



State of  
New Hampshire

# HOUSE RECORD

First Year of the 167<sup>th</sup> General Court

Calendar and Journal of the 2021 Session

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

Vol. 43

Concord, N.H.

Friday, December 3, 2021

No. 48

Contains: House Deadlines; Governor's Veto Messages; Bills Laid on Table; Meetings and Notices; Revised Fiscal Notes.

## HOUSE CALENDAR

### MEMBERS OF THE HOUSE:

In case you missed it last week, the House will convene on Wednesday, January 5, 2022, to act on the Governor's vetoes and retained bills from the 2021 session. Please expect to be in Session all day on Wednesday, January 5th and Thursday, January 6, 2022. It is my hope to act on the governor's vetoes and all retained 2021 bills during this event, so please also hold Friday, January 7th for a meeting day, in the event we do not complete our business on the 5th and 6th.

Please note: This calendar contains the committee reports for all of the retained bills we will take up during that first week in January. Please retain this copy of the calendar for your use during those session days.

As a final reminder, the General Court is working with our Department of Health & Human Services COVID Mobile Vaccination Team to hold a voluntary, in-house vaccine and booster shot clinic next Friday December 10th. This clinic is open to all legislators, staff members and their families, including children 5-12 years old. You may register for an initial vaccine, or a booster shot if you are fully vaccinated and eligible. Johnson & Johnson, Moderna and Pfizer vaccinations and booster shots will all be available. Please refer to the email for registration instructions.

As always, we appreciate your ongoing efforts to help us maintain a risk-mitigated and healthy working environment by staying home if you are experiencing any symptoms of illness. While face coverings are not mandated within the State House and Legislative Office Building, you should strongly consider wearing one. I'd also ask all who enter our buildings to act with courtesy, and respect the personal decisions individuals have made regarding mask use.

Tuesday, December 7 is National Pearl Harbor Remembrance Day, "A date which will live in infamy." Please join me in remembering and honoring those lives lost on that day.

Lastly, my deepest sympathies to the family and friends of the Honorable James Devine. He served in the NH House of Representatives from 2006-2016 and was a member of the Science, Technology and Energy Committee. Please keep his family and friends in your thoughts and prayers.

Sherman A. Packard, Speaker of the House

### NOTICE

**ALL** reports, scheduling and notices are due in the House Clerk's Office by **3:00 p.m. on WEDNESDAYS**. Reports and scheduling shall be turned in to House Committee Services for processing **no later than 1:00 p.m.** on Wednesday. Please be sure to complete that work in a timely fashion to meet the Calendar deadline.

**CLOSES AT 3:00 p.m. ON:**

Wednesday, December 8, 2021  
Wednesday, December 15, 2021  
Wednesday, December 22, 2021

**AVAILABLE ON:**

Friday, December 10, 2021  
Friday, December 17, 2021  
Thursday, December 23, 2021

Paul C. Smith, Clerk of the House

### 2021 HOUSE DEADLINES

January 7, 2022

Last day to introduce House Bills

## **GOVERNOR'S VETO MESSAGE REGARDING HOUSE BILL 98**

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 30, 2021, I have vetoed House Bill 98, relative to the date of the state primary election. I agree with the Secretary of State that House Bill 98 creates more problems than it solves. House Bill 98 would change our state primary from its current September date to the first Tuesday in August, moving our primary election - and the campaign season for that election - into the middle of the summer. This is a time when many Granite Staters are enjoying their vacations and are far less likely to be involved in the electoral process. This change could lead to depressed voter engagement in the election and reduced turnout. Furthermore, moving the primary election to the summer could hurt the ability of municipalities to recruit poll workers and Election Day volunteers, greatly exacerbating a challenge that many municipalities are already struggling with. Some advocates of this legislation point to the supposed challenge of election officials meeting the deadlines to send absentee ballots to members of the military or other overseas Granite Staters. It is important to note that New Hampshire has never failed to meet those deadlines set forth by the Federal Government. In fact, according to the Secretary of State, New Hampshire is one of just a few states that have never been sued for such a failure. However, House Bill 98 gives the Secretary of State nine fewer days between the end of the filing period and the primary day elections to make and print ballots. Although partially intended to ease time constraints on the Secretary of State, this bill could add burdens onto their process. New Hampshire's elections are the gold standard for the rest of the country, and our primary date schedule has stood the test of time. Our Secretary of State, who has run our state's elections for 45 years, believes this legislation will add significant challenges to a process that does not need to be changed.

For the reasons stated above, I have vetoed House Bill 98.

Respectfully submitted,  
Christopher T. Sununu, Governor  
Date: July 30, 2021

## **GOVERNOR'S VETO MESSAGE REGARDING HOUSE BILL 239**

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on August 10<sup>th</sup>, 2021, I have vetoed House Bill 239, relative to prosecutions for certain assaults against minors. Occasionally, well-intentioned legislation can fall apart because of a few misplaced words or technical language that was left out. Unfortunately, House Bill 239 contains a fatal flaw that must prevent it from moving forward. I support the legislative intent to extend the statute of limitations for juvenile victims of first-degree and second-degree assault. However, this bill presents severe negative consequences that could greatly hinder ANY prosecution of first-degree assault in New Hampshire. In a letter dated August 6, 2021, the Attorney General and each of New Hampshire's 10 County Attorneys detailed their concerns with House Bill 239. This bill fails to make clear that the extension of the statute of limitations for prosecutions under RSA 631:1 to a victim's twenty-fourth birthday only applies to juvenile victims. Consequently, as the letter states, the bill "...could readily be interpreted to preclude any prosecution for a crime under RSA 631:1 beyond a victim's twenty-fourth birthday. As such, cases under RSA 631:1 with adult victims over twenty-four years of age simply would not be able to be charged or prosecuted." I encourage the legislature to address the concerns raised by the Attorney General and New Hampshire's County Attorneys in legislation next year. The letter recommends amendments necessary to ensure the legislative intent of House Bill 239 can be successfully implemented and I will be supportive of such a bill. For the reasons stated above, I have vetoed House Bill 239.

Respectfully submitted,  
Christopher T. Sununu, Governor  
Date: August 10, 2021

## **GOVERNOR'S VETO MESSAGE REGARDING HOUSE BILL 242**

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 30, 2021, I have vetoed House Bill 242, relative to the content of an adequate education. I am encouraged by and support the idea of ensuring that New Hampshire students receive instruction in financial literacy and this legislation adds important concepts that will help ensure that students receive strong educational opportunities. However, after conversations with the Commissioner of the Department of Education, we agree that there needs to be additional clarity within the language of this bill so that these concepts can be applied and accessed consistently across the state and for all students. I have instructed the Department of Education to work with the legislature to address these concerns.

For the reasons stated above, I have vetoed House Bill 242.

Respectfully submitted,  
Christopher T. Sununu, Governor  
Date: July 30, 2021

## GOVERNOR'S VETO MESSAGE REGARDING HOUSE BILL 334

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on August 10<sup>th</sup>, 2021, I have vetoed House Bill 334, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile and relative to the procedure for conducting firearm background checks. I support the provisions in this bill that would apply our constitutional right to carry a firearm to OHRVs and snowmobiles, and hope to sign such a bill next year. It is unfortunate that the legislature chose to tack on unrelated legislation that will cause those provisions to not move forward. As Governor, my record is very clear – I have consistently defended the 2<sup>nd</sup> amendment rights of New Hampshire's citizens and I remain committed to doing so. New Hampshire's laws are well-crafted and fit our culture of responsible gun ownership and individual freedom. The background check provisions are not about firearms rights, they are about government administrative processes. This bill, which was introduced to solve a problem caused by the COVID-19 pandemic, is no longer necessary. New Hampshire has taken steps to improve technology, processes, and staffing in order to address this issue without legislation. This bill would create substantial unintended negative consequences by ceding control of our state process to the Federal Government. Groups as diverse as the New Hampshire Firearms Coalition, the New Hampshire Coalition against Domestic and Sexual Violence, the Attorney General's Office, and the Judicial Branch all join me in raising significant concerns with this legislation. For the reasons stated above, I have vetoed House Bill 334.

Respectfully submitted,  
Christopher T. Sununu, Governor  
Date: August 10, 2021

## BILLS LAID ON TABLE

- HB 62-FN** - relative to continued in-network access to certain healthcare providers. (Pending Question: Inexpedient to Legislate)
- HB 81** - relative to the justified use of deadly force upon another person. (Pending Question: Ought to Pass)
- HB 111** - establishing a cause of action against the state to protect individual rights. (No Pending Question)
- HB 155** - renaming Columbus Day as Indigenous People's Day (Pending Question: Ought to Pass with Amendment)
- HB 165** - relative to noncompete agreements for certain mental health professionals. (Pending Question: Inexpedient to Legislate)
- HB 185-FN** - removing the work requirement of the New Hampshire granite advantage health care program. (Pending Question: Ought to Pass)
- HB 188-FN** - relative to appointment of counsel in juvenile court proceedings. (Pending Question: Ought to Pass with Amendment)
- HB 266-FN-L** - relative to enforcement of immigration laws and the prohibition of sanctuary policies. (Pending Question: Ought to Pass)
- HB 279** - relative to the maximum allowable vehicle gross weight for a combination of truck-tractor and single semi-trailer with 4 or more axles. (Pending Question: Inexpedient to Legislate)
- HB 295** - relative to initiating amendments and corrections to birth records. (Pending Question: Ought to Pass with Amendment)
- HB 348** - requiring a public employer to provide notice of a new or amended collective bargaining agreement. (Pending Question: Ought to Pass)
- HB 368** - relative to claims for medical monitoring. (Pending Question: Ought to Pass with Amendment)
- HB 402** - relative to takings of property in a declared emergency. (No Pending Question)
- HB 439** - relative to the powers of city councils. (Pending Question: Inexpedient to Legislate)
- HB 458-L** - relative to provision of menstrual products for students in need. (Pending Question: Inexpedient to Legislate)
- HB 544** - relative to the propagation of divisive concepts. (Pending Question: Ought to Pass with Amendment)
- HB 560** - relative to the election of Rockingham county officials. (Pending Question: Ought to Pass with Amendment)
- HB 561** - relative to potential jurors excused from jury duty due to a lack of residency in the county of jury service. (No Pending Question)
- HB 586-FN-A-L** - relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. (Pending Question: Ought to Pass)
- HR 11** - affirming revenue estimates for fiscal years 2021, 2022, and 2023. (No Pending Question)
- SB 110** - relative to animals in motor vehicles. (Pending Question: Inexpedient to Legislate)
- SB 123** - (New Title) relative to employer payment of required COVID-19 testing. (Pending Question: Majority Amendment)
- SB 154** - (New Title) prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms. (Pending Question: Committee of Conference Report)

## WEDNESDAY, JANUARY 5 CONSENT CALENDAR

### CHILDREN AND FAMILY LAW

**HB 460**, establishing a committee to study cases involving the determination of parental rights and responsibilities. **REFER FOR INTERIM STUDY.**

Rep. Josh Yokela for Children and Family Law. This bill is an important issue but right now the committee does not feel we have the time and manpower for a formal study committee. The committee wants to be able to revisit this topic if and when we do have the ability. Interim study will keep all our options on the table for looking into this. **Vote 15-0.**

**HB 556**, relative to state-ordered counseling. **INEXPEDIENT TO LEGISLATE.**

Rep. Cody Belanger for Children and Family Law. It is the opinion of the committee that while this bill is well-intentioned, whether or not a current procedural code is used does not necessarily guarantee insurance reimbursement. **Vote 15-0.**

**HB 562**, exempting victims of trafficking in persons from participating in children in need of services proceedings. **INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for Children and Family Law. The prime sponsor asked the committee to recommend this bill Inexpedient to Legislate. **Vote 15-0.**

### COMMERCE AND CONSUMER AFFAIRS

**HB 162**, permitting tastings by liquor manufacturers at farmers' markets. **INEXPEDIENT TO LEGISLATE.**

Rep. John Potucek for Commerce and Consumer Affairs. HB 162 is the House version of SB 18, which was passed by both the Senate and the House, was signed by the Governor, and is now law. The House initially retained this bill to make sure that there were no problems with SB 18. Seeing that there were no problems which arose, the Commerce and Consumer Affairs Committee voted this bill Inexpedient To Legislate. **Vote 16-2.**

**HB 176**, allowing beverages, wine, and mixed drinks to be sold for take out and delivery by restaurants holding an on-premises license. **INEXPEDIENT TO LEGISLATE.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill would allow beverages, wine, and mixed drinks to be sold for take out and delivery by restaurants holding an on-premises license. The legislation was passed this past session so the bill is no longer necessary. **Vote 19-0.**

**HB 201**, relative to review by the insurance department of coverage for pediatric autoimmune neuropsychiatric disorders. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. We understand the severity and rarity of a diagnosis of pediatric autoimmune neuropsychiatric disorders. Coverage for certain treatment was passed in the Legislature in 2019 and there is a "sunset" date of 2024 to determine whether the treatment is effective. One problem with the disorder is the "coding" for the Insurance Department to gather information about the efficacy of treatment. We heard testimony due to the rarity of the treatment that, to date, the code being used by the medical providers is not specific enough for the Department to be able to gather statistics that targets pediatric only. The Department is unable to review the numbers and report to the Legislature. **Vote 18-1.**

**HB 207-FN**, repealing the regulation of household goods carriers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. As introduced, the bill would have repealed state regulation for in-state moving companies that do not cross state lines, which would be federally regulated. There are 18 trucks that are licensed. This bill, as amended, updates the language in the statute and deletes obsolete statutes and decreases the regulation of the NH State Police and the Department of Safety who enforce it. It is a "housekeeping" bill to monitor NH carriers of goods transported within our state. **Vote 19-0.**

**HB 264-FN**, requiring health care providers to provide cost quotes for non-emergency services. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This legislation is well intended but unnecessary since hospitals are currently responsible under the RSA 151:21 Patients' Bill of Rights to inform patients what they will be billed for. Unfortunately, actual dollar amounts are impossible, since the nature of how you are paying varies for everyone. The NH Insurance Department web page does give actual costs and actually goes even further by also including ancillary costs that are billed separately. **Vote 19-0.**

**HB 333**, relative to the sale and distribution of kratom products. **REFER FOR INTERIM STUDY.**

Rep. Max Abramson for Commerce and Consumer Affairs. The sponsors for this bill brought in concerns about the potential for kratom -- a kind of tea that replaces antidepressants -- to be either adulterated or sold to people under 18. Although the CDC reports that kratom overdose deaths are extremely rare, the majority

on the Commerce Committee agreed that this issue required further study. While there is legislation and regulation being considered at the federal level, the majority of the committee also wanted to get an update on the product and its effectiveness for dealing with addiction, depression, and other ailments. **Vote 19-0.**

**HB 335**, requiring bottled drinking water sold to the public to meet the same maximum contaminant levels established for public drinking water. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. The Department of Health and Human Services have now successfully added the requirements under this bill to their rules, so the bill is no longer necessary. **Vote 19-0.**

**HB 337**, relative to on-premises cigar, beverage, and liquor licenses. **INEXPEDIENT TO LEGISLATE.**

Rep. John Potucek for Commerce and Consumer Affairs. Relative to on-premises cigar, beverage, and liquor licenses, this bill would allow a significant loophole in New Hampshire's "smoke-free" laws. It would allow a "special exemption" for cigar bars and allow them to create a restaurant that allows smoking by serving food. After much deliberation, the Commerce and Consumer Affairs Committee agreed not to allow this to occur. **Vote 18-1.**

**HB 343**, relative to billing for ambulance services. **REFER FOR INTERIM STUDY.**

Rep. Max Abramson for Commerce and Consumer Affairs. A majority of the Commerce Committee mentioned concerns that out of state visitors and shoppers were using a disproportionate amount of ambulance service with Medicare, Medicaid, private, or no insurance, and these uninsured or underinsured patients left behind uncompensated care for property tax payers to subsidize. Granite Staters have often spoken up against any forced subsidy at public hearings, and this was no exception. Although there were some structural problems with the mechanics of this bill, the majority on the committee believed that balanced billing and uncompensated service had a large enough impact on local property tax bills that it was worthwhile to hold on to the bill and get further input for future legislation. **Vote 19-0.**

**HB 416**, allowing hobby distillation of liquors. **REFER FOR INTERIM STUDY.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill allows the hobby distillation of spirits. This bill would make it legal to distill spirits in the state of New Hampshire, notwithstanding the federal laws against it. The Commerce and Consumer Affairs Committee stands ready, willing, and able, to act upon any changes in the federal "liquor laws," legalizing the distillation of spirits. Therefore, after much thought and discussion, the Commerce and Consumer Affairs Committee decided to hold-over this Bill for Interim Study, should the laws change. **Vote 19-0.**

**HB 527**, relative to the charitable gift annuities exemption. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy McAleer for Commerce and Consumer Affairs. A charitable gift annuity is an instrument that guarantees the purchaser(s) a lifetime of income that, generally speaking, can be spread over the lives of one or two people. This annuity would be issued by a charitable organization that would be responsible to make these payments. The charity would pay out a stream of income that would be actuarially sound, and guaranteed for the life(lives) of the purchaser(s). Due to the tax benefits that may be available for having engaged in this type of annuity, the income stream is generally lower than what might be purchased from a commercial insurance company, and there would normally be a residual balance left for the charity at the actuarial life expectancy of the purchaser(s). Current law in NH only allows larger charities that have met certain stringent criteria to do this, which puts smaller charities at a substantial disadvantage as it relates to fund raising. The reason for this is that NH has sought to ensure that the charities issuing these instruments will be able to meet their future obligations, which is good public policy. The bill would allow smaller charities to participate in these activities by subrogating their payment liability to commercial insurers, who make a business out of providing these annuities for pension funds, for court ordered settlements and for private individuals. It would allow – for example – a high school booster club, a private school, a local Rotary Club or a community Lions Club to raise funds in a meaningful way, and allow them immediate access to the residual funds for current use or for building an endowment. It would also absolve them of the future liability for payments and of having to hire professional staff to compute the actuarial values and payments. The amendment adds references to the current law to insure only licensed brokers are involved. This legislative proposal would likely result in substantially increased contributions to charitable causes, as consumers would not have to worry about the financial viability of the charity, but rather have highly regulated insurance companies responsible for the payments. This opens the door for small charities to utilize a great fundraising technique used by only the larger charities. The net effect is that it is a win, win – with the consumer, the charities and advisors all benefitting. **Vote 17-2.**

**SB 17**, (New Title) relative to brew pubs allowing customers to bring dogs to outdoor areas and enabling nano breweries and brew pubs to enter into contracts with contract brewers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill, as amended, is an enabling bill for brew pubs with outdoor dining availability and access to that eating area directly from the outdoors, to allow customers to bring dogs on the premises. The NH Department of Health and Human Services worked on this

amendment with the Committee to address concerns over sanitation and the physical setup in restaurants that choose this option. It allows the business owner discretion over the possibility of a patron's unruly dog and there are other restrictions. **Vote 19-0.**

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 205-FN**, relative to incarceration under a suspended sentence. **REFER FOR INTERIM STUDY.**

Rep. Casey Conley for Criminal Justice and Public Safety. This bill was retained in committee to adopt a minor amendment. That amendment, and the underlying bill itself, were addressed in SB 134 which has been signed by the governor. **Vote 20-0.**

**HB 253-LOCAL**, requiring law enforcement officers to use body-worn cameras and establishing a grant program to assist local law enforcement agencies to purchase body-worn cameras. **REFER FOR INTERIM STUDY.**

Rep. David Meuse for Criminal Justice and Public Safety. This bill would create a public safety enhancement fund to be used to pay the costs of local, county, and state use of police body-worn cameras. However, a similar bill, SB 96, was passed and signed by the Governor. Among other things, SB 96 established a body-worn and in-car camera fund within the Department of Safety that will make it easier for local law enforcement agencies to equip officers with body-worn cameras. However, while the funding mechanism of HB 253 is no longer required, there are aspects of this bill that deserve further study, including a provision that would require all New Hampshire law enforcement agencies to equip officers with body-worn cameras. **Vote 20-0.**

**HB 408**, relative to employment restrictions for registered sex offenders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill restricts people convicted of felonious sexual assault of a minor from certain types of jobs. They won't be allowed to work in positions that provide direct services to minors or be in a position supervising minors. **Vote 19-1.**

**HB 526**, relative to the fine for the sale or possession of cannabis. **INEXPEDIENT TO LEGISLATE.**

Rep. Dave Testerman for Criminal Justice and Public Safety. This legislation would have reduced fines to one dollar per gram of therapeutic (medical) cannabis use for failing to possess a registry card or possession of medical cannabis in violation of use conditions. Medical use of cannabis is not a frivolous situation. **Vote 19-1.**

**HB 576**, relative to victims compensation fund eligibility. **OUGHT TO PASS.**

Rep. Ray Newman for Criminal Justice and Public Safety. This bill amends the provisions of the victims' compensation fund by permitting claims for victims of human trafficking. This bill allows claims based on sexual abuse or human trafficking to be filed at any time, and eliminates consideration of contributory negligence in claims based on sexual abuse or human trafficking. **Vote 21-0.**

**HB 603-FN**, relative to manslaughter and the use of deadly force in circumstances involving the sale or use of a controlled drug or controlled drug analog. **INEXPEDIENT TO LEGISLATE.**

Rep. Dave Testerman for Criminal Justice and Public Safety. The bill was brought forward after a homicide incident in which the assailant had recently sold drugs to the deceased, which they had consumed together. The deceased became violent and the assailant stabbed him repeatedly. The assailant claimed self-defense, and the Attorney General chose not to charge him. Nothing precludes the Attorney General from considering these types of factors under our self-defense law. Additionally, the bill as written does not achieve what the family desired, as it is not structured to achieve their goals, it just criminalizes self-defense whenever drugs are involved in the incident. The bill doesn't really speak to whether the person acting in self-defense is responsible for the actions of the person they are defending themselves against. **Vote 19-2.**

## EDUCATION

**HB 198**, relative to an exception to the opportunity for public education without discrimination. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill excepts biological males by birth from the provision that no person may be excluded from participation in all-female athletics in public schools. Although this bill received a unanimous 20-0 Inexpedient to Legislate recommendation, there are two very divergent perspectives or reasons for the committee recommendation. The majority caucus is of the opinion that the bill needs further study and work; however, the caucus also takes the position that single-sex athletics is rooted in the reality of biological differences between sexes and should remain rooted in objective biological fact and not undermine female opportunity envisioned by Title IX. Under the Equal Protection Clause of the Constitution, states may recognize the physiological differences between the biological sexes in athletics while not being discriminatory. A different position presented by the minority caucus also supports Inexpedient to Legislate, but argues that not allowing athletes to compete as the gender with which they identify is discriminatory and is not in accordance with Title IX. The minority caucus further takes the position that the bill violates human dignity and is a violation of civil rights. **Vote 20-0.**

**HB 234**, relative to freedom of speech and association on college campuses. **REFER FOR INTERIM STUDY.** Rep. Michael Moffett for Education. This bill was sent to an Education subcommittee which received further testimony on the issue of freedom of speech and association on college campuses. This bill seeks to address perceived ideological bias on public college campuses as evidenced by numerous anecdotal accounts of repression of free speech at our academies. The Foundation for Individual Rights in Education (FIRE) had previously given Keene State College (KSC) a “red” designation regarding campus policy for freedom of speech. Earlier, FIRE had also given the University of New Hampshire (UNH) a “yellow” designation, while citing specific examples of concern. Significantly, KSC and UNH have addressed said concerns and have joined Plymouth State University in receiving the top “green” rating from FIRE. Given the progress shown on our campuses, the Education Committee was not prepared to support the language in this bill. But given past problems, and given the importance of protecting free speech on our campuses, this measure was deemed worthy of continued study. **Vote 20-0.**

**HB 257**, prohibiting political advocacy in public schools **INEXPEDIENT TO LEGISLATE.** Rep. Michael Moffett for Education. This measure was sent to an Education subcommittee for further study and recommendation regarding the need for prohibiting political advocacy in public schools. This proposed bill reflects the serious concerns that many citizens have with regard to educators advocating political beliefs to captive audiences (students) in public schools. While the concerns remain valid, attempts to address them through this legislation raise significant first amendment issues. **Vote 20-0.**

**HB 267**, relative to construction standards for schools. **INEXPEDIENT TO LEGISLATE.** Rep. Ralph Boehm for Education. All school construction is based upon national standards and standards set by the Department of Education. This bill would specifically address acoustic standards. The committee recognizes the importance of acoustics in school buildings, but finds it essential to better understand the overall condition of schools before applying more requirements. **Vote 20-0.**

**HB 276**, relative to availability of menstrual hygiene products in schools. **INEXPEDIENT TO LEGISLATE.** Rep. Deborah Hobson for Education. Current law requires schools to make menstrual hygiene products available at no cost for females in public middle and high schools. This NH law went into effect in July 2019. Since that effective date, school districts have borne the cost of these supplies, but in accordance with law, some have sought grants or work with nonprofit partners or community-based organizations to fulfill this obligation and off-set the expense. If passed, this bill would not require, but allow school districts to make reasonable efforts to ensure that these health products are available. The committee believes this program should continue as legislated in 2019, as it is supported by school districts. **Vote 19-1.**

**HB 323**, relative to a statewide student assessment report. **INEXPEDIENT TO LEGISLATE.** Rep. James Allard for Education. The committee determined that the provisions of this bill are already well covered in other legislation either recently enacted or pending. Advancing this bill will not lead to any additional benefits. **Vote 20-0.**

**HB 339**, establishing a committee to study air quality in school buildings. **INEXPEDIENT TO LEGISLATE.** Rep. Ralph Boehm for Education. This bill would create a committee to study air quality in school buildings. This is already being done by school districts, and a committee is not needed. The school facility assessment as proposed in HB 214 as amended, will accomplish the intent of this bill; therefore, this study committee is not needed. **Vote 20-0.**

**HB 422**, relative to the one-half credit required course in United States and New Hampshire government and civics. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for Education. This bill was sent to an Education subcommittee where the measure received further study and recommendation in regard to mandating a one-half credit high school civics course. The sponsors presented the case for a stand-alone civics course requirement in the junior or senior year, as opposed to rolling the requirement into existing social studies courses. It was pointed out that two terms ago a civics curriculum requirement was legislated into law, and that the legislature should be wary about mandating curricula as well as identifying specific grades in which curricula should be instructed. How curriculum is designed and instructed is a responsibility of the local school board. Further, the current legislature did pass HB 320 (later signed into law) requiring all high school students to pass the U.S. Citizenship and Immigration Services (USCIS) civics assessment as a graduation requirement. Given this increased attention concerning civics education, House Education saw this bill as being Inexpedient to Legislate. **Vote 20-0.**

**HB 455**, relative to the ability of a parent to enroll a child in the public school of their choice. **INEXPEDIENT TO LEGISLATE.** Rep. Glenn Cordelli for Education. This bill would establish public school choice and allow parents to send their child to any public school. District attendance boundaries would effectively be eliminated. There are issues, however, with how funding would work. With discussions ongoing concerning funding, it is not the right time for this legislation. **Vote 20-0.**

**SB 135-FN-LOCAL**, relative to the calculation of the cost of an opportunity for an adequate education **INEXPEDIENT TO LEGISLATE**. Rep. Rick Ladd for Education. This bill was submitted primarily to enable the Commissioner of Education to compare the average daily membership in attendance (ADMA) for each school district and town for school year 2019-2020 and school year 2020-2021 and to use the greater enrollment for the costing of an adequate education for FY 2022. This amending language to this bill as developed in the Education Committee was inserted into HB 2 and passed into law. The committee sees no further need for the bill and recommends Inexpedient to Legislate. **Vote 20-0.**

## ELECTION LAW

**HB 86-FN**, relative to voter qualifications and registration procedures. **INEXPEDIENT TO LEGISLATE**. Rep. Ross Berry for Election Law. This bill was an attempt to modify election laws in three major and unrelated areas. It proposed to eliminate election day registration, enacted only part of the National Voter Registration Act (Motor Voter), made changes to the process for registering in a party as it related to voting, and had other smaller changes. While many on the committee agreed with the substance of what was discussed, it was ultimately decided it was too broad, there were too many changes needed, and a discussed amendment was never seen. Motor Voter, a federal law, governs multiple areas of election law and at this time it cannot be partially implemented. The change in party enrollment did not appear to be supported by either party. Elimination of same day registration may be consistent with Motor Voter but this law and the State are not in a position practically or financially to implement it. The committee agreed that further and longer discussions about Motor Voter and Election Day Registration are necessary. Finally, the bill attempts to segregate out college students and hold them to a different standard than other voters. This would create two different classes of voters which is something the committee has repeatedly rejected. **Vote 19-1.**

**HB 97**, modifying the dates of the state primary and associated filing deadline. **INEXPEDIENT TO LEGISLATE**. Rep. Peter Torosian for Election Law. This bill proposed to change the state primary election to the second Tuesday in August. The August primary date raised concerns such as whether it would hurt turnout without providing any clear advantage. The Secretary of State was concerned that it would have an adverse impact on turnout. Other bills addressed changing the state primary date and they were not successful. After considering the minimum change in date and lack of specific need, the committee unanimously decided the bill was not necessary. **Vote 20-0.**

**HB 144**, relative to absentee ballot request forms. **OUGHT TO PASS WITH AMENDMENT**. Rep. James Qualey for Election Law. The bill, as amended, modifies the absentee ballot application form to improve its usability for voters and provides consistency in the categories of eligibility for absentee voting on the application. This modification makes the categories on the application form the same as the absentee voting eligibility requirements listed in RSA Section 657:1. The bill also makes minor textual changes to the absentee ballot affidavit to make its language more consistent with that of the application. **Vote 20-0.**

**HB 362**, relative to domicile of students for voting purposes. **INEXPEDIENT TO LEGISLATE**. Rep. James Qualey for Election Law. This bill proposes repealing the consideration of a student's educational institution as his or her place of domicile for voting purposes. The majority of the committee believes that a generally applicable, practical, and enforceable statutory definition of "domicile for voting purposes" should not require a legislative focus on a specific subset of the New Hampshire population. **Vote 18-2.**

**HB 406**, relative to the ability of the public to observe the processing and counting of absentee ballots. **INEXPEDIENT TO LEGISLATE**. Rep. Peter Torosian for Election Law. This legislation was designed to give the public access to watch the processing and counting of absentee ballots, if they were counted prior to election day. Since the legislation that would have allowed early absentee ballot counting failed and current law allows for the public to observe the processing and counting of ballots on election day, this bill is unnecessary. **Vote 20-0.**

**HB 480**, relative to verification of ballots cast in an election. **REFER FOR INTERIM STUDY**. Rep. Peter Hayward for Election Law. This bill seeks to allow public access to cast ballots, currently exempt from access under RSA 91-A. The bill would continue RSA 91-A provisions for challenged ballots, absentee voter affidavits, and/or rejected absentee ballots. It would eliminate the exemption for ballots cast, canceled and uncast. The stated purpose would be to allow review of cast ballots, after any recount period, in order to perform a citizen's recount to ensure accuracy of the vote count. The obligation for responding to the request would fall solely on local officials creating questions as to whether this might be an unfunded mandate. The bill allows the possibility of inconsistent implementation practices between communities in that it provides that local clerks and the secretary of state 'may' determine administrative regulations. While there may be value to the concept, the procedural and administrative processes described are not sufficient. Additionally, the committee anticipates legislation regarding election audits to deal with the stated purpose of this legislation. Preserving the intent of the bill is worthwhile, but the bill is not ready for implementation. **Vote 19-1.**

**HB 482**, relative to the use of campaign contributions for personal use expenditures. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill attempts to limit on what candidates and campaigns can spend their campaign contribution money. Specifically, it attempts to ban the use of campaign funds for personal use by listing specific purchases that are prohibited. The committee agreed with the sponsors in principle but the definition of what would be a personal expenditure cannot possibly be covered in legislation and the definition is too wide and subject to interpretation. Should this pass, the committee believes that there would be nearly endless additions as more and more prohibitions would inevitably be brought forward. Finally, the committee believes that ultimately the candidate or campaign is responsible to their contributors. Due to campaign expenditures being public via reporting, ultimately if a contributor does not like how a candidate or campaign uses the contribution, they can cease to fund the candidate or campaign. **Vote 19-1.**

**HB 537**, relative to the date of the state primary. **INEXPEDIENT TO LEGISLATE.**

Rep. Natalie Wells for Election Law. This bill provided for a change in the September primary date in certain years to allow time for the processing of overseas ballots. After further examination in committee, the Secretary of State determined the change was not needed. **Vote 20-0.**

**HB 551-FN**, relative to the statewide voter database. **REFER FOR INTERIM STUDY.**

Rep. Joe Sweeney for Election Law. This bill proposes that the statewide, centralized voter registration database be made publicly available free of charge. Testimony provided to the committee clarified the difference between the voter checklist, currently available to the public, and the voter database, which contains confidential information. Much of the information the bill seeks to obtain is currently provided at a fee, and elimination of that fee would have its biggest impact at the local level. The bill as proposed has merit as it seeks to provide transparency to voter lists and broader election procedures. However further deliberation and discussion is needed to ensure changes can be successfully implemented by state election officials without violating privacy interests and adversely impacting our local communities. **Vote 20-0.**

**HB 524-FN**, requiring the secretary of state to conduct random verification counts of polling place results. **REFER FOR INTERIM STUDY.**

Rep. Fenton Groen for Election Law. This bill addressed the important topic of post-election procedures to verify, at particular locations, the outcome of the cast ballot count. Testimony received was in support of the establishment of the process. The sponsor acknowledged that the process selected in drafting was subjective, not specifically related to any established audit procedure, and was an attempt to get a process established. The committee discussed that there are other bills and a report from a study committee that recommends certain processes and that bills are likely in the second year of the session. The committee unanimously agrees with the need for the practice but also agrees that this bill is not ready to be the vehicle to address it. **Vote 20-0.**

**SB 2**, allowing the preprocessing of absentee ballots for certain 2021 elections and allowing for the postponement of annual town meetings in calendar year 2021 where concerns exist during the COVID-19 health emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. The Election Law Committee agreed that this bill, pertaining to COVID-19 related election procedures held at local elections before July 2021, were no longer relevant as the shelf life of the legislation had already passed earlier this year. **Vote 20-0.**

**SB 54**, (New Title) relative to the absentee ballot application form. **REFER FOR INTERIM STUDY.**

Rep. James Qualey for Election Law. This bill requires that applications for absentee ballots include certain identity information. Testimony before the committee raised issues as to availability of that information and impact on privacy concerns. While the committee agreed that more particular information may be warranted, further work is needed to ensure that any changes to the absentee voter ID and verification procedures provide comprehensive remedies consistent with other statutory and legal processes. **Vote 20-0.**

## **ENVIRONMENT AND AGRICULTURE**

**HB 366**, defining animal hoarding. **REFER FOR INTERIM STUDY.**

Rep. Howard Pearl for Environment and Agriculture. The committee feels this bill has merit but still has work that needs to be done to address the concerns raised by the Judicial Department and other interested parties. The Chairs of Judiciary and Criminal Justice committees provided great feedback on the due process concerns. We plan to work on the language and make a recommendation for legislation for next term. **Vote 17-0.**

**HB 367**, relative to animal health certificates and quarantine requirements for animals imported into the state. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Bixby for Environment and Agriculture. This bill would have expanded the health certificate requirements for animals imported from out of state and clarified them. The bill would have also increased the quarantine time for imported animals. These adjustments to health certificate requirements in the bill were made in the version of HB 532 that was included in HB 2, and the committee feels that we need further data before we move ahead with changing quarantine periods. **Vote 17-1.**

**HB 438**, relative to the confidentiality of animal records databases. **REFER FOR INTERIM STUDY.**

Rep. Barbara Comtois for Environment and Agriculture. This bill makes provisions for the confidentiality of records made by the Department of Agriculture in any database relative to animal health certificates. Our recommendation is for interim study to make sure the new database system being set-up adheres to the intention set forth in the original bill, and to see if any other privacy concerns need to be addressed. **Vote 18-0.**

**HB 585-FN-LOCAL**, allowing the prepayment of dog licensing fees for the duration of a rabies vaccination and reducing fines related thereto. **REFER FOR INTERIM STUDY.**

Rep. Howard Pearl for Environment and Agriculture. The committee feels this bill has merit but still has work that needs to be done to address the concerns raised by the Department of Agriculture and the Clerks Association. Concerns raised were related to revenue disruption for the Department of Agriculture and system integration and implementation for the Clerks. We plan to look at the language and its impacts further as a committee. **Vote 18-0.**

**HB 627-FN-A**, establishing a value added grant matching fund for New Hampshire agricultural producers. **REFER FOR INTERIM STUDY.**

Rep. Peter Bixby for Environment and Agriculture. The intent of this bill was to provide a matching grant funding resource to farmers who want to apply for United States Department of Agriculture (USDA) value added grant funding. New Hampshire farms tend to compete less well for these grants than our neighboring states because other states help farms meet the grant match requirements. Although the committee agreed with the intent, the mechanisms and funding levels proposed in the grant were not sufficiently aligned with the USDA program requirements. The committee feels that studying this bill further will allow us to propose a revolving loan fund program next term that is better aligned with the needs of farmers and with federal requirements. **Vote 18-0.**

## **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 170**, commemorating the first labor strike in the United States by women. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Santonastaso for Executive Departments and Administration. This bill sought to direct the Governor to issue a proclamation declaring a day of observance for the Dover Mill Girls. These girls were to be recognized for their role in organizing the first all-women labor strike. The strike took place over three days in Dover, New Hampshire, beginning on December 26, 1828. Despite the bill's language, whether this was in fact the first all-women's labor strike was disputed during committee discussion. The Dover Mill Girls' strike occurred four years after a women's labor strike in Pawtucket Rhode Island, on May 26 1824 that drew 102 women strikers. Additionally, the committee feels that when proclamations such as this are codified in statute, supporters of the original idea believe they have won and cease promoting their cause. In the past, this has led to important people like the Dover Mill Girls being forgotten. **Vote 17-1.**

**HB 211-FN**, revising certain benefit provisions in the city of Manchester employees contributory retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Yakubovich for Executive Departments and Administration. This bill was originally introduced at the request of the Manchester Retirement System. It sought to establish new benefit provisions for the city's employees' contributory retirement system, increase member contribution, increase the normal retirement age and mitigate the cost of these benefits to the retirement system. However, later in the year after the bill was introduced, the director and principals of the Manchester Retirement system asked for the bill to be withdrawn. Representative Long, the original sponsor of the bill, agreed with this decision. **Vote 18-0.**

**HB 230**, relative to child day care monitoring visits, requirements for child day care providers, and the appeals process for child day care providers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for Executive Departments and Administration. This bill handles procedural changes for investigations establishing specific time lines. The bill modifies the continuing education requirements for Childcare workers, reducing the amount of time required and establishes minimum qualifications for certification. The bill also permits child day care agencies to appeal decisions and continue operating while awaiting a decision. The bill as amended corrects a clerical paragraph notation to prevent duplicate paragraphs with the same letter. Section 4 is amended to route complaints to the proper receiving entity. Section 5 is removed from the bill eliminating the study committee. **Vote 18-0.**

**HB 452**, precluding the secretary of state from running for another office while serving as secretary of state. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for Executive Departments and Administration. This bill precludes the secretary of state (SOS) from running for another office while serving as secretary of state. During the discussion, the subcommittee found that it had more questions on the execution of this proposed legislation than solutions. The proposal would require that the acting SOS resign while running for another NH state office, but eliminated the subsequent details of if or when they would resume office; or if they were to not be successful with

becoming elected to the sought position. It also did not address whom would be responsible for the state election during this time. Additionally, the proposal was only excluding the SOS running for another state office and did not address if they were to seek a federal position even though they would be responsible for the same election. The prime sponsor of the bill shared the subcommittee's concerns and amicably agreed with the committee's decision. **Vote 18-0.**

**HB 457**, relative to the membership and duties of the legislative youth advisory council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Sytek for Executive Departments and Administration. This bill would have changed the composition of the Legislative Youth Advisory Council. When the subcommittee looked into the matter, it was discovered that the law establishing the Council was not being faithfully adhered to. Among other things, the Council lacked geographical diversity. The committee did not wish to revamp the membership of the Council at this time, preferring to address the diversity issue and to permit the Council to correct other issues. Thus the amended bill would simply permit virtual meetings - except for two in-person meetings per year - in order to promote greater geographical diversity. The committee indicated its areas of concern to those who had testified concerning this bill. **Vote 18-0.**

**HB 619-FN**, designating police and fire dispatchers as group II members of the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Yakubovich for Executive Departments and Administration. This bill sought to designate police and fire dispatchers as group II members of the New Hampshire Retirement System (NHRS). Per testimony and committee/subcommittee research, this is a topic that requires more work. The New Hampshire Municipal Association testified and warned of the need for tax increases in towns and cities to fund these new retirement benefits. The NHRS wasn't consulted fully on this matter and must be extensively involved in drafting such a complex change to their system. Also, dispatchers do not meet the certification requirements of the NHRS to be in group II. The committee also believes that the fiscal note may not reflect the actual cost of this bill. Removing people from the federal Social Security system may not be feasible; the federal government should be involved in this issue. **Vote 18-0.**

## FINANCE

**HB 63-FN-A**, relative to the reversal or forgiveness of emergency order violations. **INEXPEDIENT TO LEGISLATE.**

Rep. Gerald Griffin for Finance. Most of the provisions of this bill are redundant to like provisions contained in the budget bills already passed. **Vote 20-0.**

**HB 297-FN-A**, making an appropriation to the FRM victims' contribution recovery fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Gerald Griffin for Finance. Most of the provisions of this bill are redundant to like provisions contained in the budget bills already passed. **Vote 21-0.**

**HB 481-FN-A**, establishing the office of the right-to-know ombudsman and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gerald Griffin for Finance. This bill provides a simpler, faster, and less costly process to handle complaints under the Right to Know law: RSA 91-A. The amendment updates the effective date. **Vote 21-0.**

**HB 498-FN**, (New Title) relative to the payment of bail commissioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Gerald Griffin for Finance. This bill would have the state become the collection agency for bail commissioners. The current law already provides for the payment of bail fees for indigent offenders "to the extent of available funding." **Vote 21-0.**

**HB 521-FN**, relative to the chartered public school annual grant for leased space. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. Division II of the House Finance Committee met on October 6, 2021 and held a discussion with regard to this bill, which was retained from last session. Because the substance of the bill has been enacted into law through the passage of HB 2, the committee unanimously voted it Inexpedient to Legislate. **Vote 21-0.**

**HB 594-FN**, relative to the school building aid program. **INEXPEDIENT TO LEGISLATE.**

Rep. Joseph Pitre for Finance. Division II of the House Finance Committee met on October 6, 2021 and held a discussion with regard to this bill, which was retained from last session. Because the substance of the bill has been enacted into law through the passage of HB 2, the committee unanimously voted it Inexpedient to Legislate. **Vote 21-0.**

**HB 613-FN-LOCAL**, (New Title) relative to state aid to school districts with special education pupils and relative to pooled risk management for unanticipated special education cost recovery. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen Umberger for Finance. This bill was incorporated into SB 147 in the 2021 session which passed the Senate and the House and has been signed into law by the Governor. Therefore, this bill is no longer required. **Vote 21-0.**

**HB 623-FN-LOCAL**, relative to education funding. **REFER FOR INTERIM STUDY.**

Rep. Mary Heath for Finance. After extensive discussion and reports from the NH Department of Education staff, testimony from the Education Committee and Finance Committee members that clearly identified HB 623 still had many unanswered questions, the committee was in full agreement as to the necessary action. Members of the committee unanimously voted HB 623 to a joint committee for Interim Study with the Education Committee for the purpose of studying school funding. The committee will be made of Finance Division II members and four members from the Education Committee and their task will be to report back their findings before the close of the session. The interim joint committee will be bipartisan in its membership. **Vote 21-0.**

**SB 98-FN**, relative to the SNAP incentive program. **INEXPEDIENT TO LEGISLATE.**

Rep. Jess Edwards for Finance. This bill directed the Department of Health and Human Services to implement a SNAP health incentive program and was to make an appropriation to support it. The legislative language was incorporated into HB 2 which since passed into law thereby making SB 98 moot. **Vote 21-0.**

## FISH AND GAME AND MARINE RESOURCES

**HB 241**, relative to trout. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ellen Read for Fish and Game and Marine Resources. This bill was originally an attempt to fix a definition of brook trout that exists in current law. Brook trout are New Hampshire's only native trout species, and as such there is reason to carefully conserve brook trout while still allowing robust take of other stocked trout species such as rainbow and brown trout. Current RSA, however, defines brook trout as all species of trout, including the non-native, stocked species like rainbow and brown. Not only is this factually inaccurate, but it makes it difficult for the department to create rules that treat the species differently. While the original bill used a scientifically accurate definition of brook trout, the committee, after conferring with the Department and native species conservation interests, decided that the easiest fix would be to simply repeal the definition from statute entirely, allowing the department to define the species as it does with other species. **Vote 21-0.**

