

December 28, 2023
No. 01

STATE OF NEW HAMPSHIRE

Website Address: <http://gencourt.state.nh.us>

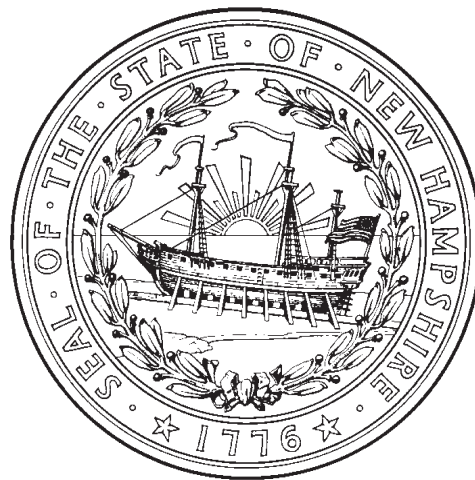
Senate Meeting Schedule Website Address:

<http://gencourt.state.nh.us/senate/schedule/dailyschedule.aspx>

All Standing Committee hearings will be livestreamed on the NH Senate's YouTube channel:

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Links are also available on the Senate Meeting Schedule.



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

SENATE CALENDAR

THE SENATE WILL CONVENE ON WEDNESDAY, JANUARY 3, 2024 AT 9:30 A.M.

Pursuant to Part 2, Article 3 of the New Hampshire Constitution, the Senate “shall assemble annually on the first Wednesday following the first Tuesday in January.”

The Senate Session on Wednesday, January 3, 2024, in the Senate Chamber will be live streamed at the following link:

<https://youtube.com/live/foiXo3h-MpY?feature=share>

Please note, this link will not be live until the Senate Session on Wednesday, January 3, 2024 at 9:30 A.M.

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CONSENT CALENDAR REPORTS

ENERGY AND NATURAL RESOURCES

SB 163, relative to agritourism and product sales at farms and farm roadside stands.
Interim Study, Vote 5-0.

Senator Pearl for the committee.

This bill sought to define “significant expansion” and empower municipalities to request information about product sales from farms. The Committee expressed reservations about the requirement for farms to disclose financial information and record-keeping to government entities. Additionally, public concerns were raised about certain language in the bill. The Committee, recognizing the complexity of the issues involved, believes that this bill should be referred to interim study at this time.

SB 165, relative to the online energy data platform.

Inexpedient to Legislate, Vote 5-0.

Senator Avard for the committee.

This bill sought to establish conditions for the implementation of a statewide, online energy data platform within the Department of Energy. The Committee raised concerns about the Public Utilities Commission’s role and specific language regarding the project approval process. The Department of Energy also had concerns regarding specific language guiding the project’s approval process. The Committee believes this is not the right time for this legislation.

SB 168, relative to participation in a low-moderate income residential customers community solar project.

Inexpedient to Legislate, Vote 5-0.

Senator Avard for the committee.

This bill sought to enable certain large electrical generators’ participation in low- to moderate-income community solar projects and broaden eligibility for residents to benefit from community solar additions. The Department of Energy acknowledged that it would be best to observe results from the rollout of the program from SB 270 to ensure SB 168’s language is sufficient. The Committee believes this bill is inexpedient to legislate at this time, given the recent passage of SB 270 and the potential for program improvements in the future.

SB 227-FN-A, relative to an assessment of solid waste facility setback requirements and making an appropriation therefor.

Inexpedient to Legislate, Vote 5-0.

Senator Avard for the committee.

This bill sought to require the Department of Environmental Services to contract for an assessment of solid waste facility setback requirements that would be applicable to the permitting of new solid waste facilities. Due to the substantial impact this legislation would have, many concerns were raised regarding transparency, independent agents performing the assessments and the time needed before new permits could be issued. Considering the additional work needed to address these concerns, the Committee determined that now is not the time for this legislation to move forward.

HB 257, relative to telephone carrier of last resort obligations.

Inexpedient to Legislate, Vote 5-0.

Senator Watters for the committee.

This bill sought to allow for an incumbent telephone utility to be relieved of its carrier of last resort obligations. The Department of Energy highlighted concerns about potential consequences, including residents left without access to essential communication services. The Committee acknowledged the on-going broadband initiatives funded through the American Rescue Plan Act, potential gaps in emergency services, and the Department of Energy's reservations about unintended impacts. Balancing these factors, the Committee believes this is not the right time for this legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 148, relative to the requirements for a plumbing apprentice.

Inexpedient to Legislate, Vote 5-0.

Senator Perkins Kwoka for the committee.

SB 148 seeks to change requirements for a plumbing apprentice, eligible under RSA 278, to work without direct supervision under the responsibility of their licensed sponsor. The committee heard testimony from the Mechanical Board and plumbers that they were developing rules to present to the Joint Legislative Committee on Administrative Rules (JLCAR), which were adopted in October 2023. It is the opinion of this committee that the issue has been addressed and this legislation is no longer needed.

HEALTH AND HUMAN SERVICES

SB 91, relative to the qualifications of dentists to administer general anesthesia or deep sedation.

Interim Study, Vote 5-0.

Senator Avarad for the committee.

SB 91 prohibits the Board of Dental Examiners from exempting dentists certified in dental anesthesiology or oral surgery from the requirement that sedation be administered by a dedicated anesthesia provider. At the original hearing, the Committee was told the Board was in the process of adopting rules to regulate anesthesiology in response to national tragedies. As far as the Committee is aware those rules have not yet been adopted. The Committee urges the Board to act on those rules, making future legislation unnecessary, and therefore recommends SB 91 be referred to interim study.

SB 95, relative to medical loss reporting by dental benefits providers.

Interim Study, Vote 5-0.

Senator Whitley for the committee.

SB 95 expands New Hampshire's laws regarding requirements for the submission and filing of individual health insurance rates to include dental benefits. There is still work to be done by stakeholders to get SB 95 to a place that works for all parties. The Committee urges the stakeholders to meet further towards an agreement and, therefore, recommends the bill be referred for interim study.

SB 116, relative to discharge from the secure psychiatric unit of the state prison.

Interim Study, Vote 5-0.

Senator Birdsell for the committee.

SB 116 modifies criteria for committal order durations and clarifies that it is the Commissioner for the Department of Health and Human Services that authorizes persons transferred to state hospitals and is a request of the Department of Health and Human Services. The Department of Health and Human Services has requested that the bill be referred for interim study to allow time for further conversations between DHHS and the Department of Corrections.

SB 131-FN, relative to health care provider contract standards.

Interim Study, Vote 5-0.

Senator Whitley for the committee.

SB 131-FN states that a health care provider manual is intended as an administrative tool and is not to be used to change the terms of the provider contract or benefit plan. There is still work to be done by stakeholders to find a resolution that works for all parties. The Committee urges the stakeholders to meet further towards an agreement, as this is an issue that has come before the General Court multiple times, and, therefore, recommends the bill be referred for interim study.

HB 108, relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances.

Interim Study, Vote 5-0.

Senator Birdsell for the committee.

HB 108 provides that reports of suspected abuse and neglect may include the name of the person making the report and provides that the person's identity shall be fully confidential unless such a person makes such a report in bad faith or maliciously and with intent to cause harm, in which case the person may be subject to civil and criminal penalties. The Committee had concerns about the lack of definitions in HB 108 and feels that more discussions are needed to get the bill to a workable place. For these reasons, a recommendation of refer to interim study is appropriate.

JUDICIARY

SB 26-FN, relative to asbestos actions.

Interim Study, Vote 5-0.

Senator Gannon for the committee.

Senate Bill 26-FN would have provided that asbestos defendants who have no connection to the plaintiff's claim a way to avoid being sued in an asbestos action or to have their cases dismissed earlier. Upon hearing the testimony, and subsequent work on the bill, the Committee felt that more information was needed.

SB 80-FN-A, requiring the recording of custodial interrogations and making an appropriation therefor.

Interim Study, Vote 5-0.

Senator Carson for the committee.

Senate Bill 80-FN-A would require that custodial interrogations be recorded, establish a fund to make grants to state law enforcement agencies to purchase equipment to enable such recordings, and make an appropriation therefor. The Committee deemed that this bill would create a one size fits all approach that not all police departments or county sheriff's offices could comply with.

SB 246, relative to disclosure of post-arrest photographs under the right to know law.

Interim Study, Vote 5-0.

Senator Chandley for the committee.

Senate Bill 246 would provide that post-arrest photographs shall not be subject to disclosure under the right to know law and specifies exceptions to the prohibition. The Committee felt more information was needed for final consideration and, therefore, a referral to interim study is appropriate at this time.

HB 68-FN, adopting the uniform real property transfer on death act.

Ought to Pass, Vote 5-0.

Senator Whitley for the committee.

House Bill 68 would adopt the Uniform Real Property Transfer on Death Act. This bill is designed to allow people to transfer real estate at death without having to go through the expense of having a will. House Bill 68 would create another tool in the toolbox to pass on property without going to court.

HB 107-FN, relative to employment restrictions for registered sex offenders.

Interim Study, Vote 5-0.

Senator Carson for the committee.

House Bill 107-FN would prohibit 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. While the Committee deemed this bill to be a worthwhile idea more work needs to be done to come up with a solution that everyone can agree upon.

HB 200, relative to choice of counselor to evaluate a child in family court proceedings.

Interim Study, Vote 5-0.

Senator Gannon for the committee.

House Bill 200 would allow for parents to choose their counselor for counseling that is part of the parenting plan issued in a court order, as well as in any other counseling used in family court to evaluate a child. This bill would also require courts to select counselors that are participating providers in the parties' insurance networks. The Committee heard testimony that stated this bill would create unintended consequences as the language was overly broad.

HB 307-FN, relative to attorney's fees in actions under the right to know law.
Ought to Pass with Amendment, Vote 5-0.
Senator Chandley for the committee.

