA 541-A, relating to the following:

(a) Establishment and administration of a voluntary program for certification of community health workers, including criteria for:

- (1) Minimum and continuing education;
- (2) Training;
- (3) Experience; and

(4) Other qualifications that the executive director and the New Hampshire area health education centers deem appropriate in accordance with the provisions of this chapter;

(b) Forms and procedures for the receipt, review, and action upon applications for initial community health worker certification and for biennial recertification;

(c) Establishment of standards for continuing education and other requirements that the commissioner deems appropriate for biennial recertification;

(d) Procedures for disciplinary action relating to applicants or certified community health workers. The rules shall include guidelines for:

- (1) Disciplinary action;
- (2) Reprimands;
- (3) Probation;
- (4) The denial, suspension, or revocation of certification or recertification; and
- (5) Applicants' appeal rights;

(e) The determination, assessment, and collection of certification fees, recertification fees, and disciplinary fines; and

(f) Other matters that the commissioner deems appropriate to carry out the provisions of this chapter.

II. The executive director shall apply any fee it collects pursuant to this chapter to cover the costs of administering the community health worker certification program established pursuant to this chapter.

326-N:4 Application; Certification Fees; Issuance of Certification; Applicants from Other States.

I. Upon approval by the executive director, the executive director shall issue a certification to any person who files an application for such certification within 30 days after the filing of such application.

II. Every application for community health worker certification shall be accompanied by a non-refundable registration fee.

III. Certification shall be renewed biannually on or before June 30 upon payment of the renewal fee.

IV. A certified community health worker shall conspicuously display such certification in the principal place of business for which the certification is issued.

V. The executive director may issue a certification to any applicant who is licensed or certified in any other state provided the other state's requirements are substantially equivalent to or more stringent than those of this state. An applicant whose state licensure or certification meets the requirements set forth in this paragraph shall be deemed able to work as a certified community health worker in this state not more than 60 days after the application is received by the executive director pending final approval or denial for other reason by the executive director.

326-N:5 Suspension; Revocation or Refusal to Issue Certification. The executive director may deny the application for a certified community health worker and may suspend or revoke the certification issued pursuant to this chapter or refuse to issue a renewal thereof if it is determined after hearing that such applicant or registrant:

I. Has made a material false statement or concealed a material fact in connection with his or her application for certification;

II. Has had a certificate of registration issued under this chapter revoked or suspended previously;

III. Has been found guilty of fraud or fraudulent practices after prosecution;

IV. Has failed to comply with any other provision of this chapter or any rules promulgated by the executive director.

326-N:6 Use of Certified Community Health Worker Designation; Exemptions.

I. In order to use the title “certified community health worker”, the initials “CCHW”, or other designation indicating that the individual is a certified community health worker, an individual shall be certified pursuant to the provisions of the RSA 326-N:4.

II. To ensure compliance with the provisions of this chapter or any rule that the executive director has adopted and promulgated pursuant to this chapter, the office of professional licensure and certification may issue cease-and-desist orders to persons violating the provisions of this chapter.

III. A community health worker shall engage only in those activities authorized pursuant to this chapter and by rules adopted pursuant to this chapter. While engaging in practice as a community health worker, an individual shall not engage in or perform any act or service for which another professional certificate, license, or other legal authority is required.

IV. Certification as a community health worker is voluntary. Nothing in this section shall be construed as requiring community health workers to be certified for purposes of employment. Nothing in this section shall be construed to prevent or restrict the practice, service, or activities of any individual simultaneously certified as a community health worker and licensed, certified, registered, or otherwise legally authorized in the state to engage in the practice of another profession if that individual does not, while engaged in the authorized practice of another profession, use any name, title, the initials “CCHW”, or other designation indicating that the individual is a certified community health worker.

326-N:7 Telemedicine. Certified community health workers shall be permitted to provide services through the use of telemedicine.

326-N:8 Procedure for Complaints; Hearings; Judicial Review.

I. No certification shall be suspended or revoked until after a hearing before the executive director, which shall be held in accordance with RSA 541-A, and upon written notice mailed to the registrant by certified or registered mail. However, when a notice of hearing is mailed to a registrant at the address shown in the records of the department and such a registrant fails to attend such hearing, the executive director may suspend his or her registration without a hearing pending his or her attendance at such hearing. Upon the denial of an application for a certificate of registration, the executive director shall grant a hearing to an applicant upon receipt of a request for a hearing made within 30 days after the applicant is notified of denial. The executive director shall have the power to require the attendance of witnesses and issue subpoenas duces tecum in the conduct of such hearing. If a certification is revoked or suspended or an application is denied, no such certification shall be issued to such former registrant or applicant for at least 6 months, or thereafter except at the discretion of the executive director. The applicant may be heard in person or by counsel. The executive director shall notify the applicant of the time and place of the hearing. The executive director shall have the power to subpoena any person in this state, or document, record, or other relevant evidence, and to administer an oath to and take the testimony of any such person or to cause his deposition to be taken.

II. Appeals from an order of suspension or revocation or a denial of an application of certification shall be made pursuant to the provisions of RSA 541.

7 Department of Health and Human Services; Division of Public Health Services; Department Directives.

I. The department of health and human services, division of public health services, may contract with community-based organizations, including community health centers and family resource centers, to deploy and sustain community health workers that connect families and patients with needed health and supportive services.

II. The department may use federal funds where available and general funds within the department’s existing budget upon approval of the fiscal committee to sustain the work of community health workers through the fiscal year ending June 30, 2025.

III. The department shall develop a brief plan that articulates potential funding alternatives if federal funding is no longer available.

IV. The department shall develop a plan to be part of its budget submission in 2025 to fund community health workers at community based organizations including community health centers and family resource centers.

8 Medicaid Reimbursement for Certified Community Health Workers; State Plan Amendment. The commissioner of the department of health and human services shall submit a Title XIX Medicaid state plan amend-

ment to the federal Centers for Medicare and Medicaid Services to allow for reimbursement for the services provided by certified community health workers. Upon approval of the state plan amendment, and as of the effective date of the state plan amendment, the department shall reimburse for services provided by certified community health workers.

9 Effective Date.

I. Section 6 of this act shall take effect January 1, 2025.

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

2024-1004s

AMENDED ANALYSIS

This bill:

I. Extends the deadlines of the legislative commission on the interdisciplinary primary care workforce issues.

II. Makes clarifying amendments to the nurse practice act statute.

III. Establishes the position of and regulation of community health workers.

IV. Provides directives to the department of health and human services.

SB 407-FN, relative to direct pay for ambulance services.

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

SB 407-FN requires insurers to directly reimburse ambulance service for such services at the rate negotiated by the insurer and ambulance service provider or at a locally set rate for out-of-network services. As amended, the bill ensures that out-of-network rates will be determined in a public and transparent manner by the community based on their costs. This only applies to 9-1-1 calls and emergency transfers between hospitals. It is important to get patients out of the middle between carriers and ambulance services when they receive emergency care that is out-of-network. This bill will streamline the process and ensure that ambulance services are being paid for the important work they do – and prevent those costs from falling back on our municipal property taxpayers.

Health and Human Services

March 6, 2024

2024-0999s

05/06

Amendment to SB 407-FN

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

1 Accident and Health Insurance; Individual Policies; Reimbursement for Ambulance Service Providers. Amend RSA 415:6-q to read as follows:

415:6-q Reimbursement for Ambulance Service Providers.

I. Each insurer that issues or renews any individual policy, plan, or contract of accident or health insurance that constitutes health coverage under RSA 420-G:2, IX, and that provides benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly [or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract]. An insurer shall provide reimbursement for ambulance services at rates negotiated between the insurer and the provider of such services. In the absence of agreed upon rates, an insurer shall pay for such services at the rates set by the local government or contracted entity subject to a public process prior to adoption or readoption. All current rates set by local government and the entities shall remain in place unless a change is proposed. This section shall apply to unscheduled emergency calls and emergency interfacility transfers. This section shall not apply to policies that do not include coverage for ambulance services.

II. Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a non-participating ambulance provider that establishes rates of reimbursement for emergency medical services.

2 Accident and Health Insurance; Group Policies; Reimbursement for Ambulance Service Providers. Amend RSA 415:18-v to read as follows:

415:18-v Reimbursement for Ambulance Service Providers.

I. Each insurer that issues or renews any policy of group or blanket accident or health insurance that constitutes health coverage under RSA 420-G:2, IX, and that provides benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly [or by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract]. An insurer shall provide reimbursement for ambulance services at rates negotiated between the insurer and the provider of such services. In the absence of agreed upon rates, an insurer shall pay for such services at the rates set by the local government or contracted entity subject to a public process prior to adoption or readoption. All current rates set by local government and the entities shall remain in place unless a change is proposed. This section shall apply to unscheduled emergency calls and emergency interfacility transfers. This section shall not apply to policies that do not include coverage for ambulance services.

II. Nothing in this section shall preclude an insurer from negotiating with and subsequently entering into a contract with a non-participating ambulance provider that establishes rates of reimbursement for emergency medical services.

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

2024-0999s

AMENDED ANALYSIS

This bill regulates insurance reimbursement for ambulance services.

JUDICIARY

SB 315-FN-L, relative to law enforcement agency reporting on information concerning bias crimes. Ought to Pass with Amendment, Vote 5-0. Senator Chandley for the committee.

Senate Bill 315-FN-LOCAL requires a law enforcement agency operating within New Hampshire to collect and report information concerning bias crimes as prescribed by the division of state police. The Committee Amendment would require the Department of Safety to publish the statistical information on its website. National trends show a serious uptick in hate crimes, and having accurate and extensive data can allow law enforcement to understand certain crimes and better protect our citizens.

Senate Judiciary

March 6, 2024

2024-0990s

09/05

Amendment to SB 315-FN-LOCAL

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

1 New Paragraph; State Police; Crime Reporting System; Bias Crimes. Amend RSA 106-B:14-c by inserting after paragraph I the following new paragraph:

I-a. Law enforcement agencies operating within New Hampshire shall submit crime reports related to hate crimes to the department of safety, division of state police, no fewer than every 6 months. The report shall be a compilation of the number of offenses and arrests on hate crimes occurring within their own jurisdictions, submitted in the manner and in the form specified by the department of safety, division of state police. The department of safety shall make available on its website statistical reports concerning hate crimes, containing the number and nature of criminal offenses, arrests, and clearances, and any other data determined to be appropriate relating to the method, frequency, cause, and prevention of crime. The department of safety shall update the statistical data on its website no fewer than every 45 days. For purposes of this paragraph, "hate crime" includes any offense where the officer develops reasonable suspicion to believe that the crime was motivated in any part by hate or bias toward race, color, religion, creed, national origin, ancestry, sexual orientation, sex, gender identity, disability, or any other protected characteristics identified in either RSA 354-B:1 or RSA 651:6, I(f).

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

2024-0990s

AMENDED ANALYSIS

This bill requires a law enforcement agency operating within New Hampshire to report information concerning hate crimes to the department of safety, and requires the department of safety to publish the statistical information on its website.

SB 416-FN, relative to the penalties for certain driving offenses while released on bail for certain offenses. Interim Study, Vote 5-0. Senator Gannon for the committee.

Senate Bill 416-FN would have allowed for enhanced charges for certain driving offenses that were committed while released on bail or summons for certain offenses. The intention of this bill was to make sure that those who are arrested on the same charge multiple times cannot be charged as a first offender when they face trial. However, the Committee felt that more work needed to be done on this issue before final consideration.

SB 417-FN, relative to out-of-home placements for children.

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

Senate Bill 417-FN, at the request of the Office of the Child Advocate, revises criteria for out-of-home placement of children under the Child Protection Act and other juvenile statutes and establishes an order of preference based on placement with the child's siblings, when possible, and proximity to the child's community of origin. After collaboration with key stakeholders, the Committee Amendment streamlines the process for faster reentry into their communities from residential treatment facilities. This bill is in response to recent mistreatment of youth in out-of-state facilities, and seeks to allow for easier connection between children and their families, friends and communities.

Senate Judiciary

March 13, 2024

2024-1111s

08/05

Amendment to SB 417-FN

Amend RSA 169-C:19-h, II as inserted by section 4 of the bill by replacing it with the following:

II. Only if placements described under paragraph I are not appropriate for the child due to an inability to maintain safety in the community, may alternative placements be considered, such as group or residential care as defined in RSA 170-E:25 and certified by the department for the care of children placed pursuant to 169-C, or in any state-operated treatment program, that meet the specific needs of that child, and that are not available in that child's community of origin; and

(a) If the child is placed in a group or residential facility, such placement shall be for a limited time and with frequent review, pursuant to RSA 169-F:8, with the goal to return the child home or to a family setting in the community of origin as quickly as possible; and

(b) The court determines that the needs of the child cannot be met by kin, fictive kin, or in a foster family home. Neither the shortage or lack of foster family homes nor the lack of community-based resources shall be acceptable reasons for determining that the needs of the child cannot be met in a family setting.

Amend RSA 169-F:6, II as inserted by section 6 of the bill by replacing it with the following:

II. Only if placements described under paragraph I are not appropriate for the child due to an inability to maintain safety in the community, may alternative placements be considered, such as group or residential care as defined in RSA 170-E:25 or certified by the department for the care of children placed pursuant to 169-C, or in any state-operated treatment program, that meet the specific needs of that child, and that are not available in that child's community of origin; and

(a) If the child is placed in a group or residential facility, such placement shall be for a limited time and with frequent review, pursuant to RSA 169-F:8 with the goal to return the child home or to a family setting in the community of origin as quickly as possible.