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 247**, relative to treatment alternatives to opioids. **REFER FOR INTERIM STUDY.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The committee believes that misuse of opioids is a threat to our state, and that patients should have greater access to non-opioid pain management. This is a complex topic with implications in treatment, administration and reimbursement that the committee believes is best addressed through Interim Study. **Vote 21-0.**

**HB 314**, relative to homestead food operation licensure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dennis Acton for Health, Human Services and Elderly Affairs. The intent of this bill was to make various changes to Homestead Food Operations regulations. After a public hearing, the committee decided to retain the bill to address areas of disagreement. The prime sponsor agreed to remove these items and keep one change related to licensing. This bill as amended now changes the cap on "gross annual sales" for a homestead kitchen from \$20,000 to \$35,000 before the operation would be required to move into a commercial kitchen. This change reflects the dramatic increase in cost of goods sold, and gives homeowners more flexibility in generating revenue from their homestead kitchen before scaling up to a full commercial operation. **Vote 20-0.**

**HB 602-FN**, relative to reimbursements for telemedicine. **REFER FOR INTERIM STUDY.**

Rep. Gary Woods for Health, Human Services and Elderly Affairs. The committee decision for interim study reflected consideration for the complexity of the issue in a rapidly changing service environment and for the time frame required to meet legislative action for this session. The issue of complexity included the recognition of the federal guidelines being rewritten but not available for several months and the current codes for telehealth services not being readily translatable for the same services in-person. Thus, licensing difficulties in the telehealth realm became evident. The time frame needed to address these and many other concomitant problems did not match the immediate legislative schedule. Rather, it was apparent the four year Commission on Telehealth Services currently in place is in a much better position, and has many more resources available, to adequately address these and many other issues. The committee felt the citizens of New Hampshire would be better served with a more thorough review of the telehealth environment and use of appropriate data not currently available to this committee. **Vote 21-0.**

**HB 604-FN**, expanding the New Hampshire vaccine association to include adult vaccines. **INEXPEDIENT TO LEGISLATE.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. New Hampshire already has a successful pediatric universal vaccine purchasing program, a public-private partnership which facilitates the health insurers being able to purchase all pediatric vaccines at a reduced federal rate, saving \$10 million on the purchase of \$38 million of vaccines annually. The intent of this bill was to extend the program to cover adult vaccines, but an irreconcilable difference between stakeholders developed. Pharmacies, which give 34% of adult vaccines in NH, have their own supply chains and did not wish to participate in the program. Carving out the pharmacies would decrease the anticipated \$4 million savings of the adult program by 34% without a proportional decrease in fixed costs. Given the decrease in savings, the insurers feel that the savings will not justify setting up the program. **Vote 21-0.**

## JUDICIARY

**HB 82**, relative to amending a conservation easement between the state and a landowner. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would allow a governmental body and a landowner to change the terms of an established conservation easement. While the committee was sensitive to the need to correct an injustice and advance the public good, it was also reluctant to change to private agreement. Such a change would involve areas of law about contracts, trusts, conservation, taxes, and more. Without further study and understanding, the committee felt this legislation is Inexpedient to Legislate at this time. **Vote 20-0.**

**HB 124**, adopting the uniform real property transfer on death act. **REFER FOR INTERIM STUDY.**

Rep. Troy Merner for Judiciary. The committee recommended that this bill be sent to Interim Study. The bill has some merit, but the committee was uncertain as to what impact it would have on banks holding mortgages, on procedures at the registries of deeds, and on established and future estate plans. Therefore, before passing the bill, the committee decided it needed more work. **Vote 21-0.**

**HB 149-FN**, extending certain civil immunity to public and private entities during major public health emergencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. This bill would have granted certain immunities to public and private entities during a declared state of emergency if those entities were acting in good faith and in accordance with public health and safety directives. At the time of the public hearing of this bill, the state of emergency declared by Governor Sununu due to the COVID-19 pandemic had not yet expired. While the pandemic emergency may not be entirely over, the declared state of emergency is. The majority believes the legislature should always encourage the public to follow all public health and safety directives, but also knows that many public health recommendations evolve or completely change as public health experts collect more data and understand more about the public health risk. The majority believes there is merit to this bill, but also finds that because the state of emergency is over, there is no immediate need to pass this legislation. **Vote 19-1.**

**HB 248-FN**, relative to the judicial retirement plan. **REFER FOR INTERIM STUDY.**

Rep. Mark McLean for Judiciary. This bill revises the minimum age for retirement and the calculation for benefits for judges under the Judicial Retirement Plan. At this time, the judicial branch is considering the results of follow-up amortization studies. The Judiciary Committee felt that it was wise to evaluate the effects of the proposed changes before moving on to a final decision on this bill and is recommending Interim Study to allow time for a full assessment. **Vote 21-0.**

**HB 287**, relative to remote notarization. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill intended to implement remote notarization which was already accomplished in 2021 as part of SB 134. The committee found this bill redundant and recommends it Inexpedient to Legislate. **Vote 21-0.**

**HB 379**, relative to electronic notice. **REFER FOR INTERIM STUDY.**

Rep. Joe Alexander for Judiciary. This bill defines electronic notice and authorizes electronic notice in lieu of newspaper publications in certain statutes that require a city, town, or other political subdivision to provide notice of a meeting, hearing, or other event. The Judiciary Committee believes this bill needs to be worked on in order to move forward. As local print newspapers evolve into a more web-centered format, this statute as it stands may eventually become outdated. Many, but not all, of our constituents have access to and utilize web services daily. In time we may be able to transition to this sort of format, but the committee also believes we need to keep in mind those that do not have access to web services that may like to keep up on the activities of their government boards. **Vote 21-0.**

**HB 418**, relative to supreme court reporting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for Judiciary. This bill, as amended, would enable the Supreme Court's "New Hampshire Reports" to be published electronically in a database or other means determined by the Supreme Court Chief

Justice and the reporter. The majority likes the idea of transitioning our Supreme Court reports to an online database and believes doing so would allow for more transparency and access for those that cannot travel to Concord. The amendment would just make sure that on top of electronic copies published on the Supreme Court website, there is at least one physical copy of the “New Hampshire Reports” available for the public to access in Concord. **Vote 20-1.**

**SB 41**, relative to police disciplinary hearings. **INEXPEDIENT TO LEGISLATE.**

Rep. Troy Merner for Judiciary. The subject matter of this bill was addressed in other legislation which passed and has been enacted. Further consideration of this bill is unnecessary. **Vote 20-0.**

## LEGISLATIVE ADMINISTRATION

**HB 280**, relative to termination of an emergency order issued by the governor. **INEXPEDIENT TO LEGISLATE.** Rep. Janet Wall for Legislative Administration. This bill would allow the legislature to terminate an emergency order, any part of an executive order, by concurrent resolution, adopted by a majority vote in each chamber. There is no need for this bill because it is already in law as part of HB 2. **Vote 16-0.**

**HB 325**, relative to termination of a state of emergency by simple resolution. **INEXPEDIENT TO LEGISLATE.** Rep. Timothy Smith for Legislative Administration. This legislation is obsolete due to the expiration of the COVID-19 state of emergency and adoption of measures in HB 2 detailing the legislature’s oversight role for states of emergency. **Vote 16-0.**

**HB 389**, relative to the establishment of a joint legislative emergency executive order oversight committee during a declared state of emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Vanessa Sheehan for Legislative Administration. The historic budget that was recently passed put restrictions on the use of executive power in the future and it includes giving the legislature the authority to end specific executive orders, granting the legislature more oversight. Therefore, an oversight committee is no longer needed. **Vote 16-0.**

**HCR 2**, terminating the state of emergency declared by the governor due to the Novel Coronavirus (COVID-19). **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Smith for Legislative Administration. This legislation is obsolete due to the expiration of the executive orders in question. **Vote 16-0.**

## MUNICIPAL AND COUNTY GOVERNMENT

**HB 132-LOCAL**, relative to acreage required to build certain single family housing. **REFER FOR INTERIM STUDY.**

Rep. Jim Maggiore for Municipal and County Government. The intent of this bill is to take a prudent step to help increase the potential for affordable and accessible housing in New Hampshire. However, there are issues with the bill as presented. The committee believes these issues may be resolved and/or amended in an interim study. These issues include, but are not limited to, amending the language from negative to affirmative, clarifying the specific conditions which must be met to qualify for the intended benefits, and the possibility of creating enabling legislation rather than a state-wide mandate. **Vote 19-0.**

**HB 431**, relative to the responsibilities of an elected animal control officer. **INEXPEDIENT TO LEGISLATE.** Rep. Latha Mangipudi for Municipal and County Government. This bill is focused on one position in one town in NH. It would make the animal control officer in Danville an elected position which goes against local control and local government decision making that is best for their community. Singling out a specific town or city to take away local control is not the NH way. **Vote 19-0.**

**HB 445**, relative to competitive bidding in Carroll county. **INEXPEDIENT TO LEGISLATE.**

Rep. Everett McBride for Municipal and County Government. The committee determined that creating special legislation for one county with respect to the bidding process was unnecessary. The committee determined that the language in this bill, changing the competitive bidding process, should be handle by the County Commissioners. The committee determined that the bidding process is an issue of local control, therefore it should fall on the County Commissioners to determine the bidding process requirements. **Vote 19-0.**

## PUBLIC WORKS AND HIGHWAYS

**HB 595-FN-A**, making a capital appropriation for the digitization and preservation of certain New Hampshire supreme court records. **INEXPEDIENT TO LEGISLATE.**

Rep. Martin Jack for Public Works and Highways. An initial tranche of funding to begin this project was included in HB 25 and signed into law. HB 25 notes that the committee intends to include the remaining funding in next session’s capital budget. Therefore, this bill is not necessary. **Vote 18-0.**

**SB 116**, relative to the project to complete construction of an exit on I-93 in Derry and Londonderry. **INEXPEDIENT TO LEGISLATE.**

Rep. Barry Faulkner for Public Works and Highways. This bill would require the completion of Exit 4A on Interstate 93 within the time frame of the existing 10-Year Transportation Plan. Except in rare circumstances, members of the Public Works and Highways Committee believe that all highway and other transportation projects should be developed and moved forward as part of the 10-Year plan, and not by individual legislation. The 10-Year planning process sets priorities based upon objective information and extensive local review and input, all within existing funding constraints. The Exit 4A project is included in the existing 10-Year Plan, and will be prioritized as part of the next 10-Year Plan (2023-2032), which will come before the Committee and presented to the House during the 2022 Session. **Vote 18-0.**

## **RESOURCES, RECREATION AND DEVELOPMENT**

**HB 426**, relative to shoreland septic systems. **REFER FOR INTERIM STUDY.**

Rep. Robert Harb for Resources, Recreation and Development. This bill aims to curb pollutants from entering New Hampshire's bodies of water by requiring home owners on certain shorefront properties to get their existing septic disposal systems inspected at their own expense. Homeowners covered under the bill must have such an inspection done prior to sale of their property if the system is not approved by the Department of Environmental Services (DES) or the DES approval is over 20 years old. After a public hearing, discussion in committee, and a review of the testimony from various stakeholders, the committee decided that this bill must be sent to interim study. **Vote 21-0.**

**HB 446**, establishing a committee to study the effects of recreational vehicles and other vehicles used in recreational activities on class 5 and 6 roads. **INEXPEDIENT TO LEGISLATE.**

Rep. Andrew Renzullo for Resources, Recreation and Development. This bill would establish a committee to study the effects of recreational vehicles and other vehicles used in recreational activities on class 5 and 6 roads. The sponsor of this bill informed the committee that there is an LSR being prepared that would create a comprehensive commission that could better handle the issues HB446 proposed to address. The sponsor asked the committee to designate this bill inexpedient to legislate. He also made the motion and is the author of this report. **Vote 21-0.**

## **SCIENCE, TECHNOLOGY AND ENERGY**

**HB 106**, establishing procedures for municipal host customer-generators of electrical energy. **INEXPEDIENT TO LEGISLATE.**

Rep. Fred Plett for Science, Technology and Energy. The bill would have established procedures for municipal host customer-generators of electrical energy. It is not needed because it is duplicative of that which was already signed into law with the passage of SB 315. **Vote 20-0.**

**HB 148**, allowing increased net energy metering limits for municipal hydroelectric facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Fred Plett for Science, Technology and Energy. The bill would have allowed increased net metering limits for municipal hydroelectric facilities. This bill is not needed because it is duplicative of that which was already signed into law with the passage of SB 315. **Vote 21-0.**

**HB 169**, establishing a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles. **OUGHT TO PASS.**

Rep. Tom Ploszaj for Science, Technology and Energy. There has been a long outstanding concern that no formal mechanism exists for a timely transition of equipment and lines to new utility poles and the removal of damaged and unused poles. The commission shall examine the public utilities commission rules to recommend updates of relevant rules for the timely transition of equipment, removal of unused utility poles, and enforcement procedures. **Vote 21-0.**

**HB 213**, relative to the elimination of useful thermal energy from renewable energy classes. **REFER FOR INTERIM STUDY.**

Rep. Fred Plett for Science, Technology and Energy. This bill laudably tightened the requirements for Class III existing Biomass/Methane from a requirement in RSA 362-F of 8%, down to 1% of the total 2021 RPS requirement, a standard that is impossible to meet since there is no such generation remaining, and none can be created since this has to be from plants built prior to 2006. However, the NH Public Utilities Commission (NHPUC) already has the right to cut the requirement to between 85% and 95% of the reasonably expected potential annual output of available eligible sources, after taking into account demand from similar programs in other states. And the bill also cut the requirements for Classes I (new renewable) and II (new solar) to 6% and 0.3%, below the 2021 requirements of 11.4% and 0.7%, respectively, and without further study and input, the impact on the utilities, consumers, and renewables created to meet these standards is unknowable. **Vote 21-0.**

**SB 113**, relative to the alternative compliance payments for renewable energy obligations not met through the purchase of renewable energy credits. **REFER FOR INTERIM STUDY.**

Rep. Nick White for Science, Technology and Energy. This bill sought to make all renewable portfolio standard alternative compliance payments equal across all classes. The sponsor indicated during testimony that further investigation was prudent in order to understand the implications of this change. As a result, the committee voted to Refer the bill for Interim Study. **Vote 19-2.**

## **SPECIAL COMMITTEE ON REDISTRICTING**

**HB 51**, apportioning state senate districts. **REFER FOR INTERIM STUDY.**

Rep. Carol McGuire for Special Committee on Redistricting. This bill provides for the apportionment of state senate districts after the decennial federal census. The committee agreed that this bill is not necessary since the Senate has introduced a bill to apportion senate districts. That bill will be used to define the new districts. Interim study is preferable since it prevents an obstacle to receiving the senate bill and allows further house action if needed. **Vote 15-0.**

**HB 53**, apportioning executive council districts. **REFER FOR INTERIM STUDY.**

Rep. Bob Lynn for Special Committee on Redistricting. This bill provides for the apportionment of state executive council districts after the decennial federal census. The committee agreed that this bill is not necessary since the senate has introduced a bill to apportion these districts. That bill will be used to define the new districts. Interim study is preferable since it prevents an obstacle to receiving the senate bill and allows further house action if needed. **Vote 15-0.**

**HB 55**, apportioning delegates to state party conventions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Wayne MacDonald for Special Committee on Redistricting. This bill provides for apportioning delegates to the state party conventions. The process is open to both political parties, but only used by one. The election of delegates to the state convention affords people to be involved in the political process even if they lack the time or money to run for public office. Electing delegates on a public primary ballot makes the process an open one and maximizes participation. Currently delegates are elected by county in numbers that have not been reflective of population changes. When delegates are elected on a public ballot, they should also be apportioned by the equal representation standard of any office. In order to meet that standard, the amendment provides that state convention delegates will be elected in the same manner as state representative districts. **Vote 15-0.**

## **TRANSPORTATION**

**HB 78**, relative to certificates of title and drivers' licenses for members of the United States foreign service. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Gagne for Transportation. Although this bill has good intentions to allow foreign diplomats to keep their New Hampshire license while based in Washington D.C., we have an agreement with all the other states that a driver can only hold one license at a time. **Vote 19-0.**

**HB 104**, establishing a committee to study the feasibility of personal rapid transit systems and unconventional public transit methods. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for Transportation. The hope was that transportation industry leaders would show interest in the bill and bring proposals. That did not happen. Alternative transportation providers can still bring proposals to the New Hampshire Transportation Council. **Vote 11-0.**

**HB 116**, relative to personal delivery devices and mobile carriers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. This bill establishes rules for personal delivery devices and mobile carriers. Mobile carriers are small carts that use an app to follow you around and carry things for you. They are always in close proximity to the person. Personal delivery devices are more industrial. A prototype is being developed here in New Hampshire for FedEx. This bill establishes rules of the road and liability requirements for the operation of these devices. The committee amendment lowers the speed limits in the original bill, specifies that they must be on the side of a road and not in a travel lane, and puts the device definitions into statute. **Vote 19-0.**

**HB 435-FN**, relative to the suspension of drivers' licenses and creating a committee to study the creation of a restricted driving license for participants in drug court. **OUGHT TO PASS WITH AMENDMENT.** Rep. Thomas Walsh for Transportation. This bill amends RSA 263:56,I(d) by removing reasons of "moral impairment" and "moral turpitude" as being just cause for license suspensions. The committee amendment removed further language dealing with other non-motor vehicle offenses as being just cause for suspensions, but problems with the language both in the bill and in current statute will require further work. The amendment also removed the formation of the study committee. **Vote 19-0.**

**HB 522-FN**, relative to motor vehicle inspections for new vehicles. **REFER FOR INTERIM STUDY.**

Rep. Steven Smith for Transportation. This bill would have provided an exemption from annual state inspection for new cars less than two years old and under warranty. Questions remain regarding programming costs with our state software vendor, the fiscal impact related to the Clean Air Act and highway funds, and whether there is a way to track warranty durations. Interim Study will allow the sponsor to address these concerns. **Vote 11-0.**

**HB 583-FN**, relative to kidney donation designation on drivers' licenses. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. The committee amendment changes references of kidneys to organs in general. The bill requires the Department of Motor Vehicles (DMV) to allow persons who are listed as an organ donor, to also specify that those organs go to New Hampshire residents who are on a waiting list first. If there are no suitable matches, they can then be distributed out of state. This bill is in response to recent changes to the New England distribution criteria, which will result in wait times being dramatically increased for our citizens. **Vote 19-0.**

**HB 628-FN**, relative to maximum vehicle speed limitations. **REFER FOR INTERIM STUDY.**

Rep. Steven Smith for Transportation. This bill would establish a blanket five mile per hour increase in speed limits on all state roads. While there may be opportunities for limit increases, those decisions should be based on local road conditions and engineering evaluations. Interim Study will allow the sponsor to see which of the criteria can be refined to take advantage of some opportunities to increase limits. The fiscal note was also incomplete, but already identified \$178,000 in costs with more to come. **Vote 11-0.**

## WAYS AND MEANS

**HB 10-FN**, relative to the rates of business profits tax and the business enterprise tax. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for Ways and Means. This bill called for the lowering of the business profits tax and the business enterprise tax. The bill was retained to see if a similar provision in the budget trailer bill, HB 2, would pass. Since these similar reductions did pass in HB 2, the committee unanimously decided this bill was not needed. **Vote 15-0.**

**HB 102**, relative to worldwide combined reporting for unitary businesses under the business profits tax. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Schamberg for Ways and Means. This bill originally would have repealed the water's edge combined group provisions of the business profits tax. The amendment changes the bill to a commission to study the replacement of the present water's edge method with the worldwide combined reporting and apportionment of income under the business profits tax. As the New Hampshire legislature has put the state on a course to transition to single sales factor for business taxation, the most important reason for this commission is to improve the competitiveness and ensure a level playing field for domestic-based businesses in New Hampshire. Shifting to single sales factor without comparing worldwide combined reporting with the state's present water's edge method could put New Hampshire-based businesses, and the overwhelming number of Granite State workers they employ, at a significant competitive disadvantage. The commission, in consulting with national experts in both methods, would be able to determine the potential for significant loss of state revenue. The commission should examine what the shift to single sales factor without worldwide combined reporting would provide to multinationals in competitive advantage by enabling them to shift profits to avoid the true tax liability that should be generated by their sales in New Hampshire. **Vote 24-0.**

**HB 210-FN**, increasing exemptions under the interest and dividends tax and decreasing the total amount of research and development credits against business taxes. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for Ways and Means. With the passing of HB 2, the interest and dividends tax is being phased out. The prime sponsor agreed this bill is no longer needed and recommended it be found Inexpedient to Legislate. **Vote 15-0.**

**HB 252**, creating a committee to study the creation of a program giving employers tax credits on business taxes in exchange for providing stipends for child care needs to employees. **INEXPEDIENT TO LEGISLATE.**

Rep. Walter Spilsbury for Ways and Means. Although this bill relates to studying a means of assisting parents to provide for child care needs, an area of expertise of the Children and Family Law Committee, it was referred to the House Ways and Means Committee because it would require a study of tax credits on employer business taxes. The Ways and Means Committee fundamentally lacks the expertise to determine the degree of need that this proposed study would address, let alone whether this is an ideal way to address such a need relative to other potential methods. Tax credits generally constitute undesirable tax policy as they address an issue indirectly and are very difficult to monitor when underway, in terms of lost public tax revenue and net public benefit. They also undermine desired simplicity in tax administration and, therefore, should be resisted

unless there is not a better option to address a compelling need. During subcommittee review, the question arose whether the bill might be amended to broaden its scope to consider alternative methods of supporting access to child care, but it was determined that any such amendment would be regarded as non-germane. Perhaps the proponents might consider introducing a differently constructed bill in the next legislative session that would address the topic more directly for initial referral to the Children and Family Law Committee. In light of these reservations, the committee agreed that this is not the occasion for yet another committee to study yet another tax credit proposal. **Vote 24-0.**

**HB 346-FN**, relative to the funding source for the domestic violence programs fund. **INEXPEDIENT TO LEGISLATE.** Rep. Timothy Lang for Ways and Means. While tying the fees associated with marriage with the domestic violence fund is inappropriate, the prime sponsor will re-file the bill when he finds a better funding source for the domestic violence grant fund. The prime sponsor recommended this bill be found Inexpedient to Legislate. **Vote 15-0.**

**HB 353**, establishing a credit under RSA 77 for tax paid on income subject to taxation in another state. **INEXPEDIENT TO LEGISLATE.** Rep. Fred Doucette for Ways and Means. This bill allowed for a taxpayer of the tax on interest and dividends to receive a credit for taxes paid to another state. With the passage of HB 2, most specifically sections 91:89 through 91:100, which phases out the interest and dividends tax over a period of five years with a complete phase out in 2027, the committee felt this legislation is not necessary. **Vote 15-0.**

**HB 400**, relative to the collection of sales taxes of foreign jurisdictions by New Hampshire businesses. **INEXPEDIENT TO LEGISLATE.** Rep. Patrick Abrami for Ways and Means. This bill states that no New Hampshire business shall be required to collect sales taxes for a foreign jurisdiction unless mandated by the U.S. Congress. This bill stems from the 2018 U.S. Supreme Court case, *South Dakota v. Wayfair*, in which the court ruled that states can mandate that businesses without physical presence in a state, with more than 200 transactions or \$100,000 in-state sales, collect and remit sales taxes on transactions in the state. Shortly after this ruling, the New Hampshire legislature formed a joint House and Senate committee to craft legislation, with the assistance of the governor's general counsel, to place roadblocks in the path of any foreign jurisdiction attempting to have any of our businesses collecting their sales tax for them. This legislation was designed to deter any state, or other taxing jurisdiction, from proactively going after our businesses. The New Hampshire Attorney General's Office was charged with monitoring how well New Hampshire's "firewall" is holding up. At this juncture, our legislated strategy seems to be working. The full Ways and Means Committee unanimously agreed that the passing of this bill would upset what is very much a delicate balance between New Hampshire and other taxing jurisdictions. **Vote 16-0.**

**HB 504-FN-LOCAL**, relative to the state education property tax and the low and moderate income homeowners property tax relief program. **REFER FOR INTERIM STUDY.**

Rep. Richard Ames for Ways and Means. This bill would reform the statewide education property tax by (1) substantially expanding upon its provision of relief from the tax for low and moderate income homeowners, (2) providing for retention by each municipality of 3% of the amount of tax collected from municipal taxpayers to cover the costs of collection and outreach to potential beneficiaries of the tax relief program, (3) requiring remission by each municipality of all proceeds net of the 3% retention to the state education trust fund for use in supporting the state's public education funding program, and (4) establishing a study committee to consider extension of relief to renters, development of a new property tax deferral program, and identification of data needed to better evaluate and develop effective property tax relief. Testimony on the bill revealed not only the widespread need for a more effective property tax relief program, but also raised fundamental legal concerns indicating that the current system allowing full retention of all tax proceeds at the local level may violate constitutional rate uniformity and proportionality principles and may create financial risk for taxpayers and participating municipalities. The committee expects that further study will yield, if not definitive answers, further details that can inform the record on how to best proceed. **Vote 24-0.**

**HB 532-FN**, creating an animal records database. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for Ways and Means. This bill was dealt with in the passage of HB 2. The prime sponsor agrees the bill is no longer needed and recommended it be found Inexpedient to Legislate. **Vote 16-0.**

**HB 568-FN-A**, increasing exemptions to the interest and dividends tax and repealing the tax in 2025. **INEXPEDIENT TO LEGISLATE.**

Rep. Hershel Nunez for Ways and Means. This legislation was added to HB 2, the rider bill for the budget, and the budget was passed accordingly. Therefore, the committee unanimously voted to find this bill Inexpedient to Legislate. **Vote 16-0.**

**HB 621-FN**, allowing registers of deeds to retain a portion of the land and community heritage investment program surcharge. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Almy for Ways and Means. The bill asks to remove 10% of the surcharge on recording real estate transactions, which is the Land and Community Heritage Investment Program's (LCHIP) single funding

source, in order to fund the archival restoration of county registrars' land records. Most of the ten counties have been paying for preservation of their records as part of their registrars' capital and operating costs, inserted in the county budgets. The registrars receive 4% of the program's surcharge for their expenses. Most or all counties' registries have a significant surplus from registry fees after their expenses are paid, which is lapsed to the county budget. LCHIP is extremely popular across the state and runs a grants competition for municipalities to preserve land or rehabilitate significant older buildings. Its revenues are only sufficient to fund half of their approved applications. There was substantial opposition from the environmental and preservation groups. The committee does not agree with diversion of funds. **Vote 17-0.**

**HB 624-FN**, decreasing the fee to file a petition for a declaratory ruling with the site evaluation committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Patrick Abrami for Ways and Means. This bill was seeking a mechanism to deal with complaints submitted to the Site Evaluation Committee under the Public Utility Commission to deal with complaints received by the committee that allege non-compliance with terms and conditions of any certificate granted by this committee to electric generation facilities that would allow a facility to operate. The bill that was received by the policy committee called for an existing vehicle, namely the filing of a petition for declaratory ruling, which had a \$10,500 fee associated with it. The policy committee in saying this was the appropriate vehicle agreed that this fee should be lowered to \$250. It became apparent from testimony heard in the Ways and Means Committee that this petition for declaratory ruling was used for many other actions that would require the higher fee. The committee agreed that this was not the correct vehicle which led to an amendment that created a procedure to handle such complaints, especially by private citizens who cannot afford high fees. The amendment calls for no fees initially but does point to statute that would allow fees through the fiscal committee process in the future. This would be monitored by the Ways and Means Committee to assure that any future fees would be reasonable. **Vote 20-0.**

**SB 112**, relative to historical racing. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for Ways and Means. This bill was the Senate version of the identical House bill that has already been passed by both chambers of the legislature and signed into law by the Governor. The essence of the bill is that it would allow facilities that are licensed to offer charitable gaming to now offer an automated product called historic horse racing. The committee agreed unanimously that this bill was no longer needed to address this issue. **Vote 20-0.**

**SB 139-FN**, relative to bingo dates. **INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for Ways and Means. This bill called for increasing the number of dates per month that a charitable organization can sponsor bingo from 10 to 16. From testimony, this change was only supported by one licensed bingo hall. The overwhelming testimony was that this bill if passed would hurt the majority of participating charities. With this, a significant bipartisan majority of the committee voted to recommend this bill not move forward. **Vote 21-3.**

## WEDNESDAY, JANUARY 5 REGULAR CALENDAR

### CHILDREN AND FAMILY LAW

**HB 60**, raising the minimum age of marriage. **INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for Children and Family Law. This bill is attempting to correct an issue that does not exist in New Hampshire. According to the New Hampshire Department of Vital Statistics as of September 14, 2021, there were zero underage marriages in 2020 and five in 2021. The committee believes that there is no foundation to support this legislation. **Vote 8-7.**

**HB 228**, relative to the calculation of child support in cases with equal or approximately equal parenting time. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Josh Yokela for Children and Family Law. This long-awaited bill as amended will create a more cohesive calculation of child support to meet the needs of the families and children who meet the criteria. **Vote 8-7.**

### COMMERCE AND CONSUMER AFFAIRS

**HB 65**, requiring food service establishments to establish food allergy awareness procedures. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey Greeson for the **Majority** of Commerce and Consumer Affairs. The Department of Health and Human Services is responsible for the regulation and inspection of restaurants in the state, with the exception of those in cities that have been granted exemptions due to having their own regulations and inspectors. Of those exempted cities, all have adopted any changes when the state has enacted any new state regulations into their own. The current requirements for menus related to seafood and undercooked food are not in the state laws but, rather, they are in the Department of Health and Human Service's rules. The majority agrees that the objectives of the bill are best handled through the same administrative rules process rather than the legislative process, achieving implementation and enforcement of new regulations in a more timely manner. **Vote 10-8.**

Rep. Joyce Weston for the **Minority** of Commerce and Consumer Affairs. Rachel's Law is a long-overdue consumer protection bill. The personal and heartfelt testimony of many NH residents convinced us that this training is critical and that all restaurants should have an allergy policy in place, if they don't already. Responsibility needs to be taken by both sides to ensure that a tragedy like Rachel's untimely death does not ever happen again. This bill sets this up, protecting restaurants — as well as their customers. In fact, the language of the bill was a collaboration of the NH Lodging and Restaurant Association and the prime sponsor, ensuring that it would benefit both the restaurant owner and the consumer. Similar requirements are already in place on menus to notify diners about the dangers of eating raw food. There is no good reason why the same kind of notices cannot be added for food allergies.

**HB 92**, establishing a committee to study best practices for companion animal groomers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. This bill creates a study committee to study safety and facility standards; certification, licensure, and liability; waste and chemical disposal; and education, continuing education, and best practices for companion animal groomers in the state of New Hampshire. The majority of the Commerce Committee feel that the need to license dog groomers is unnecessary and inappropriate government regulation since there is no regulating body to set standards or entities to provide continuing education. **Vote 10-8.**

Rep. Anita Burroughs for the **Minority** of Commerce and Consumer Affairs. This bill would potentially have a positive financial impact upon grooming businesses based upon decreased litigation costs when there is inadvertent harm to a companion animal and the resulting potential impact upon continued business and public confidence. Forming a commission to study the grooming industry will enable a determination as to whether these businesses would benefit from this bill and to what extent.

**HB 166**, relative to safety requirements for pools on foreclosed residential property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Keith Ammon for the **Majority** of Commerce and Consumer Affairs. This bill would have required any pool, spa, or other water feature structure (such as a fountain or pond) on the premises of a foreclosed residential property to have an approved cover or netting to prevent a trespasser from accessing it. Though the bill is well-intentioned, the majority of the committee believes that it is an unnecessary additional burden on a property owner who is already struggling financially. Pool covers can be quite expensive. In addition, this requirement could result in unintended consequences. For instance, a pool cover could entice a child to jump on it like a trampoline. If a child fell in and got trapped under the cover in a pool filled with water, the child could drown due to not being able to find a way out. There were also open questions about enforcement and whether this bill would conflict with other existing legislation and regulations. **Vote 10-9.**

Rep. Richard Abel for the **Minority** of Commerce and Consumer Affairs. This bill is about preserving safety and preventing instances of accidental injury or death by drowning in pools on unoccupied, foreclosed property. The minority believes we can improve overall safety from the attractive nuisance an open pool is for children, in particular. By requiring the mortgagee in possession of a foreclosed residential property unoccupied for 60 or more days to safely secure the cover of pool structures, this bill promotes commonsense safety precautions and sensibly reduces the risk of potential liability that could occur on the premises.

**HB 191**, relative to prior authorizations and patient transfers under managed care group health insurance policies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. This bill was a two part omnibus bill to change prior authorizations under managed care health benefit plans and the administration of patient transfers to another health care facility. This bill would increase health insurance premiums, and would make NH the first state in the country with these types of mandates. The issues seem to be driven by the COVID-19 crisis since some healthcare providers were not able to meet the usual standard of three months. Through testimony, there was no need to change to six months because it only requires the appointment be made prior to three months, not when the patient finally did get to see the provider. The second part of the bill, related to ambulance transfer between health care facilities, would set unprecedented changes to the prior approval process and would have a negative impact on health premiums in the future. **Vote 10-9.**

Rep. Joyce Weston for the **Minority** of Commerce and Consumer Affairs. This bill was brought forward at the request of the NH Hospital Association to address the problem of delays in care for patients, extensive administrative complexities for providers, and outright denials of payments to providers. It was also supported by the NH Medical Society. The bill does not impact the ability of the insurance provider to impose prior authorization requirements (PA), but it would expand the time of a PA “floor” from a mere three months to six months, allowing for time to schedule a visit to a specialist. The committee heard testimony that claimed that six months was still not enough. The bill also expands the range of services allowed under the PA and eases administrative burdens. This would help free up valuable intensive care hospital beds by facilitating transfers to a more appropriate level of care in a timely manner. It is both cost-effective and, in this time of extreme medical burden due to COVID-19, a timely change to our advantage. This bill would both improve care and save money.

**HB 245**, relative to the definition of grocery or convenience store. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. The bill was intended to repeal the food requirement for an off premises license, convenient stores. Under our current laws, all licensees who sell to the general public must sell some food. The majority is not ready to repeal this long standing policy, since there was no support for the bill except from the sponsor, but the committee is willing to look into what is actually being stocked and sold in the stores. **Vote 18-1.**

Rep. Max Abramson for the **Minority** of Commerce and Consumer Affairs. RSA 175:1 requires that most convenience stores carry \$3,000 of “groceries,” but the minority noted that many stores around the state were complying with this mandate with result: that shop owners throw out dusty cans of Spam, Vienna sausage, condensed milk, Tobasco sauce, and \$8 boxes of Cheerios and Froot Loops when they reach their expiration date and simply go back to the grocery store to buy more. Some stores even kept a frozen loaf of bread in the ice box to comply with these mandates. Under the free enterprise system, entrepreneurs must be allowed to start up new, innovative businesses that break the old mold without having to wade through bureaucracy and permits to try something new in the marketplace. Yet startups encounter onerous rules, regulations, and red tape, relics of a bygone era before innovations like ride-sharing, broadband, medical apps, the sharing economy, Bitcoin, and online food delivery. Opponents of this bill warned of “food deserts” in places like Manchester and expressed concern that more stores might open up if this restriction is lifted. Public comment outside of the State House has been nearly unanimous in favor of repealing this Byzantine rule.

**HB 472**, relative to retroactive denials of previously paid claims. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey Greeson for the **Majority** of Commerce and Consumer Affairs. RSA 415:6-i was just amended to reduce the allowable period for a retroactive denial from 18 months to 12 months a session ago and took effect January 1, 2019. No one other than the sponsor of this bill claimed any need to further reduce the time. Lastly, a twelve month period matches what is allowed in other New England states, including Massachusetts, Vermont, and Maine. Given that no one could demonstrate a compelling need to revisit the period for retroactive denials, the majority recommends the bill be found Inexpedient to Legislate. **Vote 10-9.**

Rep. Constance Van Houten for the **Minority** of Commerce and Consumer Affairs. This bill, sometimes referred to as the “clawback bill,” seeks to make changes in accident and health insurance law as it relates to retroactive denials of claims. The bill would change the time period during which denial, in full or in part, of a previously paid claim would be permitted from 12 months, as currently in statute, to 6 months. Presently,

for example, a health care provider who has confirmed with an insurance carrier that a potential patient has health care coverage before beginning treatment could ultimately provide service and be paid by the insurer and then have the insurer take back payment up to 12 months later if, for instance, the insurer later determined that the patient did not have coverage with the carrier, perhaps due to change in employment. The health care provider, however, would have acted in good faith on the basis of the initial confirmation of coverage by the insurance carrier, yet, up to a year later, be returning income that he or she had earned. This bill would change the 12-month period to six months and, in order to facilitate recouping of the lost income, the bill stipulates that the insurer furnish the health care provider with the name and address of the entity actually responsible for payment. Also, the bill provides that, when prior approval for service has been granted, an insurance carrier may not retrospectively deny coverage or payment unless fraudulent or materially incorrect information was provided at the time of the prior approval.

**HB 473**, establishing a renter's insurance notification requirement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bonnie Ham for the **Majority** of Commerce and Consumer Affairs. This bill requires landlords who use written rental agreements for property that is rented for a duration of longer than one month to include a sentence in the written rental agreement that informs the tenant that the landlord's insurance does not cover the tenant's belongings from loss or damage and that the landlord recommends that the tenant purchase renter's insurance. The majority of the committee felt that it should not be the landlord's responsibility to educate a tenant that insurance is available to the tenant or recommend insurance. The majority of the committee felt there may be other options to provide that information to tenants. The landlord should not incur the liability for making sure tenants are informed relative to options to protect personal property. **Vote 11-8.** Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. The sponsors of this bill are from a town that had two significant fires in the past few years that put many families out on the street with nothing, as they did not have renter's insurance. This bill would only apply to written contracts between a landlord and a tenant. There would be a statement that the landlord's insurance cannot cover the tenant's property, additional living expense nor their personal liability and recommends the tenant purchase a renter's insurance policy. That's all. There is no solicitation nor pressure, but only a statement of fact to be added to the written contract. Most people do not understand insurance, but this makes it clear for the landlord and the tenant and could protect both parties to the contract in the event of a serious loss. This is not an onerous provision and could make a huge difference in the event of a catastrophe.

**HB 488**, establishing a committee to study the benefits of allowing New Hampshire citizens to purchase health insurance from out-of-state companies. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. The Commerce Committee has seen this legislation many times. Unfortunately, there are no health insurance companies who want to sell across state lines because of the nature of managed care being contracts between the insurance companies and the hospitals/doctors. The committee often refers the bill for interim study in case some out of state health insurance company is interested in selling in New Hampshire. **Vote 13-6.**

**HB 592-FN**, requiring bond from pharmaceutical companies providing vaccines. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Greeson for the **Majority** of Commerce and Consumer Affairs. After consulting with a few vaccine injury attorneys, it was determined that HB 592 could have the unintended consequence of hindering a vaccine-injured person's ability to receive compensation from the National Vaccine Injury Compensation Program (NVICP). However, HB 592 could be amended to cover only those vaccines not covered by the NVICP, and that would be a beneficial program. Additionally, discussion during work sessions revealed that a better funding mechanism is needed than a bond, such as a per-dose fee. Given that there are still some details that need some work, but the overall validity of the bill remains, the majority has agreed to refer HB 592 for interim study to determine how best to proceed. **Vote 10-9.**

Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. The minority does not believe this bill needs further study. The sponsor admitted he doesn't even know what a bond is or how it works. A bond is the basis of this bill which would require any pharmaceutical company that provided vaccines (any vaccine) to post a \$1 billion bond. The bill would require the Commissioner of the NH Department of Health and Human Services to disburse money to those who present a claim for damages caused by a vaccine and make payment within 15 days. Of course, a bond is not an insurance policy and it is never the intention of a bond to make any payment. There is no reason to study this further.

**SB 68**, requiring an employer to provide reasonable accommodations for pregnant employees. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey Greeson for the **Majority** of Commerce and Consumer Affairs. The Commerce Committee had several work sessions on this legislation. The NH Commission for Human Rights claimed that the intent of the legislation was already in law, but clearly this bill would amend the current law and change how and

when a pregnant employee can take her leave. When asked to show where in the current law was the bill's language, the commission referred to the next section of the law that was related to "temporary disability," which had nothing to do with pregnancy other than saying that, in addition to her leave of absence, a pregnant woman would still be entitled to disability compensation. This is not what the bill was about. The majority recommends that this bill be Referred for Interim Study so that the conflict with the current law could be sorted out. **Vote 11-8.**

Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. This bill would require an employer to provide reasonable accommodations to any employee related to that employee's pregnancy or childbirth to prohibit discrimination. Currently, this coverage is in law in different statutes, but this would consolidate non-discrimination for pregnancy-caused issues into one statute. The NH Commission for Human Rights provided information from 2016 to date where four public employer charges and 79 private employer charges have been filed. Clearly, the commission's services have met a need for pregnant women and this bill would simplify the process.

**SB 69-FN**, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Dawn Johnson for the **Majority** of Commerce and Consumer Affairs. This bill, as amended, requires public employers to provide access to a sufficient space for nursing mothers and reasonable break times. The employers in this bill are defined as the state and political subdivisions of the state. This bill shows the public that the state (as an employer) is setting a good example of how to be respectful and considerate of nursing mothers. While the majority believes private businesses already allow for this accommodation for their employees, this will help set the bar while not infringing on the rights of private business to run their business as they choose. **Vote 10-9.**

Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. This bill would require employers of six or more employees to provide access to a sufficient space and reasonable time for nursing mothers to express milk during working hours. The Breast Feeding Task Force met for months previously and the bill, which had passed both chambers, was lost in the omnibus COVID-19 bill in 2020. Women are an important part of the workforce and we all want healthy babies and families. This bill encourages nursing mothers during that critical first year of a baby's life. A nursing mother would have to provide at least two weeks' notice of this need to an employer. There is a hardship exemption for a business that cannot comply. This bill is good for businesses and good for families.

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 147-FN**, relative to assault against an elderly person. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. This bill would create a 1st degree assault offense for any assault against a person over 65, where the assailant is at least 10 years younger than the victim. The majority of the committee agreed that violence against the elderly is a particularly heinous act deserving of more severe consequences and considered the fact that many other states have taken this approach including here in New England. **Vote 12-8.**

Rep. Chris True for the **Minority** of Criminal Justice and Public Safety. This bill, as amended would make simple assault, which is now a misdemeanor, subject to only a fine without any jail time, a class A felony, with incarceration of seven and one-half years to up to fifteen years in prison, if the simple assault is made upon a person who is 65 years or older by a person who is at least ten years younger than the victim. If this bill were to become law, one of the extreme ramifications would have a 70 year old in a wheel chair be subject to 15 years in jail, if he gave a black eye to an 80 year old running in a 5K road race. The State of New Hampshire already has laws that address attacking and causing serious bodily injury to another person. The minority believes that this attempt to carve out special exceptions will muddy the waters between class A felonies and misdemeanors, while weakening our commitment to equal treatment under the law.

**HB 237-FN-A**, relative to the legalization and regulation of cannabis and making appropriations therefor. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Kevin Pratt for the **Majority** of Criminal Justice and Public Safety. The motion of interim study was recommended by the majority because of unintended consequences. This bill to legalize cannabis has led to damaging consequences in other states around the country. This will lead to an increase in cannabis availability, advertising, public consumption, possible addiction, driving under the influence accidents and less attendance at jobs and schools. It has been stated that this is needed to relieve pain but the pain and suffering to society will increase not decrease. This bill will lead to larger government and costly control. There will be an estimated increase of \$100,000 for data collection and reporting and \$2,000,000 for a new cannabis control commission. There will be applications, fees, registrations, regulations, fines, and more sin taxes. Landlords will be forced to allow possession of cannabis in their buildings. Passive inhalation will become a

problem for pregnant mothers due to the affects of cannabis on the unborn baby. Passive inhalation will also be a problem for people with critical jobs that require regular testing for drugs. The breathing of any kind of smoke is bad for people's lungs. The increased use of cannabis could complicate federal second amendment regulations. Other unintended consequences include: increased risk of psychosis, schizophrenia, depression and, suicide; interference with learning, memory, attention and executive function, and an increased risk of developing opioid misuse disorder. Each of these have a very high cost to the individual, industry and society. Those responsible for national security are concerned of the negative affects to the number of qualified people for the military to defend our country. Major corporations and the government will join to fill the roll of the drug dealer. They will do what ever is needed to maximize profits. The use of cannabis has been linked to higher levels of unemployment and a higher level of welfare dependence. This cannabis legalization could prove to be devastating to our most vulnerable populations. **Vote 12-8.** Rep. Casey Conley for the **Minority** of Criminal Justice and Public Safety. This bill would create a program to legalize recreational cannabis for adults 21 and older, regulate its use and commercial sale, and levy a tax at the point of sale. This highly-detailed bill establishes a framework under which private businesses could sell cannabis to legal adults. It also would set up a regulatory regime to oversee this new industry. It also clarifies how the estimated \$20 million to \$40 million in tax revenue from the purchase of cannabis would be allocated. An earlier version of this bill passed the House with broad bipartisan support in 2019, and the minority believes this bill deserves an up or down vote on the House floor rather than any further study.