House Bill 307-FN allows for the awarding of attorney's fees to a requester who goes to court over the withholding of government records provided that the court finds in favor of the requester and provided that such judgment is not reconsidered or reversed. It removes the requirement that the court find that the public body knew or should have known that such conduct was in violation of statute. The bill clarifies that public bodies and public agencies may be awarded attorney's fees provided that the court renders a judgment against the requester that is not reconsidered or reversed.

HB 379-FN, requiring notice be provided to tenants during residential eviction proceedings regarding legal counsel.
Interim Study, Vote 5-0.
Senator Whitley for the committee.

House Bill 379-FN would provide that tenants subject to eviction shall be provided with instructions on the process for contacting and obtaining assistance from New Hampshire Legal Assistance. While this bill seeks to address an important issue, too many questions remain at this time. Further work is required for this bill to be ready for prime time.

HB 397, relative to the prohibition of the possession of hypodermic needles by minors.
Ought to Pass, Vote 5-0.
Senator Gannon for the committee.

House Bill 397 would clarify the circumstances under which a minor may be in possession of a hypodermic needle or syringe. The intent of this bill is to fix a flaw in which minor children are committing crimes by handling diabetic supplies. This bill seeks to add the language of an "authorized user" to protect children from violating the current law and keeping more children out of the judicial system.

HB 400-FN, relative to certain assault offenses, bail eligibility for commission of certain assault offenses, and making a false report to a law enforcement officer.
Interim Study, Vote 5-0.
Senator Abbas for the committee.

House Bill 400 would have established a separate criminal penalty and bail conditions for assaults involving a law enforcement officer, firefighter, or emergency medical services worker. The bill also would have established a criminal penalty for making a false report to a law enforcement officer. The Committee felt it was not appropriate at this time to move forward with this bill, and therefore recommends Interim Study.

TRANSPORTATION

SB 259-FN, relative to traffic and safety improvements on Route 101 Amherst, Bedford, and Milford.
Interim Study, Vote 5-0.
Senator Ricciardi for the committee.

The DOT has a plan to address the Route 101 corridor that should improve safety, but without certain features included it may not sufficiently do so. Putting this bill into interim study pending the passage of the 10-year transportation plan will allow the committee to revisit the issue and consider recommendations for the following biennium, should it be necessary.

HB 198-FN, modifying the new resident drivers' license transfer requirement.
Interim Study, Vote 5-0.
Senator Watters for the committee.

This bill sought to require non-residents with driver's licenses seeking to establish residency in New Hampshire to notify the Department of Safety if they cease to become residents within a 60-day period, or if their out-of-state driver's license is relinquished or expired. Due to issues regarding costs, lack of enforceability, and potential voting-related issues, the committee does not believe this bill is ready to move forward at this time.

REGULAR CALENDAR REPORTS

COMMERCE

SB 22, establishing a study commission to study automobile insurance for newly acquired vehicles.
Inexpedient to Legislate, Vote 4-0.

Senator Soucy for the committee.

SB 33, relative to the fee differential for non-member lot rent in a manufactured housing park.
Inexpedient to Legislate, Vote 4-0.

Senator Innis for the committee.

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

Ought to Pass with Amendment, Vote 4-0.

Senator Gannon for the committee.

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

Inexpedient to Legislate, Vote 4-0.

Senator Innis for the committee.

SB 137-FN, relative to nano brewery licenses and beverage manufacturers licenses.

Ought to Pass with Amendment, Vote 4-0.

Senator Soucy for the committee.

SB 194, allowing students under age 21 to taste wine in educational settings.

Inexpedient to Legislate, Vote 3-1.

Senator Gannon for the committee.

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

Ought to Pass, Vote 4-0.

Senator Innis for the committee.

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

Interim Study, Vote 3-1.

Senator Chandley for the committee.

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

Ought to Pass with Amendment, Vote 4-0.

Senator Chandley for the committee.

EDUCATION

SB 93-FN-L, relative to the individualized education programs of chartered public school students.

Inexpedient to Legislate, Vote 5-0.

Senator Ward for the committee.

SB 214-FN-A, establishing a department of early childhood education and relative to a pre-kindergarten pilot program.

Interim Study, Vote 5-0.

Senator Lang for the committee.

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

Ought to Pass, Vote 4-0.

Senator Fenton for the committee.

SB 219-FN-L, relative to a salary floor for public school teachers.

Inexpedient to Legislate, Vote 4-0.

Senator Prentiss for the committee.

HB 572-FN, relative to eligibility for free school meals.

Ought to Pass, Vote 4-0.

Senator Ward for the committee.

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 63, enabling municipalities to adopt a tax credit for qualified private community property owners.

Inexpedient to Legislate, Vote 3-1.

Senator Gray for the committee.

SB 133-FN, relative to changing the date of the state primary election and creates runoff election for federal primary election.

Interim Study, Vote 4-0.

Senator Abbas for the committee.

SB 223, relative to supervisors of the checklist.

Inexpedient to Legislate, Vote 4-0.

Senator Gray for the committee.

SB 224, relative to housing opportunity zones and inclusionary zoning.

Interim Study, Vote 4-0.

Senator Perkins Kwoka for the committee.

HB 154, relative to the adoption of public health ordinances by municipalities.

Ought to Pass with Amendment, Vote 4-0.

Senator Gray for the committee.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 75-FN, relative to the division of personnel in the department of administrative services.

Interim Study, Vote 5-0.

Senator Carson for the committee.

SB 134-FN, relative to disability pensions for public safety employees who are victims of violence.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

SB 210-FN, relative to the licensing of software applications by state agencies.

Ought to Pass with Amendment, Vote 4-1.

Senator Carson for the committee.

HB 250-FN, relative to the accidental death benefit payable for a retirement system member.

Interim Study, Vote 5-0.

Senator Carson for the committee.

FINANCE

SB 178-FN-A, relative to certain specialty formulas under Medicaid.

Interim Study, Vote 6-0.

Senator D'Allesandro for the committee.

HEALTH AND HUMAN SERVICES

SB 173-FN, relative to surprise medical bills.

Interim Study, Vote 5-0.

Senator Birdsell for the committee.

SB 176-FN, relative to insurance coverage for pelvic floor therapy.

Ought to Pass with Amendment, Vote 5-0.

Senator Whitley for the committee.

SB 177-FN, to create orthotics and prosthetics parity and ensure coverage of orthotics and prosthetics for the performance of physical activities for children 18 years of age and younger.

Ought to Pass with Amendment, Vote 5-0.

Senator Prentiss for the committee.

JUDICIARY

SB 185-FN, relative to protective services for vulnerable adults and the definition of abandonment.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

SB 248-FN, relative to bail for a defendant.

Ought to Pass, Vote 4-1.

Senator Abbas for the committee.

HB 135-FN, prohibiting no-knock warrants.

Ought to Pass with Amendment, Vote 4-1.

Senator Chandley for the committee.

HB 596-FN, prohibiting the use of racial profiling in law enforcement activities and in sentencing.

Ought to Pass with Amendment, Vote 5-0.

Senator Abbas for the committee.

AMENDMENTS

Commerce
December 12, 2023
2024-0010s
08/05

Amendment to SB 97-FN

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

1 New Chapter; Use of Animals in Product Testing. Amend RSA by inserting after chapter 359-U the following new chapter:

CHAPTER 359-V USE OF ANIMALS IN PRODUCT TESTING

359-V:1 Definitions. In this chapter:

I. “Alternative test method” means a test method that provides information of equivalent or better scientific quality and relevance than animal test methods, has been identified by a validation body such as the Interagency Coordinating Committee on the Validation of Alternative Methods or the Organization for Economic Co-operation and Development and adopted by the relevant federal agency or program within an agency responsible for regulating the specific product or activity for which the test is being conducted, and does not use animals, or, when there is no test method available that does not use animals, uses the fewest animals possible and reduces the level of suffering or stress, to the greatest extent possible, of an animal used for testing. “Alternative test method” includes, but is not limited to, computational toxicology and bio-informatics, high-throughput screening methods, testing of categories of chemical substances, tiered testing methods, in vitro studies, systems biology and new or revised methods.

II. “Animal” means any vertebrate other than humans.

III. “Biomedical research” means the investigation of the biological processes and causes of disease or research conducted to increase fundamental scientific knowledge, and to expand the understanding about how processes in living organisms develop and function.

IV. “Contract testing facility” means any partnership, corporation, association, or other legal relationship that tests chemicals, ingredients, drugs, medical devices, vaccines, product formulations, or products in the state.

V. “Manufacturer” means any partnership, corporation, association, or other legal relationship that produces products, product formulations, chemicals, drugs, medical devices, vaccines, or ingredients in the state.

VI. “Traditional animal test method” means a process or procedure using animals to obtain information on the characteristics of a chemical or agent and that generates information regarding the ability of a chemical or agent to produce a specific biological effect under specified conditions.

359-V:2 Animal Testing Prohibited Under Certain Circumstances.

I. When conducting any ingredient or product testing in the state, no manufacturer or contract testing facility shall use a traditional animal test method for which an appropriate alternative test method or strategy exists or for which a waiver has been granted by the regulating agency. No provision of this paragraph shall be construed to apply to any animal research conducted for the purposes of biomedical research.

II. No provision of this section shall prohibit the testing of any product, product formulation, chemical, drug, vaccine, or ingredient with an alternative test method that does not meet the definition in RSA 359-V:1.

III. No provision of this section shall prohibit the use of animal tests to comply with the requirements of state or federal agencies when the federal agency has approved an alternative test method or strategy pursuant to paragraph I and the federal agency concludes that the alternative test method or strategy does not assure human or environmental health or safety.

359-V:3 Record Keeping Requirements. Beginning on January 20, 2026, every manufacturer or contract testing facility in the state shall report annually to the attorney general on any animal testing conducted for

purposes other than biomedical research under the provision of RSA 359-V:2, including the number and species of animal used, the type and number of alternative test methods used, the number of waivers used, and the purpose of the testing for all methods. The attorney general shall make the results of this data collection publicly available.