(b) The court determines that the needs of the child cannot be met by kin, fictive kin, or in a foster family home. Neither the shortage or lack of foster family homes nor the lack of community-based resources shall be acceptable reasons for determining that the needs of the child cannot be met in a family setting.

Amend RSA 169-F as inserted by section 6 of the bill by inserting after 169-F:6 the following new sections:

169-F:7 Oversight of Children in Care; Department Responsibilities.

I. Any child in a court-ordered placement pursuant to RSA 169-B, RSA 169-C or RSA 169-D shall be seen in-person on at least a monthly basis, by the case worker assigned to that child's case. In the event the assigned case worker is not available, another case worker or supervisor familiar with the child and/or case may perform the visit. The visit to the child shall include a private meeting with the child, in a safe place, as well as an in-person tour of the child's living quarters. The monthly contact shall also include contact with the child's placement provider, therapeutic providers, and educational providers, preferably in real-time, but at least by written correspondence. For any child placed in a residential placement by the department, these visits shall include a tour of the facility where the child may have access to; check-in with appropriate leadership and therapeutic providers with knowledge of the child's case about program culture and therapeutic programming, and the child's individual progress, strengths and challenges in the program; a check-in with a member of program direct care staff, and a private interview with the child to inquire about care received.

II. The department shall develop, in consultation with the office of child advocate, a standard operating procedure and form for monthly visits conducted by the department, pursuant to RSA 169-F:7, I to be completed during each monthly in-person visit.

169-F:8 Court Oversight of Children in Residential Treatment Programs.

I. Prior to placing a child in residential treatment programs or psychiatric residential treatment programs, the court shall:

(a) Consider all assessments and plans for the child, including assessment of whether a residential treatment program is the most effective and appropriate level of care, in the least restrictive environment for the child, and any child-specific, short- and long-term goals for the child and the family. The assessment shall specify, in writing:

(1) Whether the child's needs can be met in a kin, fictive kin, or foster family home, not dependent upon availability of community resources.

(2) If the assessment recommends a residential treatment program:

(A) The specific reasons why the child's needs cannot be met in a kin, fictive kin, or foster family home, not dependent upon availability of community resources; and

(B) Why recommended placement in a residential treatment program is the setting that will provide the child with the most effective and appropriate level of care, in the least restrictive environment.

(3) How the placement is consistent with the short- and long-term goals for the child, as specified in the case plan or permanency plan for the child.

(b) Confirm that the school district has complied with its legal obligations to assess the educational impact of the placement, and consider the school district's input on that impact.

(c) Determine that the needs of the child cannot be met through placement with a parent, legal guardian, legal custodian, kin or fictive kin caregiver, or in a foster family home; and that placement of the child in a residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and that placement is consistent with the short- and long-term goals, including mental, behavioral, and physical health goals, for the child as specified in the permanency plan for the child, or as outlined in the family services plan. A shortage or lack of foster family homes shall not be an acceptable reason for determining that the needs of the child cannot be met in a foster family home.

(d) Review information relating to the facility, including staff-to-child ratio; staff training; program culture; therapeutic, clinical and milieu programming; educational programming; recreational programming; and, family connections, in order to ensure that the program is the most effective and appropriate level of care, in the least restrictive environment for the child, and meets the child-specific short- and long-term goals for the child and the family.

(e) Approve or disapprove of the placement, in a written order, containing all of the necessary findings laid out in this section.

II. Prior to determining that a residential treatment program is the most effective and appropriate level of care, in the least restrictive environment for the child, the court shall consider any available assessments and plans, giving the greatest weight to assessments completed by a licensed psychologist or licensed neuropsychologist with specialized training in the evidence-based treatment of childhood trauma. If the court deviates from such recommendation, the court shall make specific findings of fact regarding the most effective and appropriate level of care, in the least restrictive environment for the child, and that the placement is consistent with child-specific short and long-term goals for the child and the family. When making such findings of fact, the court shall consider all relevant information, including but not limited to:

- (a) Whether the protocol for the residential treatment program assessment was followed;
- (b) Whether the school district is meeting the child's educational needs, based on their statutory requirements under RSA 169-B:22, RSA 169-D:18, and RSA 169-C:20;
- (c) The strengths and specific treatment or service needs of the child and the family;
- (d) The expected length of stay; and
- (e) The placement preference of the child and the family.

III. When a child is placed in a residential treatment program or psychiatric residential treatment program:

- (a) The department shall notify the court promptly of such placement.
- (b) The court shall review the placement of that child within 60 days after placement, and every 60 days thereafter; or
- (c) If the child or the child's representative does not support the residential treatment program level of care or the child, guardian ad litem, or any party objects to the placement, the court shall review the placement within 30 days, and every 30 days thereafter.

IV. As long as a child remains in a residential treatment program, the department shall submit evidence to the court and all parties, at least 5 days prior to every regular review hearing:

- (a) Demonstrating that:
 - (1) Ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement with a parent, legal guardian, legal custodian, kin or fictive kin, caregiver, or in a foster family home;
 - (2) Any recommended psychological or clinical evaluations or assessments have been completed, and if not, the status of those evaluations or assessments;
 - (3) The department has worked with the school district to assure, consistent with the best interest of the child, the child's educational stability;
 - (4) That the placement in a residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and,
 - (5) That the placement is consistent with the short- and long-term goals for the child as specified in the permanency plan for the child, or as outlined in the family services plan.
- (b) Documenting that:
 - (1) The specific treatment or service needs that will be met for the child in the placement;
 - (2) The length of time the child is expected to need treatment or services, and the treatment basis for the determination of that length of time; and
 - (3) The specific efforts made by the division to prepare the child and prospective placement for the child's return home or to be placed with a fit and willing kin or fictive kin caregiver, a legal guardian, legal custodian, or an adoptive parent, or in a foster family.

SB 424, relative to reductions of maximum sentences while on parole.
Ought to Pass, Vote 5-0. Senator Whitley for the committee.

Senate Bill 424 requires the supervising probation or parole officer to conduct an annual review of his or her parole caseload to identify and present parolees to the adult parole board for reduction of the parolee's maximum sentence and provides additional factors for the parole board to consider when determining

whether to grant a reduction of a parolee's maximum sentence. This bill, developed in collaboration with the Department of Corrections, seeks to refine existing laws by establishing a clearer framework for parole eligibility. Senate Bill 424 will provide clear and concise language in parole guidelines when weighing or evaluating the factors associated with the decision to grant or deny parole.

SB 426-FN, relative to the possession of controlled drugs in motor vehicles.
Ought to Pass with Amendment, Vote 5-0. Senator Abbas for the committee.

Senate Bill 426-FN amends the requirements for transporting certain cannabis products in vehicles. The Committee Amendment makes it clear that therapeutic cannabis is excluded from this statute and clarifies where the least accessible place in one's car is. This piece of legislation seeks to treat marijuana the same as alcohol for transportation of a substance in a vehicle and these restrictions are designed to help prevent impaired driving.

Senate Judiciary
March 14, 2024
2024-1137s
09/08

Amendment to SB 426-FN

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

AN ACT relative to the transportation of marijuana in a motor vehicle or OHRV.

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

1 Other Alcohol and Drug Offenses; Transporting Alcoholic Beverages or Marijuana. Amend RSA 265-A:44 to read as follows:

265-A:44 Transporting Alcoholic Beverages **or Marijuana**.

I.(a) The words "liquor" and "beverage" as used in this section shall have the same meanings as defined in RSA 175:1.

(b) The word "marijuana" as used in this section shall have the same meaning as defined in RSA 318-B and shall not include therapeutic cannabis as authorized under RSA 126-X.

II. Except as provided in paragraph V, no driver shall transport, carry, possess, or have any liquor or beverage within the passenger area of any motor vehicle or OHRV upon any way in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages shall be stored and transported in the trunk of the motor vehicle or OHRV. If the motor vehicle or OHRV does not have a trunk, such containers shall be stored and transported in that compartment or area of the vehicle or OHRV which is the least accessible to the driver.

II-a. Except as provided in paragraph V, no driver shall transport, carry, possess, or have any marijuana within the passenger area of any motor vehicle or OHRV upon any way in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of marijuana, or marijuana in any other form of unsealed packaging, shall be stored and transported in the trunk of the motor vehicle or OHRV. If the motor vehicle or OHRV does not have a trunk, such containers shall be stored and transported in that compartment or area of the vehicle or OHRV which is the least accessible to the driver or in the glove compartment.

III. Except as provided in paragraph V, no passenger shall carry, possess, or have any liquor or beverage within any passenger area of any motor vehicle or OHRV upon any way or in an area principally used for public parking in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages may be stored and transported in that compartment or area of the vehicle or OHRV which is the least accessible to the driver.

III-a. Except as provided in paragraph V, no passenger shall carry, possess, or have any marijuana within any passenger area of any motor vehicle or OHRV upon any way or in an area principally used for public parking in this state except in the original container and with the seal

unbroken. Securely capped partially filled containers of marijuana, or marijuana in any other form of unsealed packaging, may be stored and transported in that compartment or area of the vehicle or OHRV which is the least accessible to the driver or in the glove compartment.

IV. A person who violates this section shall be guilty of a violation and shall be subject to a fine of \$150. In addition, a person who violates paragraph II ***or II-a*** of this section may have his or her drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.

V. This section shall not apply to persons transporting, carrying, possessing, or having any liquor, [or] beverage, ***or marijuana*** in a chartered bus, in a taxi, or in a limousine for hire; provided, however, that the driver of any of said vehicles is prohibited from having any liquor, [or] beverage, ***or marijuana*** in or about the driver's area.

VI. For the purposes of this section only:

(a) "Passenger area of any motor vehicle or OHRV" shall not include any section of a motor vehicle or OHRV which has been designed or modified for the overnight accommodation of persons or as living quarters.

(b) "Way" shall mean the entire width between the boundary lines of any public highway, street, avenue, road, alley, park, or parkway, or any private way laid out under authority of statute, or any such way provided and maintained by a public institution to which state funds are appropriated for public use or any such way which has been used for public travel for 20 years.

2 Other Alcohol and Drug Offenses; Transportation of Alcoholic Beverages or Marijuana by a Minor. Amend RSA 265-A:45 to read as follows:

265-A:45 Transportation of Alcoholic Beverages ***or Marijuana*** by a Minor.

I. Notwithstanding RSA 265-A:44, II ***and II-a***, no driver under the age of 21 shall, except when accompanied by a parent, stepparent, legal guardian, grandparent, step-grandparent, or legal age spouse, domestic partner, or sibling, transport any liquor, [or] beverage, ***or marijuana*** in any part of a vehicle. A driver violating this section may have his or her license or privilege to drive suspended for 60 days.

II. No person operating a boat while under the age of 21 shall, except when accompanied by a parent, stepparent, legal guardian, grandparent, step-grandparent, or legal age spouse, domestic partner, or sibling, transport any liquor, [or] beverage, ***or marijuana*** in any part of a boat with an intent to consume such liquor, [or] beverage, ***or marijuana***. Anyone violating this paragraph may, following a hearing, have his or her privilege to operate a boat on the waters of the state suspended for 90 days and may additionally have his or her license or privilege to drive suspended for 90 days.

III. The words "liquor" and "beverage" as used in this section shall have the same meanings as defined in RSA 175:1. "Legal age spouse" means a person 21 years of age or older. ***"Marijuana" shall have the same meaning as defined in RSA 318-B and shall not include therapeutic cannabis as authorized under RSA 126-X.***

IV. This section shall not apply to a driver under 21 years of age employed under RSA 179:23.

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

2024-1137s

AMENDED ANALYSIS

This bill amends the requirements for transporting marijuana in a vehicle or OHRV.

SB 501, relative to driver licenses for noncitizens residing in New Hampshire.

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

Senate Bill 501 authorizes the Department of Motor Vehicles (DMV) to issue driver's licenses to noncitizens lawfully present in the United States. The Committee Amendment adds the provisions of Senate Bill 568 into this bill, which was requested by the DMV, and will now remove the requirement of proof of vehicle operation in a foreign country for a temporary non-citizen's driver's license. Senate Bill 501 will provide clarity to who is eligible for a driver's license in one statutory location.

Senate Judiciary
March 13, 2024
2024-1116s
08/05

Amendment to SB 501

Amend RSA 263:39-a, II as inserted by section 1 of the bill by replacing it with the following:

II. The director may require any of the following:

- (a) Certification from the foreign government regarding the person's driving record and licensing status.
- (b) Submission of social security number, or, if the person does not qualify for such a number, the submission of certification to that effect as is acceptable to the commissioner.
- (c) Written or other testing.
- (d) Proof of compliance with the conditions set forth in paragraph I *or I-a, as applicable*.
- (e) Proof of identification as may be acceptable to the director.
- ~~[(f) Proof of previous vehicle operation in the foreign country or proof of completion of an approved driver education course acceptable to the director.]~~

SB 503, relative to requiring a criminal background check when applying for a fish and game guide license. Ought to Pass with Amendment, Vote 5-0. Senator Abbas for the committee.

Senate Bill 503 requires a criminal background check when applying for a fish and game guide license. The Committee Amendment would clarify that the National Criminal History Search would only be performed for first time applicants. This bill seeks to allow the Department of Fish and Game to collect fingerprints from guide applicants and run a background check on first time applicants, as it is crucial for the Department to be able to screen applicants for criminal behavior before allowing them to be certified as a guide.