**HB 238**, prohibiting provocations based on a victim's actual or perceived gender, gender identity, gender expression, or sexual orientation from being used as a defense in manslaughter cases. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for the **Majority** of Criminal Justice and Public Safety. This bill would prohibit defendants from using the so-called "LGBTQ+ panic defense." This legal strategy asks a judge or jury to find that the actual or perceived gender, gender identity or sexual orientation of a victim — and that alone — was to blame for their killing. Typically, defendants admit guilt but introduce a "panic" defense to justify or mitigate their violent actions against an LGBTQ+ person. The goal of this defense is to secure a lesser conviction, such as manslaughter, or a lesser sentence. It has been used effectively dozens of times in the United States. The bipartisan majority believes a person's gender, gender identity or sexual orientation should not be allowed to justify, explain or mitigate a homicide. As such, we support this bill and its goal of prohibiting such a defense in New Hampshire. **Vote 13-8.** Rep. Gary Hopper for the **Minority** of Criminal Justice and Public Safety. A murder charge can be mitigated to manslaughter if a defendant can demonstrate that the defendant was "Under the influence of extreme mental or emotional disturbance caused by extreme provocation." This bill would prohibit using this defense if the extreme emotional reaction was the result of the "disclosure of the victim's actual or perceived gender." The minority believes this bill should be Inexpedient to Legislate for a few reasons. Carving out segments of society for special protections is unwise. Writing into law what a defendant can't use as a defense sets a bad precedent. However, the primary reason to find this bill inexpedient to legislate is because there wasn't a demonstrated need for the law in New Hampshire.

**HB 579**, requiring notice to the public before immigration checkpoints are conducted. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Linda Harriott-Gathright for the **Majority** of Criminal Justice and Public Safety. This bill requires New Hampshire's state, county, and municipal law enforcement agencies to provide 24 hours notice to the public after being notified by federal law enforcement officials that an immigration checkpoint will be conducted. During these checkpoints, individuals traveling on New Hampshire's roadways are stopped without probable cause or reasonable suspicion that a crime has been committed. Stops without suspicion are typically not allowed under the Fourth Amendment except under very limited circumstances. Given the significant intrusion on civil liberties that these federal checkpoints represent, this bill merely requires that local agencies provide 24 hours notice to the public of such immigration checkpoints when they are informed by a federal agency that such a checkpoint will occur. Like the notice that is required for state sobriety checkpoints, the majority believes that providing advanced notice will mitigate the significant intrusions on civil liberties that these immigration checkpoints create. **Vote 11-9.**

Rep. Chris True for the **Minority** of Criminal Justice and Public Safety. This bill, as amended, requires any NH law enforcement agency, that is notified by a federal agency of its intent to conduct an immigration checkpoint in NH, to give notice to the public of the date and area in which the check point will occur, and such notice be provided by using various media resources. Since the purpose of immigration check points is to stop those who are in the country illegally, the minority does not support the bill as amended, as it requires that notice be given so that those who are in the country illegally are alerted so that they can avoid the checkpoint. The minority believes that state and local law enforcement do wish to be informed of any immigration checkpoints in their area. The minority also believes that if a federal agency feels that the notification of a pending checkpoint would be detrimental to the effectiveness of the checkpoint, the federal agency would simply cease the courtesy notification to law enforcement.

**HB 598**, relative to the portion of a minimum sentence to be served to be eligible for parole. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.** Rep. Dick Marston for the **Majority** of Criminal Justice and Public Safety. Currently, those incarcerated in state prison have an opportunity at 2/3 of their minimum sentence to apply for a sentence reduction. In New Hampshire, we have “truth in sentencing” for those serving minor sentences in prison, which doesn’t seem to work unless all recommended programs are complete, indicating the inmate has been rehabilitated. One of the responsibilities of the committee is to consider the victims of these crimes. That is why “truth in sentencing” was enacted in the early 1980’s. The parole board is not in favor of this bill citing that the board currently has five members instead of nine. The Attorney General’s office is against this bill. The bill was opposed by the victim advocate along with the Department of Corrections . **Vote 10-9.**

Rep. Linda Harriott-Gathright for the **Minority** of Criminal Justice and Public Safety. This bill allows for persons serving a minimum of five years or more to be eligible to apply for parole after serving 50% of their minimum sentence, providing they have met the many requirements listed in the amendment. This bill removes the 1980’s truth in sentencing (TIS) laws, which state that an inmate must serve 100% of their minimum sentence prior to being eligible for parole. NH is the only state with a 100% minimum. This bill is not a get out of jail free card, but a complete buy in, and incentivizes the inmate’s rehabilitation. This bill further eliminates a one size fits all policy. TIS is expensive, extreme, and outdated. Many other states have repealed or amended their TIS laws. Truth in sentencing has resulted in longer time in prison, meaning a higher price tag for taxpayers. One year in prison is costing taxpayers approximately \$40,000 per inmate.

**HB 620-FN-LOCAL**, requiring law enforcement agencies to gather and analyze certain demographic information. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dave Testerman for the **Majority** of Criminal Justice and Public Safety. The intent of this legislation was to gather the demographic data of persons who have an encounter with law enforcement. It would have required the law enforcement officer to enter data into a database based on their observation of the individual. This is subject to human error and judgment. It would be far easier to encode this information into the bar code on the driver’s license or add this information to the personal data already on the back of the license. If the person does not have a driver’s license it could be entered manually into the existing database tool or report. **Vote 12-8.**

Rep. Ray Newman for the **Minority** of Criminal Justice and Public Safety. This bill requires law enforcement agencies to gather and analyze certain demographic information. It requires that police departments and law enforcement agencies gather, analyze, and make available to the public, at least annually, data on demographics, including gender and race. This data shall be provided for arrests, citations, motor vehicle and subject stops and searches including, frisks, container searches, and searches of cars and residences, regardless of the disposition of the case. The rationale for stops and searches must be provided by the participating law enforcement personnel. Having demographic data will help in determining if there are any problems with racial profiling in New Hampshire. If problems are detected, the data would also be useful information to help determine if legislation is needed to resolve those problems. This bill was a direct result of a recommendation of NH Commission on Law Enforcement, Accountability, Community, and Transparency (LEACT). LEACT engaged public, private and community stakeholders to develop recommendations for the reforms necessary to enhance transparency, accountability and community relations in law enforcement.

**HB 629-FN**, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Scott Wallace for the **Majority** of Criminal Justice and Public Safety. This bill is being recommended for interim study by the majority due to a conflict with another pending cannabis bill. If not for this conflict, this bill would likely have received an Ought to Pass with Amendment recommendation from the committee as the bill has merit, is remarkably simple without expanding government, and is consistent with our neighbor states and provinces that have us actually surrounded with some type of limited home grow for adults. **Vote 11-9.**

Rep. Casey Conley for the **Minority** of Criminal Justice and Public Safety. This bill would allow adults, 21 years and older, to possess and/or cultivate limited amounts of cannabis for personal use. If approved, a legal adult could possess up to three-quarters of an ounce of cannabis, five grams of hashish, 300 milligrams of edible cannabis products, and up to six cannabis plants for home cultivation. Cannabis could be traded or given away to legal adults under this bill but it could not be sold. Just as important, this bill imposes no taxes of any kind. This bill represents a New Hampshire solution to recreational cannabis use, and creates a potential bridge to retail sales in the future. This proposal passed the House with a veto-proof majority in 2020, and it deserves a vote on the House floor in 2022 rather than more study.

**HB 632**, banning a sentence of life imprisonment without parole for a juvenile convicted of homicide. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dave Testerman for the **Majority** of Criminal Justice and Public Safety. The intent of this legislation was to prevent the sentencing of a juvenile to life in prison when convicted of homicide. The bill however, would prohibit any circumstances where a juvenile could be sentenced to life without parole. The holding from *Miller v. Alabama* prohibits a mandatory life sentence for a juvenile. This bill would eliminate the judicial discretion altogether. **Vote 11-9.**

Rep. Casey Conley for the **Minority** of Criminal Justice and Public Safety. This bill would eliminate the sentence of life without the possibility of parole for crimes committed before someone turns 18. Society has come to recognize that juvenile brains are still developing, and that crimes committed at such a young age, including homicide, do not indicate how the offender might act later in life. Twenty-five states, plus Washington, D.C., have banned life without parole sentences for juvenile offenders, Vermont and Massachusetts among them. Although New Hampshire currently has no juveniles serving this sentence, the best way to ensure none do is to prohibit its use. Passing this bill would achieve that goal.

**SB 92-FN**, relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Scott Wallace for the **Majority** of Criminal Justice and Public Safety. The majority of the committee supports the amendment to the law governing bail for the commission of certain violent offenses, such as domestic violence and sexual assault. Rather than appear before a bail commissioner outside of court, a person charged with certain violent offenses will be held and brought before the court for an arraignment. During the arraignment, the state may move for a person to be detained pending trial if the state can demonstrate, by clear and convincing evidence, that the release of the person is a danger to the public or another. Furthermore, the amendment holds individuals accountable who continue to violate the conditions of their release by repeatedly failing to appear in court or get arrested multiple time for a subsequent felony, class A misdemeanor, or driving or operating while impaired by creating a rebuttable presumption that this individual will not abide by the conditions of their release. These proposed changes to New Hampshire's laws governing bail and pre-trial release address the most egregious instances, such as a woman being abused by the same perpetrator within 24 hours after that person was released without appearing before the court. **Vote 11-10.**

Rep. John Bordenet for the **Minority** of Criminal Justice and Public Safety. This bill is well intentioned to combat the perceived issue of the catch and release of criminals. It is unclear what is the cause of this problem. Anecdotally some believe accused criminals are brought into custody and somehow let loose and immediately commit another crime. This bill requires bail hearings for most violent felonies and some domestic violence misdemeanors be heard by a judge. According to this bill, bail commissioners will no longer be able to rule for these types of bail hearings. These hearings would add more to the workload of our present court system. The courts are already backlogged. Why make additional work? We heard an estimate of two to three million dollars would be required to implement this law. We already face a shortage of public defenders and this bill would add to this shortage. Present law provides the accused be held if they break the conditions of their release; committing another crime would be a violation of those conditions.

## EDUCATION

**HB 20-FN-A-LOCAL**, establishing the Richard "Dick" Hinch education freedom account program. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill would have established education freedom accounts (EFA) and was retained by the Education Committee. Since EFA legislation was passed, the bill would have been amended to address implementation and administrative rules questions, but new legislation has been introduced for that purpose. The majority recommends interim study so that implementation can be further studied for possible future legislation. **Vote 11-9.**

Rep. David Luneau for the **Minority** of Education. According to the Legislative Budget Assistant, education freedom accounts (EFA) expose the state to more than \$70 million a year in new costs. Despite the fiscal exposure, unrealistic cost estimates, and overwhelming public opposition, the EFA statute was enacted as part of the state budget bill. During budget hearings, the Department of Education stressed cost savings would be realized because the majority of EFA applications would be from students leaving their public schools, leading to a reduction in grants to school districts and saving the state and taxpayers money. Yet, the department's recent report to the EFA Oversight Committee revealed the vast majority of EFAs are actually going to private and home school students. In fact, just 280 of the 1,635 applications came from students who decided to leave their public schools starting this year. Now taxpayers are on the hook for more than \$6.7 million to pay private school tuition and home school costs for 1,355 students who otherwise wouldn't cost the state or taxpayers anything. The state has an obligation to fund public schools, not private alternatives. But now public tax dollars are being used to pay private school tuition bills, while at the same time the state's financial support for public schools goes down and continues to be the lowest in the nation. The

Legislative Budget Assistant makes it clear with this statement: “the net impact would be increased state education trust fund expenditures and decreased local adequacy grant revenue.” That’s \$70 million from the education trust fund not going to public schools, not improving student equity, and not going to property tax relief. Unlike public schools, EFA programs have no accountability requirements. And EFA administration costs can be as high as 10%. The minority believes the EFA program is not good public education policy and is a wasteful use of public tax dollars.

**HB 136**, requiring schools to update documents and software to include the option of identifying a student as non-binary. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Alicia Lekas for the **Majority** of Education. This bill would require schools to update documents and software to include the option of identifying a student as non-binary. The majority believes that schools currently have the opportunity to implement this notation in a way that best fits document policy and software best suited to the school without another state mandate. Local districts may achieve the intent of this bill by a simple check box identifying non-binary. Some schools currently use a notation field which provides greater information, including preferred pronouns. It is also considered important for the school nurse to know the biological sex of the student to help avoid misdiagnosis. **Vote 11-9.**

Rep. Stephen Woodcock for the **Minority** of Education. This bill requires the Department of Education and local school districts to update their student information systems to support a non-binary gender identifier. The committee heard that the cost to the department would be de minimis, approximately \$20,000. The cost to local school districts would be absorbed by the vendors of student information systems and services. The intent of the bill was and is to allow parents the opportunity to enroll their children in a public school with the gender designation as non-binary, much like what is being done on drivers licenses issued by the Division of Motor Vehicles. This change would eliminate the additional and almost annual aggravation of fighting the battle with a school’s administration over the student reporting system and its limitations. This additional check-off option does not impact state or local data collection and reporting of biological sex (male or female) will continue to be collected. This data addition would simply allow students the opportunity to be referenced by their gender as well as biological sex. This bill reduces the potential for student bullying, harassment, and discrimination and creates relief of mental anguish to the parents and student caused by the inability of a school to recognize a student as non-binary. In the end this bill harms no one, has limited expense, and improves the relationship of parents and students with schools and their administrations. And at the same time, it enhances a student’s daily life within the school building.

**HB 214**, relative to school building aid grants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, is intended to provide a statewide facilities condition assessment of public elementary and secondary schools using infrastructure funds previously appropriated under RSA 198:15-y, III. The condition assessment will provide the Department of Education (DOE) and legislature a thorough understanding of statewide school building aid construction and renovation needs. The DOE shall design and implement a statewide process for collecting and analyzing public school facility data using site visitation teams comprised of architectural and engineering consultants. Data gathered in the field shall be used to identify schools that may need construction or major reconstruction within the next 10 years in order to provide a safe, healthy, and efficient-to-operate facility. The facility condition assessment shall assess facility conditions, energy use, education sufficiency/education space, and technical infrastructure. Beginning with construction authorized by a local school district on or after July 1, 2025, projects not on the school facilities priority list shall not be eligible for school building aid grants unless deemed an emergency. The department has estimated that statewide, there is 33 million square feet of school facilities. It is understood that buildings that are relatively current will not require a site assessment. At the cost of \$0.10 per square foot, the cost to complete the statewide assessment approximates \$3.3 million. This amount is currently in the Public School Infrastructure Fund which is tasked to support NH’s public school safety, health, connectivity, security, and structural issues. With the passage of this bill as amended, the department and legislature will have a better understanding of statewide school building aid needs to plan and fund priority needs. This bill, as amended, is a result of years of school building aid research and discussion. As most states have done, it is time for New Hampshire to gather the necessary school infrastructure data as is currently done for other capital projects in the state. **Vote 20-0.**

**HB 255**, relative to limited liability for institutions of higher education and businesses. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for the **Majority** of Education. This bill, as amended, provides that no NH entity shall compel receipt of a COVID-19 vaccine by any individual who objects to such vaccination for any reason of personal conscience, a religious belief, or for medical reasons, including prior recovery from COVID-19. This bill’s original language, establishing a limitation on liability for higher education and businesses, is no longer needed. The amendment, however, is submitted for the purpose of rejecting the federal directive establishing a mandatory vaccine work requirement. This unnecessary mandate is trampling state powers and imposing

new burdens on employers when they can least afford it, an infringement on personal rights, and making life harder for the unvaccinated who want to work in an economy with already too few workers. There are a number of reasons for rejecting this federal mandate. Article 4 of NH's Bill of Rights is titled Rights of Conscience Unalienable. This article reads, "Among the natural rights, some are, in their very nature unalienable, because no equivalent can be given or received for them. Of this kind are the Rights of Conscience." Amendment 2239h specifically addresses personal conscience along with religious belief, medical reasons, and natural COVID-19 immunity as exceptions to the vaccination mandate to work. In 1868, the NH Supreme Court (in the case *Hale v. Everett*) ruled that, "the 'Rights of Conscience' can't be surrendered to government, nor could "society" or "government" have any claim to assume to take them away or interfere with them." Our state constitution provides citizens a number of rights in which choices are made. The rights of conscience and religion are unalienable rights that should not be trampled upon by a single stroke of any administrative pen. This bill does not address or discuss the efficacy of vaccines, it simply states that entities cannot require an individual to be vaccinated. Public and private entities may continue to request or require mask wearing and follow other CDC protocols. **Vote 11-8.**

Rep. David Luneau for the **Minority** of Education. This bill limits an organization's liability that could arise from individuals who contract COVID-19. The amendment replaces the bill by imposing a mandate on all organizations, including businesses, hospitals, clinics, schools, churches, clubs, and societies, prohibiting them from requiring any individual to be vaccinated against COVID-19. Experts in medicine and public health testified how the COVID-19 vaccine is safe and effective, and how the vast majority of hospital employees support a vaccine requirement as they know it is the best way to combat the virus, reduce transmission, protect people from severe disease and death, and put an end the pandemic. Business leaders support the rights of companies, schools, and organizations to protect their patrons and employees from a virus that has taken the lives of over 750,000 Americans. This bill, as amended, puts any organization that receives federal funds through contracts or grants in the perilous position to either comply with this new state mandate or lose those contracts and grants.

**HB 607-FN**, establishing local education savings accounts for students. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill will establish "local education freedom accounts," that are different from "education freedom accounts." (EFA) Last year, EFA legislation was passed involving state education funding. This bill, as amended, will provide for school districts to vote (60% majority required) to establish locally funded accounts for students seeking other education options. Local funds for the account will be 80% of the local per student costs minus special education funding. The local EFA student will remain a resident student of the district and, therefore, the district will continue to receive state adequacy and any eligible differentiated aid. If the student is a child with disabilities, they will continue to be eligible for services at their resident school since state and local funds special needs funds will remain with the district. There is no family cap for eligibility in this program. The allowable expenses for local EFA use will be the same as the state program. The resident school district will benefit from the program since they will continue to get all appropriate state funding and keep 20% of the local funding. It is, therefore, a win-win situation for the student and school district. **Vote 10-9.**

Rep. Marjorie Porter for the **Minority** of Education. This bill, as introduced, allows for a new, local education freedom account (EFA) program, parallel to the existing program, but funded entirely by the statewide education property taxes (SWEPT) collected by the municipality. The amendment, which replaced the bill, made drastic changes to the original; however, the committee did not receive the final version of the 11 page amendment until late in the afternoon of our final committee meeting before deadlines. Instead of SWEPT, the amendment relies on local property taxes which vary widely among cities and towns. Although there was no fiscal note attached to the amendment, documents provided to the committee by the member who introduced it indicated these local EFA grants could range between \$4,800 to \$11,400 or more per student, depending on the school district. Any student currently enrolled in a public school or charter school, or being homeschooled, would be eligible, and there is no family income cap, as exists in the current law. This program has the potential to have a dramatic impact on local schools, their budgets, and local property taxes. The minority believes it should have had a full public hearing, allowing committee members to have their questions answered, including those concerning constitutionality, and the public to be heard. Such a fundamental change should be fully vetted before being enacted, not rushed through as a last-minute amendment to a retained bill.

**HB 608-FN-A-LOCAL**, relative to the formula for determining funding for an adequate education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Rick Ladd for the **Majority** of Education. This bill attempts to identify the necessary elements and costs associated with the adequate education funding formula. Components of this bill include: base cost, differentiated aid, a fiscal capacity disparity aid grant premised upon equalized valuation per pupil, required use and accountability reporting for the use of grant funds, and repeal of stabilization grants to municipalities. The committee worked with the Department of Education to address the intent of this bill; however, the Office

of the Legislative Budget Assistant was unable to complete a fiscal note providing the necessary changes to ensure that the formula would meet current statewide educational needs as well as grant allocation amounts designed to provide additional funds to school districts in communities with below average property valuation per pupil. Funding appropriations for educational funding for the biennium have been completed and signed into law; therefore, the majority recommends the bill be found Inexpedient to Legislate. Although the majority recommends Inexpedient to Legislate, communication has been made with Finance, Division II, requesting that a joint working group be established to address issues identified during the hearing process on this bill. The work group, comprising Division II and four members from the Education Committee, has begun its work to better meet educational trends and needs as well as other education costing challenges. Work group meetings are scheduled in the House Calendar. **Vote 12-8.**

Rep. David Luneau for the **Minority** of Education. The minority agrees with the bill's sponsors that changes need to be made to the state's public school funding plan. Public school students in New Hampshire perform among the best in the country; it's just not happening in every school district. The state's current funding scheme results in significant inequities for both students and taxpayers. Some districts with high property valuations can fund their school budgets at optimal levels with relatively low property tax rates. But other districts with lower property valuations have high property tax rates, and even then may not be able to fund a school budget sufficient to provide students with an opportunity for good outcomes. The current school funding law is contrary to the fundamental holdings of the *Claremont* cases – that the state must distribute state aid in a manner that provides an equal opportunity for good public educations for all of New Hampshire's children. The minority believes more work should be done to develop a foundation opportunity program that closes the student opportunity gap and assures every district has access to the resources they need to sufficiently fund their schools.

**SB 44**, (New Title) establishing the New Hampshire workforce pathway program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill would establish a workforce pathway program which would be administered by the Community College System of NH (CCSNH). The goal of providing credentials for unemployed and underemployed people through certificate programs is laudable; however, the bill conflicts with existing state plans and funding. The legislation was opposed by the Commissioners of Education and Business and Economic Affairs. A comprehensive state plan to address workforce needs was developed by all stakeholders less than two years ago and deserves the opportunity for implementation and evaluation. Nothing currently prevents CCSNH from developing training programs to advance the goals of this bill. **Vote 17-3.**

Rep. Marjorie Porter for the **Minority** of Education. This bill sets up a workforce pathways program, administered by the Community College System of NH (CCSNH), with the purpose of providing training and credentials for high demand and underfilled entry-level jobs to unemployed or underemployed NH adults. The program brings together the CCSNH, the Department of Employment Security (DES), the Department of Economic Affairs, and career and technical education centers to do so. By utilizing federal Workforce Opportunity Investment funds allocated to the DES for job training and the community college system's financial aid programs, there would be no cost to the students for these short-term certificate programs. The workforce pathways program has the support of the CCSNH and the Business and Industry Association (BIA). Long before COVID-19, NH businesses struggled to find qualified entry-level employees. The minority finds it is long past time for this program to be implemented.

## ELECTION LAW

**HB 87**, relative to the definition of electioneering. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for the **Majority** of Election Law. This bill as amended reconfigures the current statute addressing electioneering at and in the polling place in order to comply with constitutional protections for free speech. In 2018, the Supreme Court struck down a Minnesota law that prohibited political gear worn by voters in polling locations. The bill amends the current statute, which prohibits wearing advocacy material, to provide that it is permissible to wear clothing or paraphernalia in the polling place and at the voting station that expresses an opinion as to a candidate, party or measure being voted. The bill better defines clothing or paraphernalia and continues to prohibit wearing items of political advocacy statements by election officials employed by the town, city, or State of New Hampshire. The majority of the committee believes that this bill allows practice to comply with the law. **Vote 11-9.**

Rep. Paul Bergeron for the **Minority** of Election Law. This bill would amend the definition of "electioneering" so that anyone, except election officials, could wear clothing or paraphernalia that advocates for or against a candidate, political party, or ballot measure, inside the polling place. Under RSA 659:43, voters have a right "to enter or exit the polling place without interruption or interference" and are provided a 10-foot wide safe-passage corridor from the entrance door of the building where voting occurs. This bill does not provide

for a safety corridor once the voter has entered the building. This bill will embolden campaign activists to congregate inside the polling place, wearing all sorts of campaign paraphernalia in an attempt to influence voters after they have entered the building. RSA 659:43 is intended to protect “the safety, welfare and rights of voters” the minority believes; HB87 would weaken the intent of existing law by removing that safety corridor once the voter has entered the polling place.

**HB 327**, requiring that voters show identification when personally delivering absentee ballots to town and city clerks. **REFER FOR INTERIM STUDY.**

Rep. James Qualey for Election Law. This bill would require a city or town clerk to mark the affidavit envelopes of in-person absentee voters to indicate that such voters presented identification upon returning their ballots and would exempt ballots so marked from signature verification by the moderator. The majority of the committee felt that an interim study is needed to ensure that any changes to the absentee voter verification procedures provide more complete remedies for defects in the current process. **Vote 19-1.**

**HB 514**, relative to ballot column rotation. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Natalie Wells for the **Majority** of Election Law. This bill, as amended, makes a modification to the formula used to determine ballot column rotations. Ballot column rotation is required because positioning on the ballot provides a party, candidate or measure an advantage. The amount of that advantage depends on the exact location on the ballot. As required by RSA 656:5, and as prepared by the Secretary of State, ballot columns are assigned to political parties on a rotating basis within state representative districts. Consideration is also given to senate districts. The order of rotation is determined every ten years after the completion of the state’s decennial redistricting process. The determination is made using a formula that provides that the deviation cannot be greater than 1%. The Secretary of State provided testimony that allowing some greater deviation would greatly reduce the resources needed to develop the rotation formula and still provide ample variability in outcome, preserving the intent of the statute. The majority of the committee agreed that the requested modification from 1% to 2% was warranted. **Vote 12-8.**

Rep. Paul Bergeron for the **Minority** of Election Law. “Primacy effect” refers to the advantage that one candidate has over another based on his or her position on the ballot, or the advantage that one party has over another based on the party’s position on the ballot. In 2006, the NH Supreme Court found that the “primacy effect may be sufficiently strong to affect one candidate’s victory over another” (*Ralph L. Akins and another v. Secretary of State, No. 2005-794*). RSA 656:5, III now requires the Secretary of State to rotate party columns and some candidate positions on the ballot so that the average deviation “shall be as close to 0 percent as is practicable.” HB 514 proposes increasing the allowable range of deviation to two percent. During testimony, the Deputy Secretary of State said that it was “difficult” to achieve a range of deviation close to 0 percent but also admitted that his office has been able to do so in the past. The Secretary of State’s position that his job would be easier if the acceptable range of deviation for party and candidate rotations were increased is understandable, but the court found “that the primacy effect influences, even to a small degree, the outcome of New Hampshire elections...” Ultimately, the rights of voters and candidates in this matter deserve greater consideration and support than do the wishes of the Secretary of State for an easier process.

**HB 531-FN-LOCAL**, relative to determining the qualifications of voters and establishing provisional voter registration and provisional ballots. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Wayne MacDonald for the **Majority** of Election Law. The majority of the committee agreed that this bill, eliminating the qualified voter affidavit and establishing provisional registration and voting procedures, cannot be implemented at the current time. In part, this legislation would require a person to return to the polls with necessary documentation on the same day they sought to vote. Concerns were raised regarding the enforceability. While the concept is supported as a means to ensure legal voting, the proper implementation of any such practices needs more work before adoption of a bill. **Vote 15-5.**

Rep. Heidi Hamer for the **Minority** of Election Law. This bill would compromise the integrity of our Election Day registration and voting process. New Hampshire has done fine without provisional ballots. Why should we add another complicated step for our already overburdened city and town clerks? New Hampshire has a great team of dedicated election workers and officials who make voting in New Hampshire a smooth and easy process. They should be thanked, rather than overworked.

**HB 535**, relative to the qualified voter affidavit. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Wayne MacDonald for the **Majority** of Election Law. This proposed piece of legislation would repeal the qualified voter affidavit and sworn statement on registration forms now used in Election Day voter registration. It seeks to replace sworn affidavits that have no documentary support with proof of eligibility in the first instance. To do so, it in part seeks to make changes in the voter identification process. The sponsor acknowledged that the bill needs more work. The majority of the committee agreed that establishment of widespread voter fraud is not needed for such practices as it is generally agreed that locking the door before the theft is good practice. However, if this process is to be modified, adjustments to this legislation are necessary. **Vote 17-3.**

Rep. Connie Lane for the **Minority** of Election Law. This bill is yet another bill in the continuing effort to improve voter integrity by making it more difficult for people to vote in NH –this one eliminates the qualified voter affidavit. It will eliminate any alternative for voters to provide identification if they do not have ID or have forgotten it on election day. Despite having no evidence of rampant fraud in NH elections or abuse of the qualified voter affidavit, the minority believe this bill relies on scare tactics and unlikely scenarios of voter fraud. In fact, the primary example that has been used in discussion of this bill is a case involving a voter who was reportedly suffering from mental health issues at the time the voter fraud was committed. The existing law subjects those who submit false affidavits to fines of varying amounts between \$2000-\$5000 and jail time of up to 7 years, all of which are spelled out in the affidavit. No amount of study will make this bill palatable; the minority believes its sole purpose is to make voting more difficult under the guise of voter integrity.

**HB 554**, relative to temporary absence from domicile for voting purposes. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Barbara Griffin for the **Majority** of Election Law. This bill proposes to amend RSA 654:2 which defines a voter’s temporary absence and what impact that absence has on domicile for voting. During the past year, with many relocations due to the pandemic, questions arose as to when being temporarily out of state or in state became a permanent change effecting domicile. Testimony provided to the committee ranged from, “the matter is covered currently” to, “this change was needed to address the issue of a voter being absent and having no physical ties to the state.” While an important issue that should be addressed, the committee and sponsor agreed the bill as drafted needed work and was not ready for passage. **Vote 17-3.**

Rep. Russell Muirhead for the **Minority** of Election Law. The minority is concerned that this bill, in its effort to clarify what counts as a temporary absence from New Hampshire for voting purposes, would unintentionally render New Hampshire residents, who spend substantial time at vacation homes that they own or rent in other states, ineligible to vote in New Hampshire. More generally, the minority is uncertain about the practical problems the bill is meant to address. Because these issues with the underlying bill are unlikely to be remediated, the minority voted against referring for interim study.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**HB 84**, declaring May 21 as Ona “Oney” Judge Day and naming the new terminal at Portsmouth international airport at Pease in her honor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Sytek for the **Majority** of Executive Departments and Administration. This bill would honor Ona “Oney” Judge Staines, a courageous slave who escaped from George Washington’s family. She eventually made her way to Portsmouth New Hampshire, where she married and lived the twilight of her life in freedom. The amendment corrects her name and makes this a one day observance in 2022. The committee noted that commemorations such as these have recently been one day inaugural celebrations. Future Governors are encouraged to continue this proclamation. Further, it was felt that this was appropriately celebrated by the localities where she lived, and is a historically relevant topic for school discussion. Finally, the committee noted that such commemorations when incorporated into state law often get buried there. For example, Constitution Day is a New Hampshire state holiday codified in New Hampshire law that few remember. Ona “Oney” Judge Staines deserves better than to be forgotten. **Vote 15-3.**

Rep. Mark Alliegro for the **Minority** of Executive Departments and Administration. This bill would proclaim May 21 as “Ona Judge Day” and name the new terminal at Portsmouth International Airport in her honor. Ona “Oney” Judge was an escaped slave from the estate of George Washington. The Washington family attempted to persuade her to return but, in the end, let her be. Escaping slavery to freedom was a courageous act by Ms. Judge and approximately 100,000 other righteous escapees. The committee has agreed previously, in bipartisan fashion, that such commemorations are handled to better effect, not by passage of another law, but rather by interested groups petitioning the Governor for a proclamation, or by allowing the pertinent municipalities to recognize and celebrate individuals and events as they see fit. The minority of the committee proposes that the same principle should be applied in this case.

**HB 204**, proclaiming January 24 as “Granny D” day. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Alliegro for the **Majority** of Executive Departments and Administration. This bill would proclaim January 24 as “Granny D” (Doris Haddock) Day.” The committee determined the bill to be inexpedient to legislate, considering that the state already has many commemorative days and the more we add, the less attention is paid to each; and that interest in commemorating Doris Haddock would be better served not by passing another law, but rather by petition to the Governor for a state-wide commemoration, as happened this year, or a local celebration. **Vote 15-3.**

Rep. Timothy Fontneau for the **Minority** of Executive Departments and Administration. The minority believes Doris “Granny D” Haddock has earned the privilege of having an annual day named in her honor. A NH na-

tive, she personified the work ethic and independent spirit of the people of New Hampshire. Throughout her life she advocated for participation in democracy. She gained national attention in 1999 and 2000, when at the age of 90, she walked over 3,200 miles across the USA to advocate for campaign finance reform. Granny D has been named by USA Today as one of the ten most influential women of the last century. It has been said that she symbolizes much of what is great about NH: determination, grit, hope and love for her fellow Americans. Let's honor this great NH native with the recognition she deserves.

**HB 275**, relative to the governor's power to initiate a state of emergency and various emergency powers. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Tony Lekas for the **Majority** of Executive Departments and Administration. As amended, this bill modifies the powers the legislature grants to the Governor related to a state of emergency. When an emergency strikes, the Governor needs the power to deal with the situation promptly. This bill permits the Governor to declare a state of emergency for up to 21 days without involving the legislature. He can then renew that state of emergency up to three times for up to 21 days each. This permits the Governor to maintain his emergency powers for up to 84 days. This bill also grants the legislature the power to meet and terminate individual emergency orders. Currently the legislature can only terminate the state of emergency but not individual emergency orders. During the recent emergency the legislature clearly approved the continuation of the state of emergency as shown by its overwhelming support in a vote in June 2020. However, there was widespread concern about certain emergency orders, for example, the one that did not include places of worship among essential businesses. Because the only option to deal with that would have been to end the entire state of emergency and all emergency orders, the legislature effectively had no way to address the issue. It is important to provide the legislature with finer control of the emergency while still permitting the Governor to react promptly to issues that arise. The main points of this language were agreed to by the current Governor in June of this year. However, it was too late to include this language in any bill at that time and the agreement was to add it to a retained bill. Emergencies have more than one phase. There is the initial phase which requires quick and decisive action which the Governor is better suited to than the legislature. However, after the immediate problems have been dealt with the emergency transitions to a management phase where there are still serious problems that may last for a long time but the situation does not require the same level of urgent response as the initial phase. After the initial phase the people of New Hampshire need to be involved in the process through their legislators. If the legislature believes that the state of emergency should last beyond 84 days it may vote to renew it for up to 90 days at a time and can renew it as often as needed. Concern has been raised that there may be a need to extend the state of emergency but that it might be impossible for the legislature to meet. Even during the recent emergency the legislature was able to meet in less than that amount of time. We have shown that we have the creativity and flexibility to meet and do our duty even under difficult circumstances. Legislation affects the future. This bill is not a referendum on how the recent state of emergency was handled. Even if we believe that the current Governor handled the recent emergency perfectly, we need to consider the possibility that a future Governor may respond in a less appropriate manner. While current statute permits the legislature to meet and vote to end a state of emergency there is a significant difference between the legislature having the power to meet to end a state of emergency and it being required to meet to extend one. Meeting and voting to extend the state of emergency makes it clear to our constituents that we are doing our job representing them rather than sitting on our hands and leaving the responsibility to the Governor. In Part I Article 37 our constitution states in part "In the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit...". A state of emergency is a truly extraordinary thing. It is the suspension of this constitutionally mandated separation of powers. While that may be necessary to respond quickly to an emergency, after some point in time it is no longer justified and the legislature must resume its constitutionally mandated task of guiding the way any remaining problems created by the emergency are managed. That must be an active role, not just standing aside and acquiescing to whatever the Governor chooses to do. Also, if the state of emergency does need to extend beyond 84 days the legislature should have the Governor's back and actively declare its support of how the emergency is being handled. If there is opposition to the state of emergency we should share in the blame or credit of extending it. That is our responsibility as representatives of our constituents. **Vote 10-8.** Rep. Jaci Grote for the **Minority** of Executive Departments and Administration. Current law regarding executive orders, allows the legislature to terminate a state of emergency by concurrent resolution adopted by a majority vote of each chamber. The Governor's power to renew a declaration of a state of emergency terminates under the adoption of the concurrent resolution. We do not see this bill as amended as an improvement to this statute. As representatives of the people of NH, it is our moral and ethical duty, as public servants, to participate in all pertinent powers of the legislature, and therefore, we do not need an additional statute to confirm these responsibilities and obligations.

**HB 414**, relative to evacuations under a state of emergency. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dianne Schuett for the **Majority** of Executive Departments and Administration. This bill proposed to make emergency evacuation orders recommendations rather than orders, and allow services to be denied to those who do not evacuate. While well intentioned, this bill presented several logistical problems. The committee heard from several first responders that their first obligation is the safety of the people they serve and feel honor bound to rescue them. One of them stated that the fact that we have a nuclear facility in our state makes this bill very problematic. There could be difficulties if it becomes necessary to evacuate large groups of residents from an entire area or neighborhood as quickly and efficiently as possible, as those wishing to remain would still have to be contacted. And, if the situation becomes so dire that the residents change their minds and wish to be evacuated, those first responders would then be in more extreme danger trying to assist them later. There were also questions about households with some members wishing to be evacuated and others wishing to stay. The majority of the committee believes there were too many unanswered issues in this bill. **Vote 12-6.**

Rep. Tony Lekas for the **Minority** of Executive Departments and Administration. During a declared state of emergency current statute permits the governor to compel the evacuation of the population in any area effected by the emergency. While such an evacuation order would be issued for the protection of the people in the area the final decision on whether or not to leave one's home should be up to the resident. There is a longstanding American tradition of considering a person's home their castle meaning that a person has additional privileges in their home. This is reflected in the constitution, law, and tradition. Forcing someone to leave their home violates that tradition. On the other hand if someone chooses to ignore a recommendation to evacuate they should have no right to expect that first responders further risk their safety to help them evacuate later and this bill explicitly states that "emergency services shall not be required for those who have chosen not to evacuate." This bill permits the governor to recommend but not compel an evacuation. Do we really want law enforcement to drag people out of their home if they choose to stay? We heard that letting people stay if they refuse to leave is current practice. This has come up during some evacuations related to flooding. This bill would change statute to reflect this practice.

## FINANCE

**HB 91-FN**, relative to death benefits of first responders who die from suicide. **OUGHT TO PASS.**

Rep. Peter Leishman for Finance. This bill will provide a \$100,000 benefit to any first responder's family who loses a family member due to suicide. Division I of the Finance Committee heard compelling testimony that suicide is becoming all too prevalent among our first responders due to the stressful situations they are facing every day. Suicide devastates families both emotionally and financially. Shockingly, on average, five first responders are taking their lives by suicide every year. The committee supports this benefit to aid families during a most difficult period. **Vote 21-0.**

**HB 254**, relative to the placement of minors in secure settings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Keith Erf for Finance. This bill as retained in Finance, provides that under RSA 169-B, when a minor is detained, there must be a continuum of care from least restrictive (community-based) to most restrictive (institutional). HB 254 basically removes simple assault and non-violent offenses from those that can be used to hold minors in an institutional setting. Community placement allows NH to take advantage of Medicaid cost sharing with the federal government. This cost sharing can't occur with minors held in a secure setting. Any child placed out of home must receive a conflict-free assessment to verify the need. The amendment to the retained bill makes three changes: 1) removes three strikes as a cause to commit; 2) adds judicial oversight allowing the courts to place minors in a secure facility even if they fall outside the scope of offenses specifically allowed by this bill; 3) changes the effective dates allowing the current law related to detention of minors awaiting trial to remain in effect until January 1, 2023 while the rest of the bill takes effect September 1, 2022. This gives the Department of Health and Human Services (DHHS) more time to adjust to handling minors that will now be placed in the community utilizing the System of Care DHHS began to develop in the last biennium and for which about \$60 million has been appropriated to continue development in the current biennium. **Vote 21-0.**

**HB 398**, making an appropriation to the department of environmental services for funding eligible wastewater projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gerald Griffin for Finance. This bill as amended fulfills the state funding commitment toward certain wastewater projects, the funding to come from available funds. The amendment updates the effective date. **Vote 21-0.**

**HB 412**, making an appropriation to the department of environmental services for the purpose of funding public water system projects. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tracy Emerick for Finance. This bill provides an appropriation to allow the Department of Environmental Services to accept federal funds to assist public water systems in their preparations for grant requests. **Vote 21-0.**

**HB 536-FN**, relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Leishman for Finance. This will provide a \$100,000 benefit to any municipal or state public works employee's family killed in the line of duty. Municipal and state public works employees are often working in hazardous locations such as construction zones. Division I of the Finance Committee heard testimony that on average one public works or state public works employee is killed every two years. The committee supports this benefit to provide some additional financial support to families dealing with the tragic loss. **Vote 21-0.**

**HB 591-FN**, (New Title) relative to certain liquor license fees. **OUGHT TO PASS.**

Rep. Tracy Emerick for Finance. This bill establishes an annual license fee of \$216 for retailers that sell only tobacco products. This fee will cover the administrative costs for the tobacco only license. **Vote 17-4.**

## FISH AND GAME AND MARINE RESOURCES

**HB 118**, relative to the fish and game commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. John Klose for the **Majority** of Fish and Game and Marine Resources. This is the same bill that we have heard every year since 1998. This bill may have been disguised and slightly changed every time that we have heard it for the last 23 years, but it amounts to the same failures every single time. The sportsmen of the Granite State have spoken loud and clear, they don't want us to meddle with a system that is working as it is. This is another way in which government overreach can compromise and complicate life for our citizens that we are supposed to be working for. **Vote 16-5.**

Rep. Ellen Read for the **Minority** of Fish and Game and Marine Resources. This bill is the latest in a long history of attempts to reform the Fish and Game Commission. Over the last 15 years, there have been numerous commission decisions that ran counter to department biologists' recommendations. These decisions were perceived by large segments of the public as not in the public interest or contrary to the interest of sustaining the native ecosystem for future enjoyment. While the entire committee and all stakeholders agreed that the original bill was ill-conceived and entirely unworkable, over the course of the year since the bill was first submitted, bipartisan members of the committee worked diligently to create an amendment that reflected both the needs of the hunting community as well as the desire to sustainably conserve our native New Hampshire species through scientific data. The proposed amendment allows three of the commissioners to qualify for their commission seats as scientists with advanced degrees or field experience in specific wildlife ecology fields. Further, a weak requirement in current law was identified that may allow inexperienced and unknowledgeable individuals to qualify to be on the commission by simply purchasing, without ever using or intending to use, a hunting, fishing, or trapping license. The proposed amendment addresses this problem by strengthening the existing license requirement, which would apply to the other seven county-based seats that were not filled by the three scientists, from five years to seven years, and requiring proof of affidavit of take in the past 10 years. The minority feels strongly that reforms on commission requirements are long overdue, as evidenced by the repeated public outcry and the multiple studies, bills, and audits on the issue. The minority further believes that the bill as amended was carefully and thoughtfully written, addresses the needs of both the hunting and conservation communities, and represents a good faith, logical, bipartisan compromise. The bill as amended would put this long standing issue to rest by ensuring that all of our commissioners are knowledgeable and well qualified, and are acting solely in the interest of the long term sustainment and enjoyment of our native New Hampshire species.

**HB 490**, permitting the use of live-action game cameras. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for the **Majority** of Fish and Game and Marine Resources. As technology changes, so must the world. This bill as amended addressed using game cams while hunting. We addressed the "fair chase" concept by placing some time restriction on the use of game cams to assist in the 'taking' of wildlife. Also during the public hearing it became abundantly clear a missed topic was private property rights. We decided to treat this bill along the same lines as the current hunting laws regarding the placement of tree stands on private property. In short, we amended the original bill allowing the use of game cams, adding, if placed on private property open to hunting, then written land owner permission to place game cam or land owner posting to allow game cams are required. Additionally, all game cams must be marked with game cam owner contact info. Fish and Game agrees the amendment makes the bill much better for private land owners and enforcement, the NH Timberland Owners Association, that represents large tract land owners here in NH, also supports the bill. **Vote 14-7.**

Rep. Cathryn Harvey for the **Minority** of Fish and Game and Marine Resources. This bill as amended would permit the use of live action game cameras while hunting. The minority believes that permitting such devices, sometimes several on one landowner's property, could be impossible to regulate. There was testimony suggesting that enforcement of the regulations set forth in the bill would be extremely difficult. More importantly, the minority further believes that using live action cameras to locate animals for a hunter to harvest, even with the time delay, does not support fair chase hunting.