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

2024-0010s

AMENDED ANALYSIS

This bill prohibits the use of animals in certain product testing.

Senate Executive Departments and Administration

December 6, 2023

2023-2476s

10/06

Amendment to SB 134-FN

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

1 New Paragraph; Retirement System; Disability Retirement; Group II Violent Act Injury Disability. Amend RSA 100-A:6 by inserting after paragraph II the following new paragraph:

II-a. Group II Violent Act Injury Disability. Upon the application of a group II member in service or of his or her employer, any such member who has, during the performance of their duties, sustained a serious bodily injury as defined in RSA 625:11 which results in any permanent physical condition that is congenital or due to injury or disease and that is of such seriousness as to constitute a hindrance or obstacle to obtaining employment as a police officer or to obtaining employment as a police officer if the employee should become unemployed as a direct result of a purposeful, violent attack upon such member by means of a deadly weapon as defined in RSA 625:11 shall be retired by the board of trustees on a violent act injury disability retirement allowance, according to the following procedures:

(a) Any member in service classified in group II, who is unable to perform the essential duties of the member's job and that such inability is likely to be permanent before attaining the normal retirement age for the member's group by reason of a violent act injury sustained while in the performance of the member's duties at some definite place and at some definite time on or after the date of becoming a member, without serious and willful misconduct on the member's part, upon the member's written application on a prescribed form filed with the board and the member's respective employer or upon such an application by the head of the member's department after a hearing, if requested, shall be deemed retired for an accidental disability as of a date which shall be specified in such application and which shall be not less than 15 days nor more than 4 months after the filing of such application. No such retirement shall be allowed unless such violent act injury was sustained within 2 years prior to the filing of such application or, if occurring earlier, unless written notice thereof was filed with the board by such member or on the member's behalf within 90 days after its occurrence, or if the member is actively receiving accidental disability retirement benefits the date this act shall take effect such member or on the member's behalf shall have 90 days to file application for violent act injury disability benefits and if approved such members benefit shall adjust to violent act injury disability benefits. No retirement shall be allowed unless the board, after a review of the evidence it deems appropriate, and after review and examination by a medical practitioner and certification of such incapacity, shall find that such member is physically unable to perform the essential duties of the member's job because of a violent act injury, that such inability is likely to be permanent, and that the member should be so retired.

(b) Upon a violent act injury disability retirement, the group II member shall receive a disability retirement allowance which shall be equal to the member's annual rate of earnable compensation or an annual allowance of \$75,000, whichever is greater, and which shall include annual 2.5 percent supplemental allowances.

(c) In the event that the member shall predecease their spouse and the member's death is the result of the same violent act injury, the member's spouse shall be entitled to 75 percent of the member's annual allowance, paid monthly, as long as such spouse shall live; provided that, when the member would have reached the mandatory retirement age, the member's spouse shall continue to be entitled to 75 percent of the member's annual allowance, including any cost of living increases, that the member would have received upon reaching the normal retirement age; provided, however, that if a beneficiary is eligible for benefits

under this paragraph, the beneficiary shall elect to receive either a benefit pursuant to this paragraph, but shall not be eligible for both benefits. In the event that the member and the member's spouse predecease their children, the member's surviving unmarried children, if any, who are under age 18 or, if over that age and under age 22, are full-time students at an accredited educational institution, or who are over age 18 and physically or mentally incapacitated from earning income on the date of such member's retirement, shall be entitled to receive a pension of equal proportion, paid monthly, which shall total 75 percent of the amount of the allowance payable to the member at the time of their death. When a child no longer meets the qualifications for receipt of an allowance allocation under this paragraph, said child's allowance allocation shall cease and any remaining qualified children shall continue to receive the same amount each received before any child's allocation ceased.

(d) Nothing in this paragraph or any other provision of New Hampshire statutes shall limit the member's aforementioned retirement benefit or restrict the member from seeking accommodating employment by any entity or agency which is not classified under group II of the retirement system.

2 Maximum Benefit Limitation; Reference Added. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit. Notwithstanding any other provision of this chapter to the contrary, for members who commenced service before July 1, 2009, or have attained vested status prior to January 1, 2012, a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation. For members who commenced service on or after July 1, 2009, and have not attained vested status prior to January 1, 2012, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of 85 percent of the member's average final compensation or \$120,000. Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c) **or RSA 100-A:6, II-a**. This provision shall not limit the application of supplemental allowances.

3 Medical Insurance Benefits; Violently Injured Police or Fire Member. Amend RSA 21-I:3, VII to read as follows:

VII. For the purposes of this section, "retired employee" also means each group II state employee who:

(a) Retires if the employee's state service began prior to July 1, 2010, or who retires with at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010; or

(b) Dies or retires and is eligible for accidental death or accidental disability retirement benefits, regardless of the state employee's age or number of years of creditable service; or

(c) Retires and is eligible for violent act injury disability retirement benefits under RSA 100-A:6, II-a, regardless of the state employee's age or number of years of creditable service, and the retirement system shall make medical subsidy payments directly to the retiree's employer, or to the former employer's insurer or health care administrator, applied toward the cost of health insurance. Medical subsidy payments shall not be paid directly to the retiree.

(1) If the health insurance premium amount is less than the medical subsidy amount, then only the insurance premium amount will be paid.

(2) If the health insurance premium amount exceeds the medical subsidy amount, then the retiree, or other qualified person, will be responsible for paying any portion that the employer does not pay. Premium amounts may be deducted from the retiree's, or other qualified person's, pension and remitted by the retirement system to the employer or health care administrator.

(3) Monthly medical subsidy rates for retiree's eligible under violent act injury disability retirement benefits shall be: 1 person, \$1,000, and 2 person, \$2,000; or

~~(c)~~ **(d)** Retires and is eligible for ordinary disability retirement benefits, regardless of the state employee's age; or

~~(d)~~ **(e)** Dies and is eligible for ordinary death retirement benefits, if the state employee was eligible for service retirement at the time of his or her death, if the state employee had at least 20 years of creditable service for the state if the employee's state service began on or after July 1, 2010.

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

Commerce
December 12, 2023
2024-0008s
11/05

Amendment to SB 137-FN

Amend the bill by replacing section 10 with the following:

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

Health and Human Services
November 6, 2023
2023-2419s
05/10

Amendment to SB 176-FN

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

1 Department of Insurance; Guidance and Report on Health Insurance Coverage of Pelvic Floor Therapy.

I. The commissioner of the department of insurance shall provide written guidance on coverage of pelvic floor therapy to both health care providers and health carriers.

II. The commissioner also shall review the current scope and adequacy of health care coverage for pelvic floor therapy and identify any gaps in coverage in the state. On or before November 1, 2024, the commissioner shall submit a report of the department's findings and recommendations to the president of the senate, the speaker of the house of representatives, the chairperson of the house health, human services, and elderly affairs committee, the chairperson of the senate health and human services committee, the governor, and the state library. The report shall include the guidelines provided to health care providers and carriers pursuant to paragraph I.

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

2023-2419s

AMENDED ANALYSIS

This bill directs the insurance commissioner to provide guidance and a report on insurance coverage for pelvic floor therapy.

Health and Human Services
November 6, 2023
2023-2418s
05/10

Amendment to SB 177-FN

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

AN ACT relative to health insurance coverage of prosthetics for children under 19 years of age.

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

1 New Section; Accident and Health Insurance; Coverage for Prosthetic Devices; Group. Amend RSA 415 by inserting after section 18-ee the following new section:

415:18-ff Coverage for Prosthetic Devices for Children. Each insurer that issues or renews a policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall provide coverage for prosthetic devices, including activity-specific prosthetic devices, for children under 19 years of age, who are residents of this state and covered by such insurance. The insurer may limit coverage for activity-specific prosthetic devices to one activity-specific prosthetic device per plan year. Medically necessary prosthetic devices shall not be subject to any annual limits. Coverage under this section shall be subject to such other terms and conditions of the policy that may apply.

I. Covered benefits shall include:

(a) All materials and components necessary to use the device;

(b) Instruction to the enrollee on using the device; and

(c) The repair or replacement of a prosthetic device that is determined medically necessary or is necessary for maximizing the enrollee's ability to engage in the specific activity.

II. In this section:

(a) "Prosthetic" means an artificial substitute for a body part for functional or therapeutic purposes.

(b) "Activity-specific prosthetic device" means a prosthetic device designed to allow an individual to participate in a specific activity that could damage the residual limb or everyday prosthesis, or when the everyday prosthesis would not function effectively to perform that specified activity.

III. This section shall not apply to plans available through the Small Business Health Options Program (SHOP).

2 Health Services Corporations; Applicable Statutes. Amend RSA 420-A:2 to read as follows:

420-A:2 Applicable Statutes. Every health service corporation shall be governed by this chapter and the relevant provisions of RSA 161-H, and shall be exempt from this title except for the provisions of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415-A, RSA 415-F, RSA 415:6, II(4), RSA 415:6-g, RSA 415:6-k, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, RSA 415:18, V, RSA 415:18, XVI and XVII, RSA 415:18, VII-a, RSA 415:18-a, RSA 415:18-i, RSA 415:18-j, RSA 415:18-o, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA 415:18-ee, ***RSA 415:18-ff***, RSA 415:22, RSA 417, RSA 417-E, RSA 420-J, and all applicable provisions of title XXXVII wherein such corporations are specifically included. Every health service corporation and its agents shall be subject to the fees prescribed for health service corporations under RSA 400-A:29, VII.