Senate Judiciary
March 6, 2024
2024-0993s
12/06

Amendment to SB 503

Amend the bill by replacing section 2 with the following:

2 New Paragraphs; Fish and Game Guide License Applications; Criminal Background Check. Amend RSA 215:2 by inserting after the introductory paragraph the following new paragraphs:

I. Every new applicant applying for a New Hampshire guide's license for the first time shall submit to the fish and game department a criminal history record release form, as provided by the New Hampshire division of state police, which authorizes the release of any criminal history record to the department.

II. The applicant shall submit with the release form a complete set of fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid due to insufficient pattern, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances from every city, town, or county where the person has lived during the past 5 years.

III. The department shall submit the criminal history records release form and fingerprint form to the division of state police which shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall release copies of the criminal history records to the department.

IV. The chief of the fish and game law enforcement division or their designee shall review the criminal record information prior to making a registration decision and shall maintain the confidentiality of all criminal history records received pursuant to this section.

V. The applicant shall bear the cost of a criminal history record check.

SB 505, relative to the prohibition on the sale of hemp products containing certain levels of THC.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

Senate Bill 505 repeals the prospective repeal of the prohibition on the sale of hemp products containing certain levels of THC. When Congress included hemp legalization in the 2018 Farm Bill, they did not intend to legalize THC. However, hemp companies have found loopholes to synthesize THC from hemp derived CBD. This bill will continue to keep unsafe and unregulated products out of New Hampshire stores.

SB 568, relative to licenses for aliens temporarily residing in New Hampshire.
Inexpedient to Legislate, Vote 5-0. Senator Gannon for the committee.

Senate Bill 568 would have removed the requirement of proof of vehicle operation in a foreign country for a temporary alien's drivers' license. The Committee decided to combine the policy aspects of this bill into Senate Bill 501 and as a result this bill is no longer necessary.

SB 573-FN, relative to parental consent for medical care.
Ought to Pass with Amendment, Vote 5-0. Senator Gannon for the committee.

Senate Bill 573-FN, as introduced, would have required any person, private entity, government entity, or any employee or agent of any private or government entity obtain the consent of a parent of a child before performing or asking to perform various medical care interventions on the child. The Committee Amendment would establish a committee to study consent and confidentiality laws applicable to adolescent and young adult health care in New Hampshire. The Committee felt as though a study committee would be more appropriate as parental consent laws are in different statutes. The committee will be tasked with reviewing current New Hampshire health care consent laws, including circumstances where parental consent is not required by law.

Senate Judiciary
March 13, 2024
2024-1130s
12/06

Amendment to SB 573-FN

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

AN ACT establishing a committee to study consent and confidentiality laws applicable to adolescent and young adult health care in New Hampshire.

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

1 Committee Established. There is established a committee to study consent and confidentiality laws applicable to adolescent and young adult health care in New Hampshire.

2 Membership and Compensation.

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

(a) Two members of the senate appointed by the president of the senate, including one member from the majority and one member from the minority.

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

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

3 Duties. The committee shall:

I. Review current New Hampshire health care consent laws, including circumstances where parental consent is not required by law;

II. Review New Hampshire confidentiality laws and identify what protections exist for health care information for minors in New Hampshire;

III. Solicit testimony from any person or organization with relevant information or expertise; and

IV. Assess whether any areas of health care in New Hampshire are not currently covered under existing parental consent laws and do not currently fall under existing New Hampshire or Federal law exemptions to parental consent for medical care.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 30 days of the effective date of this section. Three members of the committee shall constitute a quorum.

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

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

2024-1130s

AMENDED ANALYSIS

This bill establishes a committee to study consent and confidentiality laws applicable to adolescent and young adult health care in New Hampshire.

SB 574, relative to the appointment of a temporary agent for a minor child or incapacitated person. Ought to Pass with Amendment, Vote 5-0. Senator Chandley for the committee.

Senate Bill 574 allows for parents or guardians to appoint temporary agents for periods not to exceed 60 days and to delegate parental rights to those agents, subject to certain exceptions and limitations. The Committee Amendment establishes guardrails to make sure that the non-custodial parent cannot have the child placed in their custody if they fall under certain categories. This bill seeks to allow parents who are traveling or temporarily indisposed to be allowed to appoint a temporary guardian, for a very limited amount of time, to keep their children safe.

Senate Judiciary
March 6, 2024
2024-0984s
09/05

Amendment to SB 574

Amend RSA 461-A:19-a, III as inserted by section 1 of the bill by replacing it with the following:

III.(a) A parent or guardian subject to a parenting plan may appoint a temporary agent of a minor if the appointment is effective only during that parent's court-ordered parenting time and is in accordance with the parenting plan. If there is no parenting plan in place, a parent or guardian may not appoint a temporary agent of a minor if the minor has another living parent whose whereabouts are known and who is willing and able to safely provide care and custody for the minor, unless the non-appointing parent consents to the appointment in writing.

(b) Subparagraph (a) shall not apply in cases where the non-appointing parent is the subject of a protective order in the parenting plan, a domestic violence restraining order, order of protection, bail conditions prohibiting contact with the child or minors in general, or if the non-appointing parent is under investigation by the division for children, youth and families (DCYF), under investigation by law enforcement for crimes related to children, the subject of a DCYF safety plan, or involved in a case brought pursuant to RSA 169-C.

(c) A parent may not appoint a temporary agent if the appointing parent's parental rights have been terminated or if the parent has signed a voluntary surrender of parental rights. A parent or guardian may also not appoint a temporary agent when a court has ordered that the minor child be placed in the custody of a person other than the parent or guardian, or if the parent is under investigation by DCYF for child abuse or neglect and makes the appointment in an effort to avoid that investigation.

SB 578-FN, relative to criminal pre-trial services and monitoring. Ought to Pass with Amendment, Vote 5-0. Senator Carson for the committee.

Senate Bill 578-FN, as introduced, would have prohibited criminal defendants on pre-trial release from being required to pay for pre-trial services or monitoring, including electronic monitoring, with the cost instead be paid by the court where the defendant is charged or through appropriations to the agency performing the pretrial services and monitoring. This bill further requires the agency performing the pretrial services and monitoring to use the least restrictive interventions that are necessary unless otherwise ordered by the court. The Committee Amendment prohibits criminal defendants from being charged for the cost of electronic monitoring in certain circumstances. Electronic monitoring is an important tool to allow individuals to await trial in their community, maintaining their family and work life, and keeping them participating members of society.

Senate Judiciary

March 6, 2024

2024-0983s

09/08

Amendment to SB 578-FN

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Bail and Recognizances; General Provisions; Release of a Defendant Pending Trial. Amend RSA 597:2 by inserting after paragraph X the following new paragraph:

XI.(a) New Hampshire court systems, the state, and counties shall not require indigent defendants to pay for their own pretrial electronic monitoring equipment and use thereof if the defendant's case terminates without a conviction for any offense. Pretrial electronic monitoring equipment and use thereof shall be paid for by the New Hampshire court in which the defendant is charged if that court is providing or requiring pretrial electronic monitoring, or by the county or agency requiring or providing pretrial electronic monitoring, if a defendant is indigent. For the purposes of RSA 597:2, XI only, "indigent defendant" means a defendant who does not possess the ability to pay for the cost of their own pretrial services. A defendant shall not be denied or offered a different amount of pretrial services than the defendant would have been offered before the enactment of this paragraph. The court, county, or agency providing the pretrial services or monitoring shall determine an estimated cost of indigent pretrial electronic monitoring and request adequate appropriation in its yearly budget. The court shall report annually to the legislature on the number of indigent defendants who are offered pretrial electronic monitoring.

(b) The court shall develop uniform criteria to evaluate and determine whether a defendant has the ability to pay the cost of his or her own pretrial electronic monitoring and the use thereof. Those facilities that utilize electronic monitoring for pretrial services shall take into consideration at that time the ability of the individual to pay when setting fees for electronic monitoring. Based on that determination, the defendant may be provided with the electronic monitoring device in accordance with subparagraph XI(a) at no cost. The defendant shall not be liable to reimburse the court, county, or agency covering the cost of the electronic monitoring service if the defendant's case terminates without a conviction for any offense.

(c) For the purposes of this section, a conviction shall include any plea of guilty or nolo contendere to any originally charged offense or any greater or lesser related offense.

2024-0983s

AMENDED ANALYSIS

This bill prohibits criminal defendants from being charged for the cost of electronic monitoring in certain circumstances.

SB 601-FN, restricting electronic mail solicitation.

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

Senate Bill 601-FN would have made certain restrictions to electronic mail solicitation and provided penalties for violations of such restrictions. Numerous concerns have been raised by New Hampshire businesses about the technical and logistical challenges of a state-based statute tackling this problem. The Committee felt this piece of legislation needed more time so that stakeholders can come together and address the issues that were raised.

SB 605, relative to ethical standards for members of the general court.
Ought to Pass, Vote 5-0. Senator Carson for the committee.

Senate Bill 605 defines “organization” for the purpose of determining the ethical duties of members of the General Court. This bill will provide much needed insight into when a legislator shall recuse themselves from voting on a piece of legislation before them.

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

REGULAR CALENDAR

COMMERCE

SB 308-FN, relative to the state minimum hourly rate.
Inexpedient to Legislate, Vote 3-2. Senator Innis for the committee.

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

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

SB 335-FN, relative to alcohol packaging.
Interim Study, Vote 5-0. Senator Innis for the committee.

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

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

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

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

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

Senator Watters moved Ought to Pass.

Recess. Out of recess.

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4
March 13, 2024
2024-1126s
08/06

Floor Amendment to SB 335-FN

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

AN ACT relative to the display of alcohol.

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

1 New Paragraph; Display of Wine and Other Beverages. Amend RSA 179:31 by inserting after paragraph XIII the following new paragraph:

XIV. Licensees who sell alcoholic beverages for off-premises consumption and display such alcoholic beverages outside a clearly discernible location reserved for alcohol sales shall:

(a) Not place alcoholic beverages in an area immediately adjacent and directly touching or bordering one another from above, below, or the side of nonalcoholic beverages containing the same or similar brand name, logo, or packaging as the alcoholic beverage. In this paragraph, “immediately adjacent” shall not include a separate aisle; and

(b) Not place alcoholic beverages in an area immediately adjacent and directly touching or bordering one another from above, below, or the side of any items that are marketed towards minors.

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

2024-1126s

AMENDED ANALYSIS

This bill restricts the display of alcoholic beverages near similarly labeled non-alcoholic beverages.

The question is on the adoption of the Floor Amendment.

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

The following Senators voted Yes: Gendreau, Watters, Prentiss, Ricciardi, Fenton, Chandley, Rosenwald, Whitley, Soucy, D'Allesandro, Perkins Kwoka, Altschiller.

The following Senators voted No: Lang, Gray, Innis, Ward, Avard, Carson, Murphy, Pearl, Birdsell, Abbas, Gannon, Bradley.

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

Senator Innis moved to Lay on the Table. Adopted.

SB 366-FN, relative to restricting the purchase of real property on or around military installations. Ought to Pass, Vote 5-0. Senator Innis for the committee.

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

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

The following Senators voted Yes: Gendreau, Lang, Watters, Prentiss, Gray, Innis, Ward, Ricciardi, Fenton, Chandley, Avard, 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 the Committee on Finance (Rule 4-5).

SB 517, relative to the employment status of university students working in educational programs. Ought to Pass with Amendment, Vote 3-2. Senator Gannon for the committee.

Commerce

March 5, 2024

2024-0965s

12/06

Amendment to SB 517

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

1 Protective Legislation; Procuring Employment, Definition of Employee. Amend the introductory paragraph of RSA 275:4, II to read as follows:

II. In this subdivision, "employee" means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, ***or university or college students serving as residence hall assistants or dormitory counselors, who are participants in a bona fide educational program***, or any person who meets all of the following criteria:

2 Protective Legislation; Discrimination in the Workplace, Definitions. Amend RSA 275:36 to read as follows:

275:36 Definitions.

I. "Employee" as used in this subdivision shall mean any person employed for hire by an employer in any lawful employment, but shall not include persons engaged in domestic service in the home of the employer, or in agricultural service, or in temporary or seasonal employment, or employees of any social club, fraternal, charitable,

educational, religious, scientific or literary association, no part of the net earnings of which inures to the benefit of any private individual[.] ***or university or college students serving as residence hall assistants or dormitory counselors, who are participants in a bona fide educational program.***

II. “Employer” shall include any person acting in the interest of an employer directly or indirectly.

III. “Employment” means any employment under contract of hire, expressed or implied, written or oral, including all contracts entered into by helpers and assistants of employees, whether paid by employer or employee, if employed with the knowledge, actual or constructive, of the employer in which all or the greater part of the work is to be performed within the state.

3 Protective Legislation; Payment of Wages, Definition of Employee. Amend the introductory paragraph of RSA 275:42, II to read as follows:

II. “Employee” means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, ***or university or college students as residence hall assistants or dormitory counselors, who are participants in a bona fide educational program,*** or any person who meets all of the following criteria:

4 Minimum Wage Law; Definitions. Amend the introductory paragraph of RSA 279:1, X to read as follows:

X. “Employee” means and includes every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, but shall not include any person exempted from the definition of employee as stated in RSA 281-A:2, VI(b)(2), (3), or (4), or RSA 281-A:2, VII(b), or a person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, ***or university or college students serving as residence hall assistants or dormitory counselors, who are participants in a bona fide educational program,*** or any person who meets all of the following criteria:

5 Workers’ Compensation; Definitions. Amend the introductory paragraph of RSA 281-A:2, VI(b)(1) to read as follows:

(b)(1) Subject to the preceding subparagraph, any person, other than a direct seller or qualified real estate broker or agent or real estate appraiser, or person providing services as part of a residential placement for individuals with developmental, acquired, or emotional disabilities, who performs services for pay for an employer, ***or university or college students serving as residence hall assistants or dormitory counselors, who are participants in a bona fide educational program,*** who performs services for pay for an employer, is presumed to be an employee. This presumption may be rebutted by proof that an individual meets all of the following criteria:

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

The question is on the adoption of the Committee Amendment.