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 103-FN**, establishing a dental benefit under the state Medicaid program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Schapiro for the **Majority** of Health, Human Services and Elderly Affairs. In 2019, HB 692 was passed and signed into law establishing, in principle, an adult Medicaid dental benefit. Since that time, various attempts to implement this program, either through legislation or budget appropriations, have run into insurmountable obstacles and ultimately failed. This bill, as amended, intends to finally bring this program into existence. It outlines the scope of services, describes the intended delivery model, and appropriates money to fund the program. The result of a bipartisan compromise which pares down benefits and adds cost sharing, it will make available comprehensive, preventative, and restorative oral health care that is critical to maintaining overall health, preventing pain and suffering and decreasing costs associated with emergency room visits. If passed by the House and the Senate and signed into law by the governor, dental services will at long last become available to tens of thousands of low income NH residents as of April 1, 2023. **Vote 19-1.** Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. The minority recommends Inexpedient to Legislate on the grounds that this bill would substantively expand an existing government program, creating an additional burden for taxpayers.

## JUDICIARY

**HB 359**, creating a private cause of action for discrimination based on hairstyles relative to a person's ethnicity. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark McLean for the **Majority** of Judiciary. This bill seeks to create a private cause of action for discrimination based on hairstyles relative to a person's ethnicity. While the entirety of the Judiciary Committee felt that discrimination based on hairstyles should not be sanctioned, the majority felt that adding such a specific sub-category to the discrimination statutes would introduce a granularity that would diminish the power of the protections offered by the statute's broader classifications such as age, sex, and race. The main concern with this granular approach is that it might be possible to consider that sub-categories not explicitly listed within a given class are not offered protection. **Vote 11-10.**

Rep. Alexis Simpson for the **Minority** of Judiciary. A subcommittee of the Judiciary Committee studied the underlying issue of discrimination addressed by the bill and recommended an amendment. The minority amendment would add language to the statutes to disallow discrimination based on hairstyles and head coverings and to allow a person the ability to seek a remedy in the courts. This type of discrimination affects a broad cross-section of people including individuals from some religious communities, racial and ethnic minorities, LGBTQ+ communities, and those who wear protective head coverings for medical reasons.

**HB 478**, relative to treatment of PFAS contaminants in the drinking water of the Merrimack Village Water District. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark McLean for the **Majority** of Judiciary. This bill requires that Saint Gobain Performance Plastics pay for the remediation of water in certain wells in Merrimack that it contaminated with PFAS. The maintenance agreement that Merrimack entered into with Saint Gobain is scheduled to end in 2023. Information obtained since the agreement was entered into indicates that treatment will be necessary beyond this date, and the bill would force an extension of this agreement for as long as treatment is required. The majority of the Judiciary Committee felt that a legislative solution was not necessary and that the proper approach would be for the town to return to the courts with the new information and seek a modification to update the terms of the agreement. **Vote 14-7.**

Rep. Alexis Simpson for the **Minority** of Judiciary. Through its manufacturing operations, Saint Gobain (SG) contaminated groundwater with toxic PFAS chemicals, including wells of Merrimack's municipal water provider, Merrimack Village District (MVD). This bill would require SG to take full financial responsibility for installing and maintaining filtration systems for two of the directly impacted MVD wells to ensure the water meets NH's drinking water standards for PFAS. Currently, MVD rate payers are bearing costs that should be the sole responsibility of the polluter. An initial agreement between MVD and SG addressed short-term needs to address well contamination, but remediation is expected to be on-going for many more years.

**HB 597-FN**, relative to the expectation of privacy. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill, as amended, broadly defines what kinds of "personal information" are protected under the recently enacted right of privacy provision in Part 1, Art. 2-b of the NH Constitution to include employment, credit, financial, biometric identifiers, images, location, etc. It says no government or government contractor "shall, acquire, collect, retain, or use any personal information of any individual residing in New Hampshire from any third-party provider," which is also broadly defined. It includes all data already subject to the typical privacy protections. The bill clearly exempts data "acquired, collected, retained, or used by any state regulatory or administrative agency when such acquisition, collection,

retention, or use is within the agency's regulatory, investigative, adjudicatory, or administrative function." Additional exclusions for law enforcement with a warrant, emergency situations where the data is needed for the person's protection or safety, and anytime collection is specifically authorized by law, allow full functioning of government agencies, but limits use in such cases to the specifically authorized purpose. It also includes penalty for violation and authority for injured individuals to get monetary damages including attorney's fees. The committee believes it very important to start creating the statutes to implement Part 1, Art. 2-b and gave it strong bipartisan support. **Vote 18-3.**

Rep. Joe Alexander for the **Minority** of Judiciary. The minority believes that this bill needs a lot of work and is not ready for prime time. In 2018, NH voters passed a constitutional amendment guaranteeing themselves a certain expectation of privacy. This bill and its amendment would add "teeth" to the constitutional amendment by creating a cause of action for a violation of privacy. The minority believes there is merit to creating a new cause of action but also believes that this bill and its amendment opens the proverbial "barn door" wide open with its many new definitions and broad language. First, the definition for "personal information" is incredibly broad and includes everything from telephone numbers, facial recognition, and genetic profiles to such things as social media profiles and Netflix show preferences. If a government agency or third-party provider shares this information, whether intentional or not, they are in violation and are subject to a lawsuit. The minimum damages to be awarded for a successful lawsuit is \$1,000 for each violation. The amendment would remove the word "intentional" from the original bill which would lower the standard of proof needed for the prosecution. This also means that if a government agency or third-party provider as defined in this bill is hacked and information is shared, that company or government agency would be subject to a violation of \$1,000 or more for each violation. The minority agrees with the majority that there needs to be "teeth" to the new constitutional amendment for privacy, however the majority believes the bite will be from a great white shark rather than from a dog.

**HB 622-FN**, protecting nascent human life as a reasonable and valid state interest. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Smith for the **Majority** of Judiciary. This bill came before the Judiciary Committee last winter as one of a number of bills relating to abortion. The Judiciary Committee voted to send all the bills but this one to the floor. This bill was retained. Since then, the legislature has acted on a number of bills relating to this topic, including HB 2 which contained the Fetal Life Protection Act. In light of all the legislative actions taken since this bill was retained, the committee, after extensive discussion and procedural actions, voted to amend this bill as introduced, to remove one section of the Fetal Life Protection Act, the section requiring an ultrasound examination. The majority of the committee concluded that a decision as to whether or not an ultrasound examination should be conducted required a medical determination, made by the medical professionals and the patient, and not a legislative determination. Although the bill number remains, this amendment changes the original intent of the sponsors. **Vote 11-10.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. The minority of the committee believes removing the ultrasound requirement prior to an abortion of a baby even close to the 24-week threshold of the law creates an immediate and substantial risk to the mother's health. The mother's risk increases with each passing week as the baby grows larger. Late term abortions have substantial risk of serious, even life-threatening, complications for the mother. Many are performed under ultrasound guidance for that reason. The minority takes the mother's health seriously and recommends the existing law be continued.

## **LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

**HB 517-FN**, relative to the state minimum hourly rate. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This minimum wage legislation would initially mandate the hourly minimum wage to be the higher of the federal minimum wage or \$12.75. The minimum wage would increase, in annual steps, to \$15 an hour in 2024, and then continue to rise annually based on a consumer price index. New Hampshire is currently experiencing a considerable labor shortage. Examples abound of businesses offering starting wages (with the addition of sign-on bonuses and benefits) well above the hourly rates this bill seeks to mandate. As with other bills that have repeatedly come before this committee regarding minimum wage rate hikes, the majority finds that allowing the economic principles of the free market, competition, and supply and demand to prevail is preferable to having politicians and bureaucrats setting arbitrary and artificial minimum wage rates. **Vote 11-9.**

Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. New Hampshire has no state minimum wage, but uses the federal minimum wage of \$7.25 per hour to set our minimum rate. New Hampshire's effective minimum wage is far behind all the other New England states. Rhode Island is currently \$11.50, Vermont is \$11.75, Connecticut is \$12.00, Maine is \$12.15 and Massachusetts is currently \$13.50. Several of these states have established a path to reach \$15.00 per hour in a few years. This bill would also put us on a path to \$15.00 in 2024. New Hampshire needs to send a message to workers looking

to relocate that we care about paying workers decent wages. Our \$7.25 message does just the opposite. We are long past due to create a true New Hampshire minimum wage that competes with the minimum wages in neighboring states.

**HB 589-FN**, requiring workers' compensation to cover prophylactic treatment for critical exposure **OUGHT TO PASS WITH AMENDMENT**.

Rep. Michael Cahill for Labor, Industrial and Rehabilitative Services. Workers' compensation is currently required to cover prophylactic treatment for first responders who suffer critical exposure. The bill deletes language from the definition of critical exposure that excludes exposure from "tears, saliva, or perspiration, unless these are visibly contaminated with blood, of a magnitude that can result in transmission of bloodborne disease." It may not be feasible for the person on the receiving end of saliva spit into their eyes or mouth to check for visible blood and the amount of blood that could transmit disease is not defined. Passage of the bill, as amended, will spare the municipality and its first responders from being billed for medical examination and treatment, which will be determined by the medical provider based on the physical exam and accounts of the incident, in the event such an exposure occurs. The bill had strong bipartisan support among its sponsors and in the committee vote. **Vote 14-6**.

## LEGISLATIVE ADMINISTRATION

**HB 558**, establishing a committee to study the use of information technology in the legislative process. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS**.

Rep. Matthew Simon for the **Majority** of Legislative Administration. This bill seeks to establish a committee to study the use of information technology in the legislative process. After hearing testimony from the Chief Operating Officer and Lead Engineer for the General Court Technology Services, those most directly involved in the implementation of technology at the State House, it is the opinion of the majority that adding a study committee would unnecessarily duplicate current work and overly complicate the research process. We were informed that the Joint Committee on Legislative Facilities is already in charge of overseeing these issues. Under their supervision, technology is being updated and implemented in keeping with House Rules. Also, the staff of the General Court Technology Services, have already done most of the research and networking which this bill seeks to address. After a year and a half of hands-on experience they feel they have the knowledge and skills necessary to address the potential needs of the General Court in the future. They informed our committee that although they do not think an official study committee is the right mechanism to further the conversation on the use of technology, any member of the General Court, individually or as an *ad hoc* committee, is welcome to the information they have gathered upon request. To date, no one has pursued this information. **Vote 9-7**.

Rep. Timothy Smith for the **Minority** of Legislative Administration. This bill would provide an official framework to examine what rule or statutory changes might be needed, if any, as we add more technology into the legislative process moving forward. The existence of a study committee would not impede any existing or ongoing work, and if anything could complement that work by helping come to funding requirement estimates, rule changes, or policy changes that might be needed to accommodate recent developments over the last several years. Having a proper study committee would make the work official, rather than an *ad hoc* committee which would have no official standing at all.

## PUBLIC WORKS AND HIGHWAYS

**HB 122-A**, making an appropriation to the Carroll and Strafford counties freight rail improvements project and making an appropriation for the Coos county freight rail improvement project. **OUGHT TO PASS WITH AMENDMENT**. Rep. Bill Boyd for Public Works and Highways. The committee amendment replaces the entire bill including the title. Within the recently passed Capital Budget (HB 25), there is a project for the construction of a new aviation hangar. Originally, this was supposed to be a joint endeavor between the Department of Military Affairs & Veterans Services (DMAVS) and the Department of Safety (DOS), with DMAVS to be the lead agency. The new hangar facility would be a shared facility between DMAVS and DOS with the new facility for national guard helicopters and the smaller portion for the state police helicopters. The national guard's portion was to be fully funded with federal funds while general fund bonds would pay for the state police portion. After the completion of the Capital Budget, the Adjutant General was informed by the Department of Defense about changes to regulations concerning the use of fire-fighting foam containing PFAS/PFOAS. The new regulations require that any new construction, such as the national guard aviation hangar contained in HB 25, be done with an alternative and more costly fire suppression system. However, no additional federal funds were made available to cover the increased cost; therefore, the national guard hangar expansion is on hold until additional federal funds become available. DOS has adequate funding to complete their aviation hangar, and needs to move forward in order to get out of the leased hangar space they are currently using. The amendment simply separates the project into two distinct projects under the appropriate agency. It does not change the money allocated in HB 25 to the hangar, but simply clarifies who is responsible for the projects going forward. **Vote 18-0**.

## RESOURCES, RECREATION AND DEVELOPMENT

**HB 571**, repealing the prohibition against OHRV travel on Hoit Road Marsh. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Andrew Renzullo for the **Majority** of Resources, Recreation and Development. This bill repeals the prohibition against OHRV travel on Hoit Road Marsh in the city of Concord. The hearing was quite intense. The local residents complained of the noise and environmental effect. The riders testified they were on a large pond surrounded by trees and were recreating legally on the public waters (frozen). They testified that they were respectful of the residents and took care to avoid conflicts. The residents disagreed. With all that conflicting testimony you would think that, prior to enacting the ban in 2019, a site visit would have been done by some committee, before the bill that enacted said ban was passed. That's the best way to verify the veracity of the testimony before the ban became law, part of the statutes. However, there was no committee hearing, nor was there a bill. It was added in the 2019 HB2 "trailer bill," item #291 - "OHRV's shall be prohibited from traveling on Hoit Road Marsh in the city of Concord." The legislative process was nonexistent on this language. Even with the political sleight of hand that occurred 2019, the current House Resources, Recreation and Development committee still had sufficient credible evidence, from a reputable source, to reach a decision. The pond, and much of its environs, is under the control of the New Hampshire Fish and Game Department. The department testimony favored the position of the riders. They testified that no outright bans like this exist in the state. They had processed some complaints prior to the ban and came down on the side of the riders. Whereas, Hoit Road Marsh, being greater than 10 acres, belongs to the people of New Hampshire. Thus every person in New Hampshire has an equal right to recreate on the Hoit Road Marsh, be they rider or landowner. A OHRV rider in winter has the same rights as a boater in summer. The majority of the committee is concerned more shoreline landowners may pressure their legislators to work outside the accepted legislative process to limit recreational access to state waters. Therefore, the majority of the committee voted to repeal the prohibition against OHRV travel on Hoit Road Marsh in the city of Concord and return everyone to their prior positions. **Vote 11-10.**

Rep. Suzanne Smith for the **Minority** of Resources, Recreation and Development. This bill will reopen Hoyt Road Marsh in Concord to OHRVs during the winter months for ice riding on motorcycles and other wheeled vehicles. Hoyt Road Marsh has been closed to OHRV use since the winter of 2019-2020. During the public hearing, the committee heard from a number of Concord residents whose right to peaceful enjoyment at their homes has been compromised by the noise and crowds both spectating and riding motorcycles on a frozen Hoyt Road Marsh. The committee heard from ice riders--many of them children and teens -- who race around a cleared track on the frozen Marsh on their modified dirt bikes, sometimes traveling at 50 mph. Another important consideration the committee heard about was congestion on Hoyt Road due to lack of parking and lack of sanitation facilities for the crowds that gather to participate in ice riding. During the winter of 2018-2019, Concord residents complained to the city council about the noise and disruption on and around Hoyt Road Marsh. The city pursued passing an ordinance to prohibit OHRVs on the ice but soon found out that since Hoyt Road Marsh is over 10 acres, it is under the jurisdiction of the state, not the city of Concord. Because it was too late to file legislation in 2019, the prohibition was included in HB2, the trailer bill which was signed by the governor. The minority believes that since there are other opportunities for ice riding within a 30 minute drive and those ponds and lakes are being utilized by riders presently, and because of concerns related to the lack of portable toilets and parking which are the city's responsibility, the prohibition should remain in place.

**HB 611-FN**, abolishing fluoridation in water. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Post for the **Majority** of Resources, Recreation and Development. Fluoridation of public water systems currently exists in 10 NH municipalities. However, there is extensive evidence of health risks associated with fluoride ingestion via the mass distribution of fluoride in the public water system. Conversely, topical fluoride treatment is considered a best practice for the prevention of tooth decay for children ages 0-12 years and administration of fluoride during this age range helps prevent dental problems later in life. Topical fluoride is inexpensive and widely available in fluoridated tooth pastes and mouth rinses, oral supplements and direct-contact professional treatments typically provided with dental cleanings. These methods allow for parents to have control of their children's fluoride intake and dosage. Unlike the uncontrolled fluoride ingestion inherent in water system administration, controlled topical intake can help prevent fluorosis which can lead to negative impacts. In addition to potential adverse health effects, municipal water consumers are prevented from opting out of fluoride-treated water unless they assume costly home filtration systems or purchase non-fluoridated water. Because of the risks of fluoride ingestion along with the widespread availability of topical fluoride, and the lack of individual-informed consent for this medical treatment for municipal water consumers, the majority of the committee believes that fluoridation should not be a decision of a government body, but a decision of the individual, and therefore recommends this bill Ought to Pass as Amended. The amendment (adopted unanimously) simplified the text of the bill and focused the intent by removing superfluous language. **Vote 12-9.**

Rep. Chuck Grassie for the **Minority** of Resources, Recreation and Development. The use of fluoride to prevent dental caries is extremely well studied intervention. Numerous policy statements from several health organizations support this practice, including the American Academy of Pediatrics (AAP), the American Dental Association (ADA), and the Centers for Disease Control and Prevention (CDC). Dental caries in the United States is responsible for many of the 51 million school hours lost per year because of dental-related illness, which translates into lost work hours for the adult caregiver. Early childhood caries is the single greatest risk factor for caries in the permanent dentition. Good oral health is a necessary part of overall health, and studies have demonstrated adverse effects of poor oral health on multiple chronic conditions, including diabetes control. Failure to prevent caries has health, educational, and financial consequences at both the individual and societal levels. Community water fluoridation is the practice of adding a small amount of fluoride to the water supply to achieve a fluoride concentration of 0.7 ppm. Community water fluoridation is a safe, efficient, and cost-effective way to prevent tooth decay and has been shown to reduce tooth decay by 25%. It prevents tooth decay by providing both topical and systemic exposure of low levels of fluoride to the teeth over time. More than 210 million Americans live in communities with optimally fluoridated water. Fluoride is an extremely well-studied intervention to prevent dental caries in children. Mechanisms of giving fluoride to children include fluoride varnish, fluoridated toothpaste, and community water fluoridation. There are fluoride supplements available for children in communities without water fluoridation, but this puts a burden on families and many children would likely miss out on this important aspect of preventative health care. Children who suffer from dental caries experience risks of pain and infection, and repair of dental caries often necessitates the use of general anesthesia. Successful efforts to remove fluoride from public drinking water have seen a recent reversal, with communities in both the United State and Canada reintroducing fluoride back into their drinking water. As recently as October 2021 Calgary, Alberta, Canada reintroduced fluoride into their drinking water when they found that decay in children's teeth had risen by 65 percent compared to 2005 when fluoride was removed. It was also noted that decay was so large that children's teeth were in many cases totally destroyed. Juneau, Alaska is another community that has recently reintroduced fluoride back into their drinking water after seeing similar results. During committee we heard testimony that contrary to statements made by the opposition, the fluoride which is added to our drinking water is not an industrial waste product, and that studies showing that fluoride in our drinking water at the current concentrations are not dangerous, and that studies questioning such are inconclusive or simply bad science. Community water fluoridation is recommended by nearly all public health, medical, and dental organizations. It is recommended by the American Dental Association, American Academy of Pediatrics, US Public Health Service, and World Health Organization. Because of its contribution to the large decline in cavities in the United States since the 1960s, CDC named community water fluoridation one of 10 great public health achievements of the 20<sup>th</sup> century. The minority believes that to eliminate fluoride at the state level will take away local control and lead to greater health problem for the most vulnerable member of our state, our children.

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 153**, establishing a committee to study universal Internet access for New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Michael Vose for the **Majority** of Science, Technology and Energy. Since 2005, the General Court has convened several committees/commissions to study the expansion of broadband in our state. This issue has become well understood. Past study committees have produced a wealth of information as well as numerous recommendations to ensure that citizens obtain access no matter where they live. Implementing those measures remains an elusive goal, but progress in recent years left the majority with a reasonable assurance that the end of this struggle is in sight, and that further study would be pointless. **Vote 18-3.** Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. Universal access to high speed, reliable internet communications is essential for New Hampshire to remain competitive with neighbor states in attracting a young, highly educated workforce and innovative, high wage industries. Universal access is also required for residents to access telemedicine, workplaces, and educational institutions, as well as government and emergency services. Communities without such access will suffer harm and be economically and socially disadvantaged. Unfortunately, too many New Hampshire households, municipal governments and business establishments lack the infrastructure or the means to acquire connectivity of sufficient quality to achieve equitable participation for all, in both rural and urban contexts. What can a study committee accomplish? It can provide a comprehensive examination of the issue, propose timely solutions and bring together stakeholders to avoid duplication of efforts, failures of interconnectivity, or the waste of scarce investment funds.

**HB 167-FN**, relative to net energy metering limits for customer generators and the purchase of output of limited electrical energy producers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Nick White for the **Majority** of Science, Technology and Energy. This bill duplicates the content and intent of HB 1218 and SB 159 from last session. Both were passed and subsequently vetoed by the Governor,

and those vetoes were sustained. This bill expands net-metering in ways that would result in higher costs for utility ratepayers, and unfairly favors certain energy generators. HB 167 also contains changes to the limited electrical energy producer statute that were rejected earlier this year, along with provisions to implement group net metering for municipal hosts, which became law with the passage of HB 315. **Vote 11-10.**

Rep. Kat McGhee for the **Minority** of Science, Technology and Energy. The House Science, Technology & Energy Committee has made several attempts to move New Hampshire's renewable energy market forward by adopting a net metering policy that properly credits small electric generators for the value of their local, sustainable energy. Past vetoes of similar bills cited a concern for cost-shifting from those investing in, and benefiting from, renewables, to those who do not. However, the evidence presented to our committee by state agencies indicated that no such cost-shifting had been uncovered in their most recent review of increasing net-metering caps. Although a carve-out for municipalities was passed this term, there still remains a need for pricing signals from the Public Utilities Commission on the remaining small generators who are not compensated for net-metering from 1 MW to 5 MW. This bill would raise the net metering cap for all those who produce energy locally, not simply municipalities. It would also direct regulators to define the rules more clearly for how limited electric energy producers will be handled, an area of the law that still needs definition.

**HB 172**, establishing greenhouse gas emission reduction goals for the state and establishing a climate action plan. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tom Ploszaj for the **Majority** of Science, Technology and Energy. This bill addresses the goal to mitigate the warming of the world climate by reducing New Hampshire's greenhouse gas emissions with three, thirteen, and twenty-eight-year plans seeking to reduce the use of fossil fuels in New Hampshire. The majority believes the climate action plan will have a significant negative impact on the state's economy, will increase energy costs, and is unattainable without major disruption of our existing economy. The state's greenhouse gas emissions are below per capita emissions of other states and will, at great expense, have minimal influence on the world's greenhouse gas emissions or climate. **Vote 11-10.**

Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. The changing climate provides both opportunities and hazards for New Hampshire residents and businesses, and this bill enables us to better prepare and protect our residents, businesses, and natural resources to meet these challenges. Adopting a climate action plan provides an opportunity for goal setting, strategic planning, and proactively addressing the impacts of a rapidly changing climate. This bill proposes that the legislature adopt a set of interim targets for greenhouse gas emission reductions in 2025 and 2035 and a goal of net zero emissions in 2050. It also authorizes our state agencies to formulate an action plan to achieve these goals, and for the plan to be reviewed and updated every 5 years. It should be noted that prior to any program or statute resulting from this planning process to come into being it must first come before the legislature for scrutiny and approval. A housekeeping floor amendment will be introduced to adjust reporting dates and include the Department of Energy among the lead agencies.

**HB 308**, relative to broadband access to pole attachments. **INEXPEDIENT TO LEGISLATE.**

Rep. JD Bernardy for Science, Technology and Energy. This bill provides payment for pole replacement costs when necessary to accommodate the provisioning of broadband Internet services. The committee recommends this legislation be found Inexpedient to Legislate due to the recent approval of HB 2 (Chapter 91:455, Laws of 2021) creating a Broadband Matching Grant Initiative where grants would be available in unserved areas. Eligible costs include access to utility poles and construction of broadband infrastructure. Additionally, the recent passage of SB 88 authorizes municipalities, counties, and communications districts to issue bonds to deploy, manage and maintain broadband networks. **Vote 14-7.**

**HB 376**, establishing a committee to study applications of microgrids in electricity supply. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. JD Bernardy for the **Majority** of Science, Technology and Energy. The proposed committee was found unnecessary because the Public Utilities Commission already has an active docket on the same subject. Additionally, the University of New Hampshire (UNH) is currently building a microgrid for emergency services. A subcommittee agreed that information concerning the building of the UNH microgrid could be provided to the full committee by request via a letter from the committee for such data. **Vote 12-9.**

Rep. Peter Somssich for the **Minority** of Science, Technology and Energy. This bill would establish a committee to study application of microgrids in our electrical supply in New Hampshire. After the recent passage of HB 315 enabling community power projects in New Hampshire, and the current work on the first-ever microgrid being created at the University of New Hampshire (UNH) with the assistance of both the electrical and gas utilities, it is worthwhile looking at all of the options available to all communities large and small. A primary function for microgrids is to provide energy islands that can function off the grid in case of emergencies. However, other options include connecting small neighborhoods that generate and share their own energy, all the way to connecting multiple communities to create a network that supports all essential services. Such microgrids could contain both renewable energy as well as conventional sources, however, they would

be administered locally off the grid without needing permission from utilities that utilize the grid. A study committee could identify the most feasible options with the best return on investment as well as options that create more energy independence for New Hampshire cities and towns.

**HB 382**, establishing a commission to study the utility rate structure of demand charges. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Fred Plett for the **Majority** of Science, Technology and Energy. This bill would have established a commission to study the utility rate structure of demand charges. Demand charges are well understood by the electric utilities and by the NH Public Utilities Commission (NHPUC) and are designed to follow cost of service as closely as possible for commercial and industrial consumers. Utility costs are generally customer-related (those costs existing simply because a customer must be served, such as meters and meter reading), energy-related (for example, wires larger than the minimum needed to provide load, so that energy losses are reduced), or demand-related. Some demand-related costs can be included in energy charges when it can be shown that increased energy has a relationship with demand-related contributions to peak conditions, but the remaining demand-related costs must be passed through a demand charge. For small commercial customers of widely different characteristics (gas stations, convenience stores, commercial buildings, etc.) with only an indicating demand meter (measuring the peak consumption for 15 minutes or a half hour each month), this is imperfect but better than not including a demand component in rates, and for large commercial and industrial customers, it works very well. The NHPUC is already empowered to make changes in utility tariffs and has the expertise that a commission would not have. **Vote 11-10.**

Rep. Lucius Parshall for the **Minority** of Science, Technology and Energy. Demand charges are calculated based not on kWh, but a call for instantaneous kW usage. kWh is a measure of consumption over a period of time - a month for most of us. kW demand differs as it is based on peak usage at any point over that month. A church that is open on Sundays has a very high demand for three hours, even if the church is empty the rest of the week. A home has peak demand from 5 to 11 PM, give or take. The electric utilities base their rates on these peak demands, and extend the rate throughout the billing cycle, the logic being that the utility has to be prepared for maximum demand. However, this creates a situation where some consumers pay more than their fair share in the cost of keeping our utilities at peak performance. This report advocates for a commission to examine the demand charge policy to measure and level the playing field for all consumers, particularly those that have high peak demands at identified low usage hours. A study group is vital in assessing the magnitude of potential inequalities inherent in current demand charge policy and flatten our demand curve. If we ever hope to adopt the usage of better technology such as smart meters, we all need to ensure that the most informed and current facts guide our legislation. This bill is a step in that direction.

**HB 394**, establishing a commission to study the short and long term impacts of pending national and regional carbon pricing mechanisms on New Hampshire's residents, agriculture, wildlife and natural resources-based tourism sector, and commercial enterprises. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill would establish a commission to study the short- and long-term impacts of pending national and regional carbon pricing mechanisms on New Hampshire's residents, agriculture, wildlife, and natural resources-based tourism sector, as well as commercial enterprises. Committee discussion focused on the changing environment and the need for more study. However, the majority felt carbon pricing has been around for a long time in other countries without much to show for it, and at exceedingly increased costs to local economies. Additionally, until it is known when a national policy will be established, the majority felt it premature to form a commission. A subcommittee was formed to discuss the bill and found that the newly established Department of Energy would likely be watching national carbon pricing issues and react accordingly. Following the subcommittee's lead, the majority felt Inexpedient to Legislate was the proper recommendation. **Vote 11-10.**

Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. Why establish a commission to investigate the possible impacts on NH of carbon pricing mechanisms that may be introduced at the national or regional level? In order to ensure that our residents, businesses and commercial establishments are prepared to take maximum advantage of the benefits of any such programs and that we are able to establish safeguards against any unintended consequences or unnecessary costs. We know that the burden on human health, longevity, natural resources and our environment are not currently included in the prices we pay for carbon-based fuels, and that these costs are not shared equitably across our state. Measures to address this market failure are being proposed and NH needs to be prepared. We simply cannot afford to hide our heads in the ground and leave the impacts of measures adopted elsewhere to work their way through our economy without any provision for guardrails or positive steps to maximize the benefits for NH.

**HB 410**, establishing a committee to study the requirements of reporting by utility companies of information required for valuation of certain utility property for purposes of RSA 72. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Troy Merner for Science, Technology and Energy. The purpose of this commission is to look at the 59 generating facilities in the state of New Hampshire that may not be reporting their inventory or paying their taxes. The commission will work with the municipalities and the power generation association and come up with a recommended unified approach to be utilized by both the Department of Revenue Administration and municipalities. **Vote 19-2.**

**HB 543**, establishing a commission to study nuclear power and nuclear reactor technology in New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. JD Bernardy for the **Majority** of Science, Technology and Energy. The proposed commission will be charged with investigating advances in advanced fast neutron nuclear power technologies, large, small, and micro scale designs, and the potential to eliminate spent fuel rod waste from current thermal neutron technology, as well as investigating partnerships with industry, the Nuclear Regulatory Commission and development incentives that may be available. Because these technologies offer the possibility of eliminating long lived nuclear waste from the Seabrook facility, diversifying electricity production options and providing dispatchable carbon free power, approval is recommended. **Vote 15-6.**

Rep. Peter Somssich for the **Minority** of Science, Technology and Energy. This bill would establish a commission to study nuclear power and nuclear reactor technology in New Hampshire. While the minority agrees that this type of commission could be very useful to gather information about the newest nuclear technology and issues surrounding nuclear waste and nuclear waste disposal, the bill as written is far too broad in scope and jurisdiction. Most nuclear issues are not regulated by the state, but fall under federal and regional jurisdiction leaving very little that New Hampshire could actually regulate or control. Additionally, this bill mentions a laundry list of highly technical and complicated issues which would require such a commission to work for multiple years (provided that they have access to the relevant experts), before they could issue any type of report. Many of the technologies mentioned are still experimental and not yet commercially available, in fact, may never be commercialized. As a science project to gain some new incite it could be useful if it is significantly narrowed down to only viable options that are under the jurisdiction of New Hampshire agencies.

**HB 549**, relative to the energy efficiency resource standard and the system benefits charge. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. The bill, as amended, sets the energy efficiency electricity surcharge, known as the system benefits charge (SBC), to the level it attained in 2020 – a historic high. It furthers allows the SBC to grow yearly by a three-year average of the consumer price index plus 0.25%. Such a growth path will allow the SBC to grow by \$5-\$10 million a year, which contrasts sharply with the \$30-\$70 million increases requested by a plan currently pending before the Public Utilities Commission (PUC). Currently, the SBC costs the average ratepayer \$2-\$8 per month (depending on usage) and would easily double in three years under the pending plan. The bill maintains low-income energy efficiency programs as currently funded. It further delegates authority and funding to the Energy Efficiency and Sustainable Energy (EESE) Board to develop programs to educate the ratepaying public about the benefits of energy efficiency. The EESE Board will no longer develop plans to implement energy efficiency programs under this bill. The bill also subjects the natural gas surcharge called the local distribution adjustment charge (LDAC) to the same growth formula as the SBC. Importantly, this bill restores to the legislature its constitutionally mandated authority over the setting of taxes like the SBC and LDAC, which are de facto taxes on energy. **Vote 11-10.**

Rep. Peter Somssich for the **Minority** of Science, Technology and Energy. This bill would dramatically change the energy efficiency resource standard and the way that the systems benefit charge (SBC) would be established and applied. During the initial hearing an overwhelming number (50 to one ratio) of the input regarding this bill was to reject it. This is not a surprise since this bill radically changes how the energy efficiency program is applied and who gets to evaluate and determine the SBC, which helps to fund desperately needed and numerous programs regarding energy efficiency including energy audits for low-income NH residents. During the retained bill process, three new amendments were proposed, which did make some improvements. However, most of these still faced much opposition. Such radical changes to the energy efficiency program and the jurisdiction over the SBC should have a complete and thorough hearing and vetting process before being considered for a final vote. The minority does not oppose possible changes to these programs, however, when they are so substantive, a more thoughtful and extensive process should be followed.

## **SPECIAL COMMITTEE ON REDISTRICTING**

**HB 50**, apportioning state representative districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for the **Majority** of Special Committee on Redistricting. This bill, as amended, is the committee's recommendation for apportionment of state representative districts according to the 2020 census. The districts were developed to meet Federal and State constitutional criteria. In the first step, the committee

agreed that the 2020 census figures would be used. Consideration was given to the number of representatives as the constitution allows 375 to 400 representations. The committee agreed that there would continue to be 400 representatives and those representatives were then allocated, by unanimous committee votes, among the 10 counties. Due to population shifts Cheshire, Coos and Grafton counties lost a representative. Alternatively, three counties gained a representative. Those counties are Hillsborough, Rockingham, and Strafford. The committee held public sessions in each county of the state to receive input on what was desired in the new districts. The committee then worked on development of the district maps using a computer program that calculated representation using the component method, the same method used 10 years ago which has been approved by our Supreme Court. After the committee reviewed proposed districts and the associated maps, those maps were posted online. The committee then held hours of public sessions on the districts and maps developed by the committee in order to receive public input. The districts were then reviewed and, in some cases, revised based on public input, review of other proposals, and continued work. This bill as amended presents districts within counties which were created meeting the usual definition of "reasonable deviation," namely 10%. All districts are contiguous and no town boundaries were broken. All towns are in a non-floterial district, some with a floterial, in order to meet the representation required. Where possible and practicable, single town districts were created without depriving another town of its fair representation. Where possible and practical, cities were kept within their boundaries not sharing districts with adjoining towns. The majority of the committee believes that the districts as proposed will provide for constitutional and fair representation in state governance. **Vote 8-7.**

Rep. Paul Bergeron for the **Minority** of Special Committee on Redistricting. The minority believes the majority committee amendment contains significant constitutional flaws in many counties which are rectified by the minority amendment. The Special Committee on Redistricting held public input sessions in all ten counties and the message from the public for establishing House districts was consistent and clear: provide each ward and town their own representative if it has the population required to support it, keep cities together in base and floterial districts, and when multi-town districts are required, base those districts on communities of interest. Although the majority amendment establishes districts that comply with the NH Constitution and incorporates public input in some counties, in many others, it does not. Fifteen years ago, New Hampshire voters amended Part II, Article 11 of the NH Constitution to require that every town or ward with sufficient population be provided its own representative district. While geographic factors make it impossible to provide every community with sufficient population its own district, the minority amendment fixes numerous occasions where the committee amendment fails to comply with Part II, Article 11 of the NH Constitution. In Cheshire County, the minority amendment provides single-town representation to four communities (Chesterfield, Hinsdale, Rindge, and Winchester), twice the number provided in the majority amendment, while remaining within acceptable deviation. In Merrimack County, the minority amendment provides single-town representation to eight communities (Allenstown, Boscawen, Bow, Epsom, Hooksett, Hopkinton, Northfield, and Pembroke), three more than the majority amendment, while remaining within acceptable deviation. In Coos County, the minority amendment provides Berlin its own district, while the committee amendment lumps Berlin in with Jefferson and Kilkenney with the same deviation. The minority amendment corrects additional flaws in the committee amendment as well. The city of Manchester is short-changed in the committee amendment, as they are only allocated 32 seats when their population supports at least 33 seats. The minority amendment gives Manchester the 33 seats they are entitled to. The committee amendment unnecessarily combines city wards with neighboring towns, linking Portsmouth Ward 5 with New Castle, Portsmouth Ward 1 with Newington, Rochester Ward 5 with Milton, and Dover Ward 4 with Lee and Madbury in base districts. The minority amendment corrects these flaws by providing base districts to each of these individual wards. The minority's approach to creating state House districts prioritized giving each town and ward its own state representative if it has the population to support it and, when this was impossible, to create geographically small districts. The minority amendment prioritizes keeping cities together in districts, giving each ward their own representative and keeping related floterials contained by city lines as much as possible. While the minority understands that no map will be perfect, the minority amendment corrects the significant flaws in the committee amendment in order to create the most fair and constitutional state House map possible.

**HB 52, apportioning congressional districts. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Bob Lynn for the **Majority** of Special Committee on Redistricting. This bill, as amended, is the committee's recommendation for apportionment of congressional districts according to the 2020 census. The districts were developed to meet Federal constitutional criteria. In the first step the committee agreed that the 2020 census figures would be used. The committee held public sessions in each county of the state to receive input on what was desired in the maps. Based on the 2020 U.S. Census, and pursuant to Federal law, New Hampshire is entitled to elect two members to the United States House of Representatives. Our share of the 435 members of the House has not changed since the 2010 Census; in fact, we have held two Congressional

seats since 1880. Because of an increase in the state's population which was not equally disbursed among the existing Congressional districts, the committee needed to change the districts to comply with the Constitutional one-man one-vote requirement by assuring substantial equality of population between the districts. The committee achieved this goal by drawing districts with a total difference in population of only 89 individuals. The committee's plan also maintains physical contiguity among the municipalities in each district and does not divide any city or town between the districts. **Vote 8-7.**

Rep. Marjorie Smith for the **Minority** of Special Committee on Redistricting. The minority amendment is well-grounded in New Hampshire granite. From 1789 to 1880, the number of congressional districts went from three to six, and then down to four, with the seats at large. It was not until the 1880 census that the state's allocation settled at two, where it remains today. From the 1880 census until today, the basic map stayed the same. Since the 1970 census, with the judicially ordered adherence to the principle of one person one vote, the exact district lines had to be adjusted to maintain an even population distribution between the two districts. In the second district, Republicans won 71 times and Democrats won 15 times in the last 86 elections. The first district changed hands six of the last eight elections, with incumbents losing in five of those races. New Hampshire has predominantly leaned Republican. State elections have with frequency been purple, with a healthy party mixture of governor, state house and senate, and US house and senate. Every two years New Hampshire voters have voted for the candidate they prefer, without necessarily following party lines. That makes sense when one realizes that New Hampshire's voting population is divided roughly by thirds – Republican, Democratic, and undeclared. The voters have chosen their elected officials, and frequently indicated that they like a government with a mix of party power. The minority amendment honors this history. In order to create two equal districts after the current census, it was necessary only to move one town, with approximately 9,000 people, from the first district to the second district. In two days of public hearings once the committee released maps, only one person testified in favor of the majority amendment. In a thoughtful, articulate, creative presentation, the speaker stated preference for the majority amendment not in terms of the wishes of New Hampshire voters, but to increase the possibility that the incumbents might gain seniority in Washington if it were more likely that they would be re-elected. That increased possibility was based on concentrating members of one party in one district and of the other party in the other district. The minority believes that such an approach moves the focus from the voter in order to protect the incumbent. One of the great strengths of the New Hampshire political system is that in the New Hampshire house and senate, the executive council, and the governorship, voters are able to decide every two years whether to keep an incumbent in office or make a change. We have no control over the length of terms for the US house or senate, but fortunately, the two year term for the US house fits perfectly into our system, unique in the nation, to let the voters decide every two years who will lead our government. Every candidate should be able to approach an election on a level playing field. The majority on the committee stated that their goal was to tilt that playing field. The minority amendment protects the rights of all New Hampshire voters to have a fair opportunity to color our state red, blue or purple.

**HB 54**, apportioning county commissioner districts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for the **Majority** of Special Committee on Redistricting. This bill provides for the apportionment of our county commissioners. Each county in NH has a Board of Commissioners whose duties are mandated by NH RSA 28. The County Commissioners are part-time, elected officials responsible for overall supervision of county departments, buildings and land, and they exercise budgetary oversight over all county expenditures. There are three in each county and they are elected on a representative basis from one of three districts within each county. The exception is Strafford County where all three Commissioners are elected at large throughout the county. Accordingly County Commissioner Districts in nine counties must be redrawn every 10 years after the federal decennial census. The new districts must meet Federal and State Constitutional requirements for equal representation. This bill reflects the committee's work to redistrict each county into even thirds, reflecting the census data for each county's population. As a result, the county residents will have proportional representation. In creating the districts, the majority did not cross lines for towns or wards, a requirement adopted by the committee unanimously, and kept the deviation for representation within the legally required 10% range. The majority also kept cities together where possible and practicable. The districts in Belknap, Coos, Grafton, Hillsborough, and Sullivan were largely agreed to. The majority of the committee believes that the changes as proposed will provide for constitutional and fair representation in county governance in all counties. **Vote 10-5.** Rep. Lucy Weber for the **Minority** of Special Committee on Redistricting. With respect to the County Commissioner Districts, Strafford County elects its three Commissioners at large, and the committee reached agreement on five of the nine remaining counties. It is the remaining four counties that remain in dispute. In particular, it is unclear why, when other counties were left unchanged or a minor adjustment was made, these four counties were changed so much. In Carroll County, the majority proposal disrupts the existing districts and results in a deviation from -3.3% to 2.6%. The minority proposal makes no changes to the existing districts and results in a deviation from 1.0% to 1.9%, just over half the deviation

proposed by the majority. In Merrimack County, the minority proposal moves only one town to rebalance the population. The majority amendment makes far more significant changes. In Rockingham County, the minority proposal makes no change to the existing districts, and results in a deviation from -3.3% to 2.2% for a total deviation of 5.5%. The majority amendment results in a deviation from -3.9% to 4.3% for a total deviation of 8.2%. Cheshire County had the most significant change. Currently, District 2 consists of the city of Keene plus the towns of Marlborough and Roxbury. The other two districts have a generally north/south division, with the towns nearest to the Connecticut River in current District 1, and the towns on the eastern side of the county in District 3. As currently constituted, the maps have a deviation from -1.6% to 2.1%. Two of the three existing districts have been held by both Democrats and Republicans during the last decade. The majority amendment, by contrast, keeps the Keene/Marlborough/Roxbury district as is, but moves the other towns significantly into a more north/south division which has a deviation from -3.5% to 4.0%, more than double the deviation of the current map. No reasonable explanation has been given for the proposed upheaval in any of these four counties, so the minority believe that the least change is the best.