3 Health Maintenance Organizations; Statutory Construction. Amend RSA 420-B:20, III to read as follows:

III. The requirements of RSA 400-A:39, RSA 401-B, RSA 402-C, RSA 404-F, RSA 415:6-g, RSA 415:6-m, RSA 415:6-o, RSA 415:6-r, RSA 415:6-t, RSA 415:6-u, RSA 415:6-v, RSA 415:6-w, RSA 415:6-x, RSA 415:6-y, RSA 415:6-z, RSA 415:6-a1, RSA 415:18, VII-a, RSA 415:18, XVI and XVII, RSA 415:18-i, RSA 415:18-j, RSA 415:18-r, RSA 415:18-t, RSA 415:18-u, RSA 415:18-v, RSA 415:18-w, RSA 415:18-y, RSA 415:18-z, RSA 415:18-aa, RSA 415:18-bb, RSA 415:18-cc, RSA 415:18-dd, RSA 415:18-ee, ***RSA 415:18-ff***, RSA 415-A, RSA 415-F, RSA 420-G, and RSA 420-J shall apply to health maintenance organizations.

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

2023-2418s

AMENDED ANALYSIS

This bill requires group insurance policies, health service corporations, and health maintenance organizations to provide insurance coverage for prosthetic devices, including activity-specific devices, for children under 19 years of age.

Senate Judiciary
December 12, 2023
2024-0012s
05/06

Amendment to SB 185-FN

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

AN ACT establishing a committee to study the various barriers to discharge for patients to be safely discharged from acute care facilities.

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

1 Committee Established. There is established a committee to study the various barriers to discharge for patients to be safely discharged from acute care facilities. In hospitals across New Hampshire, there are patients in inpatient beds, medically cleared for discharge, but unable to leave the hospital. These lengthy, non-medically necessary hospital stays are caused by a number of barriers to discharge. These barriers impact not only patients unable to leave the hospital, but also patients whose care may be delayed due to lack of inpatient bed availability.

2 Membership and Compensation.

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

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

(b) Four members of the house of representatives, appointed by the speaker of the house of representatives; 2 members of the health, human services, and elderly affairs committee, one from the majority party and one from the minority party; and 2 members of the judiciary committee, one from the majority party and one from the minority party.

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

3 Duties. The committee shall:

I. Identify barriers to discharge for patients who are medically cleared for discharge, but remain unable to leave the acute care facility.

II. Examine the effect such barriers have on the system of care, including reduced inpatient bed availability.

III. Provide a forum for stakeholders involved in the provision of services for patients in need of post-acute care, both community-based and institutionally based, to share their experiences with the current system of care and provide recommendations for system improvement.

IV. Solicit information and testimony from state agencies and others with experience or expertise relevant to the study, including the judicial branch, the office of public guardian, the attorney general, and adult protective services within the department of health and human services.

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

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

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

2024-0012s

AMENDED ANALYSIS

This bill establishes a committee to study the various barriers to discharge for patients to be safely discharged from acute care facilities.

Senate Executive Departments and Administration

December 5, 2023

2023-2475s

09/05

Amendment to SB 210-FN

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

1 New Paragraph; State Government Software Contracts. Amend RSA 21-R:8-a by inserting after paragraph IV the following new paragraph:

V. In accordance with this section, RSA 21-I:11, I(a)(8), and RSA 21-I:14, XII, the terms of a contract entered into by a state agency shall not limit the ability of the agency to install or run software on the infrastructure of the agency's choosing and approved by the department of information technology in accordance with RSA 21-R:8-a, II, including requirements to run software on infrastructure dedicated solely to the agency.

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

2023-2475s

AMENDED ANALYSIS

This bill requires all software contracts entered into by a state agency not to limit the agency's ability to run and install software on the infrastructure of the agency's choosing and approved by the department of information technology, subject to certain statutory provisions.

Senate Judiciary
December 13, 2023
2024-0014s
05/10

Amendment to HB 135-FN

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

AN ACT relative to requisites for a criminal search warrant.

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

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

595-A:2 Requisites of Warrant.

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

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

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

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

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

(2) *If an officer did not anticipate the need for a no-knock entry at the time the warrant was sought, the officer may conduct a no-knock entry only if exigent circumstances arise at the*

scene such that knocking and announcing the officer's presence would create an imminent threat of physical injury to the officer and/or another person. If the officer relies on this exigent circumstances exception in executing the warrant, the officer shall immediately notify his or her chief law enforcement officer who shall provide written notice to the county attorney, attorney general, or their designee.

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

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

2024-0014s

AMENDED ANALYSIS

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

Election Law and Municipal Affairs

November 1, 2023

2023-2403s

08/02

Amendment to HB 154

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

AN ACT relative to electronic ballot counting devices.

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

1 Absent Uniformed Services Voters; Space Force Included. Amend RSA 652:16-c, I to read as follows:

I. Members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, ***Space Force***, and National Guard, the commissioned corps of the National Oceanic and Atmospheric Administration, and the commissioned corps of the Public Health Service, and all regular and reserve components thereof, while in active service.

2 Write-In Blanks; Electronic Ballot Counting Devices. Amend RSA 656:12 to read as follows:

656:12 Write-In Blanks. At the end of the list of candidates for each office, there shall be left as many blank lines as there are offices to be filled which a voter may use to write in the name of any person for whom the voter desires to vote. ***In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing the voters where to make the appropriate mark directly to the right of each blank line.***

3 Questions on the Ballot. Amend RSA 656:13 to read as follows:

656:13 Questions on the Ballot. Except as provided in RSA 656:14, whenever a question is submitted to voters at a state general election as provided in RSA 663, the question shall be printed on the state general election ballot following the offices columns. Printed after the question there shall be 2 squares, ***boxes*** [or] ovals, ***or other appropriate symbol***, one with the word "yes" beside it and another with the word "no" beside it.

4 Paper. Amend RSA 656:15 to read as follows:

656:15 Paper. The state general election ballot shall be printed on plain white paper in weight not less than that of ordinary printing paper. A constitutional question submitted on a separate ballot shall be printed on colored paper, ***or on plain white paper with a printed, colored header.***

5 Color; Party Designation; Hand-Count Polling. Amend RSA 656:25 to read as follows:

656:25 Color; Party Designation. The state primary election ballots of all parties shall be printed upon colored paper **or on plain white paper with a printed, colored header**, but no ballots of any political party shall be printed upon paper **or printed with a printed, colored header**, of the same or a closely similar color as the ballots of another political party. On the back of each ballot **to be used in hand-count polling places** shall be printed in prominent type the name of the party.

6 Form; Electronic Ballot Counting Device. Amend RSA 656:31 to read as follows:

656:31 Form. On the presidential primary election ballot of each political party, there shall be one column for the office of president. The column shall be headed "Candidate of the (insert name of party) Party for President of the United States." Underneath this heading there shall appear the words: "I hereby declare my preference for candidate for the office of President of the United States to be as follows." Below these words, there shall be printed [~~“(VOTE FOR NOT MORE THAN ONE)”~~] **"Vote for not more than 1"** followed by the name, town or city, and state of each candidate with **a square, [boxes] box, oval, or other appropriate symbol** directly to the right. There shall always be one blank space on the ballot below the candidates' names to allow for writing in the name of a candidate. **In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing the voters where to make the appropriate mark directly to the right of the blank space.**

7 Adoption; Approval by Ballot Law Commission. Amend RSA 656:40 to read as follows:

656:40 Adoption. The mayor and aldermen of any city or the selectmen of any town, subject to the approval of the ballot law commission, may authorize the use of one [~~or more~~] **of the** electronic ballot counting [~~devices~~] **devices approved by the ballot law commission and the number of those devices used** for the counting of ballots in such city or town [~~on a trial basis~~] for any regular or special election [~~and pay the expense of such trial from any available funds~~]. The use of such [~~devices~~] **device** so authorized shall be valid for all purposes. Any town, or the mayor and aldermen of any city, may vote to lease or purchase electronic ballot counting devices **approved by the ballot law commission** for the elections held in said town or city. Any town, or the mayor and aldermen of any city, so acting shall notify the secretary of state of the action taken in regard to electronic ballot counting devices; and, after said action, electronic ballot counting devices shall be used in said town or city in accordance with said vote or authorization. If a special state election involving a state representative district occurs in a city or town that has adopted the provisions of RSA 656:40, the secretary of state may prepare and issue paper ballots which shall be used.

8 Approval by Ballot Law Commission. Amend RSA 656:41 to read as follows:

656:41 Approval by Ballot Law Commission. The ballot law commission shall act as a board to examine devices for the electronic counting of ballots. The commission shall, whenever requested, examine any device which may be capable of meeting the requirements for elections held in this state and shall, at least every 5 years, review current and new devices to determine whether the devices require upgrading. The commission, after such review, shall file an explanatory report with the secretary of state within 30 days of its determination that outlines the basis for its determination, taking into account such factors as hardware and software standards, policies and procedures, security requirements, and usability. The commission shall approve a device upon request in its discretion, and no device shall be used in any election in this state unless it reads the voter's choice on a paper ballot and is of a type so approved by the ballot law commission. Any device that is altered must be re-approved **by the ballot law commission** before it is used in any election in this state **in accordance with procedures set by the ballot law commission**. For the purposes of this section, a device shall be considered altered if any mechanical or electronic part, hardware, software, or programming has been altered.

9 Rules; Electronic Ballot Counting Devices. Amend RSA 656:42, VIII to read as follows:

VIII.(a) Before each election, the vendor for any electronic ballot counting device shall provide the secretary of state with an exact electronic record of the data written to each memory card to be used in the election.

(b) The town or city clerk shall preserve each memory device used at each election until after the recounts for such election are complete and any and all legal challenges to the outcome of that election are adjudicated.

(c) The town or city clerk shall securely preserve each memory device used in any election as directed by the secretary of state.