A roll call was requested by Senator Gannon, 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.

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

INTRODUCTION OF GUESTS

Senator Rosenwald introduced students from Ledge Street School in Nashua visiting in the gallery.

EDUCATION

SB 522-FN-A, relative to establishing an early childhood education scholarship account and making an appropriation therefor.

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

Senate Education
March 5, 2024
2024-0966s
02/08

Amendment to SB 522-FN-A

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

1 Short Title. This act shall be known as the “Early Childhood Education Act.”

2 New Subparagraph; New Hampshire Employment Program and Family Assistance Program; Rulemaking. Amend RSA 167:83, II by inserting after subparagraph (q) the following new subparagraph:

(r) Modification of reimbursement for the early childhood education account program, pursuant to 194-F:13, as follows:

(1) Allow transfer of annual childcare grant amounts per child to the entity designated by the department of education to administer the Early Childhood Education Account (ECEA), in accordance with the Child Care and Development Block Grant Act, 42 U.S.C. section 9858, as amended, and section 418 of the Social Security Act, 42 U.S.C. section 618, as amended;

(2) Implement adjustments federally permitted by the Office of Child Care to the market rate survey which more equitably account for geographic differences, inflation, off-hours care, and other costs of child care which are not currently captured in the market rate survey; and upon implementation, the department of health and human services shall develop and engage in training of all staff on program eligibility and reimbursement changes to the ECEA grant program.

3 New Subdivision; Early Childhood Education Account Program. Amend RSA 194-F by inserting after section 12 the following new subdivision:

Early Childhood Education Account Program

194-F:13 Early Childhood Education Account Program Established.

I. There is hereby established an early childhood education account program for eligible New Hampshire children. “Eligible child” means a resident of this state who is between 4 and 5 years old and whose annual household income at the time the child applies for the program is less than or equal to 500 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902 (2). Beginning July 1, 2028, “Eligible child” shall mean a resident of this state who is between 3 and 5 years old and whose annual household income at the time the child applies for the program is less than or equal to 500 percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902 (2). No income threshold need be met in subsequent years, provided the child otherwise qualifies.

II. The early childhood education account program funding shall be non-lapsing and continually appropriated to the department of education for the purposes of the early childhood education account (ECEA) program grants under this section. The fund shall consist of transfers from the education trust and appropriations of general funds, if needed, to implement the program, and shall allow contributions from individuals, communities, and businesses. The state treasurer shall invest the moneys deposited in the fund as provided by law. Interest earned on moneys deposited in the fund shall be deposited into the fund. Businesses making donations or contributions to the early childhood education account grants shall be eligible for tax credits against state business taxes the same as provided for in RSA chapter 77-G.

III. The commissioner of the department of education shall issue a request for proposal to select a third party fiscal intermediary organization to manage and distribute the grant funds established under this subdivision. The selected fiscal intermediary shall have the duties, obligations, and authority as in RSA 194-F:4 and RSA 194-F:6.

IV. The amount of annual grants to children shall be equal to the cost of an opportunity for an adequate education determined pursuant to RSA 198:40-a.

V. Parents of an ECEA child shall agree to use the grant funds deposited in their child’s ECEA only for the following qualifying expenses to educate the early childhood education child in accordance with the Child Care and Development Block Grant Act, 42 U.S.C. section 9858, as amended, and section 418 of the Social Security Act, 42 U.S.C. section 618, as amended:

- (a) A high quality, community-based, mixed delivery public or private pre-kindergarten program.
- (b) Tuition and fees at a licensed childcare provider, family childcare provider, or private school with independence under RSA 194-F:7, providing pre-kindergarten programs.
- (c) Services contracted for and provided by a district public school, chartered public school, public academy, or independent school, including, but not limited to, childcare, individual classes and curricular activities and programs.
- (d) Textbooks, curriculum, or other instructional materials, including educational software and applications.
- (e) Tuition and fees for summer education programs and specialized education programs.
- (f) Educational services and therapies, including, but not limited to, occupational, behavioral, physical, speech-language, and audiology therapies.
- (g) Any other pre-kindergarten educational expense approved by the third party fiscal intermediary organization or the department of education.

VI. ECEA funds shall not be refunded, rebated, or shared with a parent or pre-kindergarten EFA student in any manner. Any refund or rebate for goods or services purchased with ECEA funds shall be credited directly to the student's ECEA.

VII. Parents may make payments for the costs of childcare and educational goods and services not covered by the funds in their child's ECEA. However, personal deposits into an ECEA shall not be permitted.

VIII. Funds deposited in a ECEA shall not constitute taxable income to the parent or the ECEA child.

IX. An ECEA shall remain in force, and any unused funds shall roll over from quarter-to-quarter and from year-to-year until the parent withdraws the ECEA child from the program, or an ECEA converts to an EFA pursuant to RSA 194-F upon entering kindergarten, unless the EFA is closed because of a substantial misuse of funds. Any unused funds shall revert to the education trust fund established in RSA 198:39 and be available to fund other EFAs.

X. Nothing in this subdivision shall require that an ECEA child must be enrolled, full or part-time, with either a licensed childcare provider, family childcare provider, or private school.

XI. If any provision of this subdivision, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this subdivision which can be given effect without the invalid provision or application, and to this end the provisions of this subdivision are declared to be severable.

XII. For the fiscal year ending June 30, 2025, and every fiscal year thereafter, the amount necessary to fund the grants under this section is hereby appropriated to the department from the education trust fund established in RSA 198:39. If the balance in the education trust fund is less than zero, the governor is authorized to draw a warrant for sufficient funds to eliminate such deficit out of any money in the treasury not otherwise appropriated. The commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of grants under this section.

194-F:14 Rulemaking.

I. The commissioner of the department of education, in collaboration with the commissioner of the department of health and human services, shall:

- (a) Develop a detailed, publicly available rubric for approving quality pre-kindergarten programs eligible for funding under this subdivision, in line with the Early Learning New Hampshire standards. The departments shall consult with a variety of stakeholders, including families, when developing the standards and benchmarks of a quality pre-kindergarten program.
- (b) Develop a technical assistance and monitoring program of pre-kindergarten programs receiving funding under this subdivision. Monitoring and technical assistance shall focus on the standards and benchmarks of quality approved under this subdivision.
- (c) Identify the variety of federal, state, and private funding streams to be used in the implementation of this subdivision and how these various funding streams will be combined to fund pre-kindergarten under this subdivision.

- (d) Identify the stackable versus exclusionary grants per student available for ECEA eligible students.
- (e) Collaborate to leverage all available funds at the child level to support pre-kindergarten.
- (f) Develop outcome measures for pre-kindergarten programs receiving funding under this subdivision.
- (g) Build off work done by New Hampshire's preschool development grant and Kindergarten Entry Assessment when designing, implementing, and monitoring the availability of pre-kindergarten in New Hampshire.

II. The commissioner of the department of education shall, in collaboration with the department of health and human services, approve programs eligible for funding that meet the requirements of the rubric established in subparagraph I(a).

III. The departments shall prioritize special education services, as well as regions where access to quality pre-school programs or Pre-K services is limited when designing, implementing, and monitoring this subdivision.

IV. The commissioner of the department of education, in collaboration with the department of health and human services, shall adopt rules under RSA 541-A to implement the provisions of this subdivision.

V. The commissioner of the department of education shall submit a report every 2 years, with the initial report due by September 1, 2026, and subsequent reports due on September 1 in even numbered years thereafter, to the governor, speaker of the house, president of the senate, and the chairs of the house and senate education committees. The report shall:

- (a) Detail the grants provided under this subdivision, the localities and districts, the duration of the program, and a summary report of students and families served.
- (b) Highlight high-performing programs, including those that have improved student and family outcomes.
- (c) Provide descriptions and analysis of practices that contributed to the improvements described in paragraph II.
- (d) Provide information on the development of the report, to include information solicited from pre-kindergarten programs, with descriptions and explanations of strategies, services, and programs that they have implemented, and evidence demonstrating their effectiveness.
- (e) Include specific requests and outlines of legislative action needed, including budget requests.
- (f) Summarize non-identifiable demographic and economic data on grant recipients.

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

2024-0966s

AMENDED ANALYSIS

This bill requires rulemaking by the departments of education and health and human services on child care early education and establishes an early childhood education account grant program to provide funds for a third party financial intermediary to administer grants to eligible New Hampshire pre-kindergarten children for qualifying expenses.

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 Lang, 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).

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 383-FN, relative to local tax caps.

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

Election Law and Municipal Affairs
 March 12, 2024
 2024-1089s
 05/08

Amendment to SB 383-FN

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

1 New Paragraph; Local Tax Cap. Amend RSA 32:5-b to read as follows:

32:5-b Local Tax Cap. Upon adoption under RSA 32:5-c, the following shall apply:

I. In a town or district that has adopted this section, the estimated amount of local taxes to be raised for the fiscal year, ~~[as shown on the budget]~~ **shall include the operating budget and all other warrant articles with a tax impact** certified by the governing body or the budget committee and posted ~~[with]~~ **on** the warrant for the annual meeting pursuant to RSA 32:5[.]. **The estimated amount of taxes to be raised for the fiscal year** shall not exceed the local taxes raised for the prior year, as shown on the same budget and adjusted as provided in paragraph I-a **or I-b**, by more than the tax cap authorized when this section was adopted.

I-a. If the local taxes raised for the prior year were reduced by any fund balance brought forward from previous years, the amount of such reduction shall be added back and included in the amount to which the tax cap is applied under paragraph I.

I-b.(a) In a town or district that has adopted this paragraph, a tax cap limiting the base amount to be raised by property taxes to last year's base may be adjusted to account for inflation and change in population for towns or village districts, or attendance for school districts, according to the following formula: this year's base = (last year's base) x (1 + CPI) x (this year's population or attendance / last year's population or attendance).

(b) In this paragraph:

(1) "Attendance" shall mean the average daily membership in residence (ADMR) of the school district as of October 1 for each year as reported to the department of education.

(2) "Base amount" or "base" shall mean the local taxes raised for the prior year.

(3) The increase for inflation, or CPI (consumer price index) in the formula above, shall be an annual inflation index published by the U.S. Bureau of Labor Statistics as of January 1 or the annual Municipal Cost Index (MCI) published by American City and County as of January 1.

(4) Population shall mean the population figures calculated by the department of business and economic affairs, office of planning and development pursuant to RSA 78-A:25, III.

II. The tax cap shall be either a fixed dollar amount, ~~[or]~~ a fixed percentage, **or a multiplication factor** applied to the amount of local taxes raised by the town or district for the prior fiscal year as reported to the department of revenue administration, subject to adjustment as provided in paragraph I-a **or paragraph I-b**.

III. The legislative body may override the cap by the usual procedures applicable to annual meetings and deliberative sessions of the legislative body. The provisions of this section shall not limit the legislative body's authority to increase or decrease the amount of any appropriation or the total amount of all appropriations.

2 New Sections; Municipal Budget Law; School District Budget Caps. Amend RSA 32 by inserting after section 5-c the following new sections:

32:5-d School District Budget Cap. Upon adoption under RSA 32:5-e, the following shall apply:

I. In a school district that has adopted this section, the total amount raised and appropriated for the fiscal year, including the operating budget and all other warrant articles with a tax impact, as shown on the budget certified by the school board or the budget committee and posted with the warrant for the annual meeting pursuant to RSA 32:5, shall not exceed the adopted per pupil cost times the average daily membership in residence (ADMR) of the school district as of October 1 of the year immediately preceding the proposed budget year as reported to the department of education times (1+ IF), where IF is an amount for an annual increase for inflation.

II. The annual increase for inflation (IF) shall be either an inflation index published by the U.S. Bureau of Labor Statistics as of January 1 or the annual Municipal Cost Index (MCI) published by American City and County as of January 1.

III. The legislative body may override the budget cap by the usual procedures applicable to annual school meetings of the legislative body, provided that when a proposed appropriation will cause the total amount raised and appropriated to exceed the budget cap or the total amount already raised and appropriated has exceeded the budget cap, voting on the appropriation question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. If a 3/5 majority, or the supermajority as determined under a charter pursuant to RSA 49-D, of those voting on the question vote “yes,” the appropriation is approved. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority or the supermajority as determined under a charter pursuant to RSA 49-D.

IV.(a) For warrant articles proposing bonds, notes, or other multi-year expenditures, only the first-year estimated costs shall be used in counting appropriations for the budget cap.

(b) When using the official ballot form of meeting under RSA 40:13, if the warrant article for the operating budget results in appropriations exceeding the budget cap and receives less than 3/5 majority “yes” vote, the adopted operating budget shall be reduced by appropriations already raised to remain compliant with the budget cap.

(c)(1) School districts that have adopted the school administrative unit (SAU) alternative budget procedure under RSA 194-C:9-b shall place the warrant article for the SAU budget at the beginning of school district warrant, immediately after any warrant articles proposing bonds or notes.

(2) For school districts using a traditional meeting and when the outcome of the SAU budget vote is pending on balloting from the other school districts, the higher of the school district’s assigned portion of the proposed SAU budget or the school district’s assigned portion of the adjusted SAU budget shall be assumed as raised and appropriated for the purpose of determining when the override provisions under paragraph III apply.