## WAYS AND MEANS

### **HB 355**, relative to Keno. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Lang for Ways and Means. This bill will allow current licensed lottery retail locations, in jurisdictions that have voted to allow Keno, to be licensed by the Lottery Commission to offer Keno as a lottery product in the retail store. The amendment to the bill prohibits Keno display screens at the retail locations. **Vote 19-5.**

### **HB 364**, expanding the definition of charitable organization to include fraternal organizations for the purposes of holding raffles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jordan Ulery for Ways and Means. Current law regarding raffles contains a requirement for local officials to issue a permit. The permit is given to a “charitable” organization. Unfortunately, the existing law contains reference to a single not-for profit federal category. The amendment eliminates the reference to IRS groups, moves the existing, current law up so that confusion regarding who can operate a raffle is eliminated. This does not affect charitable gaming as it is specific to raffles. Additionally, there is a statutory commission that is studying the rather broad and imprecise definition of “charity” and “charitable organizations” that exists in current law. **Vote 21-3.**

### **HB 614-FN**, exempting the state and political subdivisions from payment of the costs of compliance with the renewable portfolio standard. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for the **Majority** of Ways and Means. This bill does three things. First, it exempts the state and its political subdivisions from paying the portion of their electric rates that pertain to the cost of compliance with the renewable portfolio standard (RPS). Second, it states that providers of electricity shall not be subject to compliance for electricity sales that have been exempted. This reduces the number of renewable energy certificates (RECs) that the electric utilities have to buy. Finally, a political subdivision (but not the state) may, by a majority vote of the governing body, elect to continue payment of the amounts identified as cost of compliance with the RPS (i.e. opt out of the exemption). This is the essence of what came out of the policy committee and became the House position via a majority vote on the House floor. The bill was then referred to the Ways and Means Committee to review the impact on state and local taxes as well as the impact on the Renewable Energy Fund (REF) which is a dedicated fund. Dedicated funds come under the purview the Ways and Means Committee. The majority of the Ways and Means Committee heard testimony that this action would reduce the tax burden to those who pay state taxes by \$400,000 to \$500,000 a year. The political subdivisions would see savings in their electric bills based upon the size of the subdivision. Since our political subdivisions raise most of their money through property taxes, this bill would reduce the burden a bit on the property taxpayer. The majority feels reducing the tax burden on our citizens is always a good thing. Of importance in this view is that a political subdivision is enabled by this bill to opt-out of this exemption, if they desire, which gives them the freedom of choice on this matter. The majority also felt that this bill will have a minimum impact on the RPS program as a whole. As for the REF, it is important to understand that a vast majority of the revenue into this fund comes from alternative compliance payments (ACPs). Other sources into this fund are interest payments on the fund balance and lapsing funds from the Site Evaluation Committee Fund. ACPs are paid by the utility companies when there are not enough RECs available to be bought to satisfy their RPS obligations based upon the amount of electricity they sell to customers. The availability of RECs is based upon the amount of renewable energy generated. Only when there are not enough RECs available does the REF benefit by receiving funding via the ACPs. The majority of the Ways and Means Committee has concluded that this bill will have a minimal impact on the funding of the REF, since ACPs will continue to be paid into the fund. In addition, it is important to know the state and any of its political subdivisions (whether they opt-out of the exemption or not) may still apply for grants from the REF. There is no linkage between the two. It should be noted that there were a few technical additions that were passed by

amendment to this bill by the Ways and Means Committee. **Vote 12-7.** Rep. Richard Ames for the **Minority** of Ways and Means. This amended bill exempts all NH state and local government electricity consumption from continued payment of a use-based share of the cost of NH's electric renewable portfolio standard (RPS). This means that government users will no longer pay the minuscule \$.0053 per kilowatt hour RPS fee that is currently paid by all other NH electricity users. But for those other users, it is a fee that is likely to go up because, paradoxically and unsustainably, the non-paying government users will retain eligibility under this bill to receive funds and other benefits from the RPS's renewable energy fund. Government users will thus become classic "free riders," reaping the benefits of the RPS while freed from sharing in its costs. The RPS's Renewable Energy Fund will also lose capacity to make a difference because energy provider alternative compliance payments, the sole source of funding for the renewable energy fund, will likely be reduced by the fallout from this bill. Universal application of the RPS user-based fee is at the very heart of this successful 14-year-old program that has been helping drive NH towards the renewable and locally produced energy foundation on which NH's future must be built. The new RPS free riders will undermine and diminish the capacity of the RPS to do its job. Assertions by bill proponents that consumers have been paying twice for the RPS, once in their personal capacity and again as taxpayers, are invalid - individuals and businesses pay the RPS fee only on their home or business consumption of kilowatt hours of electricity, while the fees on municipal, school, county, and state government electricity use are levied on different kilowatt hours of electricity. Despite claims by its sponsors, no meaningful evidence has been produced supporting likely property or other tax savings resulting from this bill. On the contrary, utility testimony indicates that their administrative costs would go up because of this bill, new rate classes would need to be created, and ratepayers likely would for these reasons alone end up with higher electricity bills.

## **COMMITTEE MEETINGS**

### **FRIDAY, DECEMBER 3**

**COMMISSION TO STUDY THE INCIDENCE OF POST-TRAUMATIC STRESS DISORDER IN FIRST RESPONDERS AND WHETHER SUCH DISORDER SHOULD BE COVERED UNDER WORKERS' COMPENSATION (RSA 281-A:17-d ), Room 206-208, LOB**

10:00 a.m. Regular meeting.

**JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I:1), Room 100, SH**

1:30 p.m. Regular meeting.

**NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2), NHDOT Room 114 7 Hazen Drive Concord, NH 03301**

9:00 a.m. Regular meeting.

Council members are requested to attend in-person, if possible, as a quorum is required.

Zoom: <https://us06web.zoom.us/j/84331248741?pwd=KzNHUnI0eFNvWjUvZE9ROVVmZzEvdz09>

Meeting ID: 843 3124 8741

Passcode: 872683

**STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE (SIEC) (RSA 21-P:48, IV), NH Fire Academy Classrooms 5, 6 & 7 98 Smokey Bear Blvd Concord, NH 03301**

9:00 a.m. Regular meeting.

### **MONDAY, DECEMBER 6**

**COMMISSION ON THE SEACOAST CANCER CLUSTER INVESTIGATION (RSA 126-A:74), Room 205-207, LOB**

10:00 a.m. Regular meeting.

**NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), University System of NH 5 Chenell Drive, Suite 301 Concord, NH 03301**

9:00 a.m. Regular meeting.

### **TUESDAY, DECEMBER 7**

**COMMISSION ON DEMOGRAPHIC TRENDS (RSA 4-C:37), Room 100, SH**

10:00 a.m. Regular meeting.

**STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), Edward Cross Training Center Facility 722 Riverwood Drive Pembroke, NH 03275**

5:00 p.m. Regular meeting.

Zoom information can be provided by contacting Paul Lloyd at [nhsvac.chair@gmail.com](mailto:nhsvac.chair@gmail.com).

**WEDNESDAY, DECEMBER 8**

**COMMITTEE TO STUDY THE REGULATORY STRUCTURE OF CHARITABLE GAMING (SB 100, Chapter 221:1, Laws of 2021), Room 100, SH**

10:30 a.m. Regular meeting.

**JOINT COMMITTEE ON TAX EXPENDITURE REVIEW (RSA 71-C:3), Room 202-204, LOB**

9:00 a.m. Regular meeting.

**THURSDAY, DECEMBER 9**

**NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), NHDES 29 Hazen Drive Room 208C Concord, NH 03301**

8:30 a.m. Subcommittee meeting.

**FRIDAY, DECEMBER 10**

**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Dept. of Revenue Administration Training Room 109 Pleasant Street Concord, NH**

9:00 a.m. Regular meeting.

**COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a), Room 301-303, LOB**

10:00 a.m. Regular meeting.

**SOLID WASTE WORKING GROUP (RSA 149:M:61), NH DES Offices Room 208C 29 Hazen Drive Concord, NH**

9:00 a.m. Regular meeting.

**STATE SUGGESTION AND EXTRAORDINARY SERVICE AWARD EVALUATION COMMITTEE (RSA 99-E:1, D), Room 104, LOB**

3:00 p.m. Regular meeting.

**MONDAY, DECEMBER 13**

**ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b), Mount Washington Valley Career and Technical Center 409 Eagle's Way North Conway, NH 03860**

9:00 a.m. Regular meeting.

**NEW HAMPSHIRE COMMISSION FOR THE DEAF AND HARD OF HEARING (RSA 125-Q), Room 205-207, LOB**

1:30 p.m. Regular meeting.

**NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), Room 206-208, LOB**

10:00 a.m. Regular meeting.

**TUESDAY, DECEMBER 14**

**COMMITTEE TO STUDY RAIL TRAIL MANAGEMENT PRACTICES (HB 311, Chapter 94:2, Laws of 2021), Room 305-307, LOB**

9:00 a.m. Regular meeting.

**COMMITTEE TO STUDY REQUIRING NEW HAMPSHIRE CHILDREN TO BE PLACED IN REAR FACING RESTRAINTS IN MOTOR VEHICLES (HB 251, Chapter 135:1, Laws of 2021), Room 104, LOB**

10:00 a.m. Regular meeting.

**JOINT HOUSE LEGISLATIVE FACILITIES (RSA 17-E), Room 100, SH**

2:10 p.m. Regular meeting.

**HOUSE LEGISLATIVE FACILITIES SUBCOMMITTEE (RSA 17-E), Room 100, SH**

2:30 p.m. Subcommittee meeting.

**RULES, Room 301-303, LOB**

12:30 p.m. Regular meeting.

**THURSDAY, DECEMBER 16****ADMINISTRATIVE RULES (RSA 541-A:2), Room 306-308, LOB**

9:00 a.m. Regular meeting.

**JOINT COMMITTEE ON EMPLOYEE CLASSIFICATION (RSA 14:14-C), Room 104, LOB**

1:00 p.m. Regular meeting.

**FRIDAY, DECEMBER 17****FISCAL COMMITTEE (RSA 14:30-a), Room 210-211, LOB**

10:00 a.m. Regular meeting.

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 205-207, LOB**

2:00 p.m. Regular meeting.

**OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 21-V:10), Room 206-208, LOB**

9:00 a.m. Regular meeting.

**MONDAY, DECEMBER 20****LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB**

1:00 p.m. Regular meeting.

**TUESDAY, JANUARY 4****STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), Edward Cross Training Center Facility  
722 Riverwood Drive Pembroke, NH 03275**

5:00 p.m. Regular meeting.

**FRIDAY, JANUARY 7****MOUNT WASHINGTON COMMISSION (RSA 227-B:3), Pope Memorial Library 2719 White Mountain  
Hwy., S. Main St. North Conway, NH 03860**

9:00 a.m. Regular meeting.

**MONDAY, JANUARY 10****COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k), Room 100, SH**

1:30 p.m. Regular meeting.

**NEW HAMPSHIRE OPIOID ABATEMENT ADVISORY COMMISSION (RSA 126-A:85), DHHS Brown  
Auditorium 129 Pleasant St. Concord NH 03301**

1:00 p.m. Regular meeting.

**FRIDAY, JANUARY 21****NEW HAMPSHIRE RARE DISEASE ADVISORY COUNCIL (RSA 126-A:79), DHHS Public Health  
Training Room 3rd Floor 29 Hazen Drive Concord, NH**

3:00 p.m. Regular meeting.

Join Zoom Meeting:

<https://nh-dhhs.zoom.us/j/9833055343?pwd=TWNLyTh3SDBIUW9IaXBaNDRjQ3Yzd09>

Meeting ID: 983 305 5343

Passcode: 780875

**MONDAY, JANUARY 24****COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILD-  
LIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30), Room 305-307, LOB**

11:00 a.m. Regular meeting.

**CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201-203, LOB**

10:15 a.m. Regular meeting.

**EDUCATION FREEDOM SAVINGS ACCOUNT OVERSIGHT COMMITTEE (RSA 194-F:12), Room 100, SH**

1:00 p.m. Regular meeting.

**LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1), Room 201-203, LOB**

9:30 a.m. Regular meeting.

**FRIDAY, FEBRUARY 25****SOLID WASTE WORKING GROUP (RSA 149:M:61), NH DES Offices Room 208C 29 Hazen Drive Concord, NH**

9:00 a.m. Regular meeting.

**OFFICIAL NOTICES**

\*\*\*\*\*

Pursuant to RSA 24:23, there will be a Public Hearing via zoom/in-person for **Merrimack County** before the County Delegation at **10:00 a.m. on Wednesday, December 8, 2021** at the Old Courthouse, 163 N. Main Street, 2<sup>nd</sup> floor conference room, Concord, New Hampshire. At this time, any member of the public may present oral or written testimony regarding the 2022 budget estimates as proposed by the Merrimack County Board of Commissioners. To consider any other business that may appropriately come before them. *For more information, including how to attend the Zoom meeting, please visit the County website at [www.merrimackcounty.net](http://www.merrimackcounty.net) or contact Office Manager, Melinda Harrison at 796-6872.*

Rep. Dianne Schuett, Chair

**REVISED FISCAL NOTES**

The following bills have a revised fiscal note: HB10, HB20, HB95, HB103, HB121, HB123, HB179, HB180, HB188, HB209, HB222, HB239, HB346, HB369, HB425, HB497, HB498, HB 532, HB590, HB591, HB592, HB593, HB594, HB595, HB601, HB610, HB611, HB615, HB619, HB620, HB623, HB624, HB625, HB626, HB627, SB3, SB22, SB59, SB 60, SB66, SB92, SB93, SB96, SB104, SB125, SB133, SB141, SB143, SB146, SB148, SB155.

Paul C. Smith, Clerk of the House

**MEMBERS' NOTICES**

The following notices are published in the House Record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

\*\*\*\*\*

The New Hampshire Council on Developmental Disabilities would like to invite all Legislators and staffers to the 2021 Virtual Winter Awards Ceremony. Please join us in celebrating leaders making a difference in the lives of people with developmental disabilities, their families, and their communities on Thursday, December 9, 2021, 12pm. Zoom link: <https://us02web.zoom.us/j/8232606078>

Rep. Gaby Grossman

\*\*\*\*\*

The formation of the Secular Values Legislative Caucus is being planned and I am inviting all legislators who support secular/humanist values to join. The caucus will promote public policy formed on the basis of reason, science, and moral values; protect the secular character of our government by adhering to the strict constitutional principal of separation of church and state; and champion the value of freedom of thought and conscience worldwide. Let me know if you are interested. An organizational meeting will be held when the legislature convenes in January.

Rep. Sherry Dutzy

## STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitor Center offers the following schedule of schools and other groups visiting the State House. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule books for the school year and subject to changes. **Please contact the Visitor Center concerning school tour booking information.** Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director  
Margaret Waterhouse, Public Information Administrator

<i><b>DATE</b></i>	<i><b>TIME</b></i>	<i><b>GROUP</b></i>	<i><b>#/GRADE</b></i>
Dec. 3	9:00	Kearsarge HS – Extended learning	10/HS
Dec. 3	9:45/11:00	Mastricola Elementary School – Merrimack	96/4
Dec. 7	9:15	Boscawen Elementary School	42/4
Dec. 13	2:00	NH Historical Society Homeschoolers	25
Dec. 17	9:30/10:45	Griffin Memorial School – Litchfield	100/4

### Amendment to HB 50 (2021-2274h)

#### Proposed by the Majority of the Committee on Special Committee on Redistricting - r

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

1 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

#### I. Belknap County

District No. 1	Center Harbor	
	New Hampton	1
District No. 2	Meredith	2
District No. 3	Sanbornton	
	Tilton	1
District No. 4	Belmont	1
District No. 5	Laconia Ward 1	
	Laconia Ward 2	
	Laconia Ward 3	
	Laconia Ward 5	
	Laconia Ward 6	4
District No. 6	Gilford	
	Gilmanton	
	Laconia Ward 4	4
District No. 7	Alton	
	Barnstead	3
District No. 8	Belmont	
	Sanbornton	
	Tilton	2

#### II. Carroll County

District No. 1	Conway	3
District No. 2	Albany	
	Bartlett	
	Chatham	
	Hale's Location	
	Hart's Location	
	Jackson	
	Sandwich	2
District No. 3	Madison	
	Moultonborough	
	Tamworth	2
District No. 4	Brookfield	
	Eaton	
	Effingham	
	Freedom	
	Wakefield	2

District No. 5	Ossipee	1
District No. 6	Tuftonboro	
	Wolfeboro	2
District No. 7	Ossipee	
	Tuftonboro	
	Wolfeboro	1
District No. 8	Brookfield	
	Eaton	
	Effingham	
	Freedom	
	Madison	
	Moultonborough	
	Tamworth	
	Wakefield	2
III. Cheshire County		
District No. 1	Keene Ward 1	1
District No. 2	Keene Ward 3	1
District No. 3	Keene Ward 5	1
District No. 4	Keene Ward 4	1
District No. 5	Surry	
	Walpole	1
District No. 6	Chesterfield	
	Hinsdale	
	Westmoreland	2
District No. 7	Keene Ward 2	1
District No. 8	Harrisville	
	Marlborough	
	Nelson	
	Roxbury	
	Sullivan	1
District No. 9	Alstead	
	Gilsum	
	Marlow	
	Stoddard	1
District No. 10	Richmond	
	Swanzey	2
District No. 11	Winchester	1
District No. 12	Fitzwilliam	
	Troy	1
District No. 13	Dublin	
	Jaffrey	1
District No. 14	Rindge	1
District No. 15	Chesterfield	
	Hinsdale	
	Keene Ward 1	
	Keene Ward 3	
	Keene Ward 4	
	Keene Ward 5	
	Surry	
	Walpole	
	Westmoreland	2
District No. 16	Alstead	
	Gilsum	
	Harrisville	
	Keene Ward 2	
	Marlborough	
	Marlow	
	Nelson	
	Roxbury	
	Stoddard	
	Sullivan	1

District No. 17	Fitzwilliam Richmond Swanzy Troy Winchester	1
District No. 18	Dublin Jaffrey Rindge	2
IV. Coos County		
District No. 1	Dalton Lancaster Northumberland Stratford	2
District No. 2	Atkinson & Gilmanton Academy Grant Cambridge Clarksville Dix's Grant Dixville Dummer Errol Milan Millsfield Odell Pittsburg Second College Grant Stark Wentworth's Location	1
District No. 3	Colebrook Columbia Erving's Location Stewartstown	1
District No. 4	Carroll Whitefield	1
District No. 5	Berlin Jefferson Kilkenny	3
District No. 6	Bean's Grant Bean's Purchase Chandler's Purchase Crawford's Purchase Cutt's Grant Gorham Green's Grant Hadley's Purchase Low and Burbank's Grant Martin's Location Pinkham's Grant Randolph Sargent's Purchase Shelburne Success Thompson and Meserve's Purchase	1
V. Grafton County		
District No. 1	Bath Lisbon Littleton Lyman Monroe Sugar Hill	3

District No. 2	Bethlehem	
	Franconia	1
District No. 3	Easton	
	Lincoln	
	Livermore	
	Woodstock	1
District No. 4	Ellsworth	
	Thornton	
	Waterville Valley	1
District No. 5	Benton	
	Haverhill	
	Landaff	
	Piermont	
	Warren	2
District No. 6	Orford	
	Rumney	
	Wentworth	1
District No. 7	Campton	1
District No. 8	Ashland	
	Holderness	
	Plymouth	3
District No. 9	Canaan	
	Dorchester	
	Orange	1
District No. 10	Bridgewater	
	Bristol	1
District No. 11	Alexandria	
	Grafton	
	Groton	
	Hebron	1
District No. 12	Hanover	
	Lyme	4
District No. 13	Lebanon Ward 1	1
District No. 14	Lebanon Ward 2	1
District No. 15	Lebanon Ward 3	1
District No. 16	Enfield	1
District No. 17	Lebanon Ward 1	
	Lebanon Ward 2	
	Lebanon Ward 3	1
District No. 18	Alexandria	
	Bridgewater	
	Bristol	
	Canaan	
	Dorchester	
	Enfield	
	Grafton	
	Groton	
	Hebron	
	Orange	1
VI. Hillsborough County		
District No. 1	Pelham	4
District No. 2	Bedford	7
District No. 3	Nashua Ward 4	3
District No. 4	Nashua Ward 2	3
District No. 5	Nashua Ward 1	3
District No. 6	Nashua Ward 3	3
District No. 7	Nashua Ward 7	3
District No. 8	Nashua Ward 6	3
District No. 9	Nashua Ward 5	3
District No. 10	Nashua Ward 9	3

District No. 11	Nashua Ward 8	3
District No. 12	Merrimack	8
District No. 13	Hudson	6
District No. 14	Litchfield	2
District No. 15	Manchester Ward 8	2
District No. 16	Manchester Ward 6	2
District No. 17	Manchester Ward 2	2
District No. 18	Manchester Ward 12	2
District No. 19	Manchester Ward 10	2
District No. 20	Manchester Ward 9	2
District No. 21	Manchester Ward 1	2
District No. 22	Manchester Ward 11	2
District No. 23	Manchester Ward 3	2
District No. 24	Manchester Ward 4	2
District No. 25	Manchester Ward 5	2
District No. 26	Manchester Ward 7	2
District No. 27	New Boston	
	Weare	4
District No. 28	Deering	
	Fracestown	1
District No. 29	Goffstown	5
District No. 30	Antrim	
	Bennington	
	Hillsborough	
	Windsor	3
District No. 31	Greenfield	
	Hancock	1
District No. 32	Lydenborough	
	Mont Vernon	
	Wilton	2
District No. 33	Peterborough	
	Sharon	2
District No. 34	Amherst	3
District No. 35	Hollis	2
District No. 36	Milford	4
District No. 37	Brookline	
	Greenville	
	Mason	
	New Ipswich	
	Temple	4
District No. 38	Hudson	
	Litchfield	2
District No. 39	Manchester Ward 6	
	Manchester Ward 8	
	Manchester Ward 9	2
District No. 40	Manchester Ward 10	
	Manchester Ward 11	
	Manchester Ward 12	2
District No. 41	Manchester Ward 4	
	Manchester Ward 5	
	Manchester Ward 7	2
District No. 42	Goffstown	
	New Boston	
	Weare	1
District No. 43	Brookline	
	Greenville	
	Lydenborough	
	Mason	
	Milford	
	Mont Vernon	

	New Ipswich	
	Temple	
	Wilton	2
District No. 44	Amherst	
	Hollis	1
District No. 45	Manchester Ward 1	
	Manchester Ward 2	
	Manchester Ward 3	2
VII. Merrimack County		
District No. 1	Boscawen	1
District No. 2	Northfield	1
District No. 3	Franklin Ward 1	
	Franklin Ward 2	
	Franklin Ward 3	2
District No. 4	Canterbury	
	Loudon	2
District No. 5	Andover	
	Danbury	
	Hill	
	Salisbury	
	Webster	2
District No. 6	Sutton	
	Wilmot	1
District No. 7	New London	
	Newbury	2
District No. 8	Bradford	
	Henniker	
	Warner	3
District No. 9	Bow	
	Hopkinton	4
District No. 10	Dunbarton	
	Hooksett	4
District No. 11	Allenstown	1
District No. 12	Pembroke	2
District No. 13	Chichester	
	Pittsfield	2
District No. 14	Epsom	1
District No. 15	Concord Ward 1	1
District No. 16	Concord Ward 2	1
District No. 17	Concord Ward 3	1
District No. 18	Concord Ward 4	1
District No. 19	Concord Ward 5	1
District No. 20	Concord Ward 6	1
District No. 21	Concord Ward 7	1
District No. 22	Concord Ward 8	1
District No. 23	Concord Ward 9	1
District No. 24	Concord Ward 10	1
District No. 25	Franklin Ward 1	
	Franklin Ward 2	
	Franklin Ward 3	
	Northfield	1
District No. 26	Andover	
	Boscawen	
	Canterbury	
	Danbury	
	Hill	
	Loudon	
	Salisbury	
	Webster	1
District No. 27	Allenstown	
	Dunbarton	

	Epsom	
	Hooksett	2
District No. 28	Concord Ward 1	
	Concord Ward 2	
	Concord Ward 3	1
District No. 29	Concord Ward 8	
	Concord Ward 9	
	Concord Ward 10	1
District No. 30	Concord Ward 4	
	Concord Ward 5	
	Concord Ward 6	
	Concord Ward 7	1
VIII. Rockingham County		
District No. 1	Stratham	2
District No. 2	Newfields	
	Newmarket	3
District No. 3	Exeter	4
District No. 4	Newington	
	Portsmouth Ward 1	1
District No. 5	Portsmouth Ward 3	1
District No. 6	North Hampton	1
District No. 7	Hampton	4
District No. 8	Seabrook	2
District No. 9	Hampton Falls	
	Kensington	
	South Hampton	1
District No. 10	Newton	1
District No. 11	East Kingston	
	Kingston	2
District No. 12	Epping	2
District No. 13	Raymond	3
District No. 14	Chester	
	Fremont	3
District No. 15	Sandown	2
District No. 16	Danville	1
District No. 17	Hampstead	
	Plaistow	5
District No. 18	Atkinson	2
District No. 19	Derry	10
District No. 20	Salem	9
District No. 21	Windham	4
District No. 22	Londonderry	7
District No. 23	Brentwood	1
District No. 24	New Castle	
	Portsmouth Ward 5	1
District No. 25	Portsmouth Ward 2	1
District No. 26	Portsmouth Ward 4	1
District No. 27	Greenland	
	Rye	2
District No. 28	Auburn	
	Candia	
	Deerfield	3
District No. 29	Northwood	
	Nottingham	2
District No. 30	Exeter	
	Newfields	
	Newmarket	
	Stratham	1
District No. 31	Londonderry	
	Windham	1

District No. 32	Hampton Falls Kensington Newton South Hampton	1
District No. 33	Hampton Seabrook	1
District No. 34	New Castle Newington Portsmouth Ward 1 Portsmouth Ward 5	1
District No. 35	Portsmouth Ward 2 Portsmouth Ward 3 Portsmouth Ward 4	1
District No. 36	Greenland North Hampton Rye	1
District No. 37	Brentwood Danville East Kingston Kingston	1
District No. 38	Auburn Candia Deerfield Northwood Nottingham	2
IX. Strafford County		
District No. 1	Farmington	2
District No. 2	Milton Rochester Ward 5	3
District No. 3	Middleton New Durham	1
District No. 4	Barrington Strafford	3
District No. 5	Rochester Ward 1	1
District No. 6	Rochester Ward 2	1
District No. 7	Rochester Ward 3	1
District No. 8	Rochester Ward 4	1
District No. 9	Rochester Ward 6	1
District No. 10	Durham	4
District No. 11	Dover Ward 4 Lee Madbury	3
District No. 12	Rollinsford Somersworth Ward 1 Somersworth Ward 2 Somersworth Ward 3 Somersworth Ward 4 Somersworth Ward 5	4
District No. 13	Dover Ward 6	1
District No. 14	Dover Ward 1	1
District No. 15	Dover Ward 2	1
District No. 16	Dover Ward 3	1
District No. 17	Dover Ward 5	1
District No. 18	Barrington Middleton New Durham Strafford	1
District No. 19	Rochester Ward 1 Rochester Ward 2 Rochester Ward 3	

	Rochester Ward 4	
	Rochester Ward 6	3
District No. 20	Dover Ward 4	
	Durham	
	Lee	
	Madbury	1
District No. 21	Dover Ward 1	
	Dover Ward 2	
	Dover Ward 3	
	Dover Ward 5	
	Dover Ward 6	3
X. Sullivan County		
District No. 1	Grantham	1
District No. 2	Cornish	
	Plainfield	1
District No. 3	Charlestown	
	Newport	
	Unity	3
District No. 4	Acworth	
	Goshen	
	Langdon	
	Lempster	
	Washington	1
District No. 5	Springfield	
	Sunapee	1
District No. 6	Claremont Ward 1	
	Claremont Ward 2	
	Claremont Ward 3	
	Croydon	3
District No. 7	Charlestown	
	Cornish	
	Newport	
	Plainfield	
	Unity	1
District No. 8	Acworth	
	Claremont Ward 1	
	Claremont Ward 2	
	Claremont Ward 3	
	Croydon	
	Goshen	
	Langdon	
	Lempster	
	Springfield	
	Sunapee	
	Washington	2

2 Application. The changes in state representative districts established by this act shall not affect constituencies or terms of office of representatives presently in office. The state representative districts established by this act shall be in effect for the purpose of electing representatives at the 2022 state general election. If there shall be a vacancy in a state representatives district for any reason prior to the 2022 state general election, the vacancy shall be filled by and from the same state representative district that existed for the 2020 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January 2021.

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

**Amendment to HB 50  
(2021-2277h)**

**Proposed by the Minority of the Committee on Special Committee on Redistricting - r**

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

1 State Representative Districts. RSA 662:5 is repealed and reenacted to read as follows:

662:5 State Representative Districts. The state is divided into districts for the choosing of state representatives, each of which may elect the number of representatives set forth opposite the district, as follows:

## I. Belknap County

District No. 1	Center Harbor	
	New Hampton	1
District No. 2	Meredith	2
District No. 3	Sanbornton	
	Tilton	1
District No. 4	Belmont	1
District No. 5	Laconia Ward 1	
	Laconia Ward 2	
	Laconia Ward 3	
	Laconia Ward 4	
	Laconia Ward 5	4
District No. 6	Gilford	
	Gilmanton	
	Laconia Ward 6	4
District No. 7	Alton	
	Barnstead	3
District No. 8	Belmont	
	Sanbornton	
	Tilton	2

## II. Carroll County

District No. 1	Albany	
	Chatham	
	Conway	
	Hale's Location	
	Sandwich	3
District No. 2	Bartlett	
	Hart's Location	
	Jackson	1
District No. 3	Madison	
	Tamworth	1
District No. 4	Brookfield	
	Eaton	
	Effingham	
	Freedom	
	Wakefield	2
District No. 5	Moultonborough	1
District No. 6	Ossipee	1
District No. 7	Tuftonboro	
	Wolfeboro	2
District No. 8	Albany	
	Bartlett	
	Chatham	
	Conway	
	Hale's Location	
	Hart's Location	
	Jackson	
	Sandwich	1
District No. 9	Brookfield	
	Eaton	
	Effingham	
	Freedom	
	Madison	
	Moultonborough	
	Tamworth	
	Wakefield	2
District No. 10	Ossipee	
	Tuftonboro	
	Wolfeboro	1

## III. Cheshire County

District No. 1	Gilsum	
	Surry	
	Walpole	
	Westmoreland	2
District No. 2	Alstead	
	Marlow	
	Stoddard	
	Sullivan	1
District No. 3	Keene Ward 1	1
District No. 4	Keene Ward 2	1
District No. 5	Keene Ward 3	1
District No. 6	Keene Ward 4	1
District No. 7	Keene Ward 5	1
District No. 8	Dublin	
	Harrisville	
	Nelson	
	Roxbury	1
District No. 9	Jaffrey	
	Marlborough	1
District No. 10	Rindge	1
District No. 11	Fitzwilliam	
	Richmond	
	Swanzey	
	Troy	3
District No. 12	Chesterfield	1
District No. 13	Winchester	1
District No. 14	Hinsdale	1
District No. 15	Alstead	
	Keene Ward 2	
	Keene Ward 3	
	Marlow	
	Stoddard	
	Sullivan	1
District No. 16	Keene Ward 1	
	Keene Ward 4	
	Keene Ward 5	1
District No. 17	Jaffrey	
	Marlborough	
	Rindge	2
District No. 18	Fitzwilliam	
	Hinsdale	
	Richmond	
	Swanzey	
	Troy	
	Winchester	1

## IV. Coos County

District No. 1	Atkinson & Gilmanton Academy Grant	
	Cambridge	
	Clarksville	
	Dix's Grant	
	Dixville	
	Dummer	
	Errol	
	Milan	
	Millsfield	
	Odell	
	Pittsburg	
	Second College Grant	
	Stark	
	Wentworth's Location	1

District No. 2	Colebrook	
	Columbia	
	Stewartstown	1
District No. 3	Dalton	
	Kilkenny	
	Lancaster	
	Northumberland	
	Stratford	2
District No. 4	Carroll	
	Whitefield	1
District No. 5	Berlin	2
District No. 6	Bean's Grant	
	Bean's Purchase	
	Chandler's Purchase	
	Crawford's Purchase	
	Cutt's Grant	
	Gorham	
	Green's Grant	
	Hadley's Purchase	
	Jefferson	
	Low & Burbank's Grant	
	Martin's Location	
	Pinkham's Grant	
	Sargent's Purchase	
	Shelburne	
	Success	
	Thompson and Meserve's Purchase	1
District No. 7	Bean's Grant	
	Bean's Purchase	
	Berlin	
	Chandler's Purchase	
	Crawford's Purchase	
	Cutt's Grant	
	Gorham	
	Green's Grant	
	Hadley's Purchase	
	Jefferson	
	Low & Burbank's Grant	
	Martin's Location	
	Pinkham's Grant	
	Sargent's Purchase	
	Shelburne	
	Success	
	Thompson and Meserve's Purchase	1
V. Grafton County		
District No. 1	Littleton	
	Monroe	2
District No. 2	Bethlehem	
	Franconia	1
District No. 3	Easton	
	Landaff	
	Lisbon	
	Lyman	
	Sugar Hill	1
District No. 4	Bath	
	Benton	
	Haverhill	
	Piermont	2
District No. 5	Ellsworth	
	Lincoln	

	Livermore	
	Thornton	
	Warren	
	Waterville	
District No. 6	Woodstock	2
	Orford	
	Rumney	
	Wentworth	1
District No. 7	Campton	1
District No. 8	Ashland	
	Holderness	
	Plymouth	3
District No. 9	Bridgewater	
	Bristol	1
District No. 10	Alexandria	
	Grafton	
	Groton	
	Hebron	1
District No. 11	Canaan	
	Dorchester	
	Orange	1
District No. 12	Enfield	1
District No. 13	Hanover	
	Lyme	4
District No. 14	Lebanon Ward 1	
	Lebanon Ward 2	
	Lebanon Ward 3	4
District No. 15	Alexandria	
	Bridgewater	
	Bristol	
	Canaan	
	Dorchester	
	Enfield	
	Grafton	
	Groton	
	Hebron	
	Orange	1
VI. Hillsborough County		
District No. 1	Antrim	
	Deering	
	Hillsborough	
	Windsor	3
District No. 2	Bennington	
	Francestown	
	Greenfield	
	Hancock	2
District No. 3	Weare	2
District No. 4	Goffstown	4
District No. 5	Lyndeborough	
	Mont Vernon	
	New Boston	3
District No. 6	Bedford	7
District No. 7	Manchester Ward 1	2
District No. 8	Manchester Ward 2	2
District No. 9	Manchester Ward 3	2
District No. 10	Manchester Ward 4	2
District No. 11	Manchester Ward 5	2
District No. 12	Manchester Ward 6	2
District No. 13	Manchester Ward 7	2
District No. 14	Manchester Ward 8	2

District No. 15	Manchester Ward 9	2
District No. 16	Manchester Ward 10	2
District No. 17	Manchester Ward 11	2
District No. 18	Manchester Ward 12	2
District No. 19	Litchfield	2
District No. 20	Merrimack	8
District No. 21	Amherst	3
District No. 22	Milford	4
District No. 23	Temple	
	Wilton	1
District No. 24	Peterborough	
	Sharon	2
District No. 25	New Ipswich	1
District No. 26	Brookline	
	Greenville	
	Mason	2
District No. 27	Hollis	2
District No. 28	Nashua Ward 1	3
District No. 29	Nashua Ward 2	3
District No. 30	Nashua Ward 3	3
District No. 31	Nashua Ward 4	3
District No. 32	Nashua Ward 5	3
District No. 33	Nashua Ward 6	3
District No. 34	Nashua Ward 7	3
District No. 35	Nashua Ward 8	3
District No. 36	Nashua Ward 9	3
District No. 37	Hudson	6
District No. 38	Pelham	4
District No. 39	Goffstown	
	Weare	2
District No. 40	Manchester Wards 1, 2, 4, and 6	3
District No. 41	Manchester Wards 5, 7, 8, and 9	3
District No. 42	Manchester Wards 3, 10, 11, and 12	3
District No. 43	Hudson	
	Litchfield	2
District No. 44	Amherst	
	Milford	1
District No. 45	New Ipswich	
	Temple	
	Wilton	1
District No. 46	Brookline	
	Greenville	
	Hollis	
	Mason	1
VII. Merrimack County		
District No. 1	Andover	
	Hill	1
District No. 2	Franklin Ward 1	
	Franklin Ward 2	
	Franklin Ward 3	2
District No. 3	Northfield	1
District No. 4	Danbury	
	New London	
	Wilmot	2
District No. 5	Bradford	
	Henniker	
	Newbury	3
District No. 6	Salisbury	
	Sutton	
	Warner	
	Webster	2

District No. 7	Boscawen	1
District No. 8	Canterbury	
	Loudon	2
District No. 9	Concord Ward 1	1
District No. 10	Concord Ward 2	1
District No. 11	Concord Ward 3	1
District No. 12	Concord Ward 4	1
District No. 13	Concord Ward 5	1
District No. 14	Concord Ward 6	1
District No. 15	Concord Ward 7	1
District No. 16	Concord Ward 8	1
District No. 17	Concord Ward 9	1
District No. 18	Concord Ward 10	1
District No. 19	Hopkinton	2
District No. 20	Bow	2
District No. 21	Pembroke	2
District No. 22	Chichester	
	Pittsfield	2
District No. 23	Epsom	1
District No. 24	Allenstown	1
District No. 25	Hooksett	3
District No. 26	Franklin Ward 1	
	Franklin Ward 2	
	Franklin Ward 3	
	Northfield	1
District No. 27	Boscawen	
	Canterbury	
	Loudon	
	Salisbury	
	Sutton	
	Warner	
	Webster	1
District No. 28	Concord Ward 1	
	Concord Ward 2	
	Concord Ward 3	1
District No. 29	Concord Ward 4	
	Concord Ward 5	
	Concord Ward 6	
	Concord Ward 7	1
District No. 30	Concord Ward 8	
	Concord Ward 9	
	Concord Ward 10	1
District No. 31	Bow	
	Dunbarton	
	Hopkinton	1
District No. 32	Allenstown	
	Epsom	
	Hooksett	2
VIII. Rockingham County		
District No. 1	Deerfield	
	Northwood	
	Nottingham	3
District No. 2	Auburn	
	Candia	2
District No. 3	Raymond	3
District No. 4	Londonderry	7
District No. 5	Derry	10
District No. 6	Windham	4
District No. 7	Salem	9
District No. 8	Epping	2

District No. 9	Brentwood	
	Chester	
	Fremont	4
District No. 10	Sandown	2
District No. 11	Danville	1
District No. 12	Hampstead	2
District No. 13	Atkinson	2
District No. 14	Kingston	
	Plaistow	4
District No. 15	Newfields	
	Newmarket	3
District No. 16	Exeter	4
District No. 17	Stratham	2
District No. 18	East Kingston	
	Kensington	
	Newton	
	South Hampton	3
District No. 19	Hampton Falls	
	Seabrook	3
District No. 20	Hampton	
	North Hampton	6
District No. 21	New Castle	
	Rye	2
District No. 22	Greenland	
	Newington	1
District No. 23	Portsmouth Ward 1	1
District No. 24	Portsmouth Ward 2	1
District No. 25	Portsmouth Ward 3	1
District No. 26	Portsmouth Ward 4	1
District No. 27	Portsmouth Ward 5	1
District No. 28	Auburn	
	Candia	
	Deerfield	
	Northwood	
	Nottingham	2
District No. 29	Londonderry	
	Windham	1
District No. 30	Danville	
	Hampstead	1
District No. 31	Exeter	
	Newfields	
	Newmarket	
	Stratham	1
District No. 32	Greenland	
	Newington	
	Portsmouth Ward 1	
	Portsmouth Ward 2	
	Portsmouth Ward 3	
	Portsmouth Ward 4	
	Portsmouth Ward 5	2
IX. Strafford County		
District No. 1	Middleton	
	Milton	
	Farmington	
	New Durham	4
District No. 2	Strafford	1
District No. 3	Barrington	2
District No. 4	Lee	1
District No. 5	Durham	
	Madbury	5

District No. 6	Rochester Ward 1	1
District No. 7	Rochester Ward 2	1
District No. 8	Rochester Ward 3	1
District No. 9	Rochester Ward 4	1
District No. 10	Rochester Ward 5	1
District No. 11	Rochester Ward 6	1
District No. 12	Dover Ward 1	1
District No. 13	Dover Ward 2	1
District No. 14	Dover Ward 3	1
District No. 15	Dover Ward 4	1
District No. 16	Dover Ward 5	1
District No. 17	Dover Ward 6	1
District No. 18	Rollinsford	
	Somersworth Ward 1	
	Somersworth Ward 2	
	Somersworth Ward 3	
	Somersworth Ward 4	
	Somersworth Ward 5	5
District No. 19	Farmington	
	Middleton	
	Milton	
	New Durham	
	Strafford	1
District No. 20	Barrington	
	Lee	1
District No. 21	Rochester Ward 1	
	Rochester Ward 2	1
District No. 22	Rochester Ward 3	
	Rochester Ward 4	1
District No. 23	Rochester Ward 5	
	Rochester Ward 6	1
District No. 24	Dover Ward 1	
	Dover Ward 5	
	Dover Ward 6	2
District No. 25	Dover Ward 2	
	Dover Ward 3	
	Dover Ward 4	2
X. Sullivan County		
District No. 1	Cornish	
	Plainfield	1
District No. 2	Grantham	1
District No. 3	Springfield	
	Sunapee	1
District No. 4	Claremont Ward 1	
	Claremont Ward 2	
	Claremont Ward 3	
	Croydon	3
District No. 5	Charlestown	
	Newport	
	Unity	3
District No. 6	Acworth	
	Goshen	
	Langdon	
	Lempster	
	Washington	1
District No. 7	Charlestown	
	Cornish	
	Newport	
	Plainfield	
	Unity	1

District No. 8  
 Acworth  
 Claremont Ward 1  
 Claremont Ward 2  
 Claremont Ward 3  
 Croydon  
 Goshen  
 Langdon  
 Lempster  
 Springfield  
 Sunapee  
 Washington

2

2 Application. The changes in state representative districts established by this act shall not affect constituencies or terms of office of representatives presently in office. The state representative districts established by this act shall be in effect for the purpose of electing representatives at the 2022 state general election. If there shall be a vacancy in a state representatives district for any reason prior to the 2022 state general election, the vacancy shall be filled by and from the same state representative district that existed for the 2020 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January 2021.

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

### **Amendment to HB 52**

**(2021-2245h)**

#### **Proposed by the Minority of the Special Committee on Redistricting - r**

Amend RSA 662:1 as inserted by section 1 of the bill by replacing it with the following:

662:1 U.S. Representative Districts. The state is divided into 2 districts for the choosing of representatives in the congress of the United States. Each district may elect one representative. The districts shall be constituted as follows:

I. The first district is constituted of:

- (a) The counties of:
  - (1) Carroll, and
  - (2) Strafford; and
- (b) In the county of Belknap, the towns and city of:
  - (1) Alton,
  - (2) Barnstead,
  - (3) Belmont,
  - (4) Gilford,
  - (5) Gilmanton,
  - (6) Laconia,
  - (7) Meredith,
  - (8) New Hampton,
  - (9) Sanbornton, and
  - (10) Tilton; and
- (c) In the county of Grafton, the town of:
  - (1) Campton; and
- (d) In the county of Hillsborough, the towns and city of:
  - (1) Bedford,
  - (2) Goffstown,
  - (3) Manchester, and
  - (4) Merrimack; and
- (e) In the county of Merrimack, the town of:
  - (1) Hooksett; and
- (f) In the county of Rockingham, the towns and city of:
  - (1) Auburn,
  - (2) Brentwood,
  - (3) Candia,
  - (4) Chester,
  - (5) Danville,
  - (6) Derry,
  - (7) East Kingston,
  - (8) Epping,

- (9) Exeter,
- (10) Fremont,
- (11) Greenland,
- (12) Hampton,
- (13) Hampton Falls,
- (14) Kensington,
- (15) Kingston,
- (16) Londonderry,
- (17) New Castle,
- (18) Newfields,
- (19) Newington,
- (20) Newmarket,
- (21) Newton,
- (22) North Hampton,
- (23) Nottingham,
- (24) Plaistow,
- (25) Portsmouth,
- (26) Raymond,
- (27) Rye,
- (28) Sandown,
- (29) Seabrook,
- (30) South Hampton, and
- (31) Stratham.