(d)(1) To help ensure that the counting device cannot be tampered with or improperly accessed, the town or city clerk shall employ electronic ballot counting device seals ***and seal the electronic ballot counting device in all places specified by the secretary of state in the election procedure manual published pursuant to RSA 652:22.*** ~~[specified by the secretary of state and seal the electronic ballot counting device in the following areas:~~

~~(A) The connection of the zippers on the closed canvas cover of the counting device carrying bag, case, or the device base for devices stored in their bases.~~

~~(B) The memory device.~~

~~(C) Electronic ballot counting device housing and all ports or access points to the device hardware or software, such that the seal(s) would be broken if the device is accessed.]~~

(2) The town or city clerk shall update an activity log supplied by the secretary of state to keep a record each time a counting device seal is broken and a new one installed, and the reason for which the seal was broken.

(3) No person shall break a counting device seal without the presence of 2 witnesses. Upon breaking such seal, the person responsible shall update the activity log, obtain the signatures of each witness, record the reason for breaking such seal, ensure that it is resealed with a new seal immediately, and properly record the new seal number in the activity log.

(4) Before the moderator places into service a counting device on election day, the moderator ***and clerk*** shall ***certify on the pre-election certificate required by RSA 658:32*** ~~[verify]~~ all counting device seals have been maintained intact, and any seals which have been broken ***in accordance with this section*** have been ~~[promptly]~~ ***appropriately*** resealed and the activity log properly recorded and signed.

(5) If, on election day, the moderator notices that any seal on the counting device appears tampered with or broken without an adequate record in the activity log, the moderator shall refrain from using the counting device in that election, and shall report the apparent tampering to the attorney general, the secretary of state, the town or city clerk, and the selectmen.

(6) The counting device and the activity log shall be subject to review by the attorney general or secretary of state at any time.

(7) Whenever the town or city clerk receives a memory device from the vendor, the clerk shall break the memory device seal, insert the memory device in the electronic ballot counting device, and apply a new seal. The clerk shall lock any programmed memory device not inserted into an electronic ballot counting device in a safe and record the names of individuals that have access to such safe on the activity log.

(8) Whenever the town or city clerk removes the memory device from the electronic ballot counting device, the clerk shall immediately return it to the memory card programmer or, if programmed locally, secure the device in a safe and reseal the empty memory device slot or port.

(e)(1) The town or city clerk shall give public notice of the date and time of a pre-election test of the electronic ballot counting device and ballots.

(2) Upon receipt of the official ballots from the secretary of state, the town or city clerk shall remove the number of ballots needed to test the electronic ballot counting device from among the official ballots and keep them separate and secure from the remaining official ballots thereafter.

(3) The town or city clerk shall mark any ballots used for testing with the words "TEST."

(4) The town or city clerk shall mark the test ballots in such a way as to demonstrate a vote for each candidate on at least one test ballot, as well as votes for less than and more than the number of candidates that may be voted for an office, write-ins, multiple votes for a candidate who appears in more than one party column for the same office on a general election ballot, and ballots on which there are no votes. The clerk shall mark as many as possible of the combinations of choices that a voter may indicate on the ballot.

(5) The town or city clerk shall run each of the test ballots through the counting device in the following orientations: Top first with side one face up, bottom first with side one face up, top first with side one face down, and bottom first with side one face down.

(6) The town or city clerk shall count the votes marked on the test ballots run through the electronic ballot counting device and multiply the results by 4 to account for the 4 different orientations, and check these results against the tally from the electronic ballot counting device.

(7) If the electronic ballot counting device's tally does not match the count of the town or city clerk, the clerk shall notify the moderator, who shall order that the electronic ballot counting device not be used at the election.

(8) The pre-election test shall be completed no later than the Wednesday immediately prior to the election.

(9) The town or city clerk shall document the pre-election test by preserving:

(A) The test ballots.

(B) The count of votes on the test ballots made by the town or city clerk.

(C) The results from the electronic ballot counting device that was tested.

(10) The clerk shall test all electronic ballot counting devices and memory devices in the possession of the town or city.

(11) Prior to placing the electronic ballot counting device or any memory device into service in an election, the moderator *and the clerk* shall certify *on the pre-election certificate required by RSA 658:32* that there is evidence that pre-election testing was conducted on each electronic ballot counting device and each memory device in the town or city clerk's possession, and that these ballot counting devices and memory devices have passed the test. *The moderator and clerk shall also certify on the pre-election certificate required by RSA 658:32 that all electronic ballot counting device seals are present, all seals have been maintained intact, and that any seals which have been broken in accordance with this section have been appropriately resealed and the activity log properly recorded and signed.*

10 Arrangement. Amend RSA 658:9, IV-V to read as follows:

IV. In addition to the voting booths described in paragraphs II and III, each polling place shall have table-top voting **privacy** screens available for use in an election. Each voting **privacy** screen shall consist of 3 panels, to be positioned on a table or similar surface so that when a voter is marking a ballot he or she is provided privacy. Each panel of the **privacy** screen shall be at least 17 inches high and 15 inches wide.

V.(a) Each polling place shall have available for use in an election at least 2 of the voting booths described in paragraph II, one of the voting booths described in paragraph III, and 2 of the voting **privacy** screens described in paragraph IV.

(b) The minimum number of voting booths and **privacy** screens that shall be erected for an election shall be as follows:

(1) For a general election where votes will be cast for president, one for every 100 voters on the checklist. This requirement may be modified with the approval of the secretary of state and the attorney general for specific polling places, if conditions within the polling place will not permit the required number of voting booths. Under no circumstances shall the required number of voting booths drop below one booth for every 125 voters for a general election where votes will be cast for president.

(2) For a general election where votes will not be cast for president, one for every 125 voters on the checklist.

(3) For all other state elections, including the state primary election, one for every 150 voters on the checklist.

(4) For all city, town, school district, and village district elections, one for every 200 voters on the checklist.

(c) The minimum requirements established in subparagraph (b) may be satisfied with any combination of booths or **privacy** screens, provided that no more than 50 percent of the minimum requirement is satisfied by voting **privacy** screens and that the requirements of subparagraph (a) are also met. The moderator may require that booths or **privacy** screens exceeding the minimum number be erected or available at the polling place. ~~[This section shall not be interpreted to mandate the erection of voting screens if there are sufficient booths to satisfy the requirements of subparagraph V(b).]~~

11 Pre-Election Certificate. Amend RSA 658:32 to read as follows:

658:32 ~~[Moderator's]~~ **Pre-Election** Certificate. The secretary of state shall prepare and distribute to each town or ward clerk [2] **3** copies of the ~~[moderator's]~~ **pre-election** certificate. When the ballots are counted, the moderator **and clerk** shall certify thereon the total number of ballots received. One copy shall be retained by the moderator for his or her records; **one copy shall be retained by the clerk for his or her records, and one copy** ~~[the other]~~ shall be ~~[certified]~~ **forwarded** by the clerk ~~[and forwarded]~~ to the secretary of state with the election returns pursuant to RSA 659:75.

12 Voter Proceeds to Booth; Privacy Screens. Amend RSA 659:15 to read as follows:

659:15 Voter Proceeds to Booth. On receipt of his **or her** ballot, the voter shall forthwith without leaving the space enclosed by the guardrail proceed to one of the voting booths **or voting privacy screens** and shall mark his **or her** ballot.

13 Number of Voters Allowed Within Guardrail; Voting Privacy Screens. Amend RSA 659:16 to read as follows:

659:16 Number of Voters Allowed Within Guardrail. The number of voters within the guardrail at any one time shall not exceed the number of voting booths **and voting privacy screens** at the polling place, provided that the number of voters shall not include election officers or any voter who is engaged in the act of handing his **or her** ballot to the moderator.

14 Marking the Ballot; Instructions to Voters. Amend RSA 659:17 to read as follows:

659:17 Marking the Ballot; Instructions to Voters. The secretary of state shall provide on the top of the general election ballot the following voting instructions. The secretary of state is authorized to replace the phrase "Make the appropriate mark" with an appropriate description and example of the mark to be made for the type of ballot in use, such as "Make a cross (X) in the box[;]" **or** "Completely fill in the oval[;]" ~~or~~ "Complete the arrow"]:

1) To Vote

Make the appropriate mark to the right of your choice. For each office vote for ~~[not more than]~~ **up to** the number of candidates stated in the ~~[sentence]~~ **sentences**: "Vote for not more than [—] **1**" **(if there is only one office to be filled, such as governor or state senator); or "Vote for up to X;" "X will be elected" (insert the number of offices to be filled).** If you vote for more than the stated number of candidates, your vote for that office will not be counted.

2) To Vote by Write-In

To vote for a person whose name is not printed on the ballot, write in the name of the person in the "write-in" space. ~~[Make the appropriate mark to the right of your choice.]~~ **In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing the voters where to make the appropriate mark directly to the right of each "write-in" space.**

15 Admittance Within Guardrail. Amend RSA 659:21 to read as follows:

659:21 Admittance Within Guardrail. No person other than **representatives of the secretary of state, representatives of the attorney general**, the election officers, the voters admitted or those admitted to aid a voter pursuant to RSA 659:20 shall be permitted within the guardrail except by the authority of the election officers and, then, only for the purpose of keeping order and enforcing the law.

16 Folding and Depositing; Casting Ballots. Amend RSA 659:23 to read as follows:

659:23 ~~[Folding and Depositing Ballot]~~ **Casting Ballots.**

I. Before leaving the voting booth **or voting privacy screen in a hand-count polling place**, the voter shall fold his ballot in the same way it was folded when received by him and shall keep it folded so that the marks on it cannot be seen. He shall then proceed to the checkout table and shall announce his name to the town clerk who shall repeat the name and place a mark beside it on his checklist. The voter shall then present his ballot with the official endorsement uppermost to the moderator who shall then deposit the ballot in the ballot box.