32:5-e Adoption of School District Budget Cap.

I. The provisions of RSA 32:5-d may be adopted by any school district in the state whose legislative body raises and appropriates funds through an annual meeting. A 3/5 majority of those voting on the question shall be required to adopt the provisions of RSA 32:5-d. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

II. The question shall be placed on the warrant of the annual or special meeting by the school board or by petition under the procedures set out in RSA 197:2 or 197:6.

III. A public hearing shall be held by the school board on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town school districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the district and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

IV. The wording of the question shall be: “Shall we adopt the provisions of RSA 32:5-d, and implement a budget cap whereby the school board (or budget committee) shall not submit a recommended budget that is higher than ____ dollars per pupil cost times the average daily membership in residence of the school district as of October 1 of the year immediately preceding the proposed budget year plus a ____ percent annual increase for inflation. Requires a 3/5ths majority of the school district.” Alternatively, if an annual inflation index is used, the wording of the question shall be: “Shall we adopt the provisions of RSA 32:5-d, and implement a budget cap whereby the school board (or budget committee) shall not submit a recommended budget that is higher than ____ dollars per pupil cost times the average daily membership in residence of the school district as of October 1 of the year immediately preceding the proposed budget year plus an annual increase for inflation using (the index) published by (the U.S. Bureau of Labor Statistics or American City and County) as of January 1. Requires a 3/5ths majority of the school district.”

V. Voting on the question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers, except in the case of a legislative body that uses an official ballot form of meeting under RSA 40:13 or under a charter adopted pursuant to RSA 49-D. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question. If a 3/5 majority of those voting on the question vote “yes,” RSA 32:5-d shall apply within the school district beginning with the following fiscal year and for all subsequent years until it is rescinded as provided in paragraph VI.

VI. Any school district which has adopted RSA 32:5-d may consider rescinding its action in the manner described in paragraphs I through V. The wording of the question shall be: "Shall we rescind the provisions of RSA 32:5-d, known as the school district budget cap, as adopted by the (school district) on (date of adoption), so that there will no longer be a school district budget cap limit on the amount raised and appropriated?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this section, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

3 Applicability. RSA 32:5-b, as amended by section 1 of this act, shall apply to local tax caps adopted prior to the effective date of this act and shall not require local amendment or re-adoption by the town or district.

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

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

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

SB 384-FN-A, relative to a municipal loan and grant program for rental housing and making an appropriation therefor.

Interim Study, Vote 3-2. Senator Abbas for the committee.

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

SB 532-FN, relative to requiring all municipalities and school governing bodies to post on their official town or school website within 30 days the amount of funds received by the state either by allocation or grant.

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

Election Law and Municipal Affairs

March 5, 2024

2024-0974s

11/06

Amendment to SB 532-FN

Amend the bill by replacing section 1 with the following:

1 New Section; Disclosure of State Funding Received. Amend RSA 32 by inserting after section 5-c the following new section:

32:5-d Disclosure of State Funding Received. All municipalities and school district governing bodies shall post the amount of funds received by the state, either by allocation or grant, on their official town or school website within 30 days of receipt. In the absence of a website a political subdivision shall post the information in two appropriate places.

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 536-FN, enabling no-excuse absentee registration and voting.

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

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

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

Recess. Out of recess.

SPECIAL ORDER

Without objection, SB 219-FN-L is Special Ordered to the present time. Adopted.

FINANCE

SB 219-FN-L, requiring mandatory reporting by school districts of school expenses.
Ought to Pass with Amendment, Vote 4-2. Senator Innis for the committee.

Senate Finance
February 6, 2024
2024-0533s
02/06

Amendment to SB 219-FN-LOCAL

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

1 Legislative Findings. The general court finds that:

I. § The United States spends far more on education per student than any other nation in the world except Luxembourg. At the same time, the United States lags behind other developed nations in teacher salaries, paying its teachers 75 percent of the salary of German teachers.

II. The United States allocates a greater share of its education spending to non-teaching staff than any other country in the world—nearly double the average among developed nations of 15 percent. In New Hampshire, this problem is particularly severe. While New Hampshire's average cost-per-pupil is 94 percent of Massachusetts', our average teacher salary is 77 percent of Massachusetts'. In Massachusetts, a teacher is paid 4 times the cost of one pupil, while in New Hampshire a teacher is paid only 3.4 times the cost of one pupil.

III. The size and wealth of New Hampshire's education bureaucracy has skyrocketed. Over two decades, New Hampshire's cost-per-pupil has increased by 77 percent, adjusted for inflation, while our teacher salaries have increased by only 1 percent. In the same period, New Hampshire has increased its non-teaching staff by 80 percent while increasing the number of teachers by only 23 percent. Administrative bloat has had dire implications for teacher pay and quality. In 2021, one New Hampshire high school teacher was hired at a salary of \$37,714, less than a starting salary at a nearby Walmart. Meanwhile, New Hampshire superintendents are paid salaries of up to \$178,133, while assistant superintendents are paid salaries of up to \$136,500. At least 8 school administrative units in New Hampshire employ 2 or more assistant superintendents. Diversity professionals, now employed by both school districts and administrative units, are paid salaries of up to \$153,380.

IV. These findings demonstrate that New Hampshire's education spending is being unnecessarily, systematically, and progressively absorbed by an ever-expanding and privileged bureaucratic class. Unless this is addressed, the statewide problem and continued increases in education spending will fail to affect meaningful improvements in teacher pay and quality. The general court places the interests of students first, it hereby enacts the following rebalancing of teacher and administrator pay in New Hampshire.

2 New Subdivision; Students First Act. Amend RSA 189 by inserting after section 74 the following new subdivision:

Students First Act

189:75 Definitions. In this subdivision:

I. "Cost-per-pupil" refers to the cost-per-pupil within a school district and shall mean the lowest of:

(a) The total expenditures associated with the daily operation of schools divided by the average daily membership in attendance;

(b) Any reasonable and good faith estimate of I(a); or

(c) An amount determined in good faith by the department of education to correspond to I(a).

II. "Administrator" shall include superintendents, assistant superintendents, directors or coordinators of diversity, equity, and inclusion, or functionally equivalent officials whether or not their salaries are listed by the department of education, and business managers or administrators.

III. "Corresponding school administrative unit" shall mean the school administrative unit which includes a given school district.

189:76 Mandatory Report to Voters.

I. Before any meeting at which any school district adopts a school budget, whether or not the district has adopted the provisions of RSA 194-C:9-b, a mandatory report to voters must be posted in at least 3 appropriate places, 2 of which must be places of business or other public locations, and one of which shall be the local newspaper or, if a local newspaper is not available, the district's website. The report must be posted at least 24 hours, excluding Sundays and legal holidays, prior to the meeting.

II. The report shall display the name of the school district, be prominently titled "Mandatory Report to Voters on School Expenses," and shall contain three line graphs and one table. When posted in public locations, the report shall be displayed on two pages which are each eighteen inches wide and twenty-four inches tall.

III. The first line graph shall be titled "Average Cost Per Pupil" and shall display the district's annual cost-per-pupil over the previous 10 years. The second line graph shall be titled "Average Teacher Salary" and shall display the district's yearly average teacher salary over the previous 10 years. A good faith effort shall be made to adjust each annual statistic for inflation using the U.S. Bureau of Labor Statistics Inflation Calculator or an equivalent resource. Each yearly statistic shall be clearly labeled. In each graph, the upper and lower boundaries of the y-axis must be capped at the nearest thousand dollars.

IV. The third line graph shall be titled "Administrator Salaries" and shall display annual totals of all salaries paid to administrators employed by the district and corresponding school administrative unit over the previous 10 years. A good faith effort shall be made to adjust each annual statistic for inflation using the U.S. Bureau of Labor Statistics Inflation Calculator or an equivalent resource. Each yearly total shall be clearly labeled. The upper and lower boundaries of the y-axis must be capped at the nearest hundred thousand dollars.

V. The table shall be titled "Top Administrator Salaries" and shall list the titles and current salaries of the 4 highest-paid administrators employed by the district or corresponding school administrative unit. If less than 4 administrators are so employed, all administrators shall be so listed.

VI. Other than the name and logo of the district and corresponding school administrative unit, the mandatory report to voters shall not contain additional commentary or other text not described in this subdivision. Additional information may be posted on separate pages together with or alongside the mandatory report to voters.

189:77 Severability. If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the subdivision which can be given effect without the invalid provision or application, and to this end the provisions of this subdivision are declared to be severable.

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

2024-0533s

AMENDED ANALYSIS

This bill requires school districts to post mandatory reports of school expenses, including average cost per pupil, average teacher salaries, and top administrator salaries.

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

Senator Gray offered a Floor Amendment.

Sen. Gray, Dist 6

March 20, 2024

2024-1262s

12/06

Floor Amendment to SB 219-FN-LOCAL

Amend RSA 189:76, I as inserted by section 2 of the bill by replacing it with the following:

189:76 Mandatory Report to Voters.

I. Before any meeting at which any school district adopts a school budget, whether or not the district has adopted the provisions of RSA 194-C:9-b, a mandatory report to voters must be posted in at least 3 appropriate places, 2 of which must be places of business or other public locations, and one of which shall be the local newspaper or, if a local newspaper is not available, the district's website. The report must be posted at least 7 days, excluding Sundays and legal holidays, prior to the meeting.

Amend RSA 189:77 as inserted by section 2 of the bill by replacing it with the following:

189:77 Civil Remedies.

I. Any taxpayer in the taxing district who is aggrieved by a violation of this chapter may petition the superior court for declaratory and equitable relief.

II. The superior court may order declaratory, injunctive, or other equitable relief.

III. Any taxpayer who prevails on any claim brought pursuant to this subsection shall be entitled to an award of reasonable attorney's fees.

Amend RSA 189:78 as inserted by section 2 of the bill by replacing it with the following:

189:78 Severability.

If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the subdivision which can be given effect without the invalid provision or application, and to this end the provisions of this subdivision are declared to be severable.

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

Senator Watters offered a Floor Amendment.

Sen. Watters, Dist 4

February 14, 2024

2024-0723s

02/06

Floor Amendment to SB 219-FN-LOCAL

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

1 Legislative Findings. The general court finds that:

I. The United States spends far more on education per student than any other nation in the world except Luxembourg. At the same time, the United States lags behind other developed nations in teacher salaries, paying its teachers 75 percent of the salary of German teachers.

II. The United States allocates a greater share of its education spending to non-teaching staff than any other country in the world—nearly double the average among developed nations of 15 percent. In New Hampshire, this problem is particularly severe. While New Hampshire's average cost-per-pupil is 94 percent of Massachusetts', our average teacher salary is 77 percent of Massachusetts'. In Massachusetts, a teacher is paid 4 times the cost of one pupil, while in New Hampshire a teacher is paid only 3.4 times the cost of one pupil.

III. The size and wealth of New Hampshire's education bureaucracy has skyrocketed. Over two decades, New Hampshire's cost-per-pupil has increased by 77 percent, adjusted for inflation, while our teacher salaries have increased by only 1 percent. In the same period, New Hampshire has increased its non-teaching staff by 80 percent while increasing the number of teachers by only 23 percent. Administrative bloat has had dire implications for teacher pay and quality. In 2021, one New Hampshire high school teacher was hired at a salary of \$37,714, less than a starting salary at a nearby Walmart. Meanwhile, New Hampshire superintendents are paid salaries of up to \$178,133, while assistant superintendents are paid salaries of up to \$136,500. At least 8 school administrative units in New Hampshire employ 2 or more assistant superintendents. Diversity professionals, now employed by both school districts and administrative units, are paid salaries of up to \$153,380.

IV. These findings demonstrate that New Hampshire's education spending is being unnecessarily, systematically, and progressively absorbed by an ever-expanding and privileged bureaucratic class. Unless this is addressed, the statewide problem and continued increases in education spending will fail to affect meaningful improvements in teacher pay and quality. The general court places the interests of students first, it hereby enacts the following rebalancing of teacher and administrator pay in New Hampshire.

2 New Subdivision; Students First Act. Amend RSA 189 by inserting after section 74 the following new subdivision:

Students First Act

189:75 Definitions. In this subdivision:

I. “Cost-per-pupil” refers to the cost-per-pupil within a school district and shall mean the lowest of:

(a) The total expenditures associated with the daily operation of schools divided by the average daily membership in attendance;

(b) Any reasonable and good faith estimate of I(a); or

(c) An amount determined in good faith by the department of education to correspond to I(a).

II. “Administrator” shall include superintendents, assistant superintendents, directors or coordinators of diversity, equity, and inclusion, or functionally equivalent officials whether or not their salaries are listed by the department of education, and business managers or administrators.

III. “Corresponding school administrative unit” shall mean the school administrative unit which includes a given school district or chartered public school.

189:76 Mandatory Report to Voters.

I. Before any meeting at which any school district adopts a school budget, whether or not the district has adopted the provisions of RSA 194-C:9-b, a mandatory report to voters must be posted in at least 3 appropriate places, 2 of which must be places of business or other public locations, and one of which shall be the local newspaper or, if a local newspaper is not available, the district’s website. The report must be posted at least 24 hours, excluding Sundays and legal holidays, prior to the meeting.

II. The report shall display the name of the school district, be prominently titled “Mandatory Report to Voters on School Expenses,” and shall contain three line graphs and one table. When posted in public locations, the report shall be displayed on two pages which are each eighteen inches wide and twenty-four inches tall.