II. The second district is constituted of:

- (a) The counties of:
  - (1) Cheshire,
  - (2) Coos, and
  - (3) Sullivan; and
- (b) In the county of Belknap, the town of:
  - (1) Center Harbor; and
- (c) In the county of Grafton, the towns, city, and unincorporated place of:
  - (1) Alexandria,
  - (2) Ashland,
  - (3) Bath,
  - (4) Benton,
  - (5) Bethlehem,
  - (6) Bridgewater,
  - (7) Bristol,
  - (8) Canaan,
  - (9) Dorchester,
  - (10) Easton,
  - (11) Ellsworth,
  - (12) Enfield,
  - (13) Franconia,
  - (14) Grafton,
  - (15) Groton,
  - (16) Hanover,
  - (17) Haverhill,
  - (18) Hebron,
  - (19) Holderness,
  - (20) Landaff,
  - (21) Lebanon,
  - (22) Lincoln,
  - (23) Lisbon,
  - (24) Littleton,
  - (25) Livermore,
  - (26) Lyman,
  - (27) Lyme,
  - (28) Monroe,
  - (29) Orange,

- (30) Orford,
  - (31) Piermont,
  - (32) Plymouth,
  - (33) Rumney,
  - (34) Sugar Hill,
  - (35) Thornton,
  - (36) Warren,
  - (37) Waterville Valley,
  - (38) Wentworth, and
  - (39) Woodstock; and
- (d) In the county of Hillsborough, the towns and city of:
- (1) Amherst,
  - (2) Antrim,
  - (3) Bennington,
  - (4) Brookline,
  - (5) Deering,
  - (6) Francestown,
  - (7) Greenfield,
  - (8) Greenville,
  - (9) Hancock,
  - (10) Hillsborough,
  - (11) Hollis,
  - (12) Hudson,
  - (13) Litchfield,
  - (14) Lyndeborough,
  - (15) Mason,
  - (16) Milford,
  - (17) Mont Vernon,
  - (18) Nashua,
  - (19) New Boston,
  - (20) New Ipswich,
  - (21) Pelham,
  - (22) Peterborough,
  - (23) Sharon,
  - (24) Temple,
  - (25) Weare,
  - (26) Wilton,
  - (27) Windsor; and
- (e) In the county of Merrimack, the towns and cities of:
- (1) Allenstown,
  - (2) Andover,
  - (3) Boscawen,
  - (4) Bow,
  - (5) Bradford,
  - (6) Canterbury,
  - (7) Chichester,
  - (8) Concord,
  - (9) Danbury,
  - (10) Dunbarton,
  - (11) Epsom,
  - (12) Franklin,
  - (13) Henniker,
  - (14) Hill,
  - (15) Hopkinton,
  - (16) Loudon,
  - (17) Newbury,
  - (18) New London,
  - (19) Northfield,
  - (20) Pembroke,
  - (21) Pittsfield,

- (22) Salisbury,
- (23) Sutton,
- (24) Warner,
- (25) Webster, and
- (26) Wilmot; and
- (f) In the county of Rockingham, the towns of:
  - (1) Atkinson,
  - (2) Deerfield,
  - (3) Hampstead,
  - (4) Northwood,
  - (5) Salem; and
  - (6) Windham.

**Amendment to HB 52-FN  
(2021-2271h)**

**Proposed by the Majority of the Special Committee on Redistricting - r**

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

1 U.S. Representative Districts. RSA 662:1 is repealed and reenacted to read as follows:

662:1 U.S. Representative Districts. The state is divided into 2 districts for the choosing of representatives in the congress of the United States. Each district may elect one representative. The districts shall be constituted as follows:

- I. The first district is constituted of:
  - (a) The county of Belknap;
  - (b) In the county of Carroll, the towns of:
    - (1) Moultonborough,
    - (2) Tuftonboro,
    - (3) Wolfeboro.
  - (c) In the county of Grafton, the town of:
    - (1) Bridgewater.
  - (d) In the county of Hillsborough the towns and city of:
    - (1) Bedford,
    - (2) Goffstown,
    - (3) Hudson,
    - (4) Litchfield,
    - (5) Manchester,
    - (6) Merrimack,
    - (7) New Boston,
    - (8) Pelham,
    - (9) Weare.
  - (e) In the county of Merrimack, the towns and city of:
    - (1) Allenstown,
    - (2) Canterbury,
    - (3) Chichester,
    - (4) Danbury,
    - (5) Dunbarton,
    - (6) Epsom,
    - (7) Franklin,
    - (8) Hill,
    - (9) Hooksett,
    - (10) Loudon,
    - (11) Northfield,
    - (12) Pembroke,
    - (13) Pittsfield.
  - (f) In the county of Rockingham, the towns and city of:
    - (1) Atkinson,
    - (2) Auburn,
    - (3) Brentwood,
    - (4) Candia,
    - (5) Chester,
    - (6) Danville,

- (7) Derry,
- (8) Deerfield,
- (9) East Kingston,
- (10) Epping,
- (11) Exeter,
- (12) Fremont,
- (13) Greenland,
- (14) Hampstead,
- (15) Hampton,
- (16) Hampton Falls,
- (17) Kensington,
- (18) Kingston,
- (19) Londonderry,
- (20) Newfields,
- (21) Newmarket,
- (22) Newton,
- (23) North Hampton,
- (24) Northwood,
- (25) Nottingham,
- (26) Plaistow,
- (27) Raymond,
- (28) Rye,
- (29) Salem,
- (30) Sandown,
- (31) Seabrook,
- (32) South Hampton,
- (33) Stratham,
- (34) Windham.

(g) In the county of Strafford, the towns of:

- (1) New Durham,
- (2) Strafford.

II. The second district is constituted of:

(a) The counties of:

- (1) Cheshire,
- (2) Coos,
- (3) Sullivan.

(b) In the county of Carroll, the towns and unincorporated places of:

- (1) Albany,
- (2) Bartlett,
- (3) Brookfield,
- (4) Chatham,
- (5) Conway,
- (6) Eaton,
- (7) Effingham,
- (8) Freedom,
- (9) Hale's Location,
- (10) Hart's Location,
- (11) Jackson,
- (12) Ossipee,
- (13) Madison,
- (14) Sandwich,
- (15) Tamworth,
- (16) Wakefield.

(c) In the county of Grafton, the towns, city, and unincorporated place of:

- (1) Alexandria,
- (2) Ashland,
- (3) Bath,
- (4) Benton,
- (5) Bethlehem,
- (6) Bristol,

- (7) Campton,
  - (8) Canaan,
  - (9) Dorchester,
  - (10) Easton,
  - (11) Ellsworth,
  - (12) Enfield,
  - (13) Franconia,
  - (14) Grafton,
  - (15) Groton,
  - (16) Hanover,
  - (17) Haverhill,
  - (18) Hebron,
  - (19) Holderness,
  - (20) Landaff,
  - (21) Lebanon,
  - (22) Lincoln,
  - (23) Lisbon,
  - (24) Littleton,
  - (25) Livermore,
  - (26) Lyman,
  - (27) Lyme,
  - (28) Monroe,
  - (29) Orange,
  - (30) Orford,
  - (31) Piermont,
  - (32) Plymouth,
  - (33) Rumney,
  - (34) Sugar Hill,
  - (35) Thornton,
  - (36) Warren,
  - (37) Waterville Valley,
  - (38) Wentworth,
  - (39) Woodstock.
- (d) In the county of Hillsborough, the towns and city of:
- (1) Amherst,
  - (2) Antrim,
  - (3) Bennington,
  - (4) Brookline,
  - (5) Deering,
  - (6) Frankestown,
  - (7) Greenfield,
  - (8) Greenville,
  - (9) Hancock,
  - (10) Hillsborough,
  - (11) Hollis,
  - (12) Lyndeborough,
  - (13) Mason,
  - (14) Milford,
  - (15) Mont Vernon,
  - (16) Nashua,
  - (17) New Ipswich,
  - (18) Peterborough,
  - (19) Sharon,
  - (20) Temple,
  - (21) Wilton,
  - (22) Windsor.
- (e) In the county of Merrimack, the towns and city of:
- (1) Andover,
  - (2) Boscawen,
  - (3) Bow,

- (4) Bradford,
  - (5) Concord,
  - (6) Henniker,
  - (7) Hopkinton,
  - (8) Newbury,
  - (9) New London,
  - (10) Salisbury,
  - (11) Sutton,
  - (12) Warner,
  - (13) Webster,
  - (14) Wilmot.
- (f) In the county of Rockingham, the towns and city of:
- (1) New Castle,
  - (2) Newington,
  - (3) Portsmouth.
- (g) In the county of Strafford, the towns of:
- (1) Barrington,
  - (2) Dover,
  - (3) Durham,
  - (4) Farmington,
  - (5) Lee,
  - (6) Madbury,
  - (7) Middleton,
  - (8) Milton,
  - (9) Rochester,
  - (10) Rollinsford,
  - (11) Somersworth.

2 Application. This act shall in no way disqualify any person from any elective office to which he or she was elected prior to the effective date of this act.

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

**Amendment to HB 54  
(2021-2273h)**

**Proposed by the Majority of the Special Committee on Redistricting - r**

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

1 County Commissioner Districts. RSA 662:4 is repealed and reenacted to read as follows:

662:4 County Commissioner Districts. Except for Strafford county where 3 county commissioners shall be elected at large, for the purposes of choosing county commissioners, the counties shall be divided into districts as follows:

I. Belknap: District 1, the towns of Center Harbor and Meredith and the city of Laconia, Wards 1, 3, 4, 5, and 6; District 2, the towns of Belmont, Gilmanton, New Hampton, Sanbornton, and Tilton; District 3, the towns of Alton, Barnstead, and Gilford and the city of Laconia, Ward 2.

II. Carroll: District 1, the towns of Albany, Bartlett, Chatham, Conway, Hart's Location, Jackson, and Sandwich, and the unincorporated place of Hale's Location; District 2, the towns of Madison, Moultonborough, Ossipee, Tamworth, and Tuftonboro; District 3, the towns of Brookfield, Eaton, Effingham, Freedom, Wakefield, and Wolfeboro;

III. Cheshire: District 1, the towns of Chesterfield, Fitzwilliam, Hinsdale, Richmond, Swanzey, Troy, and Winchester; District 2, the towns of Marlborough and Roxbury and the city of Keene; District 3, the towns of Alstead, Dublin, Gilsun, Harrisville, Jaffrey, Marlow, Nelson, Rindge, Stoddard, Sullivan, Surry, Walpole, and Westmoreland.

IV. Coos: District 1, the city of Berlin and the town of Milan; District 2, the unincorporated place of Kilkenny and the towns of Dalton, Jefferson, Lancaster, Northumberland, Randolph and Whitefield; District 3, the unincorporated places of Atkinson and Gilmanton Academy Grant, Bean's Grant, Bean's Purchase, Cambridge, Chandler's Purchase, Crawford's Purchase, Cutt's Grant, Dix's Grant, Dixville, Erving's Location, Green's Grant, Hadley's Purchase, Low and Burbank's Grant, Martin's Location, Odell, Pinkham's Grant, Sargent's Purchase, Second College Grant, Success, and Thompson and Meserve's Purchase, and the towns of Carroll, Clarksville, Colebrook, Columbia, Dummer, Errol, Gorham, Millsfield, Pittsburg, Shelburne, Stark, Stewartstown, Stratford, and Wentworth's Location.

V. Grafton: District 1, the towns of Enfield and Hanover and the city of Lebanon; District 2, the unincorporated place of Livermore and the towns of Bath, Benton, Bethlehem, Easton, Franconia, Haverhill,

Landaff, Lincoln, Lisbon, Littleton, Lyman, Lyme, Monroe, Orford, Piermont, Sugar Hill, Thornton, Water-ville Valley, and Woodstock; District 3, the towns of Alexandria, Ashland, Bridgewater, Bristol, Campton, Canaan, Dorchester, Ellsworth, Grafton, Groton, Hebron, Holderness, Orange, Plymouth, Rumney, Warren, and Wentworth.

VI. Hillsborough: District 1, the towns of Bedford and New Boston and the city of Manchester; District 2, the towns of Hudson, Litchfield, and Pelham and the city of Nashua; District 3, the towns of Amherst, Antrim, Bennington, Brookline, Deering, Frankestown, Goffstown, Greenfield, Greenville, Hancock, Hillsborough, Hollis, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, New Ipswich, Peterborough, Sharon, Temple, Weare, Wilton, and Windsor.

VII. Merrimack: District 1, the town of Bow and the city of Concord; District 2 the towns of Andover, Boscawen, Bradford, Canterbury, Chichester, Danbury, Hill, Loudon, New London, Newbury, Northfield, Salisbury, Sutton, Warner, Webster, and Wilmot, and the city of Franklin; District 3, the towns of Allenstown, Dunbarton, Epsom, Henniker, Hooksett, Hopkinton, Pembroke, Pittsfield.

VIII. Rockingham: District 1, the towns of Epping, Exeter, Greenland, Hampton, Hampton Falls, Kensington, New Castle, Newfields, Newington, Newmarket, North Hampton, Rye, and Stratham and the city of Portsmouth; District 2, the towns of Atkinson, Derry, Newton, Plaistow, Salem, Seabrook, South Hampton, and Windham; District 3, the towns of Auburn, Brentwood, Candia, Chester, Danville, Deerfield, East Kingston, Fremont, Hampstead, Kingston, Londonderry, Northwood, Nottingham, Raymond, and Sandown.

IX. Sullivan: District 1, the town of Cornish and the city of Claremont; District 2, the towns of Croydon, Grantham, Newport, Plainfield, and Springfield; District 3, the towns of Acworth, Charlestown, Goshen, Langdon, Lempster, Sunapee, Unity, and Washington.

2 Application. No provision of this act shall be construed as affecting the constituencies or terms of office of county commissioners presently in office. If there shall be a vacancy in a county commissioner district for any reason prior to the 2022 state general election, the vacancy shall be filled under the terms of RSA 661:9 from the same county commissioner district that existed for the 2020 state general election. The nomination and election of county commissioners at the 2022 state general election shall be by districts as provided in this act.

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

**Amendment to HB 54  
(2021-2276h)**

**Proposed by the Minority of the Committee on Special Committee on Redistricting- r**

Amend RSA 662:4, II-III as inserted by section 1 of the bill by replacing them with the following:

II. Carroll: District 1, the towns of Bartlett, Chatham, Conway, Eaton, Freedom, Hart's Location, and Jackson; District 2, the unincorporated place of Hale's Location and the towns of Albany, Madison, Moultonborough, Ossipee, Sandwich, and Tamworth; District 3, the towns of Brookfield, Effingham, Tuftonboro, Wakefield, and Wolfeboro.

III. Cheshire: District 1, the towns of Chesterfield, Hinsdale, Surry, Swanzey, Walpole, Westmoreland, and Winchester; District 2, the towns of Marlborough and Roxbury and the city of Keene; District 3, the towns of Alstead, Dublin, Fitzwilliam, Gilsum, Harrisville, Jaffrey, Marlow, Nelson, Richmond, Rindge, Stoddard, Sullivan, and Troy.

Amend RSA 662:4, VII-VIII as inserted by section 1 of the bill by replacing them with the following:

VII. Merrimack: District 1, the towns of Boscawen and Webster, and the city of Concord; District 2, the towns of Allenstown, Andover, Canterbury, Chichester, Danbury, Epsom, Hill, Loudon, Northfield, Pembroke, Pittsfield, Salisbury, and the city of Franklin; District 3, the towns of Bow, Bradford, Dunbarton, Henniker, Hooksett, Hopkinton, New London, Newbury, Sutton, Warner, and Wilmot.

VIII. Rockingham: District 1, the towns of Danville, East Kingston, Greenland, Hampton, Hampton Falls, Kensington, Kingston, New Castle, Newington, Newton, North Hampton, Plaistow, Rye, Seabrook, South Hampton, and Stratham, and the city of Portsmouth; District 2, the towns of Atkinson, Brentwood, Epping, Exeter, Fremont, Hampstead, Newfields, Newmarket, Raymond, Salem, and Sandown; District 3, the towns of Auburn, Candia, Chester, Deerfield, Derry, Londonderry, Northwood, Nottingham, and Windham.

**Amendment to HB 55  
(2021-2247h)**

**Proposed by the Special Committee on Redistricting - c**

Amend RSA 662:6 as inserted by section 1 of the bill by replacing it with the following:

662:6 Delegates to State Party Conventions. At every state primary election, the voters shall elect delegates to each state party convention in the same manner and in the same proportion as state representative districts.

2021-2247h  
AMENDED ANALYSIS

This bill specifies that delegates to state party conventions are to be elected in accordance proportion with state representative districts.

**Amendment to HB 84  
(2021-2097h)**

**Proposed by the Majority of the Committee on Executive Departments and Administration - r**  
Amend the title of the bill by replacing it with the following:

AN ACT declaring May 21, 2022 as Ona Judge Staines Day.

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

1 Observances Proclaimed by the Governor; Ona Judge Staines Day. The governor shall proclaim May 21, 2022 as Ona Judge Staines Day in New Hampshire, in honor of the day in 1796 on which the enslaved maid Ona Judge Staines seized her freedom from the President's house in Philadelphia where George and Martha Washington were at dinner, and in celebration of her eventually making her way to New Hampshire where she lived in freedom for the rest of her life. The proclamation shall call on the citizens of New Hampshire to observe the day with appropriate ceremonies and activities and call on schools to commemorate the day with appropriate educational activities.

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

2021-2097h  
AMENDED ANALYSIS

This bill proclaims May 21, 2022 as Ona Judge Staines Day.

**Amendment to HB 87  
(2021-2246h)**

**Proposed by the Majority of the Committee on Election Law - r**

Amend the bill by replacing section 1 with the following:

1 Electioneering; Definition. Amend RSA 652:16-h to read as follows:

652:16-h Electioneering. Electioneering means visibly displaying or audibly disseminating information that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted.

*I.* Electioneering includes, but is not limited to[~~-~~

~~I. Wearing clothing or paraphernalia that displays a candidate's name, likeness, or logo, a ballot measure's number, title, subject, or logo, a political party's name or logo, or any communication that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure, provided that a person eligible to vote or register to vote in the voting district who is unable to remove or cover clothing that explicitly advocates for or against any candidate, political party, or measure, may wear such clothing in the polling place while actively engaged in the process of registering to vote or while actively engaged in the process of voting.~~

~~H.] distributing or posting a card, handbill, poster, placard, picture, pin, sticker, circular, or any other form of communication that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure.~~

***II. For the following officials, electioneering shall also include wearing clothing or paraphernalia that displays a candidate's name, likeness, or logo, a ballot measure's number, title, subject, or logo, a political party's name or logo, or any communication that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure:***

***(a) Election officers, as defined by RSA 652:14.***

***(b) Ballot clerks, as defined by RSA 658:25.***

***(c) Observers authorized by the moderator pursuant to RSA 659:13-a.***

***(d) Challengers appointed pursuant to RSA 666:4 or RSA 666:5.***

2021-2246h  
AMENDED ANALYSIS

This bill amends the definition of "electioneering" by prohibiting only certain election officials from wearing clothing or paraphernalia that a reasonable person would believe explicitly advocates for or against any candidate, political party, or measure being voted.

**Amendment to HB 102  
(2021-2151h)**

**Proposed by the Committee on Ways and Means - c**

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

AN ACT establishing a commission to study worldwide combined reporting method for unitary businesses under the business profits tax.

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

1 Findings. The general court finds that New Hampshire has a unique tax structure. With no general sales or income tax and no severance tax on natural resources, New Hampshire relies on its business profits tax more than any other state and most countries. In 1981, the business profits tax law was amended to allow the department of revenue administration or taxpayers to employ the combined reporting method of taxation under the unitary business principle.

2 Commission on Worldwide Combined Reporting for Unitary Businesses under the Business Profits Tax. Amend RSA 77-A by inserting after section 23-a the following new section:

77-A:23-b Commission on Worldwide Combined Reporting for Unitary Businesses under the Business Profits Tax. There is established a commission to study the replacement of the water's edge method by the worldwide combined reporting method for reporting and apportionment of income under the business profits tax.

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

(a) Three members of the house of representatives, who shall be from the ways and means committee, appointed by the speaker of the house of representatives.

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

(c) Three members of the state's business community, one representing in-state domesticated businesses with less than 100 employees, one representing in-state domesticated businesses with more than 100 employees, and one representing out-of-state or foreign domesticated businesses, appointed by the president of the New Hampshire Business and Industry Association.

(d) The president of the New Hampshire Society of Certified Public Accountants, or designee.

(e) The commissioner of the department of revenue administration, or designee.

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

(g) The attorney general, or designee.

(h) An attorney expert in transnational and New Hampshire business profit tax accounting issues, appointed by the president of the New Hampshire Bar Association.

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

III. The commission shall study the advantages and disadvantages for the state's economy and revenues of replacement of the current water's edge method by the worldwide combined reporting method for reporting and apportionment of income under the business profits tax. It shall consult with national experts in both methods, including economists, business associations, and tax experts.

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

V. The commission shall report its preliminary findings on or before November 1, 2022 and issue a final report of its findings and any recommendations for proposed legislation on or before November 1, 2023, 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.

3 Repeal. RSA 77-A:23-b, relative to the commission on worldwide combined reporting for unitary businesses under the business profits tax, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2023.

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

2021-2151h

AMENDED ANALYSIS

This bill establishes a commission to study worldwide combined reporting method for unitary businesses under the business profits tax.

**Amendment to HB 103-FN  
(2021-2214h)**

**Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - r**

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

1 Statement of Purpose; Dental Benefits under Medicaid Managed Care.

I. The general court recognizes that untreated oral health conditions negatively affect a person's overall health and that good oral health improves a person's ability to obtain and keep employment. The general court further recognizes that regular dental care and access to preventive and restorative treatments for oral health conditions are less expensive than emergency care and prevent oral conditions from developing into more complex health conditions that would require medical care.

II. Therefore, to improve overall health, promote savings in the state's Medicaid managed care program, and prevent future health conditions caused by oral health problems, and based on the recommendation of the working group convened pursuant to 2019, 346:225, the general court hereby determines that it is in the best interest of the state of New Hampshire to extend dental benefits under the Medicaid managed care program to individuals 21 years of age and over.

2 New Paragraph; Medicaid Managed Care Program; Dental Benefits. Amend RSA 126-A:5 by inserting after paragraph XIX the following new paragraph:

XIX-a.(a)(1) The commissioner shall pursue contracting options to administer the state's Medicaid dental program with the goals of improving access to dental care for Medicaid populations, improving health outcomes for Medicaid enrollees, expanding the provider network, increasing provider capacity, and retaining innovative programs that improve access and care through a value-based care model.

(2) The commissioner shall issue a request for information to assist in selecting the administrative model for the state's Medicaid dental program. Such model shall be either a model administered by a dental managed care organization or a model administered by the state's current medical managed care organizations. The commissioner shall obtain the requested information from both the current medical managed care organizations and any interested dental managed care organization. The administrative model selected shall demonstrate the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The request for information shall be released no later than August 1, 2022. The request for information shall address improving health outcomes, expanding the provider network, increasing capacity of providers, integrating a value-based care model, and exploring innovative programs for children and adults.

(3) If the model administered by a dental managed care organization is selected, the commissioner shall issue a 3-year request for proposals, with 2 optional one-year extensions, to enter into contracts with the vendor that demonstrates the greatest ability to satisfy the state's need for value, quality, efficiency, innovation, and savings. The state plan amendment shall be submitted to the Centers for Medicare and Medicaid Services (CMS) within the quarter of implementation (by June 30, 2023). Implementation of a procured contract shall begin April 1, 2023. The commissioner shall establish a capitated rate for the appropriate model for the contract that is full risk to the vendor. In contracting for a dental managed care model and the various rate cells, the department shall ensure no reduction in the quality of care of services provided to enrollees in the managed care model and shall exercise all due diligence to maintain or increase the quality of care provided. Following approval by the joint health care reform oversight committee, pursuant to RSA 420-N:3, the department shall seek, with the review of the fiscal committee of the general court, all necessary and appropriate state plan amendments and waivers to implement the provisions of this paragraph. The program shall not commence operation until such state plan amendments or waivers have been approved by CMS. All necessary state plan amendments shall be submitted within the quarter of implementation (by June 30, 2023) and waivers shall be submitted by October 1, 2022.

(4) The commissioner shall adopt rules, pursuant to RSA 541-A, if necessary, to implement the provisions of this paragraph and shall first obtain approval of proposed rules by the joint health care reform oversight committee, pursuant to RSA 420-N:3.

(b) Any vendor awarded a contract pursuant to this paragraph shall provide the required dental services to children and the following dental services to individuals 21 years of age and over, reimbursed under the United States Social Security Act, Title XIX, or successors to it:

(1) Diagnostic and preventive dental services including an annual comprehensive oral examination, necessary x-rays or other imaging, prophylaxis, topical fluoride, oral hygiene instruction, behavior management and smoking cessation counseling, and other services as determined by the commissioner.

(2) Comprehensive restorative treatment necessary to prevent or treat oral health conditions, to reduce or eliminate the need for future acute oral health care, and to avoid more costly medical or dental care.

(3) Oral surgery and treatment necessary to relieve pain, eliminate infection or prevent imminent tooth loss.

(4) Prosthodontic coverage for DD, ABD, and CFI waiver, and nursing facility resident populations only, subject to medical necessity.

(c) Cost sharing shall be implemented to the maximum extent allowed under CMS guidelines for Medicaid recipients with family incomes above 100 percent of the Federal Poverty Level (FPL).

(d) The department of health and human services shall present an annual report to the health and human services oversight committee that includes, but is not limited to, Medicaid recipient utilization, provider participation, and other indicators of program effectiveness.

(e) In this paragraph, “dental managed care organization” means any dental care organization, dental service organization, health insurer, or other entity licensed under Title XXXVII, that provides, directly or by contract, dental care services covered under this paragraph rendered by licensed providers and that meets the requirements of Title XIX or Title XI of the federal Social Security Act.

3 Appropriation; Department of Health and Human Services; Dental Benefits under Medicaid Managed Care. The sum of \$1,390,000 for the standard Medicaid population for the purpose of funding the state’s share for the services described in RSA 126-A:5, XIX-a(b) is appropriated to the department of health and human services. The appropriation shall not lapse. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated. In addition, the sum of \$337,500 of funding for the state’s share for dental benefits under the Medicaid expansion population shall be expended by the department which shall be a credit against the New Hampshire granite advantage health care trust fund established in RSA 126-AA:3.

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

### **Amendment to HB 116**

**(2021-2199h)**

#### **Proposed by the Committee on Transportation - c**

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

2 New Sections; Motor Vehicles; Definitions; Personal Delivery Device. Amend RSA 259 by inserting after section 75 the following new sections:

259:75-a Personal Delivery Device. “Personal delivery device” means an electrically powered device that:

I. Is operated on sidewalks, crosswalks, and roadways and is intended primarily for transporting goods and cargo.

II. Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

III. When operated in compliance with this section is not a vehicle.

259:75-b Roadway. For purposes of RSA 259:75-b and RSA 265:163, “roadway” means that portion of a way improved, designed, or ordinarily used for vehicular travel, including the berm or shoulder where such berm or shoulder is used by persons riding bicycles or other human powered vehicles.

3 New Subdivision; Special Rules for Personal Delivery Devices and Mobile Carriers. Amend RSA 265 by inserting after section 162 the following new subdivision:

#### Special Rules for Personal Delivery Devices and Mobile Carriers

265:163 Personal Delivery Devices and Mobile Carriers.

I. A personal delivery device or mobile carrier may operate on sidewalks and crosswalks. A personal delivery device or mobile carrier operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that the personal delivery device or mobile carrier shall not unreasonably interfere with pedestrians or traffic and shall yield the right-of-way to pedestrians on the sidewalk or crosswalk. State and local law enforcement shall have the authority to enforce state and local traffic laws.

II. Personal delivery devices and a mobile carriers shall:

(a) Obey all official traffic and pedestrian control signals and devices.

(b) For personal delivery devices, include a plate or marker that has a unique identifying device number and identifies the name and contact information of the personal delivery device operator.

(c) Be equipped with a braking system that, when active or engaged, enables the personal delivery device or mobile carrier to come to a controlled stop.

III. Mobile carriers shall not:

(a) Operate on a roadway except to the extent necessary to cross a crosswalk.

(b) Operate on a sidewalk or crosswalk unless the mobile carrier owner remains within 25 feet of the mobile carrier.

(c) Transport hazardous materials that are regulated under the Hazardous Materials Transportation Authorization Act of 1994 and must be placarded under 49 CFR 172.500 through 172.560.

(d) Transport persons or animals.

IV. Personal delivery devices shall not:

(a) Operate at speeds in excess of 10 miles per hour on sidewalks;

(b) Operate at speeds in excess of 20 miles per hour on roadways;

(c) Operate unless the navigation and operation is being monitored or controlled by an operator;

(d) Transport hazardous materials that are regulated under the Hazardous Materials Transportation Authorization Act of 1994 and must be placarded under 49 CFR 172.500 through 172.560.

V. A local authority may not ban the operation of a personal delivery device but may reasonably restrict the operation of a personal delivery device on a roadway or in a pedestrian area in a manner consistent with this subdivision following an opportunity for input from stakeholders.

VI. A person who owns and operates a personal delivery device in this state shall maintain an insurance policy, on behalf of himself or herself and his or her agents, which provides general liability coverage of at least \$100,000 for damages arising from the combined operations of personal delivery devices under the entity's or agent's control.

**Amendment to HB 118  
(2021-2143h)**

**Proposed by the Minority of the Committee on Fish and Game and Marine Resources - r**

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

1 Fish and Game Commission; Appointment of Commission. Amend RSA 206:2 to read as follows:  
206:2 Appointment of Commission.

I. The commission shall consist of 11 members, each qualified pursuant to RSA 206:2-a, appointed by the governor and council. Whenever an appointment is to be made to the commission, the governor shall cause to be published the name of the nominee in a newspaper of statewide daily circulation **and in the minutes of the council meeting in which the nomination was announced. The executive director shall announce the name of the nominee at the commission meeting immediately following the nomination, and shall also publish the name of the nominee on the department's website while the person is under consideration by the council.** The council may not consent to an appointment under this section sooner than 30 days after the name of the nominee is submitted to the council.

II. [~~Sporting clubs in each county may form a county sporting club board.~~] Whenever an appointment is to be made to the commission, [~~each board~~] **a nominating organization** may nominate one to 3 persons and submit such recommendations to the governor for the governor's consideration. Whenever an appointment is to be made to the commission from the tidewater towns, the advisory committee on marine fisheries may nominate one to 3 persons and submit such recommendations to the governor for the governor's consideration.

III. For the purposes of this section [~~sporting clubs~~] **"nominating organization"** means:

(a) An organization [~~which has specific interests in hunting, fishing, trapping, wildlife and habitat conservation and~~] which has been registered with the *New Hampshire* department of state for at least 2 consecutive years **and which supports hunting, fishing, and trapping, or wildlife or habitat conservation; or**

(b) An organization which acknowledges in its permanent bylaws, the promotion and protection of hunting, fishing [or], trapping, **or wildlife or habitat conservation** and which accepts scientific wildlife management methods and tools.

2 Fish and Game Commission; Qualification of Commissioners. RSA 206:2-a is repealed and reenacted to read as follows:

206:2-a Qualifications of Commissioners.

I. The membership of the commission shall be as follows:

(a) One member from each county in the state who shall be a resident of the county they represent; and

(b) One member, who may be referred to as the coastal commissioner, who shall be a resident of one of the tidewater towns of Portsmouth, Seabrook, Rye, Hampton, Hampton Falls, North Hampton, Newington, Greenland, Stratham, Exeter, Newfields, Newmarket, Durham, Madbury, Dover, Rollinsford or New Castle.

(c) No more than 6 commissioners shall be members of the same political party.

II. Each commission member shall also be qualified as follows:

(a) Well-informed on the subject of fish and wildlife conservation and restoration.

(b) Dedicated to the conservation and protection of the state's fish and wildlife resources and of an environment conducive to the welfare of the same.

(c) Committed to a fish and game program providing reasonable balance between research, habitat management and law enforcement.

(d) A personal record free of convictions of violation of fish and game laws and regulations of this state or any other jurisdiction within 5 years, preceding his or her appointment.

(e) An active membership for at least 2 years in a conservation or sportsperson's organization having a presence in this state.

(f) At least 5 years' experience in one or a combination of the following fields which may be demonstrated by study at the undergraduate, graduate level, or employment in this state in the field:

(1) Forestry.

(2) Agriculture.

(3) Management of wild lands.

(4) Soils conservation.

(5) Conservation of water resources.

(6) Fish and game management or propagation.

(7) Conservation engineering.

- (8) Conservation law.
- (9) Wildlife, fisheries, or marine education.
- (10) Outdoor safety education.

III. In addition to the qualifications under paragraph II:

(a) The coastal commissioner shall possess a general knowledge of all crustaceans and bivalves in coastal waters and salt water fishing in general.

(b) At least 7 of the 10 commissioners appointed pursuant to subparagraph I(a) shall:

(1) Be active outdoorspersons who hold a resident fishing, hunting, or trapping license for at least 7 of the 10 years preceding the appointment, up to 2 years of which may be satisfied by holding a fishing, hunting, or trapping license in another state provided the years the license was held in another state different from the years the resident license was held, and who hold such license for the entirety of their term of office on the commission; and

(2) Have engaged in the taking of game for the purposes of hunting or trapping by having tagged game or sealed appropriate fur-bearer furs for 3 of the last 10 years or, for the purposes of angling, the taking of non-controlled game species, or other licensed, non-controlled fish and game activities, signed an affidavit under the pains and penalty of perjury swearing the active involvement in such licensed, non-controlled fish and game activities for 3 of the last 10 years.

(c) Within 5 years of the effective date of this subparagraph, at least 3 of the 10 commissioners appointed pursuant to subparagraph I(a) shall be qualified by holding a graduate degree in one of the following fields, or an undergraduate degree with at least 5 years' experience of employment as a scientist in one or a combination of the following fields:

- (1) Fisheries or wildlife biology.
- (2) Forestry science.
- (3) Wildlife or fisheries habitat conservation.
- (4) Soil conservation.
- (5) Conservation of water resources.
- (6) Environmental engineering.

(7) Any of the ecological sciences including, but not limited to, biological population ecology, biological community ecology, conservation ecology, or ecosystem ecology.

(8) Biostatistics.

(d) A member qualified under subparagraph (c) shall, upon confirmation, either hold a resident fishing, hunting, or trapping license as required under subparagraph (b) or shall make a donation equal to the cost of such license or licenses to the nongame species account established in RSA 212-B:6 for the entirety of their term on the commission.

(e) In any year in which the governor determines that no nominee is qualified as required under subparagraph (c), then subparagraph (c) shall not apply in that year, and the governor may nominate an individual who is qualified as provided in the remainder of this section.

IV. Upon nomination by the governor, each nominee shall forthwith file with the secretary of state an affidavit, duly signed and sworn to, setting forth in detail how the nominee complies with the qualifications cited in this section and affirming his or her belief in the aims of subparagraphs II(b) and (c). The appointment shall not be confirmed by the council until such affidavit has been examined by them and such appointee has been found qualified pursuant to this section.

3 Fish and Game Commission; Removal. Amend RSA 206:4 to read as follows:

206:4 Removal.

*I.* The governor, with the advice of the council, may remove a commissioner for inefficiency, neglect of duty, ~~or~~ misconduct *while* in office, *and may suspend such commissioner's hunting, fishing, and trapping licenses as a result of a violation of the fish and game laws of this state or another jurisdiction, by* delivering to ~~him~~ *the commissioner* a copy of the charges and affording ~~him~~ *the commissioner* an opportunity of being publicly heard in person or by counsel in ~~his~~ *the commissioner's* own defense, upon not less than 10 days' notice. If such commissioner shall be removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner and ~~his~~ *the* findings thereon, together with a complete record of the proceedings.

*II. A commissioner who changes his or her residence to a place outside of the county or towns which he or she represents shall be disqualified from further service on the commission, and the seat shall be declared vacant.*

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

**Amendment to HB 122-A  
(2021-2128h)**

**Proposed by the Committee on Public Works and Highways - r**

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

AN ACT amending the capital appropriation for an aviation hangar bay in the department of military affairs and veterans services.

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

1 Capital Appropriation Amended; 2019; Adjutant General; Aviation Hangar Bay. Amend 2019, 146:1, I, paragraphs F and G and the total state appropriation paragraph I to read as follows:

F. Aviation Hangar Bay	[4,160,000]	<b>2,080,000</b>
Less Federal Funds		(2,080,000)
Net State		[2,080,000] <b>0</b>
G. Veteran's Cemetery - Replace Backhoe*		115,000

Total state appropriation paragraph I [3,195,000] **\$1,115,000**

2 Capital Appropriation Transferred; 2019; General Funds; Aviation Hangar Bay. Amend 2019, 146:1, XV to read as follows:

XV. Department of Safety, General Funds

A. Fire Academy HVAC Upgrade*		426,000
Less Other Funds		(426,000)
Net State		0

B. Fire Academy, New Truck and HVAC Upgrades*		1,200,000
Less Federal Funds		(504,000)
Less Other Funds		(696,000)
Net State		0

C. Criminal Records Customer Portal**		600,000
Less Other Funds		(600,000)
Net State		0

D. Troop C Renovation- General Fund Portion		959,850
---	--	---------

**E. Aviation Hangar Bay** **2,080,000**

Total state appropriation paragraph XV [959,850] **\$3,039,850**

\*To provide funds for the appropriation made in subparagraphs A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,122,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the fire standards and training and emergency medical services fund established in RSA 21-P:12-d.

\*\*To provide funds for the appropriation made in subparagraph C, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$600,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the special nonlapsing account for the expenses of the criminal records section, established in RSA 106-B:7, II.

3 Lapse Extension Amended; 2021. Amend 2021, 107:16, 117 to read

117. The appropriation made to the Military Affairs and Veterans Services in 2019, 146:1, I, F, **as amended**, for Aviation Hangar Bay.

4 New Subparagraph; Lapse Extension; Department of Safety; Aviation Hangar Bay. Amend 2021, 107:16 by inserting after subparagraph 185 the following new subparagraph:

186. The appropriation made to the Department of Safety in 2019, 146:1, XV, E for Aviation Hangar Bay.

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

2021-2128h

#### AMENDED ANALYSIS

This bill transfers a capital appropriation for an aviation hangar bay to be split between the department of safety and the department of military affairs and veterans services.

#### Amendment to HB 144

(2021-2249h)

#### Proposed by the Committee on Election Law - c

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

1 Absentee Ballot Application Forms. Amend the section heading and RSA 657:4, I to read as follows:  
657:4 **Absentee Ballot Application** Forms.

I. Prior to any state election, the secretary of state shall prepare the appropriate application forms for absentee ballots worded in substantially the following form. The secretary of state shall insert the names of all parties qualified as set forth in RSA 652:11 in the list of parties on the application form. The secretary of state shall prepare the application forms in such quantity as he or she deems necessary:

Absence (Excluding Absence Due to Residence Outside the United States), Religious Observance, and Disability:

I hereby declare that (check one):

I am a duly qualified voter who is currently registered to vote in this [town/ward] **city, town, or unincorporated place.**

I am **unable to register to vote in person because I am** absent from the [town/city] **city, town, or unincorporated place** where I am domiciled and will be until after the next election, or I am unable to register in person due to a disability, and request that the forms necessary for absentee voter registration be sent to me with the absentee ballot.

I will be entitled to vote by absentee ballot because (check one):

I plan to be absent on the day of the election from the city, town, or unincorporated place where I am domiciled.

I am confined in a penal institution for a misdemeanor or while awaiting trial.

~~I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.~~

I cannot appear in public on election day because of observance of a religious commitment.

I am unable to vote in person due to a disability.

I cannot appear at any time during polling hours at my polling place because of an employment obligation. For the purposes of this application, the term "employment shall include the care of children and infirm adults, with or without compensation.

For use only on the Monday immediately prior to the election: I cannot appear at my polling place on election day because the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning for election day applicable to my city, town, or unincorporated place and either (check one):

I ~~[am elderly or infirm or I have a physical disability, and]~~ would otherwise vote in person but I have concerns for my safety traveling in the storm.

I anticipate that school, child care, or adult care will be canceled, and would otherwise vote in person but will need to care for children or infirm adults.

***I am requesting a ballot for the presidential primary election and I may be absent on the day of the election from the city, town, or unincorporated place where I am domiciled, but the date of the election has not been announced. I understand that I may only make such a request 14 days after the filing period for candidates has closed, and that if I will not be absent on the date of the election I am not eligible to vote by absentee ballot.***

Any person who votes or attempts to vote using an absentee ballot who is not entitled to vote by absentee ballot shall be guilty of a misdemeanor. RSA 657:24.

I am requesting an official absentee ballot for the following election (check one):

**General Election to be held on**  
(MM/DD/YYYY)

**State Primary Election to be held on**  
(MM/DD/YYYY)

Presidential Primary **Election** to be held on  
(MM/DD/YYYY)

(The date may appear as blank when the date is not known.)

~~State Primary to be held on  
(MM/DD/YYYY)~~

~~General Election]~~

For primary elections, I am a member of or I am now declaring my affiliation with the (check one):

Republican Party

Democratic Party

(name of any party determined by the secretary of state to have achieved official status under RSA 652:11)

and am requesting a ballot for that party's primary.

Please print:

Applicant's Name:

\_\_\_\_\_  
(Last) (First) (Middle) (Sr., Jr., II., III)  
Applicant's Voting Domicile (home address):

\_\_\_\_\_  
(Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)

Mail the ballot to me at this address (if different than the home address):

\_\_\_\_\_  
 (Street Number) (Street Name) (Apt/Unit) (City/Town) (Ward) (Zip Code)  
 [Applicant's Phone Number : \_\_\_\_\_  
 Applicant's Email Address : \_\_\_\_\_]  
 Applicant's Signature: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 (MM/DD/YYYY)

**Please provide one of the following in case we need to contact you:**

**Applicant's Phone Number:** \_\_\_\_\_

**Applicant's Email Address:** \_\_\_\_\_

I attest that I assisted the applicant in executing this form because he or she has a disability.

Signature \_\_\_\_\_

Print Name \_\_\_\_\_

If your absentee ballot application or affidavit envelope has the printed name and signature of a person who assisted you with voting, your signature will not be compared to your signature on the absentee ballot affidavit to verify your identity. Otherwise, if your signatures do not appear to be made by the same person, your absentee ballot may not be counted.

The applicant must sign this form to receive an absentee ballot. Any person who witnesses and assists a voter with a disability in executing this form shall print and sign his or her name in the space provided on the application form. The moderator will not compare the voter's signature on the application with the signature on the absentee ballot affidavit when a person assisting the voter has signed the statement on the absentee ballot application or affidavit envelope that assistance was provided.

2 Absentee Ballots and Related Materials; Absence, Religious Observance, and Disability. Amend RSA 657:7, II to read as follows:

II. Affidavit envelopes of sufficient size to contain the ballots on which shall be printed the following: YOUR COMPLETED ABSENTEE BALLOT MUST BE SEALED IN THIS ENVELOPE

I do hereby certify under the penalties for voting fraud set forth below that:

I am a voter in the city, [or] town, **or unincorporated place** of \_\_\_\_\_, New Hampshire, **in ward** \_\_\_\_\_ [-] **and that** one of the following applies to me:

- 1) I will be absent on election day. Absence includes:
  - a) I will be out-of-town on election day.
  - b) I will be unable to vote in person because I will be working.
  - c) I will be unable to vote in person because I will be caring for children or infirm adults, with or without compensation.
  - d) I am voting absentee on the Monday immediately before the election, the National Weather Service has issued a winter storm warning, blizzard warning, or ice storm warning that applies to my town/ward, **or unincorporated place**, and I have concerns for traveling in the storm.
- 2) I am unable to vote in person due to disability.
- 3) I am unable to vote in person due to observance of a religious commitment, which prevents me from voting in person.
- 4) I am confined to a penal institution for a misdemeanor or while awaiting trial.

I have carefully read or had read to me the absentee voting instructions. I personally marked the absentee ballot enclosed in this envelope or, due to a disability, I had assistance in marking the absentee ballot.

Voter Signature \_\_\_\_\_

A person assisting a voter with a disability shall sign this statement on this envelope acknowledging the assistance.

I attest that I assisted (print voter name) \_\_\_\_\_ because the voter is a person with a disability. I marked the ballot and/or this form as instructed by the voter.

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

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

**Amendment to HB 147-FN  
(2021-2200h)**

**Proposed by the Majority of the Committee on Criminal Justice and Public Safety - r**

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

1 First Degree Assault. Amend RSA 631:1, I to read as follows:

I. A person is guilty of a class A felony if he *or she*:

- (a) Purposely causes serious bodily injury to another; or
- (b) Purposely or knowingly causes bodily injury to another by means of a deadly weapon, except that if the deadly weapon is a firearm, he *or she* shall be sentenced in accordance with RSA 651:2, II-g; or
- (c) Purposely or knowingly causes injury to another resulting in miscarriage or stillbirth; or
- (d) Knowingly or recklessly causes serious bodily injury to a person under 13 years of age; *or*
- (e) Purposely or knowingly causes bodily injury to a person 65 years of age or older where the actor is either 10 years younger than the victim or under 55 years of age.**

2 Second Degree Assault. Amend RSA 631:2, I(f) to read as follows:

- (f) Purposely or knowingly engages in the strangulation of another; *or*
- (g) Purposely or knowingly causes unprivileged physical contact by using physical force against another person who is 65 years of age or older and the actor is either 10 years younger than the victim or under 55 years of age.**

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

2021-2200h

#### AMENDED ANALYSIS

This bill creates first and second degree assault offenses for an assault against a person 65 years of age or older by a person who is either 10 years younger than the victim or under 55 years of age.