II. ~~[The provisions of paragraph I shall not apply in cities and towns which use one or more electronic ballot counting devices for the counting of ballots, as provided in RSA 656:40.]~~ ***In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, a voter, after leaving the voting booth or voting privacy screen, shall feed their ballot into the electronic ballot counting device or follow the moderator's instruction for casting the ballot before leaving the guardrail. Privacy folders shall be available at the polling place for voters to use when carrying the marked ballot from the voting booth or voting privacy screen to the ballot counting device.***

17 Time Allowed for Voting. Amend RSA 659:25 to read as follows:

659:25 Time Allowed for Voting. The voter shall mark and deliver the ballot without undue delay and shall leave the enclosed space within the guardrail as soon as he or she has delivered the ballot to the moderator ***or fed their ballot into the electronic ballot counting device in accordance with RSA 659:23. Except as provided in RSA 659:20,*** no voter shall be allowed to occupy a voting booth ***or voting privacy screen*** already occupied by another voter nor be allowed to remain within the enclosed space more than the time determined by the moderator.

18 Voter Instruction Cards to be Posted; Voting Privacy Screen. Amend RSA 658:28 to read as follows:

658:28 Voter Instruction Cards to be Posted. The secretary of state shall also prepare full instructions for the guidance of voters at such elections as to obtaining ballots, the manner of marking them, the method of gaining assistance and obtaining new ballots in place of those accidentally spoiled. He shall cause the same to be printed on separate cards to be called voter instruction cards and shall furnish a suitable number of the same to each town and ward clerk. Each town and ward clerk shall cause one voter instruction card to be posted in each voting booth ***and voting privacy screen*** and not less than 3 such cards to be posted immediately outside the guardrail in the polling place.

19 Assault; Tampering; Attempt to Injure; Attempt to Destroy. Amend RSA 659:41 to read as follows:

659:41 Assault, Etc. Any person who shall assault a town, city, or ward officer as provided in RSA 631 in the discharge of any duty of his office at any election shall be guilty of a class A felony or a class B felony, but never less than a class B felony, other provisions of the law to the contrary notwithstanding. Any person who shall take away, ***tamper with, injure, attempt to injure, [or] destroy, or attempt to destroy*** the ballot box or checklist when in use at any election shall be guilty of a class B felony.

20 Tampering with Electronic Ballot Counting Devices. Amend RSA 659:42 to read as follows:

659:42 Tampering With Electronic Ballot Counting Devices. Whoever shall ***take away, tamper with, [or] injure, [or] attempt to injure, destroy, or attempt to destroy*** any electronic ballot counting device for the counting of ballots to be used or being used in an election or whoever shall prevent or attempt to prevent the correct operation of such device or whoever shall tamper with software used in the counting of ballots or design such software so as to cause incorrect tabulation of the ballots or any unauthorized person who shall make or have in his or her possession a key to an electronic ballot counting device to be used or being used in an election shall be guilty of a class B felony if a natural person or guilty of a felony if any other person.

21 Absentee Ballots Received Late. Amend RSA 659:47 to read as follows:

659:47 Absentee Ballots Received Late. No absentee ballot shall be processed or counted unless it is delivered to the moderator at the proper polling place ~~[prior to the closing of the polls]~~ ***by the time identified in RSA 659:49, subject to exceptions identified in RSA 657:21-a and RSA 657:22.***

22 Forms Not in Order. Amend RSA 659:53 to read as follows:

659:53 Forms Not in Order.

I. Except as provided in paragraph II, if the moderator finds that the absentee voter is not entitled to vote, the moderator shall not open the envelope ***containing the ballot*** and shall mark across the face of the envelope the reason the ballot is rejected, such as "rejected as not a voter" "voted in person," "affidavit improperly executed," "not signed by proper person," or whatever the reason is and shall record next to the name of the absentee voter on the clerk's list of absentee voter applicants prepared pursuant to RSA 657:15 the word "rejected" and the reason for the rejection. The clerk shall record this information in the statewide centralized voter registration database. The moderator shall save all the unopened envelopes and shall preserve the envelopes with the ballots cast at the election as provided in RSA 659:101.

II. If a UOCAVA voter or voter using the accessible system for voters with a print disability mails in their ballot using an envelope other than the affidavit and return envelope provided by the secretary of state under RSA 657:7, the moderator may open the envelope to determine if a signed affidavit is enclosed. If the moderator finds that the voter is not entitled to vote after opening the envelope to determine if a signed affidavit is enclosed, the moderator shall proceed as described in paragraph I.

23 Counting Write-In Votes. Amend RSA 659:64-a to read as follows:

659:64-a Counting Write-In Votes.

I. In a town or city that uses a ballot counting device approved by the ballot law commission pursuant to RSA 656:40 and which prints **or digitally displays** an image of all write-in votes as part of the device's report of votes cast, a moderator may use the printed **or digitally displayed** images to count write-in votes in place of examining each ballot to obtain the name of the person who received a write-in vote.

II. The moderator shall cause all write-in votes, whether viewed on the ballot, ~~or~~ on the print out, **or on the digital display** to be examined for write-in votes that are for a person whose name is printed on the ballot as a candidate. Provided the voter did not overvote for that office, a write-in vote for a person whose name is on the ballot, shall be counted as a vote for that candidate. The moderator shall include that vote in the total of the number of votes cast for that candidate, adding votes by write-in to votes by a marked oval.

III. A ballot where the voter marked the oval beside the name of a candidate whose name is printed on the ballot and also wrote that same candidate's name in as a write-in shall be counted as one vote for that candidate. The moderator shall include that one vote in the total number of votes cast for that candidate. The write-in shall not be counted separately as a write-in vote.

IV. ~~If the moderator shall not use the device report of printed images of write-in votes to fulfill the requirement for publicly announcing all persons receiving votes and the number of votes that person received, the printed images shall be stored for future reference and kept in the possession of the town or city clerk. If write-in votes are tallied using the device report, the report shall be marked "name on ballot" or "NOB" beside each write-in vote that was counted as a vote for a candidate whose name was printed on the ballot.~~

~~V.]~~ If the device report **or the digital image** is used to tally write-in votes, a copy of the report shall be preserved with the ballots used at the election. The printed report **or digital image** showing the write-in votes in the voter's handwriting shall be a non-public record, and shall be exempt from RSA 91-A. The moderator shall also provide the clerk with a copy of the printed **or digital** images of all write-in votes to be available as a non-public record to assist with post-election reporting.

~~[VI.]~~ V. For all state elections, if used in the ballot counting process, the moderator and the clerk shall retain a copy of the printed **and the digital** images of all write-in votes to be available for reference if needed to resolve questions regarding the return of votes. The copy shall be a non-public document and shall be stored and used in a manner that limits the risk of exposing, through recognition of handwriting, the candidate written in by any voter.

24 General Content of Return. Amend RSA 659:73 to read as follows:

659:73 General Content of Return.

I. The election return forms shall be submitted on paper and electronically immediately after the completion of the vote count in the manner prescribed by the secretary of state. The return of votes shall include, but not be limited to:

(a) The name of each candidate printed on the ballot and the number of votes that candidate received for the listed office including any write-in votes for the same office on the same ballot where the voter did not mark the printed candidate name.

(b) For each office the **name and** total number of votes cast for each write-in candidate ~~[who received 5 or more votes and the candidate's name, along with the aggregate number of all other write-in votes cast for each candidate receiving less than 5 votes]~~, excluding write-in votes for candidates whose names were printed on the ballot where the voter did not mark the printed candidate name and the vote is reported under subparagraph (a). **The return shall also include the sum of all write-in votes. In the sum do not include the write-in votes for candidates whose names are printed on the ballot where the vote is reported under subparagraph (a).**

(c) For any question submitted to the voters:

- (1) The number of affirmative votes.
- (2) The number of negative votes.

(d) In a primary, the number of ballots cast for each party.

(e) In a general election, the number of ballots cast.

(f) For each contest or ballot question, the number of overvotes and undervotes.

II. ~~[Within 48 hours of the closing of the polls or other time ordered by the secretary of state, the moderator shall forward to the secretary of state a list of all write-in candidates receiving between one and 4 votes in the election.~~

HH]. The secretary of state shall provide guidance for completing the return of votes in the election procedure manual issued pursuant to RSA 652:22. The secretary of state may provide an electronic version of the return of votes capable of being used on a computer at the polling place to assist moderators and clerks in completing and submitting the paper and electronic forms.

[IV.] **III.** The moderator shall fill out a moderator's ***post-election*** certificate prepared by the secretary of state, which shall be recorded and signed by the moderator within 48 hours of the closing of the polls or other time ordered by the secretary of state and submitted to the clerk. The ~~[worksheet]~~ ***post-election certificate*** shall include, but not be limited to:

(a) The number of official ballots received from the secretary of state brought to the polling place by the city or town clerk on election day, excluding ballots marked as test ballots and used prior to election day to test an electronic ballot counting device.

(b) The number of official ballots cast on election day.

(c) If the polling place runs out of official ballots, the number of absentee ballots used as official ballots and cast.

(d) If the polling place runs out of official ballots, the number of ~~[photocopy]~~ ***photocopied*** ballots used as official ballots and cast.

(e) ~~[The number of Accessible Voting System ballots cast.~~

~~(f)]~~ The number of state absentee ballots cast.

~~[(g)]~~ ***(f)*** The number of federal offices only absentee ballots cast.

~~[(h)]~~ ***(g)*** The number of state write-in absentee ballots cast.

~~[(i)]~~ ***(h)*** The number of federal write-in absentee ballots cast.

~~[(j)]~~ ***(i)*** A comparison of the different methods of tallying ballots cast.

~~[(k)] For each election, the number of over-voted ballots.~~

~~[(l)] For each contest or ballot question, the number of overvotes and undervotes.]~~

V. The moderator shall record and sign a names on checklist form within 48 hours of the closing of the polls, unless the secretary of state directs otherwise, and shall submit the form to the secretary of state, with a copy to the clerk. The names on checklist form shall include, but not be limited to:

(a) The number of people who registered to vote on election day.

(b) For each party, the total number of voters registered as members of the party.

(c) The number of undeclared voters that cast ballots for each party at a state or presidential primary election.

(d) The number of undeclared voters that returned to undeclared after voting in a state or presidential primary election.