III. The first line graph shall be titled “Average Cost Per Pupil” and shall display the district’s annual cost-per-pupil over the previous 10 years. The second line graph shall be titled “Average Teacher Salary” and shall display the district’s yearly average teacher salary over the previous 10 years. A good faith effort shall be made to adjust each annual statistic for inflation using the U.S. Bureau of Labor Statistics Inflation Calculator or an equivalent resource. Each yearly statistic shall be clearly labeled. In each graph, the upper and lower boundaries of the y-axis must be capped at the nearest thousand dollars.

IV. The third line graph shall be titled “Administrator Salaries” and shall display annual totals of all salaries paid to administrators employed by the district and corresponding school administrative unit over the previous 10 years. A good faith effort shall be made to adjust each annual statistic for inflation using the U.S. Bureau of Labor Statistics Inflation Calculator or an equivalent resource. Each yearly total shall be clearly labeled. The upper and lower boundaries of the y-axis must be capped at the nearest hundred thousand dollars.

V. The table shall be titled “Top Administrator Salaries” and shall list the titles and current salaries of the 4 highest-paid administrators employed by the district or corresponding school administrative unit. If less than 4 administrators are so employed, all administrators shall be so listed.

VI. Other than the name and logo of the district and corresponding school administrative unit, the mandatory report to voters shall not contain additional commentary or other text not described in this subdivision. Additional information may be posted on separate pages together with or alongside the mandatory report to voters.

189:77 Severability. If any provision of this subdivision or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the subdivision which can be given effect without the invalid provision or application, and to this end the provisions of this subdivision are declared to be severable.

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

2024-0723s

AMENDED ANALYSIS

This bill requires school districts and chartered public schools to post mandatory reports of school expenses, including average cost per pupil, average teacher salaries, and top administrator salaries.

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

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

ENERGY AND NATURAL RESOURCES

SB 301, relative to establishing a committee to study the possibility of placing a desalination plant on the seacoast. Ought to Pass with Amendment, Vote 3-2. Senator Avard for the committee.

Energy and Natural Resources

March 6, 2024

2024-1012s

12/05

Amendment to SB 301

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

AN ACT relative to establishing a committee to study the possibility of placing a desalination plant in New Hampshire.

Amend the bill by replacing sections 1-3 with the following:

1 Committee Established. There is established a committee to study putting a desalination plant in New Hampshire.

2 Membership and Compensation.

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

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

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

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

3 Duties. The committee shall study the possibility of putting a desalination plant in New Hampshire. The study shall include an assessment of the costs and benefits of such a plant for the region.

2024-1012s

AMENDED ANALYSIS

This bill establishes a committee to study the possibility of placing a desalination plant in New Hampshire.

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

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 368-FN, relative to service retirement allowances for teachers and other group I retirement system members. Interim Study, Vote 3-2. Senator Pearl for the committee.

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

FINANCE

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

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

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

SB 321-FN, relative to the release of a defendant pending trial.

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

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

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

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 Third Reading.

Senator Watters is excused.

INTRODUCTION OF GUESTS

Senator Whitley introduced the Concord Hospital Family Medicine Residency Program led by Doctor Alex Brown visiting in the gallery.

Senator Ricciardi introduced the President of the New Hampshire Medical Society Maria Boylan visiting in the gallery.

SB 364-FN, relative to establishing a historic housing preservation tax credit.
Interim Study, Vote 6-1. Senator Birdsell for the committee.

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

SB 372-FN, relative to plumbing apprenticeships.
Ought to Pass, Vote 5-2. 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 379-FN, relative to emergency action plans for sports related injuries.
Ought to Pass, Vote 7-0. Senator Innis for the committee.

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

SB 409-FN, relative to reimbursement for ambulance services under the state Medicaid plan.
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 456-FN, relative to the state loan repayment program for qualified nursing professionals, and making an appropriation therefor.
Ought to Pass, Vote 6-1. 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 472-FN, relative to historic horse racing licensing, establishing operations of games of chance for the benefit of the host community, and relative to charitable gaming dates for municipalities and charitable organizations.
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 475-FN, relative to design of a climate-controlled storage facility for the New Hampshire state library.
Interim Study, Vote 6-1. Senator Gray for the committee.

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

SB 476-FN, making a capital appropriation to the department of corrections toward the replacement of the New Hampshire state prison for men.
Ought to Pass, Vote 5-2. Senator Gray for the committee.

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

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

The following Senators voted Yes: Gendreau, Lang, Prentiss, Gray, Innis, Ward, Ricciardi, Chandley, Avard, Carson, Whitley, Murphy, Pearl, Soucy, Birdsell, Perkins Kwoka, Abbas, Gannon, Bradley.

The following Senators voted No: Fenton, Rosenwald, D'Allesandro, Altschiller.

The following Senators were excused: Watters.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to Third Reading.

SB 480-FN, relative to the administration of professional licensure and certification and the regulation of real estate practice.
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 499-FN, relative to reduction of hunger for children, older adults, and people with disabilities.
Ought to Pass with Amendment, Vote 7-0. Senator Birdsell for the committee.

Senate Finance
 March 19, 2024
 2024-1230s
 11/05

Amendment to SB 499-FN

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

1 Schools; Food and Nutrition Programs. Amend RSA 189:11-a, I to read as follows:

I.(a) Each school board shall make ~~[at least one meal]~~ **breakfast and lunch** available during school hours to every pupil under its jurisdiction, ***unless otherwise provided by law***. Such meals shall be served without cost or at a reduced cost to any child who meets federal income eligibility guidelines. The state board of education shall ensure compliance with this section and shall establish minimum nutritional standards for such meals as well as income guidelines set for the family size used in determining eligibility for free and reduced price meals. ~~[Nothing in this section shall prohibit the operation of both a breakfast and lunch program in the same school.]~~

(b) The department of education shall reimburse school districts for the initial costs for equipment necessary to implement an alternative breakfast delivery service that provides breakfast after the start of the school day, such as, but not limited to carts, mobile refrigeration, and storage.

(c) An "alternative breakfast delivery service" shall be defined as, but not limited to, a service that provides breakfast after the start of the school day and before any lunch period begins for students at that public school.

(d) Reimbursement for the breakfast after the bell program described in this paragraph shall be available to school districts in which 40 percent or more of the student body are eligible for free or reduced price meals.

2 Schools; Food and Nutrition Programs. Amend RSA 189:11-a, VII to read as follows:

VII.(a) Each school district ~~[which participates]~~ ***shall participate*** in the National School Breakfast Program ***unless the school district implements its own breakfast program or less than 10 percent of enrolled pupils are eligible for free or reduced price lunch in the last academic year, according to the department of education's statistics.*** Each school district shall maintain annual statistics on the number of breakfast meals served to pupils.

(b) Each school district that participates in the National School Lunch Program shall maintain annual statistics on the number of lunch meals served to pupils.

(c) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b is in effect, and that such school is providing breakfast meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a 3 cent reimbursement for each breakfast meal served to a pupil and an additional 27 cent reimbursement for each meal served to students eligible for a reduced price meal. The department of education shall request biennial appropriations in an amount sufficient to meet projected school breakfast reimbursements to ensure students eligible for reduced price meals are offered breakfast at no cost. The department of education shall prescribe forms as necessary under this paragraph.

(d) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b is in effect, and that such school is providing lunch meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a reimbursement for each lunch meal served to a pupil and an additional reimbursement for each meal served to students eligible for a reduced price meal. The department of education shall request biennial appropriations in an amount sufficient to meet projected school lunch reimbursements to ensure students eligible for reduced price meals are offered lunch at no cost. The department of education shall prescribe forms as necessary under this paragraph.

3 New Paragraphs; Schools; Food and Nutrition Programs. Amend RSA 189:11-a by inserting after paragraph VIII the following new paragraphs:

IX. The department of education shall adopt rules under RSA 541-A requiring school districts to offer online and physical free or reduced price school meals applications. The rules shall not prevent school districts from offering other innovative ways to distribute or collect free or reduced price meal applications, in addition to offering online and physical free or reduced price school meals applications.

(a) The department of education shall provide administrative or technical assistance to school districts establishing an online application for free or reduced price school meals and shall include in its biennial budget request under RSA 9:4, funding for costs associated with providing such assistance.

(b) For the biennium ending June 30, 2027, the department of education shall include in its biennial budget request under RSA 9:4, funding for school districts to purchase software to create an online application for free or reduced price school meals.

X. Notwithstanding any provision of law, rule, or regulation to the contrary, there is established a pilot program for school districts with an identified student population above 35 percent. Beginning with the 2024 - 2025 school year and each school year thereafter, for each breakfast and lunch meal that is served at a school participating in the federal community eligibility provision program that is reimbursed at the federal reimbursement rate for a paid meal, the department shall reimburse the school food authority the difference between (a) the combined state and federal reimbursement rate for a paid meal for the current school year and (b) the combined state and federal reimbursement rate for a free meal for the current school year, provided that the total reimbursement rate for each meal served shall equal the combined state and federal reimbursement rate for a free meal for the current school year.

4 New Paragraphs; Human Service; Summer EBT and Elderly Simplified Application. Amend RSA 161:2 by inserting after paragraph XIII-b the following new paragraphs:

XIII-c. Summer EBT. The department shall apply for and meet all deadlines to participate in the federal Summer EBT program so that families whose children are eligible for free and reduced price meals can receive benefits on an EBT card in the summer. The department shall include in its biennial budget request under RSA 9:4 funding for any administrative costs related to administering the federal Summer EBT program.

XIII-d. Elderly Simplified Application. The department shall apply for and participate in the elderly simplified application project within the Supplemental Nutrition Assistance Program. The department shall include in its biennial budget request under RSA 9:4 funding for any administrative costs related to administering Summer EBT and the SNAP Elderly Simplified Application.

5 Appropriations.

I. For the purpose of funding RSA 189:11-a, I, as inserted by section 1 of this act, relative to the breakfast after the bell program, the sum necessary to fund the program is hereby appropriated to the department of education for the biennium ending June 30, 2025, for distribution to eligible school districts. Of this amount, the governor shall determine if any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2 or any other federal funds can be used for this purpose and any remainder, not to exceed \$1, shall be general funds. The governor is authorized to draw a warrant for the general fund share of said sum out of any money in the treasury not otherwise appropriated.

II. For the purpose of funding RSA 189:11-a, VII(a), (b), and (c) as inserted by section 2 of this act, the sum necessary to fund the program is hereby appropriated to the department of education for the biennium ending June 30, 2025. Of this amount, the governor shall determine if any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2 or any other federal funds can be used for this purpose and any remainder, not to exceed \$1, shall be general funds. The governor is authorized to draw a warrant for the general fund share of said sum out of any money in the treasury not otherwise appropriated.

III. For the purpose of funding RSA 189:11-a, VII(d) as inserted by section 2 of this act, the sum necessary to provide school reimbursement for the free and reduced priced meal program is appropriated to the department of education for the biennium ending June 30, 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

IV. For the purpose of funding RSA 189:11-a, IX and X as inserted by section 3 of this act, the sum necessary to fund the program is hereby appropriated to the department of education for the biennium ending June 30, 2025. Of this amount, the governor shall determine if any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2 or any other federal funds can be used for this purpose and any remainder, not to exceed \$1, shall be general funds. The governor is authorized to draw a warrant for the general fund share of said sum out of any money in the treasury not otherwise appropriated.

V. For the purpose of funding RSA 161:2, XIII-c and XIII-d, as inserted by section 4 of this act, relative to participation in the summer EBT program and the elderly simplified application for SNAP, the sum necessary to fund the programs is appropriated to the department of health and human services for the biennium ending June 30, 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Contingency. Should the appropriations for RSA 189:11-a, I enumerated in section 5, paragraph I, 189:11-a, VII(a), (b), and (c) enumerated in section 5, paragraph II, or 189:11-a, IX and X enumerated in section 5, paragraph IV, be insufficient to fund the directives of the aforementioned paragraphs as amended, the department of education may suspend implementation of said paragraphs.

7 Effective Date.

I. Section 5, paragraph I of this act shall take effect June 30, 2024.

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

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

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

SB 555-FN, relative to receipt of pharmaceutical rebates by insurers and pharmacy benefits managers. Ought to Pass, Vote 5-2. Senator Birdsell for the committee.

Senator Rosenwald offered a Floor Amendment.

Sen. Rosenwald, Dist 13

March 5, 2024

2024-0967s

05/08

Floor Amendment to SB 555-FN

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

2 Prospective Repeal of Cost Sharing of Insurer Rebates with Enrollees. Amend 2020, 15:3, I to read as follows:

I. Section 2 of this act shall take effect July 1, ~~2024~~ **2025**.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2024.

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

2024-0967s

AMENDED ANALYSIS

This bill revises the annual reporting requirement for pharmacy benefits managers regarding pharmaceutical rebates. The bill also extends the prospective repeal of RSA 415-A:7, relative to cost sharing of rebates between insurers and enrollees, to July 1, 2025.

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

INTRODUCTION OF GUESTS

Senator Birdsell introduced former Senator Chuck Morse and former Communications Director Maya Harvey visiting in the gallery.

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

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

The following Senators voted Yes: Gendreau, Lang, Prentiss, Gray, Innis, Ward, Ricciardi, Fenton, Avard, Carson, Whitley, Murphy, Pearl, Soucy, Birdsell, Perkins Kwoka, Abbas, Gannon, Bradley.

The following Senators voted No: Chandley, Rosenwald, D'Allesandro, Altschiller.

The following Senators were excused: Watters.

Roll Call, Yeas: 19 - Nays: 4. Adopted, bill ordered to Third Reading.

SB 559-FN, relative to the New Hampshire vaccine association.
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.

Recess. Out of recess.

President Pro Tempore Gray presiding.