#### Amendment to HB 207-FN (2021-0193h)

##### Proposed by the Committee on Commerce and Consumer Affairs - c

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

1 New Chapter; Carriage of Household Goods for Hire by Motor Vehicle. Amend RSA by inserting after chapter 359-S the following new chapter:

#### CHAPTER 359-T

##### CARRIAGE OF HOUSEHOLD GOODS FOR HIRE BY MOTOR VEHICLE

359-T:1 Definitions. In this chapter, the following words shall have the following meanings:

- I. "Department" shall mean the department of safety.
- II. "Household goods carrier" shall mean a common or contract carrier which transports for hire by motor vehicle between points in this state:
  - (a) Personal effects and property used or to be used in a dwelling as a part of the equipment or supply of the dwelling;
  - (b) Furniture, fixtures, equipment and property of any establishment, which are a part of the stock, equipment or supply of the establishment;
  - (c) Articles, including objects of art, displays and exhibits with an unusual nature or value, which require specialized handling and equipment usually used in moving household goods.
- III. "Household goods carrier" does not include any person who transports his own goods for the purpose of sale or delivery, or in the furtherance of a trade or business other than transportation.
- IV. "Commissioner" shall mean the commissioner of the department of safety.
- V. "Common carrier" means a person holding itself out to the general public to provide motor vehicle transportation for compensation over regular or irregular routes, or both.
- VI. "Contract carrier" means a person providing motor vehicle transportation for compensation under continuing agreements with one or more persons:
  - (a) By assigning motor vehicles for a continuing period of time for the exclusive use of each 1 such person; or
  - (b) Designed to meet the distinct needs of each such person.

359-T:2 Certificate Required. No household goods carrier, as defined herein, shall engage in the business of transporting household goods, as defined by the department, between points in this state, unless the carrier holds a certificate issued by the department authorizing such operations. The application for such certificate shall be in accordance with the procedure provided for in RSA 359-T:3 and such certificate shall be issued or denied accordingly.

359-T:3 Issuance. A certificate shall be issued to any qualified applicant therefor, if it is found that the applicant is willing and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations issued by the commissioner thereunder; otherwise, such application shall be denied.

359-T:4 Issuance of Contract Carrier Permits. A contract carrier permit shall be issued to any qualified applicant, if it appears from the application, that the applicant is willing and able to properly perform the service of a contract carrier by motor vehicle, and to conform to the provisions of this chapter and any rules adopted by the commissioner, otherwise, such application shall be denied.

359-T:5 Applications for Certificates. Application for certificates required in RSA 359-T:2 shall be:

- I. Made in writing to the department;
- II. Signed under the penalties of unsworn falsification pursuant to RSA 541:3;
- III. Accompanied by the fee specified in RSA 359-T:18;
- IV. In the form specified in rules adopted by the commissioner; and
- V. With the information specified in rules adopted by the commissioner.

359-T:6 Suspension, Change and Revocation of Certificates and Permits. Certificates and permits issued under the provisions of this chapter authorizing operations as a household goods carrier shall be effective from the date specified therein and shall remain in effect until suspended, revoked or terminated as herein provided. The department may, after notice and hearing, upon application or upon its own initiative, amend, suspend, or revoke any such certificate or permit in whole or in part, for willful failure to comply with any provision of this chapter or with any lawful order or rule issued or adopted by the department.

359-T:7 Transfer of Certificates and Permits. No certificate or permit, nor any rights thereunder, shall be transferred without the approval of the department.

359-T:8 Security for the Protection of Property. No certificate or permit issued to a carrier under the provisions of this chapter shall remain in effect unless such carrier shall file with the department and keep in force a certificate of insurance in such form and in such reasonable amount as the department may require to adequately provide for the reasonable protection of the owner or owners of the property transported. This certificate of insurance shall be submitted on an annual basis with the annual report required by RSA 359-T:13, I(a).

359-T:9 Written Estimates of Cost. Upon the request of any customer, a household goods carrier shall provide a written estimate of cost to the customer in advance of performing any service. The written estimate shall include:

- I. An itemization of the service to be performed;
- II. An estimated completion date;
- III. A statement that the carrier shall notify the customer of the estimated cost of any additional services of an unrelated and different nature from the work originally itemized in the written estimate and shall receive the customer's written or oral permission to proceed before performing the work; and
- IV. A statement that the carrier shall not charge the customer any amount which exceeds the written estimate by 10 percent without the customer's written consent.

359-T:10 Discrimination Prohibited. It shall be unlawful for any household goods carrier by motor vehicle engaged in transportation between points in this state to make, give, or cause any undue or unreasonable preference or advantage to any particular person or locality in any respect whatsoever or to subject any particular person or locality to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

359-T:11 Additional Service. If additional service of an unrelated and different nature from the work originally itemized in the written estimate becomes necessary, a household goods carrier shall notify the customer of the estimated cost of such additional service and receive his written or oral permission to proceed before performing the work.

359-T:12 Effect of Exceeding the Estimate. Upon the completion of any service for which an estimate has been given, a household goods carrier shall not charge the customer any amount which exceeds the estimate by 10 percent without the customer's written consent.

359-T:13 Accounts, Records and Reports.

- I. The department may require:
  - (a) Annual reports from all household goods carriers. The department shall require reports to be signed under the penalties of unsworn falsification pursuant to RSA 541:3; and
  - (b) Specific answers to any questions deemed necessary by the department.
- II. The commissioner may adopt rules, pursuant to RSA 541-A, relative to the form of annual reports.
- III. The department or its authorized representative shall have access, at reasonable times, to all accounts, records and other documents of a carrier which relate to RSA 359-T.

359-T:14 Rulemaking; General Duties and Powers of the Commissioner.

- I. The commissioner shall regulate household goods carriers by motor vehicle.
- II. The commissioner may adopt rules relative to:
  - (a) Reasonable and adequate service.
  - (b) Adequate levels of insurance.
  - (c) Complaints and hearings, including the suspension or revocation of certificates or permits.
  - (d) Any other requirements deemed necessary to regulate household goods carriers in accordance with this chapter.

359-T:15 Complaints; Hearings.

- I. The department may investigate, upon written complaint or on its own initiative, or hold a hearing, after notice, to determine whether any household goods carrier has failed to comply with RSA 359-T or rules adopted by the commissioner relative to RSA 359-T.

II. If the department finds, after a hearing, that a carrier has failed to comply with RSA 359-T, the department may issue an appropriate order to compel compliance.

III. The department may dismiss any complaint which does not state reasonable grounds for investigation and action by the department.

359-T:16 Examination of Vehicles; Inspectors; Penalty.

I. Any person who operates a motor vehicle for a household goods carrier doing business in this state shall stop his motor vehicle and permit any inspector authorized by the department or state police trooper to examine the vehicle. The inspector or state police trooper may examine the vehicle as necessary to determine its compliance with the provisions of this chapter and with rules adopted under this chapter.

II. Inspectors authorized by the department shall have authority as peace officers as provided by RSA 594 to enforce this chapter and rules adopted by the commissioner relative to this chapter. An inspector shall display the proper insignia of his office when stopping and examining a motor vehicle.

III. Any person who violates RSA 359-T:16 shall be guilty of a violation.

359-T:17 Vehicles to be Registered. Each household goods carrier holding a certificate or permit under the provisions of this chapter shall annually apply to the department of safety, division of motor vehicles, on blanks to be furnished by it, for the registration of each vehicle operated under the provisions of such certificate or permit and pay to said department fees as provided for in RSA 359-T:18. Upon receipt of such application and fee, a distinguishing number plate or plates and registration certificate shall be furnished by the division for such vehicle applied for, and said plates shall be prominently displayed on the vehicle in such manner as the director of the division shall prescribe. Registration certificates and number plates issued under the provisions of this section shall be used coincidental with, and shall expire with, the corresponding registration certificate and number plates issued by the division of motor vehicles, department of safety, of this state.

359-T:18 Fees. The following fees shall be paid:

I. To the department:

(a) For each application for a common or contract carrier of household goods certificate under RSA 359-T:3 or permit under RSA 359-T:4-a, \$50.

(b) For the annual registration of each vehicle used in the carriage of household goods, \$10.

(c) For each transfer of a registration certificate, \$1.

II. The department of safety, division of motor vehicles, shall deduct from the fees received under subparagraphs I(b) and (c) the actual cost of issuing such registration certificates and number plates and shall forward the balance to the department to be used by it in the administration of this chapter.

359-T:19 Penalty.

I. Except as provided in paragraph II, any person violating any provision of this chapter, or any rule or order adopted or issued under this chapter, or any term or condition of any certificate, permit or license shall:

(a) For a first offense, be guilty of a violation and shall be fined not less than \$100.

(b) For a second offense, within a 12-month period preceding the date of the second offense, be guilty of a violation and shall be fined not less than \$250.

II. Any person found guilty of operating after suspension or revocation of rights, for a first offense, shall be guilty of a violation and shall be fined not less than \$250. For a second such offense, within a 12-month period, such person shall be guilty of a violation and shall be fined not less than \$500.

III. Any person found guilty of a third and subsequent offense as described under paragraph I, paragraph II, or paragraphs I and II combined, in a 12-month period preceding a third or subsequent offense, shall be guilty of a misdemeanor and shall be fined not less than \$500.

2 Repeal. RSA 375-A, relative to carriage of household goods for hire by motor vehicle, is repealed.

3 Reference Deleted. Amend RSA 21-P:4, IV(c) to read as follows:

(c) Power to enforce the provisions of RSA ~~[375-A and]~~ **376 and RSA 359-T.**

4 Reference Deleted. Amend RSA 228:92, II to read as follows:

II. Any common carrier which is subject to ~~[RSA 375-A or]~~ **RSA 359-T or** RSA 376 shall not be subject to the provisions of this subdivision.

5 Reference Deleted. Amend RSA 374-A:6, I(a)(1) to read as follows:

(1) The provisions of RSA **359-T**, 367, 368, 372, 373, ~~[375-A,]~~ 376, 377, 379, 380, 381, and 382 and all sections in RSA Title XXXIV relating solely to public utilities other than electric utilities shall not apply to any such municipal utility;

6 Rulemaking Authority; Commissioner of Safety. RSA 21-P:14, II(u)-(w) are repealed and reenacted to read as follows:

(u) Application for and issuance of household goods carrier certificates, including all necessary forms, as authorized by RSA 359-T.

(v) Annual reporting requirements, as authorized by RSA 359-T.

(w) Regulating household goods carriers, as authorized by RSA 359-T.

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

2021-2193h

## AMENDED ANALYSIS

This bill amends the licensure of carriage of household goods for hire by eliminating public utility requirements no longer applicable and updating provisions for consumer protection.

**Amendment to HB 214****(2021-2225h)****Proposed by the Committee on Education - r**

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

AN ACT relative to a public school facility condition assessment and school building aid grants.

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

1 Public School Infrastructure Fund; Facility Condition Assessment. Amend RSA 198:15-y, III(g) to read as follows:

(g) ***Funding for the department of education to support the development, implementation, and maintenance of a facility condition assessment for public elementary and secondary schools. A facility condition assessment shall assess the schools' facility condition, energy use, educational sufficiency, and technology infrastructure.***

(h) Other school building or infrastructure needs the governor, in consultation with the public school infrastructure commission, may identify, except for school building aid projects that are otherwise prohibited by law.

2 New Paragraphs; Grants for School Construction; Facility Condition Assessments. Amend RSA 198:15-a by inserting after paragraph V the following new paragraphs:

VI.(a) A facility condition assessment produced using public school infrastructure funds under RSA 198:15-y, III shall be used to establish a school facilities priorities list in the department of education. The list shall identify schools that may need construction or major reconstruction within the next 10 years in order to provide an adequate learning environment in a safe, healthy, and efficient to operate facility. The state board of education shall adopt rules pursuant to RSA 541-A relative to the establishment and procedures for the facilities priorities list.

(b) Beginning with construction authorized by a local school district on or after July 1, 2025, projects not on the school facilities priority list shall not be eligible for school building aid grants unless deemed an emergency pursuant to RSA 198:15-c, I(c).

VII. Beginning July 1, 2023, and each fiscal year thereafter, a school district desiring to avail itself of the grants provided under this section shall have in place a long-range capital improvement program that identifies facility goals and outlines procedures and guidelines to be followed to approach and accomplish those goals.

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

2021-2225h

## AMENDED ANALYSIS

This bill provides for the department of education to complete a facility condition assessment of schools' facilities and identify a facilities priorities list. Schools seeking school building aid will have to have in place a long-range capital improvement program.

**Amendment to HB 228****(2021-2116h)****Proposed by the Committee on Children and Family Law - r**

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

2 Adjustments to the Application of the Guidelines in Cases of Equal Parenting Time. Amend RSA 458-C:5, I(h)(1) to read as follows:

(1) Equal or approximately equal parenting residential responsibilities in and of itself shall not eliminate the need for child support ~~[and shall not by itself constitute ground for an adjustment]~~.

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

**Amendment to HB 230****(2021-2227h)****Proposed by the Committee on Executive Departments and Administration - c**

Amend section 2 of the bill by replacing it with the following:

2 New Subparagraphs; Child Day Care Licensing; Rulemaking; Continuing Education Requirements and Associate Teacher Qualifications. Amend RSA 170-E:11, I by inserting after subparagraph (n) the following new subparagraphs:

(o) Requiring not more than 6 hours of annual continuing education or professional development for all personnel employed at a child day care agency licensed pursuant to this chapter.

(p) The following qualification for certification as an associate teacher: a minimum of 1,000 hours of supervised child care experience in a licensed child care program and 30 hours of training in child growth and development, the latter of which may be documented life experience.

Amend the bill by replacing all after section 3 with the following:

4 New Section; Child Day Care Licensing; Retaliation Prohibited. Amend RSA 170-E by inserting after section 8 the following new section:

170-E:8-a Retaliation Prohibited. The department shall not retaliate against an applicant, licensee, or permittee for any reason. Any applicant, licensee, or permittee who believes that the department's actions regarding licensure or permit status, or the findings of a monitoring visit, were retaliatory in nature may submit a complaint to the commissioner. The department shall investigate the complaint in order to take appropriate action against any department employee having found to be in violation of this section.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect January 1, 2023.

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

2021-2227h  
AMENDED ANALYSIS

This bill:

I. Revises the procedure for posting results of child day care monitoring visits on the department of health and human services website and expands the licensees' opportunity to respond to the department's findings.

II. Requires a child day care agency employee to obtain at least 6 hours of annual continuing education or professional development.

III. Establishes minimum qualifications for certification as a child care associate teacher.

IV. Permits a child day care agency to appeal the decision resulting from the informal dispute resolution process; provides that, with limited exception, the agency may operate pending appeal of the department's decision; and prohibits the department from retaliating against the child day care agency.

**Amendment to HB 241**

**(2021-2100h)**

**Proposed by the Committee on Fish and Game and Marine Resources - c**

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

AN ACT repealing the definition of brook trout.

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 207:1, III, relative to the definition of brook trout, is repealed.

2021-2100h  
AMENDED ANALYSIS

This bill repeals the definition of brook trout.

**Amendment to HB 254**

**(2021-2162h)**

**Proposed by the Committee on Finance- r**

Amend the bill by replacing all after section 3 with the following:

4 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

(j) Commit the minor to the custody of the department of health and human services for the remainder of minority. Commitment under this subparagraph may only be made following written findings of fact by the court, supported by clear and convincing evidence, that commitment is necessary to protect the safety of the minor or of the community, and may only be made if the minor has not waived the right to counsel at any stage of the proceedings. If there is a diagnosis or other evidence that a minor committed under this subparagraph may have a serious emotional disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care management entity shall develop and oversee the implementation of a care plan for the minor, intended to reduce the period of commitment. Commitment may not be based on a finding of contempt of court if the minor has waived counsel in the contempt proceeding or at any stage of the proceedings from which the contempt arises. Commitment may include, but is not limited to, placement by the department of health and human services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant to RSA 621:19, or administrative release consistent with the cap on youth development center population under RSA 621:10, provided that the appropriate juvenile probation and parole officer

is notified. Commitment under this subparagraph shall not be ordered as a disposition for ~~[a violation of RSA 262 or 637, possession of a controlled drug without intent to sell under RSA 318-B, or violations of RSA 634, 635, 641, or 644, which would be a misdemeanor if committed by an adult]~~ ***any offense other than first degree murder, second degree murder, attempted murder, manslaughter, negligent homicide under RSA 630:3, II, first degree assault, second degree assault, except when the allegation is a violation of RSA 631:2, I(d), felonious sexual assault, aggravated felonious sexual assault, kidnapping, criminal restraint, robbery punishable as a class A felony, burglary while armed or involving the infliction of bodily harm under RSA 635:1, II, or arson punishable as a felony.*** ~~[However, commitment may be ordered under this subparagraph for any offense which would be a felony or class A misdemeanor if committed by an adult if the minor has previously been adjudicated under this chapter for at least 3 offenses which would be felonies or class A misdemeanors if committed by an adult. A court shall only commit a minor based on previous adjudications if it finds by clear and convincing evidence that each of the prior offenses relied upon was not part of a common scheme or factual transaction with any of the other offenses relied upon, that the adjudications of all of the prior offenses occurred before the date of the offense for which the minor is before the court, and that the minor was represented by counsel at each stage of the prior proceedings following arraignment.]~~

5 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I by inserting after subparagraph (l) the following new subparagraph:

(m) Notwithstanding the provisions of RSA 169-B:19, I(j), a court may commit the minor to the custody of the department of health and human services for the remainder of minority if the minor is found delinquent for an offense which would be a felony if committed by an adult and the court finds that there is no placement or set of supervision and treatment services other than secure confinement that will protect the public from a substantial risk of serious bodily injury. A court's finding pursuant to this subparagraph is only sufficient to support secure confinement if it is made by clear and convincing evidence following either a stipulation by the parties or an evidentiary hearing at which the rules of evidence have applied. Further, the court's finding shall include written case-specific findings which identify the evidence relied upon and the basis for the determination that secure confinement is necessary. Commitment under this subparagraph may only be made if the minor has not waived the right to counsel at any stage of the proceedings. If there is a diagnosis or other evidence that a minor committed under this subparagraph may have a serious emotional disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care management entity shall develop and oversee the implementation of a care plan for the minor, intended to reduce the period of commitment. Commitment may include, but is not limited to, placement by the department of health and human services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant to RSA 621:19, or administrative release consistent with the cap on youth development center population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is notified.

#### 6 Applicability.

I. RSA 169-B:14, I(e)(3), as amended by sections 2 of this act, shall apply to cases pending on September 1, 2022 in which a dispositional order has not yet been entered.

II. RSA 169-B:14, I(e)(3), as amended by section 3 of this act, shall apply to cases pending on January 1, 2023 in which a dispositional order has not yet been entered.

III. RSA 169-B:19, as amended by sections 4 and 5 of this act, shall apply to cases pending on September 1, 2022 in which a dispositional order has not yet been entered.

#### 7 Effective Date.

I. Section 3 of this act shall take effect January 1, 2023.

II. The remainder of this act shall take effect September 1, 2022.

### **Amendment to HB 255**

**(2021-2239h)**

#### **Proposed by the Majority of the Committee on Education - r**

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

AN ACT relative to prohibiting vaccine mandates by New Hampshire employers.

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

1 New Section; Protective Legislation; Imposition of Conditions; Prohibiting Mandatory Vaccines. Amend RSA 275 by inserting after section 3 the following new section:

275:3-a Prohibition of Mandatory COVID-19 Vaccines.

I. No entity in New Hampshire shall compel receipt of a COVID-19 vaccine by any individual who objects to such vaccination for any reason of personal conscience, a religious belief, or for medical reasons, including prior recovery from COVID-19.

II. In this section, “entity” means the state and any political subdivision of the state, corporation, association, club, firm, daycare, public or private school, public or private institution of higher education, partnership, society, nonprofit, joint stock company, or any other entity, including any governmental entity or religious entity.

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

2021-2239h

AMENDED ANALYSIS

This bill prohibits New Hampshire entities from compelling receipt of a COVID-19 vaccine by any individual who objects to such vaccination for employment.

**Amendment to HB 275**

**(2021-2235h)**

**Proposed by the Majority of the Committee on Executive Department and Administration - r**

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

AN ACT relative to the declaration of a state of emergency.

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

1 Emergency Powers; Notice; Declaration and Termination of State of Emergency. Amend RSA 4:45, I and II to read as follows:

I. The governor shall have the power to declare a state of emergency, as defined in RSA 21-P:35, VIII, by executive order if the governor finds that a natural, technological, or man-made disaster of major proportions is imminent or has occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section. As soon as practicable, the governor shall notify the speaker of the house of representatives and the senate president of the impending issuance of emergency orders under this section and provide a description of such orders. The general court shall have the same power to declare a state of emergency by concurrent resolution of the house and senate. An executive order or concurrent resolution declaring a state of emergency shall specify the:

(a) Nature of the emergency;

(b) Political subdivisions or geographic areas subject to the declaration;

(c) Conditions that have brought about the emergency; and

(d) Duration of the state of emergency, *if declared by the governor and less than 21 days, or if declared by the general court and less than 90 days.*

II.(a) A state of emergency shall terminate automatically 21 days after its declaration *if declared by the governor, or 90 days after its declaration if declared by the general court*, unless it is renewed under the same procedures set forth in paragraph I of this section. The governor may, by executive order, renew a declaration of a state of emergency [~~as many times as~~] *no more than 3 times if the governor finds it is necessary to protect the safety and welfare of the inhabitants of this state. The general court may, by concurrent resolution, renew a declaration of a state of emergency as many times as it finds is necessary to protect the safety and welfare of the inhabitants of this state.*

(b) If the governor finds that maintaining the state of emergency is no longer justified, the governor shall issue an executive order terminating the state of emergency.

(c) The legislature may terminate a state of emergency or any emergency order issued thereunder by a [~~majority vote of both the senate and the house of representatives~~] *concurrent resolution adopted by a majority vote of each chamber.* A majority for this vote shall consist of a majority of members present and voting in each chamber acting separately. A state of emergency shall terminate upon a [~~majority vote of both chambers~~] *concurrent resolution adopted by a majority vote of each chamber*, under this subparagraph; provided, however, that such vote shall not preclude the governor from declaring a new emergency for different circumstances under paragraph I of this section.

[~~(d) Ninety days from the date of declaration of a state of emergency, and every 90 days thereafter, the governor shall call, pursuant to Part II, Article 50 of the New Hampshire constitution, and address a joint session of the general court, and shall provide a written copy of the address to all members of both chambers within 5 business days. At such joint session, the legislature shall vote on whether to terminate the state of emergency by concurrent resolution adopted by a simple majority of both chambers acting separately on the following question: “Shall the current state of emergency be terminated?” For purposes of this section, “simple majority” means a majority of members present and voting “yea” in both chambers.~~]

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

2021-2235h

AMENDED ANALYSIS

This bill revises the authority of the governor and general court to declare, renew, or terminate a state of emergency.

**Amendment to HB 314  
(2021-2155h)**

**Proposed by the Committee on Health, Human Services and Elderly Affairs - c**

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

1 Homestead Food Operations; Maximum Annual Gross Sales. Amend RSA 143-A:5, VII to read as follows:

VII. Homestead food operations selling less than a maximum annual gross sales of [~~\$20,000~~] **\$35,000** of food, excluding potentially hazardous food as defined in RSA 143-A:12, I(b), from the homestead residence, at the owner's farm stand, or at farmers' markets.

2 Homestead Food Operations; Maximum Annual Gross Sales. Amend RSA 143-A:12, II-III to read as follows:

II. Homestead food operations selling less than [~~a maximum annual gross sales of \$20,000~~] **the maximum annual gross sales of food as defined in RSA 143-A:5, VII** of food, excluding potentially hazardous food, from the homestead residence, at the owner's own farm stand, at farmers' markets, or at retail food stores are exempt from licensure and departmental inspection under this subdivision, except that the department may inspect when the department has reason to suspect an imminent health hazard as defined in RSA 143-A:3, IV-b.

III. Homestead food operations that exceed the [~~\$20,000~~] maximum annual gross sales [~~limit~~] **of food as defined in RSA 143-A:5, VII** or homestead food operations who wish to sell food products, excluding potentially hazardous food, to restaurants or other retail food establishments, over the Internet, by mail order, or to wholesalers, brokers, or other food distributors who will resell the homestead product shall be licensed under RSA 143-A:4.

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

2021-2155h

AMENDED ANALYSIS

This bill makes an adjustment to the maximum annual gross sales of food by a homestead food operation.

**Amendment to HB 355  
(2021-2152h)**

**Proposed by the Committee on Ways and Means - r**

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

1 New Subparagraph; Licensed Lottery Retailers; Keno. Amend RSA 284:45, VI(a) by inserting after subparagraph (9) the following new subparagraph:

(10) A lottery retailer licensed pursuant to RSA 284:21-h, if the city, town or unincorporated place where the retailer is located has voted pursuant to RSA 284:51, to allow the sale of keno. Lottery retailers licensed to sell keno under this subparagraph shall not display keno on an active screen at the retailer.

2 Issuance of License; Keno. Amend RSA 284:46, VI to read as follows:

IV. **For retailers that apply for a license pursuant to RSA 284:45, VI (a)(1-9)**, the lottery commission shall only issue a license for an eligible location where keno tickets shall be sold and the game played within the area apportioned to distribute beverages pursuant to RSA 284:45. The lottery commission shall control the installation of the keno ticket terminals and ensure that the sale of the tickets is limited to the area apportioned to distribute beverages pursuant to RSA 284:45.

3 Effective Date. This act shall take effect July 1, 2022.

**Amendment to HB 359  
(2021-2165)**

**Proposed by the Minority of the Committee on Judiciary - r**

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

AN ACT creating a private cause of action for discrimination based on hairstyle.

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

1 Hairstyles; Discrimination in Education. Amend RSA 193:38 to read as follows:

193:38 Discrimination in Public Schools. No person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in public schools because of their age, sex, gender identity, sexual orientation, race, **hairstyle**, color, marital status, familial status, disability, religion, or national origin, all as defined in RSA 354-A. **In this section, "hairstyle" means any characteristic, texture, form, or manner of wearing an individual's hair, including a head covering, if such characteristic, texture, form, or manner is commonly associated with a particular race, national origin, gender, gender identity or expression, sexual orientation, or religion.** Any person claiming to be aggrieved by a discriminatory practice prohibited under this section, including the attorney general, may initiate a civil action against a school or school district in superior court for legal or equitable relief, or with the New Hampshire commission for human rights, as provided in RSA 354-A:27-28.

2 New Section; Discrimination Based on Hairstyle. Amend RSA 275 by inserting after section 37-d the following new section:

275:37-e Discrimination Based on Hairstyle. No person shall be subjected to discrimination in employment based on hairstyle. In this section, "hairstyle" means any characteristic, texture, form, or manner of wearing an individual's hair, including a head covering, if such characteristic, texture, form, or manner is commonly associated with a particular race, national origin, gender, gender identity or expression, sexual orientation, or religion. A person subjected to discrimination based on hairstyle shall have a private cause of action and shall be exempt from the jurisdiction of the human rights commission and the provisions of RSA 354-A.

3 New Section; Hairstyles Exempted. Amend RSA 354-A by inserting after section 18 the following new section:

354-A:18-a Exemption for Hairstyles. Private causes of action under RSA 275:37-e shall be exempt from the jurisdiction of the human rights commission.

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

2021-2165h

**AMENDED ANALYSIS**

This bill defines hairstyle and creates a private cause of action for discrimination based on hairstyle. This bill also exempts such causes of action from the jurisdiction of the human rights commission.

**Amendment to HB 364**

**(2021-2123h)**

**Proposed by the Committee on Ways and Means - r**

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

AN ACT revising the definition of charitable organizations relative to games of chance.

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

1 Charitable Organization; Definition RSA 287-A:1, II is repealed and reenacted to read as follows:

II. "Charitable organization" means any person or entity that is or holds itself out to be established, in whole or in part, for any benevolent, philanthropic, patriotic, educational, humane, scientific, public health, environmental conservation, civic, social, sporting, recreational, or other charitable purpose which has been in existence for at least 2 years, or political committee or political party which has been in existence for at least 2 years, or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal that suggests that there is a charitable purpose to any solicitation. "Charitable organization" is not limited to those organizations to which contributions are tax deductible under section 170 of the Internal Revenue Code.

2 Effective Date. This act shall take effect July 1, 2022.

2021-2123h

**AMENDED ANALYSIS**

This bill revises the definition of charitable organization relative to games of chance.

**Amendment to HB 398**

**(2021-2117h)**

**Proposed by the Committee on Finance - r**

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

1 Department of Environmental Services; Appropriation. There is hereby appropriated to the department of environmental services the sum of \$5,735,248 for the fiscal year ending June 30, 2023 and \$6,919,115 for the fiscal year ending June 30, 2024, which shall be nonlapsing, for the purpose of funding eligible wastewater projects under RSA 486. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 2022.

2021-2117h

**AMENDED ANALYSIS**

This bill makes appropriations to the department of environmental services for the purpose of funding eligible wastewater projects under RSA 486.

**Amendment to HB 408**

**(2021-2177h)**

**Proposed by the Committee on Criminal Justice and Public Safety- c**

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

1 Sexual Assault and Related Offenses; Prohibition From Contact With a Minor. Amend RSA 632-A:10 to read as follows:

632-A:10 Prohibition From ~~[Child Care Service of Persons Convicted of Certain Offenses]~~ ***Employment in Businesses Providing Direct Services to Minors or Direct Supervision or Oversight of Minors.***

I. A person is guilty of a class A felony if, having been convicted in this or any other jurisdiction of any felonious offense involving child sexual abuse images, or of a felonious physical assault on a minor, or of any sexual assault, he or she knowingly ~~[undertakes]~~ ***engages in any*** employment or volunteer service ~~[involving the care, instruction or guidance of minor children, including, but not limited to, service as a teacher, a coach, or worker of any type in child athletics, a day care worker, a boy or girl scout master or leader or worker, a summer camp counselor or worker of any type, a guidance counselor, or a school administrator of any type]~~ ***that provides direct services to minors, or supervision or oversight of minors.***

II.(a) A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when applying or volunteering for ~~[service or]~~ ***any*** employment ~~[of any type involving the care, instruction, or guidance of minor children, including, but not limited to, the types of services set forth in paragraph I]~~ ***or volunteer activity that provides direct services to minors, or supervision or oversight of minors.***

(b) ***A public or private employer or organization, whose primary intent is to provide direct services to minors, or whose employees provide supervision or oversight of minors, shall conduct a criminal background check of any prospective employee or volunteer.***

III. A person is guilty of a class B felony if, having been convicted in this or any other jurisdiction of any of the offenses specified in paragraph I of this section, he ***or she*** knowingly fails to provide information of such conviction when making application for initial teacher certification in this state.

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

2021-2177h

#### AMENDED ANALYSIS

This bill prohibits a person convicted of certain sexual assault offenses from hiring or otherwise engaging in any employment or volunteer service which provides direct services to a minor, or supervision or oversight of a minor.

#### Amendment to HB 410

(2021-2216h)

#### Proposed by the Committee on Science, Technology and Energy - r

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

AN ACT establishing a commission to study the assessing of power generation and utility transmission

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

1 New Section; Study Commission; Assessing of Power Generation and Utility Transmission. Amend RSA 72 by inserting after section 8-e the following new section:

72:8-f Study Commission on the Assessing of Power Generation and Utility Transmission. There is established a commission to study the assessing of power generation and utility transmission.

I. The commission shall:

(a) Determine the most accurate methodology for assessing power generation assets and utility transmission.

(b) Compare the efficacy of the department of revenue administration approach to assessing the assets of the 59 power generation facilities with the approaches utilized by the municipalities.

(c) Understand how other states handle the assessing of power generation facilities and utility transmission for property tax purposes.

(d) Recommend a unified approach to be utilized by both the department of revenue administration and municipalities, which should include confidential data reporting requirements by the power generation companies for the methodology chosen.

II. The commission shall consist of the following members:

(a) Three members of the house of representatives, one of whom shall be from the science, technology and energy committee, one from the ways and means committee, and one member from the minority party who shall be from either of the committees, to be appointed by the speaker of the house of representatives.

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

(c) The chairperson of the assessing standards board, or designee.

(d) The commissioner of the department of revenue administration, or designee.

(e) One member appointed by the New Hampshire Municipal Association.

(f) One member appointed by the New England Power Generators Association (NEPGA).

(g) One member appointed by the New Hampshire Association of Assessing Officials (NHAAO).

(h) One member appointed by the Granite State Hydropower Association (GSHA).

III. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. A majority of the appointed members of the commission shall constitute a quorum.

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

2 Prospective Repeal. RSA 72:8-f, relative to the commission to study the assessing of power generation and utility transmission, is repealed.

3 Effective Date.

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

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

2021-2216h

**AMENDED ANALYSIS**

This bill establishes a commission to study the assessing of power generation and utility transmission.

**Amendment to HB 412**

**(2021-2172h)**

**Proposed by the Committee on Finance - r**

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

1 Department of Environmental Services; Appropriation. There is hereby appropriated to the department of environmental services the sum of \$500,000 for the fiscal year ending June 30, 2023 and \$500,000 for the fiscal year ending June 30, 2024, which shall be nonlapsing, for the purpose of funding public water system projects eligible for state and/or federal assistance. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 2022.

**Amendment to HB 418**

**(2021-2168h)**

**Proposed by the Committee on Judiciary - c**

Amend RSA 505:8 as inserted by section 2 of the bill by replacing it with the following:

505:8 Style, Etc. of Reports.

*I. The reports [shall be published in volumes entitled "New Hampshire Reports," and shall give the extreme dates of the decisions on the title page. The size, style, and price of the volumes shall be prescribed by the justices of the court] **may be published either:***

*(a) In volumes entitled "New Hampshire Reports." The size, style, and price of the volumes shall be prescribed by the justices of the court; or*

*(b) On the supreme court website; or*

*(c) In volumes as described in subparagraph (a) and on the supreme court website.*

*II. The supreme court shall make available to the public printed copies of the New Hampshire Reports at the supreme court library.*

**Amendment to HB 435-FN**

**(2021-2197h)**

**Proposed by the Committee on Transportation - c**

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

AN ACT relative to the suspension of drivers' licenses

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

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

2021-2197h

**AMENDED ANALYSIS**

This bill modifies the circumstances under which a driver's license may be suspended or revoked.

**Amendment to HB 457**

**(2021-2211h)**

**Proposed by the Committee on Executive Departments and Administration - c**

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

AN ACT relative to the meetings of the legislative youth advisory council.

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

1 Youth Advisory Council; Meetings. Amend RSA 19-K:3, IV to read as follows:

IV. Meet no fewer than 4 times per year [~~and conduct public forums~~] on issues of importance to youth as the council deems necessary. ***Two of these meetings shall be in person. All other meetings may be remote.*** At the discretion of the co-chairs, regional subcommittees may be established.

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

2021-2211h

AMENDED ANALYSIS

This bill allows the legislative youth advisory council to meet remotely for certain meetings.

**Amendment to HB 481-FN-A**

**(2021-2126h)**

**Proposed by the Committee on Finance - c**

Amend section 4 of the bill by replacing paragraph II with the following:

II. The governor and council are authorized to search, nominate, and confirm the ombudsman to have the confirmed nominee available to assume the duties of the ombudsman position on July 1, 2022.

Amend section 7 of the bill by replacing paragraphs II and III with the following:

II. Section 6 of this act shall take effect July 1, 2025.

III. The remainder of this act shall take effect July 1, 2022.

**Amendment to HB 490**

**(2021-2140h)**

**Proposed by the Majority of the Committee on Fish and Game and Marine Resources - r**

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

AN ACT relative to the definitions of “game camera” and “hunting day” and relative to the use of game cameras.

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

1 New Paragraph; General Provisions as to Fish and Game; Game Camera. Amend RSA 207:1 by inserting after paragraph XI the following new paragraph:

XI-a. Game Camera: Any device capable of recording and transmitting photographic or video data wirelessly to a remote device, such as a computer or smartphone, as well as a device that merely records photographic or video data and stores such data for later use.

2 New Paragraph; General Provisions as to Fish and Game; Hunting Day. Amend RSA 207:1 by inserting after paragraph XIII-a the following new paragraph:

XIII-b. Hunting Day: The period of time during the calendar day when the lawful taking of a game animal or fur-bearing animal is allowed.

3 New Section; General Provisions as to Fish and Game; Use of Game Cameras. Amend RSA 207 by inserting after section 62 the following new section:

207:63 Use of Game Cameras.

I. Any person taking or attempting to take a game animal or fur-bearing animal may use a game camera to locate, surveil, aid, or assist in any attempt to locate or surveil any game animal or fur-bearing animal, provided that no person shall take a game animal or fur-bearing animal within 10 hours of remotely viewing any image or video of that animal from a game camera in that area.

II.(a) No person shall place a game camera that records or transmits images or data of any kind while unattended outside on the private property of another without the written consent of the property owner, or the property owner has posted signage on his or her property allowing the placement of such camera as provided in this section.

(b) A person may permit the placement of a game camera by posting signs of durable material with any words describing the physical activity permitted, such as “Game Cameras Allowed,” printed with block letters no less than 2 inches in height, and with the name and address of the owner or lessee of such property. Such signs shall be posted at gates, bars, and commonly used entrances. This section shall not prevent any property owner from adding to the language required by this section.

(c) Any written permission granted by a property owner under this section shall expire on December 31 of each calendar year, unless earlier rescinded by the property owner or his or her designee.

III. A person who places a game camera on the private property of another shall label the camera with that person’s name and contact information.

IV. A property owner may contact a local or state law enforcement officer or a conservation officer to remove a game camera which was placed in violation of this section.

V. This section shall not prohibit:

(a) The use of a game camera to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked; or

(b) The lawful use of implanted or attached electronic devices by fish and game department staff or other persons holding a scientific permit from the executive director to identify, monitor, and track animals; or

(c) Any device placed or used in accordance with a warrant or in accordance with other lawful actions of law enforcement officers and personnel of the fish and game department in the performance of their official duties.

VI. Any person who violates this section shall be guilty of violation and subject to a fine of up to \$1,000 for each offense and, for a second or subsequent conviction under this section, forfeiture of the placed equipment.

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

2021-2140h

**AMENDED ANALYSIS**

This bill adds definitions of “game camera” and “hunting day” and permits the use of a game camera to take or attempt to take a game animal or fur-bearing animal.

**Amendment to HB 514**

**(2021-2242h)**

**Proposed by the Majority of the Committee on Election Law - r**

Amend the bill by replacing section 1 with the following:

1 Preparation of Voting Materials; Ballots; Party Columns. Amend RSA 656:5, III to read as follows:

III. The generic column rotation plans shall be based on a reasonably balanced rotation of party columns within and across all non-floterial state representative districts, those being the smallest representative districts to which each voting place is apportioned pursuant to part I, article 11 of the New Hampshire constitution. Consideration shall also be given to reasonably minimize any obvious, substantial, and avoidable imbalances in column rotation within senate districts. The average deviation from equal rotation for the first party column position, measured across the state as a whole and based on population according to the last decennial federal census, shall be as close to 0 percent as is practicable but in no event greater than [±] **2** percent. Once generic column rotation plans are established the secretary of state shall publish such plans to the department’s website.

**Amendment to HB 527**

**(2021-2185h)**

**Proposed by the Committee on Commerce and Consumer Affairs - c**

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

1 New Paragraph; Charitable Gift Annuities Exemption; Definition of Qualified Charitable Gift Annuity. Amend RSA 403-E:1 by inserting after paragraph V the following new paragraph:

VI.(a) “Qualified charitable gift annuity” also means a charitable gift annuity described by section 501(m)(5), Internal Revenue Code of 1986 (26 U.S.C. section 501(m)(5)), and section 514(c)(5), Internal Revenue Code of 1986 (26 U.S.C. 514(c)(5)), that is issued by a charitable organization that on the date of the annuity agreement:

(1) Has a minimum of \$25,000 in unrestricted cash, cash equivalents, or publicly traded securities, exclusive of the assets funding the annuity agreement;

(2) Has been in continuous operation for at least 3 years or is a successor or affiliate of a charitable organization that has been in continuous operation for at least 3 years;

(3) Issues charitable gift annuities with payout ratios no greater than recommended by the American Council on Gift Annuities at the time of issuance; and

(4) Within 5 business days of receiving funds for a charitable gift annuity, re-insures said annuity by purchasing an annuity contract from a commercial insurance company licensed to transact business in the state of New Hampshire, and such insurer carrier assumes all risk, administration, and payment responsibility.

(b) A charitable organization that meets the requirements of subparagraph (a) may expend, or reallocate for current or future use, any residual balance that may remain after purchasing the commercially-insured annuity.

2 Charitable Gift Annuities Exemption; Disclosures. Amend RSA 403-E:3, II(a)(3)(B) to read as follows:

(B) The annuities issued by the organization shall be limited to qualified charitable gift annuities, as defined in RSA 403-E:1, V **or RSA 403-E:1, VI.**

3 Charitable Gift Annuities Exemption; Disclosures. Amend RSA 403-E:3, II(b) to read as follows:

(b) Subsequently, each charitable organization that issues qualified charitable annuities shall, as part of its report submitted to the director pursuant to RSA 7:28, II and III, annually recertify that the annuities issued by the organization shall be limited to qualified charitable gift annuities, as defined in RSA 403-E:1, V **or RSA 403-E:1, VI.**

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

2021-2185h  
 AMENDED ANALYSIS

This bill adds an exemption for a qualified charitable gift annuity issued by a charitable organization.

**Amendment to HB 536-FN  
 (2021-2118h)**

**Proposed by the Committee on Finance - r**

Amend the bill by replacing section 3 with the following:  
 3 Effective Date. This act shall take effect July 1, 2022.

**Amendment to HB 549  
 (2021-2205h)**

**Proposed by the Majority of the Committee on Science, Technology and Energy- r**

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

AN ACT relative to the system benefits charge and the energy efficiency and sustainable energy board.

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

1 Restructuring Policy Principles; System Benefits Charge. Amend RSA 374-F:3, VI to read as follows:

VI. Benefits for All Consumers. Restructuring of the electric utility industry should be implemented in a manner that benefits all consumers equitably and does not benefit one customer class to the detriment of another. Costs should not be shifted unfairly among customers.

***VI-a. System Benefits Charge.***

***(a)*** A nonbypassable and competitively neutral system benefits charge applied to the use of the distribution system may be used to fund public benefits related to the provision of electricity. [~~Such benefits~~] ***This charge***, as approved by regulators, may [~~include, but not necessarily be limited to, programs for low-income customers, energy efficiency programs, funding for the electric utility industry's share of commission and department expenses pursuant to RSA 363-A, support for research and development, and investments in commercialization strategies for new and beneficial technologies. Legislative approval of the New Hampshire general court shall be required to increase the system benefits charge. This requirement of prior approval of the New Hampshire general court shall not apply to the energy efficiency portion of the system benefits charge if the increase is authorized by an order of the commission to implement the 3-year planning periods of the Energy Efficiency Resource Standard framework established by commission Order No. 25,932 dated August 2, 2016, ending in 2020 and 2023, or, if for purposes other than implementing the Energy Efficiency Resource Standard, is authorized by the fiscal committee of the general court; provided, however, that no less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs. Energy efficiency programs should include the development of relationships with third-party lending institutions to provide opportunities for low-cost financing of energy efficiency measures to leverage available funds to the maximum extent, and shall also include funding for workforce development to minimize waiting periods for low-income energy audits and weatherization.~~] ***fund:***

***(1) Energy efficiency programs.***

***(2) Programs that promote and describe the consumer advantages of energy efficiency across all ratepayer classes.***

***(3) The electric utility industry's share of commission and department expenses pursuant to RSA 363-A.***

***(4) Support for research and development.***

***(5) Investments in commercialization strategies for new and beneficial technologies.***

***(b) The energy efficiency portion of the systems benefits charge shall be set at the level adopted at the end of the 3-year planning period ending in 2020 as authorized by the commission in Order No. 25,932 dated August 2, 2016.***

***(c) The department shall thereafter authorize adjustments to the system benefits charge on a yearly basis in the amount of the 3-year average of the consumer price index (CPI-W) plus 0.25 percent.***

***(d) One percent of system benefits charge funds collected annually shall be used to promulgate the benefits of energy efficiency according to guidelines developed as specified in RSA 125-O:5-a, I(c).***

***(e) No less than 20 percent of the portion of the funds collected for energy efficiency shall be expended on low-income energy efficiency programs.***

2 New Section; Ratepayer-Funded Energy Efficiency Programs for Gas Utilities. Amend RSA 374 by inserting after section 62 the following new section:

374:63 Ratepayer-Funded Energy Efficiency Programs for Gas Utilities. The commission may authorize a public utility providing natural gas service to participate in and recover costs associated with statewide energy efficiency programs, including any utility-specific aspects of such programs, provided that when the

costs of such programs are recovered via the public utility's local distribution adjustment charge or a similar rate mechanism, any such charges be made subject to the requirements of RSA 374-F:3, VI-a for the energy efficiency portion of electric utility system benefits charges.