VI. The moderator shall record and sign a ballots cast form prepared by the secretary of state within 48 hours of the closing of the polls, or other time ordered by the secretary of state, and shall submit the form to the secretary of state, with a copy to the clerk. The ballots cast form shall include, but not be limited to:

(a) The number of **official election day** ballots cast[-];

(b) The number of absentee ballots cast[-];

(c) **The number of federal office only cast; and**

(d) **The total number of ballots cast.**

VII. The town or city clerk may require that forms be completed under this section earlier than the time required by the secretary of state.

25 Forwarding; Retaining Copies of Return. Amend RSA 659:75, II to read as follows:

II. For a city or town that uses an [AccuVote] electronic ballot counting device in a state election, the town or ward clerk shall print and forward a paper copy of the ~~[long-report-tape]~~ **results report** to the secretary of state with the return of votes form and shall keep a paper copy of the ~~[long-report-tape]~~ **results report** with the paper return of votes form that is retained by the town or city clerk in accordance with paragraph I.

26 New Section; Audit Authorized. Amend RSA 660 by inserting after section 31 the following new section:

660:32 Audit Authorized. The secretary of state is hereby authorized to conduct an audit of electronic ballot counting devices used in presidential primary, state primary, and state general elections. Except where otherwise provided by New Hampshire law, the secretary of state shall develop the audit plan. The secretary of state shall make the results of the audits available prior to 12:00 P.M. on the Friday following the election. The secretary of state shall also report the results to the ballot law commission and the chairs of the house of representatives and senate standing committees with jurisdiction over election law.

27 Alternate Member. Amend RSA 665:2 to read as follows:

665:2 Alternate Member. There shall be 5 members present in person at all meetings. In case any member of the commission is absent from any meeting or unable to perform his or her duties or disqualifies himself or herself as commissioner, an alternate member who shall have the same qualifications as those of the commissioner whose place he or she is temporarily filling shall perform the duties of the commissioner. ***If a vacancy still exists the chair of the commission may choose a replacement from any other alternate attending the meeting.***

28 Preparation of Voting Materials. Amend RSA 669:23 to read as follows:

669:23 Preparation of Voting Materials.

I. The town clerk shall prepare the official ballots for the town and shall arrange the names of candidates upon said ballots in parallel columns. Immediately above the names of each block of candidates shall be printed the title of the office for which they are candidates, such as "For Selectman." Below the title of each office shall be printed in small but easily legible ~~[type the words "Vote for not more than (here insert a number designating how many persons are to be voted for)."]~~ **letters:**

(a) ***"Vote for not more than 1: (if there is only one office to be filled)" or***

(b) ***"Vote for up to X; X will be elected" (insert the number of offices to be filled).***

~~[Directly to the right of the name of each candidate:]~~

II. In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing voters where to make the appropriate mark directly to the right of the name of each candidate. Whenever there are 2 or more candidates for the same office the names shall be printed upon the ballot in the alphabetical order of their surnames according to the alphabetization procedure established in RSA 656:5-a. Following the names printed on the ballot under the title of each office, there shall be as many blank lines as there are persons to be elected to that office ***which a voter may use to write in the name of any person for whom the voter desires to vote. In cities and towns where an electronic ballot counting device is used for the counting of ballots, as provided in RSA 656:40, there shall be a square, box, oval, or other appropriate symbol for directing the voters where to make the appropriate mark directly to the right of each blank line.***

29 Paper, Uniformity, Endorsement. Amend RSA 669:24 to read as follows:

669:24 Paper, Uniformity, Endorsement. The ballots shall be printed on plain white paper, in weight not less than that of ordinary printing paper; provided, however, that if more than one ballot is used during any town election, each ballot shall be of a different color, ***or display a differently colored header on white paper***, than any other ballot used at the election. There shall be no impression or mark to distinguish one ballot from another. The names of all candidates shall be printed in uniform type and the ballots shall be folded so that their width and length when folded shall be uniform. On the back, or at the top of the face, of each ballot shall be printed the words “Official Ballot for the Town of _____,” the date of the election, and a facsimile of the signature of the town clerk who prepared the ballot. For ballots transmitted electronically, the words “Official Ballot for the Town of _____” shall be located at the top of the face of the ballot.

30 Counting Ballots. RSA 671:26 is repealed and reenacted to read as follows:

671:26 Counting Ballots.

I. The town election officials shall act in like capacity for the school district in conducting the school district election.

II. In a hand-count polling place, except as provided in RSA 671:26, IV, after the close of the polls, the town election officials shall turn all school district ballots over to the moderator of the school district, who shall then proceed to count the ballots publicly with the assistance of such legal voters of the district as the moderator of the school district shall appoint, and announce the name of every person voted for, the number of votes for each person, the winner of each office, and the results of each question.

III. In polling places which use an electronic ballot counting device for the counting of ballots, except as provided in RSA 671:26, IV, after the close of the polls, the town election officials, as provided in RSA 656:40, shall turn all school district ballots and device results over to the moderator of the school district, who shall then count write-in votes and ballots deposited into the hand-count bin of the electronic ballot counting device publicly with the assistance of such legal voters of the district as the moderator of the school district shall appoint. The moderator of the school district shall then proceed to combine the write-in and hand-count results with the electronic ballot counting device’s results and announce the name of every person voted for, the number of votes for each person, the winner of each office, and the results of each question.

IV. In the case of cooperative school districts, within 24 hours, the town clerk shall forward to the school district clerk a list of the number of votes received by each candidate for school district office and for each question. The list shall be signed by the town clerk and witnessed by the town moderator. Upon receipt of the list the cooperative school district shall record the results from each town and shall, when the results from all towns within the district have been recorded, announce the name of every person voted for, the number of votes for each person, the winner of each office, and the results of each question.

31 Color of Ballots. Amend RSA 44:20 to read as follows:

44:20 Color of Ballots. In cities which use more than one ballot during any city election, each ballot shall be of a different color, ***or display a differently colored header on white paper***, than any other ballot used at the election.

32 Effective Date. This act shall take effect February 1, 2024.

2023-2403s

AMENDED ANALYSIS

This bill makes various changes to the election statutes to incorporate the selection of new electronic vote counting devices.

Commerce
December 12, 2023
2024-0009s
05/10

Amendment to HB 261

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Otherwise required by applicable law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Otherwise required by applicable law.

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

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

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

2024-0009s

AMENDED ANALYSIS

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

Senate Judiciary
December 13, 2023
2024-0013s
05/06

Amendment to HB 307-FN

Amend the bill by replacing section 1 with the following:

1 Access to Governmental Records and Meetings; Remedies. Amend RSA 91-A:8, I and II to read as follows:

I. If any public body or public agency or officer, employee, or other official thereof, violates any provisions of this chapter, such public body or public agency shall be liable for reasonable attorney's fees

and costs incurred in a lawsuit under this chapter, provided that the court finds that such lawsuit was necessary in order to enforce compliance with the provisions of this chapter ~~[or to address a purposeful violation of this chapter. Fees shall not be awarded unless the court finds that the public body, public agency, or person knew or should have known that the conduct engaged in was in violation of this chapter or if the parties, by agreement, provide that no such fees shall be paid]~~ **and provided that the court renders a judgment in favor of the requester that is not reconsidered by the court or reversed by the supreme court.**

II. The court may award attorney's fees to a public body or public agency or employee or member thereof, for having to defend against a lawsuit under the provisions of this chapter, when the court finds that the lawsuit is in bad faith, frivolous, unjust, vexatious, wanton, or oppressive **and provided that the court renders a judgment against the requester that is not reconsidered by the court or reversed by the supreme court.**

2024-0013s

AMENDED ANALYSIS

This bill permits the court to award attorneys' fees to the prevailing party in a right-to-know case provided that the judgment is not reconsidered by the court or reversed by the supreme court.

Senate Judiciary
December 12, 2023
2024-0011s
09/05

Amendment to HB 596-FN

Amend the bill by replacing section 1 with the following:

1 New Chapter; Racial Profiling in Law Enforcement Activities Prohibited. Amend RSA by inserting after chapter 106-M the following new chapter:

CHAPTER 106-N

RACIAL PROFILING IN LAW ENFORCEMENT ACTIVITIES PROHIBITED

106-N:1 Definition. In this chapter, "profiling" shall mean the practice of relying solely on race, ethnicity, color, national origin, nationality, language, sex, gender identity, sexual orientation, political affiliation, religion, socioeconomic status, or disability in:

I. Selecting a person to subject to routine or spontaneous investigatory activities, including interviews, detentions, traffic stops, pedestrian stops, stop and frisks and other types of bodily searches, or searches of personal or real property; or

II. Determining the scope, substance, or duration of investigation or law enforcement activity to which a person will be subjected.

106-N:2 Prohibited Acts.

I. No state, county, or municipal law enforcement agency or officer, or other state agency with the authority to make arrests, shall engage in racial profiling.

II. Nothing in paragraph I shall be interpreted to prohibit a law enforcement officer or law enforcement agency from relying on physical descriptions, including sex, race, ethnicity, color, and disability, to select a person to subject to investigatory activity or determine the scope, substance, or duration of investigation when:

(a) Seeking to apprehend a suspect in response to a specific complaint or articulable basis that a crime has been committed; and

(b) There exists trustworthy and reliable information, relevant to the locality and time frame, that links a person to an identified criminal incident or scheme.

HEARINGS

All Standing Committee hearings will be live streamed on the NH Senate's YouTube channel:

<https://www.youtube.com/NewHampshireSenatelivestream>

Links are also available on the Senate Meeting Schedule.