SB 563-FN, relative to federal immigration enforcement.
Ought to Pass, Vote 5-2. Senator Pearl for the committee.

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

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

Recess. Out of recess.

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

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

The following Senators were excused: Watters.

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

SB 584-FN, relative to application of the utility property tax to certain renewable electric generating facilities, and relative to communications services tax revenues.
Interim Study, Vote 7-0. Senator Innis for the committee.

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

SB 591-FN-A, modifying definitions, claims procedures, and funding relating to the youth development center settlement fund and claims administration.
Ought to Pass with Amendment, Vote 7-0. Senator D'Allesandro for the committee.

Senate Finance
March 19, 2024
2024-1228s
11/08

Amendment to SB 591-FN-A

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Appropriation. The sum of \$60,000,000 for the biennium ending June 30, 2025, is hereby appropriated to the YDC settlement fund established in RSA 21-M:11-a, II. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

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

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

SB 595-FN, relative to the rates for pole attachments.
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 602-FN-A, making an appropriation to the university system of New Hampshire and the community college system of New Hampshire for marketing of hospitality management programs.
Interim Study, Vote 5-2. Senator Rosenwald for the committee.

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

SB 603-FN, relative to telephone number and area code conservation.

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 604-FN-A, providing a death benefit for a New Hampshire hospital security officer killed in the line of duty.

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 Avard, seconded by Senator Rosenwald.

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

The following Senators voted No: (None)

The following Senators were excused: Watters.

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

HEALTH AND HUMAN SERVICES

SB 302, adding an additional exemption from the regulation of physicians and surgeons.

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

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

President Bradley presiding.

JUDICIARY

SB 357, relative to expanding the definition of providers who can certify patients of the therapeutic cannabis program.

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

Senate Judiciary

March 6, 2024

2024-0994s

05/06

Amendment to SB 357

Amend RSA 126-X:1, VII(a)(5) as inserted by section 1 of the bill by replacing it with the following:

(5) Any other New Hampshire provider who is licensed to prescribe drugs to humans and who possesses an active registration from the United States Drug Enforcement Administration to prescribe controlled substances and who is primarily responsible for the patient's care related to his or her qualifying medical condition.

2024-0994s

AMENDED ANALYSIS

This bill expands the definition of provider under the therapeutic cannabis program to include a provider licensed to prescribe medication and who is primarily responsible for the patient's care related to his or her qualifying medical condition. The bill also requires, for issuance of a registry identification card to a minor, certification from 2 providers, one of whom shall provide pediatric care.

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 358-FN, relative to invalidating out-of-state driver's licenses issued to undocumented immigrants.

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

Senator D'Allesandro is excused.

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

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

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

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

The following Senators were excused: Watters, D'Allesandro.

Roll Call, Yeas: 14 - Nays: 8. Adopted, bill ordered to the Committee on Finance (Rule 4-5).

SB 569-FN, relative to the powers and duties of the attorney general as the state's attorney. Inexpedient to Legislate, Vote 3-2. Senator Abbas for the committee.

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

SB 576, relative to reporting the death of voters.

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

Senate Judiciary

March 13, 2024

2024-1114s

08/06

Amendment to SB 576

Amend RSA 654:37 as inserted by section 1 of the bill by replacing it with the following:

654:37 Reports of Death. Whenever there is filed in the office of the clerk an official notice of the death of any person or persons of the age of 18 years or over or the clerk receives notice of a death record of such person or persons under RSA 5-C:4, V with a full match, the town or city clerk shall notify the supervisors of the checklist of said deaths by submitting a notice of same to the supervisors at their next regular meeting. For reports under RSA 5-C:4, V with a possible match, the city or town clerk shall look for an official notice of death and if available shall proceed as described in this section. ***The executor of the estate or personal representative shall provide the clerk an official notice of the death of any person or persons of the age of 18 years or older within 30 days of such appointment.*** If there is no official verification, the city or town clerk shall follow the procedures in RSA 654:37-a. Upon receipt of such notice, the supervisors shall examine the checklist; and, if the name of said deceased person appears thereon, it shall be removed. The notice shall be retained in accordance with RSA 33-A:3-a. Any supervisor who shall neglect or refuse to erase the name of such deceased voter from the checklist after receiving such notice from the town or city clerk shall be guilty of a violation.

2024-1114s

AMENDED ANALYSIS

This bill requires the executor of an estate to provide an official notice of death to the town or city clerk of the death of a voter.

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 Birdsell, 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: Prentiss, Fenton, Chandley, Rosenwald, Whitley, Soucy, Perkins Kwoka, Altschiller.

The following Senators were excused: Watters, D'Allesandro.

Roll Call, Yeas: 14 - Nays: 8. Adopted, bill ordered to Third Reading.

MOTION TO REMOVE FROM THE TABLE

Senator Birdsell moved to remove SB 173-FN from the Table. Adopted.

HEALTH AND HUMAN SERVICES

SB 173-FN, relative to surprise medical bills.

The pending motion is Order to Third Reading.

President Bradley Ordered SB 173-FN to Third Reading.

CONSENT CALENDAR REPORTS REMOVED

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 487-FN, relative to the division of personnel in the department of administrative services.
Interim Study, Vote 5-0. Senator Carson for the committee.

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

Senator Carson moved Ought to Pass.

Senator Carson offered a Floor Amendment.

Sen. Carson, Dist 14

March 18, 2024

2024-1177s

11/08

Floor Amendment to SB 487-FN

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

1 New Chapter; Personnel Appeals Board. Amend RSA 273 by inserting after chapter 273-C the following new chapter:

CHAPTER 273-D

PERSONNEL APPEALS BOARD

273-D:1 The Board.

I. There is hereby established a personnel appeals board consisting of 5 members, not more than 3 of whom shall be from the same political party. At least one member of the board shall have been employed as labor relations or personnel professional for at least 5 years. At least one member shall have been employed within a public personnel field of employment for at least 3 years. At least one member shall be an attorney licensed to practice in the state of New Hampshire and experienced in the conduct of adjudicative hearings and decision writing.

II. Each member shall be appointed by the governor with the consent of the council for a term of 3 years and a person appointed to fill a vacancy shall be appointed for the unexpired term. Each member of the board shall hold office until a successor is appointed and qualified. The governor shall designate one member as chairperson of the board. The board shall elect one member to serve as vice-chairperson. Both the chairperson and the vice-chairperson shall be attorneys and members in good standing of the New Hampshire Bar Association. No member of the board shall be employed full time in any agency of state government.

III. Three members shall constitute a quorum to conduct hearings, deliberative sessions, and business meetings. Any board member who was not part of the quorum of the board for an entire hearing shall refrain from taking part in the deliberative session for that case.

IV. The board shall meet as often as necessary to conduct its business, provided that no more than 30 days shall elapse between meetings or hearings whenever there is any appeal pending before the board.

V. Members of the board shall convene in person to conduct appeal hearings to deliberate on concluded cases and pending motions, and to conduct periodic business meetings associated with their duties. For each appeal before the board, a member of the board shall be designated as the presiding officer, who shall preside over any matters associated with the appeal for which he or she has been designated as the presiding officer and may, with or without a full quorum of the board, hold any necessary prehearing conference with the parties to an appeal.

VI. Members of the board shall designate one or more members to participate in legislative and regulatory matters that pertain to the board.

VII. Subject to availability of funds, the board may hire staff, purchase equipment and lease appropriate premises as it deems necessary to carry out the business and functions of the board. All staff working on behalf of the board shall be classified employees and shall perform such duties for the board as the board may assign, including the following:

(a) Preparing notices and other documents required under RSA 541-A as directed by the board and distributing such notices and documents upon the approval of the board;

(b) Scheduling the conduct of all personnel appeals board proceedings, with the approval of the board, so as to ensure timely and efficient conduct of such proceedings;

(c) Preparing and maintaining the record, as required by RSA 541-A, of all adjudicative proceedings conducted by the personnel appeals board;

(d) Preparing, maintaining as public record, and continuously updating a document which shall summarize the findings and decisions of the personnel appeals board; and

(e) Preparing and maintaining materials and drafts for the board's review of and updates to administrative rules.

VIII. Members of the board shall read appeal records, motions, court decisions, and other evidentiary materials outside of scheduled hearings and meetings and in preparation for them. The members shall therefore be paid a stipend of \$200 in each biweekly state payroll cycle for such work performed outside of scheduled sessions. Members of the board shall also be paid \$400 for each day devoted to the work of the board and shall be reimbursed for travel, professional development, and other business-related expenses. Any board member designated by the chairperson of the board shall be paid \$50 per hour for time spent on the drafting of final decisions on the merits of appeals decided by the board.

IX. No board member shall participate in any case or issue before the board in which he or she has a potential conflict of interest. A conflict of interest shall include any case or action in which a member has a personal or professional interest and any case or action in which a member is personally or professionally associated with any of the parties involved.

X. Members of the board shall be removed only as provided in RSA 4:1.

XI. The current board previously appointed and approved under RSA 21-D:46 shall continue to serve as board members until the end of their current term or as otherwise replaced in accordance with the statute.

273-D:2 Powers and Duties.

I. The board shall hear and decide appeals as provided by RSA 273-D:3 and appeals of decisions arising out of application of the rules adopted by the director of personnel except those related to:

(a) Performance evaluations of classified employees; provided, however, that an employee who is disciplined or has other adverse action taken against him as the result of an evaluation may appeal that action.

(b) The refusal of an appointing authority to grant a leave of absence without pay.

(c) Classification decisions of the director of personnel when the reasons for appeal are based on any of the following:

(1) The personal qualifications of an employee exceed the minimum requirements for the position in question.

(2) The employee has held the position for a long period of time.

(3) Any positions previously held by the employee or any examinations passed by the employee which are not required for the position in question.

(4) The employee has reached the maximum of the assigned pay.

(5) The cost of living or related economic factors.

II. The board shall have the authority to subpoena witnesses, and administer oaths in any proceeding before it, and to compel the production of any books, papers or other memoranda or documents relevant to the proceeding before it by subpoena duces tecum.

III. Deliberations held by the board following evidentiary hearings shall be exempted from the requirements of RSA 91-A:2.

IV. The board shall by September 1 of each year submit an annual report to the governor. This report shall include a narrative summary of the work of the board during the previous fiscal year.

V. The board shall adopt rules under RSA 541-A regarding procedures for the conduct of its business.

VI. The board shall have its own budget, independent of any agency, and shall be responsible for operating within its budget.

VII. The board shall issue final decisions on all appeals within 50 days of the date of hearing or upon the receipt of relevant evidence requested by the board as a result of such hearing, whichever is later. If the board determines that it requires additional time for the proper investigation or determination of the facts or issues involved, it shall notify the employee or employees making the appeal in writing of the reasons for the delay and provide an estimate to such employee or employees of the additional time required.

VIII. The board shall have the authority to review and update administrative rules at its discretion, subject to existing rule-making procedural requirements.

IX. The department of administrative services shall continue to provide administrative support to the personnel appeals board until funding sufficient to provide the board with an adequate budget to conduct its business has been appropriated, the board has hired adequate staff to meet its administrative needs in accordance with RSA 273-D:1, VII, and secured appropriate locations to house its staff and conduct meetings, hearings, and other board business.

273-D:3 Reviews and Appeals.

I. The employee or the department head, or both, affected by the reclassification of a position in a classification plan shall have an opportunity to request a review of that reclassification in accordance with rules adopted by the director of personnel under RSA 541-A, provided such request is made within 15 days of the reclassification. If a review is requested by an employee, the director shall contact the employee's department head to determine how the employee's responsibilities and duties relate to the responsibilities and duties of similar positions throughout the state. The employee or department head, or both, shall have the right to appeal the director's decision to the board in accordance with rules adopted by the board under RSA 541-A.

(a) In appeals of a position reclassification, the board shall determine if the appellant proves by a preponderance of the evidence that:

(1) The duties of the position have changed sufficiently to warrant reclassification; or

(2) The position was improperly classified in accordance with the director's rules or the classification plan.

(b) If the board determines that an individual is not properly classified in accordance with the classification plan or the director's rules, it shall issue an order requiring the director to make a correction. The board shall be limited to existing job titles within the classification plan when rendering decisions regarding appeals of denial of reclassification. The board is explicitly prohibited from creating new job classifications or job titles.

II.(a) Any permanent employee who is affected by any application of the personnel rules, except for those rules enumerated in RSA 273-D:2, I, and the application of rules in classification decisions appealable under paragraph I of this section, may appeal to the board within 15 calendar days of the action giving rise to the appeal. The appeal shall be heard in accordance with the procedures provided for adjudicative proceedings in RSA 541-A.

(b) In appeals arising out of an application of rules adopted by the director of personnel, the board shall determine if the appellant proves by a preponderance of the evidence that:

(1) The rule was incorrectly interpreted and applied;

(2) The rule was invalid; or

(3) The appointing authority's or the personnel director's application of the rule was unlawful.

III. In disciplinary appeals, including termination, disciplinary demotion, suspension without pay, withholding of an employee's annual increment or issuance of a written warning, the board shall determine if the appellant proves by a preponderance of the evidence that:

- (a) The disciplinary action was unlawful;
- (b) The appointing authority violated the rules of the division of personnel by imposing the disciplinary action under appeal;
- (c) The disciplinary action was unwarranted by the alleged conduct or failure to meet the work standard in light of the facts in evidence; or
- (d) The disciplinary action was unjust in light of the facts in evidence.