3 Energy Efficiency and Sustainable Energy Board; Duties. Amend RSA 125-O:5-a, I to read as follows:

I. An energy efficiency and sustainable energy board is hereby created to promote ~~[and coordinate]~~ energy efficiency, demand response, and sustainable energy programs in the state. The board's duties shall include but not be limited to:

(a) Review available energy efficiency, conservation, demand response, and sustainable energy programs and incentives and compile a report of such resources in New Hampshire.

~~(b) [Develop a plan to achieve the state's energy efficiency potential for all fuels, including setting goals and targets for energy efficiency that are meaningful and achievable.~~

~~(c) Develop a plan for economic and environmental sustainability of the state's energy system including the development of high efficiency clean energy resources that are either renewable or have low net greenhouse gas emissions.~~

~~(d) [Repealed.]~~

~~(e) Explore opportunities to coordinate programs targeted at saving more than one fuel resource, including conversion to renewable resources and coordination between natural gas and other programs which seek to reduce the overall use of nonrenewable fuels.~~

~~(f) (c) Develop **strategies, concepts, and** tools to enhance outreach and education programs to increase knowledge **and awareness** about energy efficiency and sustainable energy among New Hampshire residents and businesses.~~

~~(g) (d) Expand upon the state government's efficiency programs to ensure that the state is providing leadership on energy efficiency and sustainable energy including reduction of its energy use and fuel costs.~~

~~(h) (e) Encourage municipalities and counties to increase investments in energy efficiency and sustainable energy through financing tools, and to create local energy committees.~~

~~(i) (f) Work with community action agencies and the office of strategic initiatives to explore ways to ensure that all customers participating in programs for low-income customers and the Low Income Home Energy Assistance Program (LIHEAP) have access to energy efficiency improvements, and where appropriate, renewable energy resources, in order to reduce their energy bills.~~

~~(j) (g) Investigate potential sources of funding for energy efficiency and sustainable energy development and delivery mechanisms for such programs, coordinate efforts between funding sources to reduce duplication and enhance collaboration, and review investment strategies to increase access to energy efficiency and renewable energy resources.~~

4 Effective Date. This act shall take effect January 1, 2022.

2021-2205h

AMENDED ANALYSIS

This bill changes the programs and expenses that system benefits charges may fund, and adjusts the procedure for setting and increasing the rate of the system benefits charge. The bill also modifies the duties of the energy efficiency and sustainable energy board.

**Amendment to HB 579**

**(2021-2201h)**

**Proposed by the Majority of the Committee on Criminal Justice and Public Safety - r**

Amend RSA 265:1-c as inserted by section 1 of the bill by replacing it with the following:

265:1-c Immigration Checkpoints. When any state, county, or municipal police department or law enforcement agency is informed by a federal agency of intent to conduct an immigration checkpoint, the department or agency shall give notice to the public within 24 hours of when the checkpoint is scheduled to occur or as soon as is practical. The notice shall disclose, if known, the date, municipality, and geographical area in which the checkpoint will occur. Notice to the public shall be provided by using various media resources available, which may include publishing this information on the government agency's website and on social media, or the use of press conferences, press releases, radio and television coverage, posters, and flyers.

**Amendment to HB 583-FN**

**(2021-0192h)**

**Proposed by the Committee on Transportation - c**

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

AN ACT relative to organ donation designation on drivers' licenses.

Amend RSA 263:41, II-a as inserted by section 1 of the bill by replacing it with the following:

II-a. The director shall cause a suitable decal or symbol to be affixed to the license or nondriver's picture identification card of a person who has registered with the division of motor vehicles as an organ and tissue donor under the provisions of this section and who intends that his or her organs be donated to New Hampshire residents on the organ waiting list over out-of-state residents.

2021-0192h

AMENDED ANALYSIS

This bill allows for applicants of drivers' licenses and nondrivers' picture identification cards who are organ donors to indicate on such licenses or cards their intent to have their organs donated to New Hampshire residents on the organ waiting list prior to out-of-state residents.

**Amendment to HB 589-FN**

**(2021-2131h)**

**Proposed by the Committee on Labor, Industrial and Rehabilitative Services - r**

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

1 Workers' Compensation; Definitions. RSA 281-A:2, I-e is repealed and reenacted to read as follows:

I-e. "Critical exposure" means contact of an employee's ruptured or broken skin or mucous membranes, including the eyes or mouth, with a person's blood or body fluids.

2 Workers' Compensation; Medical, Hospital and Remedial Care. Amend RSA 281-A:23, VI-a to read as follows:

VI-a. All expenses associated with the medical evaluation and recommended post-exposure prophylaxis treatment for emergency response/public safety workers shall be paid by the employer's insurance carrier or third-party administrator. ***Testing and treatment shall be determined by the medical provider taking into account the physical examination and incident details.*** Such medical evaluation and prophylaxis treatment shall be provided without prejudice as to the issue of the causal relationship of any subsequently diagnosed bloodborne disease or airborne disease to the emergency response/public safety worker's work and without prejudice to the compensability of the bloodborne disease or airborne disease as an occupational disease or an accidental injury for the purposes of this chapter.

3 Effective Date. This act shall take effect 30 days after its passage.

2021-2131h

AMENDED ANALYSIS

This bill amends the definition of "critical exposure" for the purpose of the workers' compensation law and provides for payment of testing and treatment by a medical provider.

**Amendment to HB 597-FN**

**(2021-2164h)**

**Proposed by the Majority of the Committee on Judiciary - r**

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

1 New Chapter; Expectation of Privacy. Amend RSA by inserting after chapter 507-G the following new chapter:

CHAPTER 507-H

EXPECTATION OF PRIVACY

507-H:1 Definitions. In this chapter:

I. "Personal information" means an individual's name, date or place of birth; social security number; address; employment history; credit history; financial and other account numbers; cellular telephone numbers; voice over Internet protocol or landline telephone numbers; location information; biometric identifiers including fingerprints, facial photographs or images, retinal scans, genetic profiles, and DNA/RNA data; or other identifying data unique to that individual.

II. "Third party providers of information and services" means individuals or organizations which collect personal information about an individual in order to provide information or services to that individual, including but not limited to cellular and land-line telephone, electric, water, and other utility services; Internet service providers; cable television providers; streaming services; social media providers; email service providers; banks and financial institutions; insurance companies; and credit card companies.

507-H:2 Expectation of Privacy in Personal Information.

I. An individual shall have an expectation of privacy in personal information, including content and usage, given or available to third-party providers of information and services, and not available to the public.

II. No municipal, county, state, or federal department, agency, employee, elected official, or contractor shall, acquire, collect, retain, or use any personal information of any individual residing in New Hampshire from any third-party provider.

III. Paragraph II shall not apply to:

(a) Personal information acquired, collected, retained, or used by any state regulatory or administrative agency when such acquisition, collection, retention, or use is within the agency's regulatory, investigative, adjudicatory, or administrative function.

(b) A warrant signed by a judge and based on probable cause has been issued or a judicially-recognized exception to the warrant requirement applies.

(c) In the case of the division of emergency services and communications when handling emergency 911 telecommunications.

(d) In an emergency where the immediate danger of death or serious physical injury to an individual requires the disclosure, without delay, of personal information concerning a specific individual and where a warrant cannot be obtained in time to prevent the identified danger.

(e) Where the acquisition, collection, retention or use of personal information is authorized or required by state or federal law, provided that such personal information is requested of and supplied by a third-party provider of information and services for named individuals only or, in the case of employees and/or contractors of a third-party provider of information and services, for all of its employees and/or contractors.

(f) Where the individual to whom personal information in the possession of third-party providers of information and services pertains:

(1) Provides it to a municipal, county, state, or federal department, agency, employee, elected official, or contractor, but only for the purpose for which it is provided, including but not limited to credit card transactions and affinity programs; or

(2) Authorizes access to it by a municipal, county, state, or federal department, agency, employee, elected official, or contractor, but only for the purpose for which such authorization is granted.

IV. Any person violating the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

V. A person who suffers injury as a result of a violation of this chapter shall be entitled to damages from the person who committed the violation of not less than \$1,000 for each such violation and an award of costs and reasonable attorney fees.

507-H:3 Action Against a Corporation. This chapter shall not be construed to create a cause of action against a corporation or its officers, employees, or agents for providing information to a municipal, state, or federal department, agency, employee, or contractor in accordance with the provisions of this chapter.

507-H:4 Federal Preemption. If federal law preempts any provision of this chapter, that provision shall not apply.

2 Regulation of Biometric Information; Collection of Biometric Data Prohibited. Amend RSA 359-N:2, I(c) to read as follows:

(c) Obtain, retain, or provide any individual's biometric data except as set forth in this chapter *or in RSA 507-H*.

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

2021-2164h

#### AMENDED ANALYSIS

This bill regulates the collection, retention, and use of personal information and establishes a cause of action for violations of an individual's expectation of privacy in personal information.

#### Amendment to HB 598-FN

(2021-2233h)

#### Proposed by the Minority of the Committee on Criminal Justice and Public Safety - r

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

1 New Paragraphs; Sentences and Limitations; Eligibility for Parole. Amend RSA 651:2 by inserting after paragraph VIII the following new paragraphs:

IX. Except as provided in paragraph X, a person sentenced under this chapter may apply for parole upon the completion of 50 percent of such person's minimum sentence, provided the following requirements are met:

(a) The person was sentenced to a minimum of not less than 5 years.

(b) The person has no major or "A level" disciplinary violations.

(c) The person has not demonstrated a pattern of repeated disciplinary offenses that result in an upgrade in classification level.

(d) The person has completed all court and department of corrections required programs and treatment.

(e) The person has demonstrated good institutional behavior.

X. Paragraph IX shall not apply if:

(a) The person received a sentence that prohibits him or her from being paroled.

(b) The person was convicted of a sexually violent offense as defined in RSA 135-E:2, XI.

(c) The person was convicted of committing a violent crime, as defined in RSA 651:5, XIII, against a person under 18 years of age.

2 Applicability. The provisions of this act shall apply to any person incarcerated either before or after the effective date of this act.

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

2021-2233h

AMENDED ANALYSIS

This bill provides that an incarcerated person shall be eligible for parole upon the completion of 50 percent of the person's minimum sentence and meeting certain other conditions.

**Amendment to HB 607-FN**

**(2021-2250h)**

**Proposed by the Majority of the Committee on Education - r**

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

1 New Chapter; Local Education Freedom Accounts. Amend RSA by inserting after chapter 194-F the following new chapter:

CHAPTER 194-G

LOCAL EDUCATION FREEDOM ACCOUNTS

194-G:1 Definitions. In this chapter:

I. "Adequate education grant" means the grant calculated under RSA 198:41.

II. "Curriculum" means the lessons and academic content taught in a specific course, program, or grade level.

III. "Department" means the department of education.

IV. "Education freedom account" or "EFA" means the account to which funds are allocated by the scholarship organization to the parent of an EFA student in order to pay for qualifying education expenses to educate the EFA student under this chapter.

V. "Education service provider" means a person or organization that receives payments from education freedom accounts to provide educational goods and services to EFA students.

VI. "Eligible student" means a resident of a school district that adopts the provisions of this chapter, who is at least 5 years of age and not more than 20 years of age, who has not graduated from high school and is:

(a) Currently attending a New Hampshire public school, including a chartered public school; or

(b) A kindergarten student; or

(c) Receiving home education pursuant to RSA 193-A.

VII. "EFA student" means an eligible student who is participating in the EFA program.

An EFA student participating under this chapter shall be counted in the average daily membership in residence of their school district.

VIII. "Full-time" means more than 50 percent of instructional time.

IX. "Remote or hybrid" shall mean any public school that is not providing instruction in person where the student or the educator are both not physically present in the traditional classroom due to full-time or part-time classroom closure.

X. "Parent" means a biological or adoptive parent, legal guardian, custodian, or other person with legal authority to act on behalf of an EFA student.

XI. "Program" means the education freedom account program established in this chapter.

XII. "Scholarship organization" means a scholarship organization approved under RSA 77:G, that administers and implements education freedom accounts.

194-G:2 Program Eligibility.

I. There is established a local education freedom account program. In any school district that adopts this chapter pursuant to RSA 197:3-b, the parent of an eligible student may receive a grant from a scholarship organization if the parent signs a contract with the scholarship organization.

II. The parent of an eligible student who signs a contract with a scholarship organization agrees to use the funds deposited in an eligible student's account for any of the following qualifying educational expenses:

(a) Tuition for course fees at any public school, chartered public school, nonpublic school, or program approved by the department pursuant to RSA 186-C:5.

(b) Textbooks, curriculum, or materials required to supplement or administer the curriculum.

(c) Payment to a tutor or tutoring facility.

(d) Fees for transportation to and from an educational service provider paid to a fee-for-service transportation provider, not to exceed \$750 per school year.

(e) Tuition and fees for online learning programs.

(f) Educational services or therapies from a licensed or certified practitioner or provider, including licensed or certified paraprofessionals or educational aides.

(g) Computer hardware and software and other assistive devices if an eligible school, licensed or certified tutor, licensed or certified educational service practitioner or provider, or licensed medical professional verifies in writing that these items are essential for the student to meet annual, measurable goals.

(h) Fees for a nationally standardized norm-referenced achievement test, advanced placement examination, or any exam related to college admission.

III. The parent of an eligible student shall be provided copies of all signed agreements.

IV. The parent of an eligible student shall be required to annually renew the agreement to continue participation in the program.

V. No eligible student shall receive a grant under this chapter and an education tax credit scholarship pursuant to RSA 77-G in the same school year.

VI. Eligible students participating in the program may participate in curricular and co-curricular courses and programs pursuant to RSA 193:1-c.

VII. An agreement shall be automatically terminated if the eligible student no longer resides in the school district, and all unencumbered moneys shall revert back to the school district.

VIII. The failure to enter into an agreement pursuant to this chapter for any school year for which an eligible student is required to attend a public school shall not preclude the parent of such student from entering into an agreement for a subsequent school year.

IX. An EFA student shall remain a student in their resident school district for the purposes of RSA 193:1.

X. The resident school district shall receive funding for EFA students pursuant to RSA 198:40-a.

194-G:3 Application for an Education Freedom Account.

I. A parent may apply to the scholarship organization to establish an EFA for an eligible student. The scholarship organization shall accept and approve applications each year and shall establish procedures for approving applications in an expeditious manner.

II. The scholarship organization shall create a standard form that parents can submit to establish their student's eligibility for the EFA program and shall ensure that the application is publicly available and may be submitted through various sources, including the Internet.

III. The scholarship organization shall approve an application for an EFA if:

(a) The parent submits an application for an EFA in accordance with application procedures established by the scholarship organization.

(b) The student on whose behalf the parent is applying is an eligible student.

(c) Funds are available for the EFA.

(d) The parent signs an agreement with the scholarship organization:

(1) To provide an education for the eligible student in the core knowledge domains that include science, mathematics, language, government, history, health, reading, writing, spelling, the history of the constitutions of New Hampshire and the United States, and an exposure to and appreciation of art and music.

(2) Not to enroll the eligible student as a full-time student in their resident district public school while participating in the EFA program.

(3) To provide an annual record of educational attainment by:

(A) Having the student take a nationally-standardized, norm-referenced achievement test and to provide the results to the scholarship organization by the end of each school year which the scholarship organization shall make available to the department as aggregate scores; or

(B) Having the student take the statewide student assessment test pursuant to RSA 193-C:6; or

(C) Maintaining a portfolio including, but not limited to, a log which designates by title the reading materials used; samples of writings, worksheets, workbooks, or creative materials used or developed by the student. The parent shall have a certified teacher or a teacher currently teaching in a nonpublic school, who is selected by the parent, evaluate the student's educational progress upon review of a portfolio and discussion with the parent or student.

(4) To use the funds in the EFA only for qualifying expenses to educate the eligible student as established by the EFA program.

(5) To comply with the rules and requirements of the EFA program.

IV. The signed agreement between the parent and the scholarship organization shall satisfy the compulsory school attendance requirements of RSA 193:1.

V. The scholarship organization shall annually renew a student's EFA if funds are available.

VI. Upon notice to the scholarship organization, an EFA student may choose to stop receiving EFA funding and enroll full-time in a public school.

(a) Enrolling as a full-time student in the resident district public school shall result in the immediate suspension of payment of additional funds into the student's EFA. However, an EFA that has been open for at least one full school year shall remain open and active for the parent to make qualifying expenditures to educate the student from funds remaining in the EFA. When no funds remain in the student's EFA, the scholarship organization may close the EFA.

(b) If an eligible student decides to return to the EFA program, payments into the student's existing EFA may resume if the EFA is still open and active. A new EFA may be established if the student's EFA was closed.

194-G:4 Authority and Responsibilities of the Scholarship Organization. The scholarship organization shall have the following additional duties, obligations, and authority:

I. The scholarship organization shall maintain an updated list of education service providers and shall ensure that the list is publicly available through various sources, including the Internet.

II. The scholarship organization shall provide parents with a written explanation of the allowable uses of EFA funds, the responsibilities of parents, the duties of the scholarship organization, and the role of any financial management firms that the scholarship organization may contract with to administer any aspect of the EFA program.

III. The scholarship organization shall ensure that parents of students with disabilities receive notice that the EFA student will still be eligible to receive services from the resident school district in accordance with Individuals With Disabilities Education Act (IDEA) and any existing individualized education program (IEP).

IV. The scholarship organization may withhold from deposits or deduct from EFAs an amount to cover the costs of administering the EFA program, up to a maximum of 10 percent annually.

V. The scholarship organization shall implement a commercially viable system for payment of services from EFAs to education service providers by electronic or online funds transfer.

(a) The scholarship organization shall not adopt a system that relies exclusively on requiring parents to be reimbursed for out-of-pocket expenses, but rather shall provide maximum flexibility to parents by facilitating direct payments to education service providers. Scholarship organizations may pre-approve requests for reimbursements for qualifying expenses, including expenses pursuant to RSA 194-G:2, II, but shall not disperse funds to parents without receipt that such pre-approved purchase has been made.

(b) A scholarship organization may contract with a private institution or organization to develop the payment system.

VI. The scholarship organization may also seek to implement a commercially viable system for parents to publicly rate, review, and share information about education service providers, ideally as part of the same system that facilitates the electronic or online funds transfers.

VII. If an education service provider requires partial payment of tuition or fees prior to the start of the academic year to reserve space for an EFA student admitted to the education service provider, such partial payment may be paid by the scholarship organization, if funds are available, prior to the start of the school year in which the EFA is awarded and deducted in an equitable manner from subsequent quarterly EFA deposits to ensure adequate funds remain available throughout the school year; but if an EFA student decides not to use the education service provider, the partial reservation payment shall be returned to the scholarship organization by such education service provider and credited to the student's EFA.

VIII. The scholarship organization shall continue making deposits into a student's EFA until:

(a) The scholarship organization determines that the EFA student is no longer an eligible student.

(b) The scholarship organization determines that there was intentional and substantial misuse of the funds in the EFA.

(c) The parent or EFA student withdraws from the EFA program.

(d) The EFA student enrolls full-time in the resident district public school.

(e) The EFA student graduates from high school.

IX. The scholarship organization may conduct or contract for the auditing of individual EFAs, and shall at a minimum conduct random audits of EFAs on an annual basis.

X. The scholarship organization may make any parent or EFA student ineligible for the EFA program in the event of intentional and substantial misuse of EFA funds.

(a) The scholarship organization shall create procedures to ensure that a fair process exists to determine whether an intentional and substantial misuse of EFA funds has occurred.

(b) If an EFA student is free from personal misconduct, that student shall be eligible for an EFA in the future if placed with a new guardian or other person with the legal authority to act on behalf of the student.

(c) The scholarship organization may refer suspected cases of intentional and substantial misuse of EFA funds to the attorney general for investigation if evidence of fraudulent use of EFA funds is obtained.

(d) A parent or EFA student may appeal the scholarship organization's decision to deny eligibility for the EFA program to the department.

XI. The scholarship organization may bar an education service provider from accepting payments from EFAs if the scholarship organization determines that the education service provider has:

(a) Intentionally and substantially misrepresented information or failed to refund any overpayments in a timely manner.

(b) Routinely failed to provide students with promised educational goods or services.

XII. The scholarship organization shall create procedures to ensure that a fair process exists to determine whether an education service provider may be barred from receiving payments from EFAs.

(a) If the scholarship organization bars an education service provider from receiving payments from EFAs, it shall notify parents and EFA students of its decision as quickly as possible.

(b) Education service providers may appeal the scholarship organization's decision to bar them from receiving payments from the EFA to the department.

XIII. The scholarship organization may accept gifts and grants from any source to cover administrative costs, to inform the public about the EFA program, or to fund additional EFAs.

XIV. The department shall adopt rules that are necessary for the administration of this chapter.

XV. The scholarship organization shall adopt policies or procedures that are necessary for the administration of this chapter. This may include policies or procedures:

- (a) Establishing or contracting for the establishment of an online anonymous fraud reporting service.
- (b) Establishing an anonymous telephone number for fraud reporting.
- (c) Requiring a surety bond for education service providers receiving more than \$100,000 in EFA funds.
- (d) Refunding payments from education service providers to EFAs.
- (e) Ensuring appropriate use and rigorous oversight of all funds expended under this program.

XVI. The scholarship organization shall not exclude, discriminate against, or otherwise disadvantage any education provider with respect to programs or services under this section based in whole or in part on the provider's religious character or affiliation, including religiously based or mission-based policies or practices.

#### 194-G:5 Computation of Local Education Funds.

I. The superintendent of the school district shall calculate the funds for local education freedom accounts based on the local district's approved budget from the previous year as follows: the total moneys raised by local education taxes under RSA 76:8, III, less special education spending multiplied by 80 percent, and divided by the previous year's average daily membership in attendance. The funds shall not include any federal grants or state funding. The superintendent of the school district shall make such funds available to each student requesting a local education freedom account.

II. The scholarship amount shall be recalculated annually. The amount granted shall be the original grant or the recalculated grant, whichever is greater. No eligible student shall receive a scholarship that is less than the scholarship the student received in his or her first year of participation in the program.

III. If a student no longer resides in the local district, or attends the chartered public school, during the regular school year, the funds the student has been approved to receive shall be prorated and the balance shall be distributed to the local school district.

IV. The superintendent of the local school district shall transfer the funds to each student's local education freedom account no later than July 14 prior to the beginning of the school year.

#### 194-G:6 Program Funding and Payment.

I. The scholarship organization shall notify the superintendent of the school district of any eligible student whose parents have signed an agreement under RSA 194-G:2.

II. Funds received pursuant to this program shall not constitute income taxable to the parent of the eligible student or to the eligible student.

III. In exchange for the parent's agreement pursuant to RSA 194-G:2, the superintendent shall transfer funding to the eligible student's account established by the scholarship organization. The transfers shall be made quarterly at the same time as state grants are distributed under RSA 198:42.

IV. All eligible student accounts shall be held in institutions qualified by the school district.

V. The scholarship organization may remove any eligible student from the program for non-compliance with program eligibility requirements of RSA 194-G:2.

(a) The parent may appeal the decision of the scholarship organization to the superintendent.

(b) Any funds remaining in the account for that student shall revert to the school district.

VI. The scholarship organization may refer cases of fraudulent misuse of funds for investigation.

VII.(a) The scholarship organization may approve education service providers on its own initiative, at the request of parents, or by notice to the scholarship organization provided by prospective education service providers.

(b) A prospective education service provider that wishes to receive payments from EFAs shall:

(1) Submit notice to the scholarship organization that it wishes to receive payments from EFAs.

(2) Agree not to refund, rebate, or share EFA funds with parents or EFA students in any manner, except that funds may be remitted or refunded to an EFA in accordance with procedures established by the scholarship organization.

VIII. Parents may make payments for the costs of educational programs and services not covered by the funds in their accounts.

IX. A scholarship organization may receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this chapter.

#### 194-G:7 Scholarship Organization: Requirements. A scholarship organization shall:

I. Develop and maintain agreement forms in cooperation with the superintendent.

II. Provide copies of agreements signed by parents of eligible students to the superintendent.

III. Comply with all federal and state laws regarding student privacy.

IV. Review all receipts for fees and services pursuant to 194-G:2, II.

V. Provide annual reports on the number of students participating in the program, the providers of services to students, and the value of the program funds to the school district.

VI. Conduct an annual survey of parents of eligible students with accounts. The survey shall include the number of years the parent has been in the program, the relative satisfaction of the parent with the program, and suggestions of the parent for improvement. The survey shall be included in the annual report.

VII. Conduct an annual audit of all accounts of eligible students.

194-G:8 Schools and Providers of Educational Services; Requirements.

I. Schools and educational service providers shall comply with all federal and state laws regarding student privacy.

II. Schools and educational service providers shall furnish receipts for eligible services pursuant to RSA 194-G:2, II to the parent.

III. The school district in which the eligible student resides shall provide a participating school or educational service provider that has admitted an eligible student under this program with a copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. section 1232 (g), and state policies.

IV. Special education services to students in an EFA program under this chapter shall be at a location that is at the discretion of the school district.

194-G:9 Responsibilities of Public Schools and School Districts. A public school, or school district, that previously enrolled an EFA student shall provide a private school that is also an education service provider and that has enrolled an EFA student with a complete copy of the ESA student's school records, in a timely manner, while complying with 20 U.S.C. section 1232g, the Family Educational Rights and Privacy Act of 1974.

194-G:10 Legal Proceedings.

I. In any legal proceeding challenging the application of this chapter to an education service provider, the state bears the burden of establishing that the law is necessary and does not impose any undue burden on the education service provider.

II. No liability shall arise on the part of the scholarship organization or the state or of any public school or school district based on the award of or use of an EFA pursuant to this chapter.

III. If any part of this chapter is challenged in a state court as violating either the state or federal constitutions, parents of eligible and/or EFA students shall be permitted to intervene as of right in such lawsuit for the purposes of defending the EFA program's constitutionality. However, for the purposes of judicial administration, a court may require that all parents file a joint brief, so long as they are not required to join any brief filed on behalf of any named defendant.

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

194-G:11 Rescission. If a school district that has adopted local education freedom account accounts votes to rescind its action under RSA 197:3-b, IV, any parent of an eligible student who has entered into a contract with a scholarship organization prior to the time of such rescission may continue to receive grants as long as the eligible student is under the age of 20 years and has not graduated from high school.

2 New Section; Method of Adopting Local Education Freedom Accounts. Amend RSA 197 by inserting after section 3-a the following new section:

197:3-b Method of Adopting Local Education Freedom Accounts.

I. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in the school district, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the school board or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the school board shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. Such corrections shall not in any way change the intended effect of the article as presented in the original language of the petition. For the purposes of this section, the number of registered voters in a school district shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32. In school districts with fewer than 10,000 inhabitants upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, and in school districts with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the district, so presented not less than 60 days before the next annual meeting, the school board shall warn a special meeting to act upon any question specified in such application. The checklist for an annual or special school district meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons qualified to vote whose names are on the corrected checklist shall be entitled to vote at the meeting. The same checklist used at a recessed school district meeting shall be used at any reconvened session of the same school district meeting. In no event shall a special school district meeting be held on the biennial election day.

II. The wording of the question shall be: "Shall we adopt the provisions of RSA 194-G to allow the establishment if a local education freedom account program in (local school district)?"

III. If a 3/5 majority of those voting on the question vote "yes," RSA 194-G shall apply within the school district at the annual or special meeting next following. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

IV. Any school district which has adopted RSA 194-G may consider rescinding its action in the manner described in paragraphs I-III, except that the question shall be placed on the official ballot. The wording of the question shall be: "Shall we rescind the provisions of RSA 194-G, as adopted by the (local school district) on (date of adoption), so that a local education freedom account program will no longer be used in the district?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this chapter. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

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

2021-2250h

**AMENDED ANALYSIS**

This bill allows school districts to adopt a program for local education freedom accounts for a parent of an eligible student to receive a grant from a scholarship organization for qualifying educational expenses at a public school, chartered public school, nonpublic school, or program approved by the department of education.

**Amendment to HB 611-FN**

**(2021-1392h)**

**Proposed by the Majority of the Committee on Resources, Recreation and Development - r**

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

1 Fluoride Introduction Prohibited. RSA 485:14 is repealed and reenacted to read as follows:

485:14 Fluoride Introduction Prohibited. No fluoride, or any chemical containing fluoride, shall be introduced into a public water system.

2 Repeal. The following are repealed:

I. RSA 31:17-a, relative to referendum on public water supply.

II. RSA 44:16, relative to public water supplies.

III. RSA 52:23, relative to public water in village districts.

IV. RSA 485:14-a, relative to referendum for public water systems serving more than one political subdivision.

V. RSA 485:14-b, relative to a fluoride statement.

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

2021-1392h

**AMENDED ANALYSIS**

This bill prohibits the introduction of fluoride into the drinking water of the state.

**Amendment to HB 614-FN**

**(2021-2238h)**

**Proposed by the Majority of the Committee on Ways and Means - r**

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

1 New Paragraph; Electrical Rates and Charges; Exemption For State and Political Subdivisions. Amend RSA 378:49 by inserting after paragraph III the following new paragraph:

IV.(a) The public utilities commission shall, after notice and hearing, by order or rule, approve a standard format and methodology that providers of electricity, as defined in RSA 362-F:2, XIV, shall use in exempting the state and its political subdivisions from paying the portion of electricity rates that covers the cost of compliance with the renewable portfolio standard (RPS) under RSA 362-F. A political subdivision shall initially be in exempt status unless the governing body of the political subdivision subsequently chooses to opt in under subparagraph (c).

(b) Providers of electricity shall not be subject to compliance under RSA 362-F:3 for electricity sales that have been exempted pursuant to subparagraph (a).

(c) By October 15 of each year, each provider of electricity doing business with political subdivisions of the state shall notify these entities of their current opt-out/opt-in status. Any political subdivision, by a majority vote of its governing body, may elect to opt-in to continue payment of the amounts identified as costs of compliance with the renewable portfolio standard under RSA 362-F. Otherwise, the subdivision will remain exempt under subparagraph (a). Reversing this opt-in decision also requires a majority vote of the governing body.

(d) For purposes of this paragraph, "political subdivision" means any electricity account holder that operates as an agency of the state, a county, a municipality, a school district, or a village district.

2 Effective Date. This act shall take effect July 1, 2022.

2021-2238h

## AMENDED ANALYSIS

This bill requires that the state and political subdivisions be exempted from paying the portion of electricity rates that cover the costs of compliance with the renewable portfolio standards unless opting in to payment of such costs of compliance.

**Amendment to HB 622-FN****(2021-2121h)****Proposed by the Majority of the Committee on Judiciary - r**

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

AN ACT repealing certain provisions of the fetal life protection act requiring an ultrasound examination.

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

- 1 Repeal. RSA 329:44, I, relative to prohibitions under the fetal life protection act, is repealed.
- 2 Effective Date. This act shall take effect upon its passage.

2021-2121h

## AMENDED ANALYSIS

This bill repeals a prohibition on abortions under the provision of the fetal life protection act which requires an ultrasound examination.

**Amendment to HB 624-FN****(2021-2223h)****Proposed by the Committee on Ways and Means - c**

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

AN ACT relative to site evaluation committee monitoring and enforcement responsibilities.

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

- 1 Site Evaluation Committee; Powers and Duties. Amend RSA 162-H:4, III to read as follows:

III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to the administrator or such state agency or official as it deems appropriate, but *the committee* shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.

- 2 Site Evaluation Committee; Filing Fees. Amend RSA 162-H:8-a, I to read as follows:

I. Except as provided in ~~paragraph~~ **paragraphs IV and V**, a person filing with the committee an application for a certificate for an energy facility, a petition for jurisdiction, a request for exemption, or any other petition or request for the committee to take action, shall pay to the committee at the time of filing a fee determined in accordance with the fee schedule described in paragraph II. If an application for a certificate for an energy facility is deemed incomplete pursuant to RSA 162-H:7, VI, and a new application is submitted thereunder, the unearned portion of the initial application fee shall be refunded to the applicant or credited to the filing of the new application. The committee may in its discretion provide for a credit or refund in other circumstances that are unforeseen by the applicant.

3 New Paragraph: Site Evaluation Committee; Complaints and Fee Adjustments. Amend RSA 162-H:8-a by inserting after paragraph IV the following new paragraph:

V. Notwithstanding paragraph I, the committee shall establish procedures sufficient to ensure that complaints received by the committee that are not subject to the paragraph II fee schedule but that allege non-compliance with terms and conditions of any certificate granted by the committee under this chapter are considered, investigated when necessary, and acted upon consistent with the committee's responsibilities and powers under this chapter. In conjunction with its review and evaluation of fees as required by paragraph III, the committee shall also consider the need for statutory adjustments to said fees, including whether new fees should be scheduled for complaints or subcategories of complaints received by the committee under this paragraph. The committee shall file annually with the fiscal committee of the general court its findings and recommendations regarding such recommended fee schedule adjustments.

- 4 Site Evaluation Committee; Enforcement. Amend RSA 162-H:12, I to read as follows:

I. Whenever the committee [~~or the administrator as designee,~~] determines that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the person holding the certificate of the specific violation and order the person to immediately terminate the violation. If, 15 days

after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.

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

2021-2223h

AMENDED ANALYSIS

This bill requires the site evaluation committee to establish procedures for investigating complaints related to an energy facility certificate.

**Amendment to SB 17**

**(2021-2187h)**

**Proposed by the Committee on Commerce and Consumer Affairs - c**

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

AN ACT relative to permitting dogs in outdoor dining areas of restaurants.

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

1 Dogs in Restaurant Outdoor Dining Areas. RSA 466:44, II is repealed and reenacted to read as follows:

II. Unless prohibited under subparagraph (d):

(a) A restaurant owner may allow dogs in any outdoor dining area at his or her place of business, if:

(1) Such dog and owner access the outdoor dining area from the exterior of the restaurant, regardless of whether food or drink are served in such outdoor dining area.

(2) All food is prepared and all utensils stored in the interior of the restaurant.

(3) The owner allowing dogs shall prominently display a sign at all public entrances advising patrons that dogs are allowed on the premises. The sign shall state the following text in English:

“Companion dogs are only allowed in certain outdoor dining areas of this establishment.

Only service dogs are allowed in other parts of this establishment.

Your companion dog must be licensed and currently vaccinated against rabies to remain in the outdoor dining area with you.

You are responsible for controlling your dog at all times.”

(4) The owner of such dog controls his or her dog within the outdoor dining area.

(5) The owner of a dog keeps the dog on the ground and out of the aisles of the outdoor dining area and does not allow the dog to eat or drink using glasses, plates, or utensils from the restaurant.

(6) The staff of the restaurant does not pet or play with the dog.

(7) The restaurant owner asks a dog owner to remove his or her threatening or aggressive dog from the outdoor dining area.

(8) The restaurant owner calls 911 if such dog bites or hurts another person.

(9) The outdoor dining area, including the exterior walls and floors, is maintained clean, and surfaces that have been contaminated with dog excrement or other bodily fluids such as urine, saliva, and vomit, are immediately cleaned and sanitized.

(10) Dogs are not allowed in food preparation or production areas.

(b) In this paragraph “patio” means an open air, exterior space with an entrance separate from the restaurant.

(c) This paragraph shall not apply to a service animal as defined by RSA 167-D:1, IV.

(d) A municipality may, by ordinance or regulation adopted under RSA 47:17 or RSA 147:1, prohibit dogs in outdoor dining areas of restaurants, regardless of whether the municipality is responsible for licensing food service establishments.

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

2021-2187h

AMENDED ANALYSIS

This bill allows dogs in outdoor dining areas under certain conditions.

**Amendment to SB 69-FN**

**(2021-2175h)**

**Proposed by the Majority of the Committee on Commerce and Consumer Affairs - r**

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

AN ACT requiring public employers to provide access to a sufficient space for nursing mothers and reasonable break time.

Amend RSA 275:78, II as inserted by section 1 of the bill by replacing it with the following:

II. "Employer" shall mean the state and any political subdivision thereof including, but not limited to, a city, town, county, school district, chartered public school, village district, or school administrative unit; the judicial branch of the state; any quasi-public corporation, council, commission, agency, or authority; the state community college system; and the state university system.

2021-2175h

AMENDED ANALYSIS

This bill requires a public employer to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours.

**Amendment to SB 92-FN  
(2021-2180h)**

**Proposed by the Majority of the Committee on Criminal Justice and Public Safety - r**

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

AN ACT relative to the release of a defendant pending trial.

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

1 Bail and Recognizances; Release of a Defendant Pending Trial. Amend RSA 597:2 to read as follows:  
597:2 Release of a Defendant Pending Trial.

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

- (a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;
- (b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III;
- (c) Detained; or
- (d) Temporarily detained to permit revocation of conditional release pursuant to the provisions of paragraph VIII.

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

- (a) Released on his or her personal recognizance or upon execution of an unsecured appearance bond, pursuant to the provisions of paragraph III;
- (b) Released on a condition or combination of conditions pursuant to the provisions of paragraph III; or
- (c) Detained.

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

- (a) Safety of the public or the defendant.

***(1) Except as provided in RSA 597:1-c, a person who is charged with homicide under RSA 630; first degree assault under RSA 631:1; second degree assault under RSA 631:2; domestic violence under RSA 631:2-b; aggravated felonious sexual assault under RSA 632-A:2; felonious sexual assault under RSA 632-A:3; kidnapping under RSA 633:1; stalking under RSA 633:3-a; trafficking in persons under RSA 633:7; robbery under RSA 636:1, III; possession, manufacture, or distribution of child sexual abuse images under RSA 649-A; computer pornography and child exploitation under RSA 649-B; or felonious use of firearms under RSA 650-A:1 shall not be brought before a bail commissioner and shall, upon arrest, be detained pending arraignment before the court. Arraignment shall occur no later than 24 hours after the arrest, Saturdays, Sundays, and legal holidays excluded, or no later than 36 hours after arrest if arrested between 8:00 a.m. and 1:00 p.m. and the person's attorney is unable to attend an arraignment on the same day, Saturdays, Sundays, and legal holidays excluded. At the person's appearance before the court, the court shall order that the person be detained pending trial if the court determines by clear and convincing evidence that release of the person is a danger to the public or themselves. In determining whether release will endanger the safety of that person or the public, the court may consider all relevant and material factors presented pursuant to paragraph IV. If the court does not find by clear and convincing evidence that the person must be detained, the court shall order the person released pursuant to paragraph I(a) or paragraph I(b), or, if applicable, temporarily detained pursuant to paragraph I(d).***

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

(b) Assuring the court appearance of charged persons.

(1) The court shall order the pre-arraignment or pretrial release of the person on his or her personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, or cash or corporate surety bail, subject to the condition that the person not commit a crime during the period of his or her release, and subject to such further condition or combination of conditions that the court may require unless the court determines by a preponderance of the evidence that such release will not reasonably assure the appearance of the person as required.

(2) If the court determines by a preponderance of the evidence that a person has failed to appear on any previous matter charged as a felony, class A misdemeanor, or driving or operating while impaired, or a reasonably equivalent offense in an out-of-state jurisdiction, 3 or more times within the past [5] **3** years, or twice on the present case, [~~there shall be a rebuttable presumption that release will not reasonably assure the appearance of the person as required~~] ***the person shall be detained in pretrial detention based upon the rebuttable presumption that release will not reasonably assure the appearance of the person as required.***

(3) In determining the amount of the unsecured appearance bond or cash or corporate surety bail, the court may consider all relevant factors bearing upon a person's ability to post bail.

(4) The court shall not impose a financial condition that will result in the pretrial detention of a person solely as a result of that financial condition unless the court determines by clear and convincing evidence that the nature of the allegations presents a substantial risk that the person will not appear and that no reasonable alternative will assure the person's appearance. The defendant shall be afforded the opportunity to be heard.

(c) Failure of a person to abide by previous bail conditions. [~~If there is probable cause to believe that, while on release pending resolution of a previous offense, the person committed a felony, class A misdemeanor, or driving or operating while impaired, there shall be a rebuttable presumption that the person will not abide by a condition that the person not commit a new offense. The court shall not impose a financial condition that will result in the pretrial detention of the person solely as a result of that financial condition unless the court determines by clear and convincing evidence after a hearing that no reasonable alternative or combination of conditions will assure that the person will not commit a new offense. The court may consider any relevant factors in making its determination~~] ***If there is probable cause to believe that a person, while on release pending resolution of a previous offense, committed a felony, class A misdemeanor, or driving or operating while impaired, was released on bail, and thereafter was arrested for a third felony, class A misdemeanor, or driving or operating while impaired, the person shall be detained in pretrial detention based upon the rebuttable presumption that the person will not abide by a condition that the person not commit a new offense.***

IV.(a) Evidence in support of preventive detention shall be made by offer of proof at the initial appearance ***of the person*** before the court. [~~At that time, the defendant~~] ***If the court determines the person should be detained pursuant to paragraph III, the person*** may request a subsequent bail hearing where live testimony [is] ***may be*** presented to the court ***to rebut any presumption that the person is a danger to himself, herself, or the public, or that release will not reasonably assure the person's appearance, or that the person is at-risk of re-offending while on bail.***

(b) At any subsequent hearing, such testimony may be presented via video conferencing, unless the court determines that witness testimony in court is necessary. A request by the defendant for in-court testimony shall be made by oral motion at the initial hearing or by written motion prior to any subsequent hearing. Any order granting the defendant's request shall be distributed to the parties at least 48 hours prior to any subsequent hearing.

(c) There shall be a rebuttable presumption that an alleged victim of the crime shall not be required to testify at the bail hearing. Nothing in this section shall preclude an alleged victim from voluntarily testifying at such hearing. The state may present evidence of statements made in the course of an investigation through a law enforcement officer.

V. A no-contact provision contained in any bail order shall not be construed to:

(a) Prevent counsel for the defendant from having contact with counsel for any of the individuals protected by such provision; or

(b) Prevent the parties, if the defendant and one of the protected individuals are parties in a domestic violence or marital matter, from attending court hearings scheduled in such matters or exchanging copies of legal pleadings filed in court in such matters.

VI. If a person is charged with violation of a protective order issued under RSA 173-B or RSA 633:3-a, the person shall be detained without bail pending arraignment pursuant to RSA 173-B:9, I(a).

VII. In a release order issued pursuant to this section, the court shall include a written statement that sets forth:

(a) All of the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

(b) The provisions of RSA 641:5, relative to tampering with witnesses and informants.

VIII. A person charged with an offense who is, or was at the time the offense was committed, on release pending trial for a felony or misdemeanor under federal or state law, release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal or state law; or probation or parole for any offense under federal or state law, except as provided in RSA 597:1-d, III, ~~may~~ **shall** be detained for a period of not more than 72 hours from the time of his or her arrest, excluding Saturdays, Sundays and holidays. The law enforcement agency making the arrest shall notify the appropriate court, probation or parole official, or federal, state, or local law enforcement official. Upon such notice, the court shall direct the clerk to notify by telephone the department of corrections, division of field services, of the pending bail hearing. ~~[If the department fails or declines to take the person into custody during that period, the person shall be treated in accordance with the provisions of law governing release pending trial.]~~ **The court shall hold a bail hearing promptly after the expiration of the 72-hour period and may consider the actions taken or to be taken by such other court, probation or parole official, or law enforcement official in determining the conditions of release or detention to be imposed in the case before the court.** Probationers and parolees who are arrested and fail to advise their supervisory probation officer or parole officer in accordance with the conditions of probations and parole ~~may~~ **shall** be subject to arrest and detention as probation and parole violators.

IX. Upon the appearance of a person charged with a class B misdemeanor, the court shall issue an order that, pending arraignment, the person be released on his or her personal recognizance, unless the court determines pursuant to paragraph III that such release will endanger the safety of the person or the public. The court shall appoint an attorney to represent any indigent person charged with a class B misdemeanor denied release for the purpose of representing such person at any detention hearing.

X. A person detained by a circuit court has the right to:

(a) In the first instance, a hearing in circuit court within 36 hours after the filing of the motion, excluding weekends and holidays on a motion to reconsider the original detention order; and

(b) A decision upon a de novo appeal, pursuant to RSA 597:6-e, II, to the superior court within 36 hours of the filing of the appeal, excluding weekends and holidays.

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

2021-2180h

#### AMENDED ANALYSIS

This bill amends the statute governing bail and pretrial release to include provisions for pretrial detention for commission of certain offenses that would create a presumption that the defendant is a danger to the public.