IV. In probationary termination appeals, the board shall determine if the appellant proves by a preponderance of the evidence that the termination was arbitrary, illegal, capricious, or made in bad faith. Allegations that the appellant does not know the reason(s) for the dismissal, or evidence that the appointing authority took no formal disciplinary action to correct the employee's unsatisfactory performance or failure to meet the work standard prior to dismissing the employee shall not be deemed sufficient to warrant the appellant's reinstatement.

V. If the board finds that the action complained of was taken by the appointing authority for any reason related to politics, religion, age, sex, gender identity, race, color, ethnic background, marital status, or disabling condition, or on account of the person's sexual orientation, or was taken in violation of a statute or of rules adopted by the director, the employee shall be reinstated to the employee's former position or a position of like seniority, status, and pay. The employee shall be reinstated without loss of pay, provided that the sum shall be equal to the salary loss suffered during the period of denied compensation less any amount of compensation earned or benefits received from any other source during the period. "Any other source" shall not include compensation earned from continued casual employment during the period if the employee held the position of casual employment prior to the period, except to the extent that the number of hours worked in such casual employment increases during the period. In all cases, the personnel appeals board may reinstate an employee or otherwise change or modify any order of the appointing authority, or make such order as it may deem just.

VI. Any action or decision taken or made under this section shall be subject to rehearing and appeal as provided in RSA 541.

VII. In the event of an appeal from a decision of the personnel appeals board in accordance with the provisions of RSA 541, the fee for the copy of the record and such testimony and exhibits as shall be transferred, and the fee for manifold copies shall be established by the governor and council and collected by the personnel appeals board from the party making the appeal. The personnel appeals board shall not be required to certify the record upon any such appeal, nor shall the appeal be considered until the fees for the copies have been paid.

273-D:4 Reviews of Conflicts of Interest.

No employee in the state classified service shall hold any remunerative elective public office, or have other employment, either of which creates an actual, direct and substantial conflict of interest with the employee's employment, which conflict cannot be alleviated by said employee abstaining from actions directly affecting such classified employment. Determination of such conflict shall be made by the personnel appeals board after the parties are afforded rights to a hearing on the conflict issue. The burden of proof in establishing such a conflict shall be upon the party alleging it. No action affecting said employee shall be taken by the appointing authority because of such public office or other employment until after a full hearing before and approval of such action by the personnel appeals board. If an actual, direct and substantial conflict of interest, which cannot be alleviated by abstention by the employee, is found by the personnel appeals board, the board must approve any action proposed by the appointing authority; and the employee shall be given a reasonable amount of time to leave the employee's public office or other employment or otherwise end the conflict before the appointing authority initiates that action.

2 Classified Employees; Prohibitions; Penalty. Amend RSA 21-I:52, I to read as follows:

I. No person shall be appointed or promoted to, or demoted or dismissed from, any position in the classified service, or in any way favored or discriminated against with respect to employment in the classified service because of the person's political opinions, religion, religious beliefs or affiliations, age, sex, gender identity, sexual orientation, national origin, or race. Additionally, except as provided in paragraph I-a, there shall be no preferential treatment or discrimination in recruiting, hiring, or promotion based on race, sex,

gender identity, sexual orientation, national origin, religion, or religious beliefs. Nothing in this section shall require the appointment or prevent the dismissal of any person who advocates the overthrow of the government by unconstitutional and violent means. No person shall use, or promise to use directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. ~~[No employee in the state classified service shall hold any remunerative elective public office, or have other employment, either of which creates an actual, direct and substantial conflict of interest with the employee's employment, which conflict cannot be alleviated by said employee abstaining from actions directly affecting such classified employment. The burden of proof in establishing such a conflict shall be upon the party alleging it. No action affecting said employee shall be taken by the appointing authority because of such public office or other employment until after a full hearing before and approval of such action by the personnel appeals board. If an actual, direct and substantial conflict of interest, which cannot be alleviated by abstention by the employee, is found by the personnel appeals board, the board must approve any action proposed by the appointing authority; and the employee shall be given a reasonable amount of time to leave the employee's public office or other employment or otherwise end the conflict before the appointing authority initiates that action.]~~

3 Repeal. The following are repealed:

I. RSA 21-I:42, IX, relative to department of administrative services division of personnel.

II. RSA 21-I:45, relative to department of administrative services composition of board, compensation, and removal.

III. RSA 21-I:46, relative to department of administrative services power and duties of the board.

IV. RSA 21-I:47, relative to department of administrative services personnel appeals board and executive secretary to the board.

V. RSA 21-I:57, relative to department of administrative services, classified employees and allocation reviews.

VI. RSA 21-I:58, relative to department of administrative services, classified employees appeals.

4 Department of Administrative Services; Support; Transition. The department of administrative services shall continue to provide administrative support to the personnel appeals board until funding sufficient to provide the board with an adequate budget to conduct its business has been appropriated, the board has hired adequate staff to meet its administrative needs in accordance with RSA 273-D:1, VII, and secured appropriate locations to house its staff and records, and conduct meetings, hearings and other board business.

5 Effective Date. This act shall take effect 60 days after 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 the Committee on Finance (Rule 4-5).

INTRODUCTION OF GUESTS

President Bradley introduced Ava Hawkes visiting in the gallery.

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 IN FAVOR/OPPOSITION FORMS FOR THE DAY

Senator Chandley: SB 219-FN-L: In opposition to the motion of Ought to Pass as Amended.

ANNOUNCEMENTS

(The Chair recognized Senator Ricciardi.)

SENATOR RICCIARDI: Thank you, Mister President, and thank you to all my colleagues for signing our resolution recognizing Greek Independence Day which is next week but we don't have session so I'm going to read it today, but I will read it fast, okay?

Whereas March 25th marks the 203rd anniversary of the start of The War of Greek Independence in which the Greek people broke away from the Ottoman Empire for the first time in four centuries; and

Whereas this revolution restored democracy to Greece where the very concept of democratic self-governance was born more than 2,000 years ago; and

Whereas Greece is an important commercial partner with the United States, accounting for more than 4.5 billion in trade each year,

Whereas New England was a favored destination for the great wave of Greek immigration that began in 1890, resulting in a large and vibrant Greek community, particularly in Manchester and Nashua; and

Whereas nearly 20,000 Granite Staters boast of their Greek ancestry with the Boston-Worcester-Manchester region having the second largest Greek American population in the entire country; and

Whereas our Greek American neighbors have shaped the New Hampshire we know today, including our churches, our restaurants, and our politics,

Resolved by the Senate that the New Hampshire Senate celebrates Greek Independence Day recognizing the right of all people to determine their own governance free from tyranny and oppression as well as the vital cultural contributions that New Hampshire's Greek community has made to the Granite State.

Long live Greece.

(The Chair recognized Senator Prentiss.)

SENATOR PRENTISS: Thank you Mister President and Unanimous Consent and I'm going to be, it's kind of bookends. I'll start the Unanimous Consent and my other bookend is going to be Senator Rosenwald.

So, I would like to briefly talk about the passing of Representative Sharon Nordgren. I had waited until now because the House just recently recognized her and I wanted to make sure that, I was hoping we could all do it on the same day, but it didn't work out.

On Saturday, February 10th, an 18-term legislator, 36 years here in the State House, Sharon Nordgren passed away with her husband, her beloved husband Dick, by her side. She cut her teeth in elected office as a selectperson from the town of Hanover. In fact, she was the first woman chair of their select board. And she was the wizard of collaboration and of compromise locally and then brought that experience to her work here in the State House where she served on Finance, specifically dealing in the House on the health care side for all of the time that she was here.

Children in this state, children in the state that previously didn't have insurance because there wasn't a program for lower income children who didn't have access, have access to health care and primary care because of Sharon Nordgren's efforts. I feel a little cheated because I only knew her, I knew of her being that I lived in the city next door but I didn't really get to know her personally until we served it together and Sharon had this back porch as a house and you know where the hospital used to be up on, they called Occam Ridge and she's just you great backyard but she has this back porch and she would summon you to the back porch. So, I was new, you know I was newly elected we really didn't know each other and I got the phone call or text message, you know, I'd like to have you come over and I'm going to have a couple people we'd like, to get to know you. So, I thought this was like a political discussion, how she said, so tell me about yourself. And I started talking about, you know, positions that, I was in favor of. I start talking policy-wise and she said no, no, no. Who are your people? Where are you from? Are you married? Do you have any children. And she wanted to know you. And that's how she built relationships. That's how she led her life. That how's she did her work in, not just for the town of Hanover, but in this building. And I actually just drove by her house this weekend, I was in Hanover, and I just still can't believe, I still can believe that she's not with us. We were fortunate to have her 80th birthday at former Senator Burling's house last fall. We had a really nice gathering. many people were there, even people in this chamber today and it was you know it's those times you just can't you got to do them you've got to make sure you tell people you love them and honor the work that they do and as I wrap up my comments today I want to share with you and send my deepest love and condolences to Dick Nordgren her loving husband. She has two children; Chrissy and her husband John live in Maine. Her son, Rob, who many know because he was a physician that worked in New Hampshire for years

and his wife, Julia, she has three grandchildren, all boys, okay? And she has this grand dog, Finny, that she loved. So, she would go to see her daughter. I wouldn't hear as much about the trip to her see daughter as I would about Finny. So, God bless you, Sharon. Thank you. We're all, we are a better state, and the Upper Valley is a tighter community Because of your service. Thank you, Mister President.

(The Chair recognized Senator Rosenwald.)

SENATOR ROSENWALD: Thank you, Mister President. Unanimous Consent please. Long before I ever spoke with Sharon Nordgren, I admired her from the backbenches of the House. She seemed to know everything. She knew the people in the House, all of them, even though a third of them turn over every year. She knew the politics, she knew the budget, and she knew the policies. So, she was terrifying, really, from that perspective. But when I joined the House Finance Committee in 2011, I began to see a completely different side of Sharon. She was welcoming, she was inclusive, she was a mentor, and she was a teacher. Sharon was Minnesota nice, but she had a New England sense of humor. In fact, she was screamingly funny, and she welcomed me to Finance and helped me learn the history of the programs through HHS because she's spent so many years on Division III. And as my colleague from District 5 says, she was most interested in family. She was very close to her own children and her three grandchildren, but her family also included the House Finance Committee and by extension, our families, I had the same experience you did. Who are your people? She met my son Henry who some of you know because he was often hanging around the State House and she extended her watchful eye to him. She always asked me how he was doing in his work but more importantly in his life and his growing family. So, I guess I'll close by saying we lost a giant in a tiny frame and Godspeed Sharon. Rest in power. Thank you.

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 173-FN, relative to surprise medical bills.

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

SB 301, relative to establishing a committee to study the possibility of placing a desalination plant in New Hampshire.

SB 302, adding an additional exemption from the regulation of physicians and surgeons.

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

SB 315-FN-LOCAL, relative to law enforcement agency reporting on information concerning bias crimes.

SB 321-FN, relative to the release of a defendant pending trial.

SB 357, relative to expanding the definition of providers who can certify patients of the therapeutic cannabis program.

SB 372-FN, relative to plumbing apprenticeships.

SB 379-FN, relative to emergency action plans for sports related injuries.

SB 383-FN, relative to local tax caps.

SB 385, relative to the cost of care fund.

SB 386, relative to establishing a committee to study power generation, transmission, distribution, and storage.

SB 403-FN, relative to the health care workforce.

SB 409-FN, relative to reimbursement for ambulance services under the state Medicaid plan.

SB 424, relative to reductions of maximum sentences while on parole.

SB 426-FN, relative to the transportation of marijuana in a motor vehicle or OHRV.

SB 449, relative to the permit issuance timeline for state air permits.

SB 456-FN, relative to the state loan repayment program for qualified nursing professionals, and making an appropriation therefor.

SB 472-FN, relative to historic horse racing licensing, establishing operations of games of chance for the benefit of the host community, and relative to charitable gaming dates for municipalities and charitable organizations.

SB 476-FN, making a capital appropriation to the department of corrections toward the replacement of the New Hampshire state prison for men.

SB 478-FN, relative to child day care, residential care, and child-placing agency licensing.

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

SB 499-FN, relative to reduction of hunger for children, older adults, and people with disabilities.

SB 501, relative to driver licenses for noncitizens residing in New Hampshire.

SB 503, relative to requiring a criminal background check when applying for a fish and game guide license.
SB 505, relative to the prohibition on the sale of hemp products containing certain levels of THC.
SB 517, relative to the employment status of university students working in educational programs.
SB 532-FN, relative to requiring all municipalities and school governing bodies to post on their official town or school website within 30 days the amount of funds received by the state either by allocation or grant.
SB 545-FN, Establishing a committee to study the scope and role of veterinary technicians.
SB 555-FN, relative to receipt of pharmaceutical rebates by insurers and pharmacy benefits managers.
SB 559-FN, relative to the New Hampshire vaccine association.
SB 563-FN, relative to federal immigration enforcement.
SB 573-FN, establishing a committee to study consent and confidentiality laws applicable to adolescent and young adult health care in New Hampshire.
SB 574, relative to the appointment of a temporary agent for a minor child or incapacitated person.
SB 576, relative to reporting the death of voters.
SB 578-FN, relative to criminal pre-trial services and monitoring.
SB 589-LOCAL, relative to wastewater surcharges.
SB 591-FN-A, modifying definitions, claims procedures, and funding relating to the youth development center settlement fund and claims administration.
SB 595-FN, relative to the rates for pole attachments.
SB 600, relative to the board of pharmacy and certified public accountant examinations.
SB 603-FN, relative to telephone number and area code conservation.
SB 604-FN-A, providing a death benefit for a New Hampshire hospital security officer killed in the line of duty.
SB 605, relative to ethical standards for members of the general court.

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.