WEDNESDAY, JANUARY 3, 2024

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 103, SH

Sen. Pearl (C), Sen. Carson (VC), Sen. Gendreau, Sen. Perkins Kwoka, Sen. Altschiller

- 1:00 p.m. **SB 369-FN-A**, directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment, creating a new position, and making an appropriation therefor.
- 1:15 p.m. **SB 337-FN**, relative to doula and lactation service provider certification.
- 1:30 p.m. **SB 487-FN**, relative to the division of personnel in the department of administrative services.
- 1:45 p.m. **SB 480-FN**, relative to the administration of professional licensure and certification and the regulation of real estate practice.
- 2:00 p.m. **SB 478-FN**, relative to child day care, residential care, and child-placing agency licensing.

EXECUTIVE SESSION MAY FOLLOW

HEALTH AND HUMAN SERVICES, Room 101, LOB

Sen. Birdsell (C), Sen. Avarad (VC), Sen. Bradley, Sen. Whitley, Sen. Prentiss

- 1:00 p.m. **SB 404-FN**, relative to expanding child care professionals' eligibility for the child care scholarship program.
- 1:15 p.m. **SB 411-FN**, relative to emergency mental health services for persons 21 years of age and younger.
- 1:30 p.m. **SB 499-FN**, relative to reduction of hunger for children, older adults, and people with disabilities.
- 1:45 p.m. **SB 399-FN**, relative to insurance coverage for blood testing associated with elevated lead levels.
- 2:00 p.m. **SB 497-FN**, relative to establishing the disproportionate share hospital fund.

EXECUTIVE SESSION MAY FOLLOW

WAYS AND MEANS, Room 100, SH

Sen. Lang (C), Sen. D'Allesandro (VC), Sen. Murphy, Sen. Innis, Sen. Rosenwald

- 1:00 p.m. **SB 513**, relative to permitting charity auctions by non-profit corporations.
- 1:15 p.m. **SB 324**, relative to lottery license renewal notices.
- 1:30 p.m. **SB 326-FN**, relative to the adjudication of lottery infractions.
- 1:45 p.m. **SB 432-FN**, relative to advanced deposit account wagering.

EXECUTIVE SESSION MAY FOLLOW

THURSDAY, JANUARY 4, 2024

COMMERCE, Room 100, SH

Sen. Gannon (C), Sen. Ricciardi (VC), Sen. Innis, Sen. Soucy, Sen. Chandley

- 9:00 a.m. **SB 331-A**, relative to certain historic commemorations.
- 9:10 a.m. **SB 335-FN**, relative to alcohol packaging.
- 9:20 a.m. **SB 365**, relative to the sale or use of lithium-ion batteries for electric bicycles, scooters, or personal electric mobility devices.
- 9:30 a.m. **SB 330-FN**, relative to allowing the ability to work from home to count toward unemployment benefits eligibility.
- 9:40 a.m. **SB 436-FN**, relative to maximum benefits payable in unemployment compensation.

EXECUTIVE SESSION MAY FOLLOW

EDUCATION, Room 101, LOB

Sen. Ward (C), Sen. Gendreau (VC), Sen. Lang, Sen. Prentiss, Sen. Fenton

- 9:00 a.m. **SB 341**, relative to mandatory disclosure by school district employees to parents.
- 9:20 a.m. **SB 342-FN**, relative to school building aid funding.
- 9:40 a.m. **SB 442-FN**, relative to student eligibility for education freedom accounts.
- 10:00 a.m. **SB 522-FN-A**, relative to establishing an early childhood education scholarship account and making an appropriation therefor.

EXECUTIVE SESSION MAY FOLLOW

ENERGY AND NATURAL RESOURCES, Room 103, SH

Sen. Avard (C), Sen. Pearl (VC), Sen. Birdsell, Sen. Watters, Sen. Altschiller

- 9:00 a.m. **SB 303-FN**, relative to the use of renewable energy funds by the department of energy.
- 9:15 a.m. **SB 450**, relative to the duties of the grid modernization advisory group.
- 9:30 a.m. **SB 388-FN**, relative to administration of utilities by the department of energy.
- 9:45 a.m. **SB 541-FN**, relative to retail pet stores.

EXECUTIVE SESSION MAY FOLLOW

FINANCE, Room 103, SH

Sen. Gray (C), Sen. Innis (VC), Sen. Bradley, Sen. Birdsell, Sen. Pearl, Sen. D'Allesandro, Sen. Rosenwald

- 1:00 p.m. **SB 395**, relative to establishing the position of assistant commissioner of the department of agriculture, markets, and food.
- 1:10 p.m. **SB 453-FN-A**, making an appropriation to the statewide voter registration system.
- 1:20 p.m. **SB 393-FN**, relative to making an appropriation to the department of environmental services to fund drinking water infrastructure in Derry.
- 1:40 p.m. **SB 394-FN-A**, relative to the cyanobacteria mitigation loan and grant fund.

EXECUTIVE SESSION MAY FOLLOW

JUDICIARY, Room 100, SH

Sen. Carson (C), Sen. Gannon (VC), Sen. Abbas, Sen. Whitley, Sen. Chandley

- 1:00 p.m. **CACR 24**, relating to reproductive freedom. Providing that all persons have the right to make their own reproductive decisions.
- 1:30 p.m. **SB 575-FN**, relative to legal protection for legal New Hampshire abortion and contraception care.
- 1:45 p.m. **SB 461**, relative to repealing a construction provision of the fetal life protection act.
- 2:00 p.m. **SB 567-FN**, relative to protecting and expanding access to abortion medications.

EXECUTIVE SESSION MAY FOLLOW

TRANSPORTATION, Room 101, LOB

Sen. Ricciardi (C), Sen. Watters (VC), Sen. Ward, Sen. Gendreau, Sen. Fenton

- 1:00 p.m. **SB 467-FN**, relative to the establishment of the injury prevention number plates trust fund.
- 1:15 p.m. **SB 428-FN-A**, relative to the use of automated license plate readers by law enforcement officers.
- 1:30 p.m. **SB 580-FN**, relative to establishing a noise barrier on Teaberry Lane, Bedford, NH.
- 1:45 p.m. **SB 470-FN**, relative to allowing toll-free use for vehicles registered with municipal plates.
- 2:00 p.m. **SB 471-FN**, relative to adding a speed limit of 45 miles per hour on rural highways.
- 2:15 p.m. **SB 465-FN**, relative to motorist duties when approaching highway emergencies involving a disabled vehicle.

EXECUTIVE SESSION MAY FOLLOW***TUESDAY, JANUARY 9, 2024*****COMMERCE**, Room 100, SH

Sen. Gannon (C), Sen. Ricciardi (VC), Sen. Innis, Sen. Soucy, Sen. Chandley

- 9:00 a.m. **SB 317**, relative to establishing a New Hampshire-Ireland trade council.
- 9:10 a.m. **SB 325**, establishing a committee to study the issue of insurance appraiser licensing.
- 9:20 a.m. **SB 333**, relative to access to financial services for minors in legal custody or guardianship and relative to the board of directors of mutual banks and mutual holding companies.
- 9:30 a.m. **SB 332**, limiting re-disclosure of consumer reports requested in connection with a credit transaction involving an extension of credit secured by real estate.
- 9:40 a.m. **SB 477**, relative to establishing a commission to review and make recommendations regarding technology-based start-up business support from the state of New Hampshire.

EXECUTIVE SESSION MAY FOLLOW**ELECTION LAW AND MUNICIPAL AFFAIRS**, Room 103, LOB

Sen. Gray (C), Sen. Murphy (VC), Sen. Abbas, Sen. Soucy, Sen. Perkins Kwoka

- 9:00 a.m. **SB 344**, relative to declarations of candidacy for president of the United States.
- 9:10 a.m. **SB 489-FN**, relative to election audits.
- 9:20 a.m. **CACR 22**, relating to the New Hampshire presidential primary. Providing that the New Hampshire presidential primary shall be the first presidential primary of a presidential election cycle.

EXECUTIVE SESSION MAY FOLLOW**ENERGY AND NATURAL RESOURCES**, Room 103, SH

Sen. Avar (C), Sen. Pearl (VC), Sen. Birdsell, Sen. Watters, Sen. Altschiller

- 9:00 a.m. **SB 548-FN**, removing gray squirrels from the definition of game animals.
- 9:15 a.m. **SB 346-FN**, prohibiting the use of dogs while hunting coyotes.
- 9:30 a.m. **SB 544-FN**, replacing the deer seal system with a confirmation number system.
- 9:45 a.m. **SB 587**, relative to animals brought into this state.

EXECUTIVE SESSION MAY FOLLOW**FINANCE**, Room 103, SH

Sen. Gray (C), Sen. Innis (VC), Sen. Bradley, Sen. Birdsell, Sen. Pearl, Sen. D'Allesandro, Sen. Rosenwald

- 1:00 p.m. **SB 454-FN**, increasing the annual real estate transfer tax revenue contribution to the affordable housing fund.

- 1:10 p.m. **SB 392-FN-A**, relative to lead paint hazard remediation.
- 1:20 p.m. **SB 311-FN-A-L**, relative to property tax offset for the town of Hampstead and making an appropriation therefor.
- 1:40 p.m. **SB 347-FN**, relative to infrastructure appropriations for reimbursement to the city of Laconia.
- EXECUTIVE SESSION MAY FOLLOW**

JUDICIARY, Room 100, SH

Sen. Carson (C), Sen. Gannon (VC), Sen. Abbas, Sen. Whitley, Sen. Chandley

- 1:00 p.m. **SB 322**, relative to licenses to carry.
- 1:20 p.m. **SB 421-FN**, relative to felony criminal threatening.
- 1:35 p.m. **SB 577-FN**, relative to imposing a waiting period between the purchase and delivery of a firearm.
- 2:00 p.m. **SB 571-FN**, relative to requiring a background check prior to any commercial firearm sale.
- EXECUTIVE SESSION MAY FOLLOW**

WEDNESDAY, JANUARY 10, 2024

EXECUTIVE DEPARTMENTS AND ADMINISTRATION,

Sen. Pearl (C), Sen. Carson (VC), Sen. Gendreau, Sen. Perkins Kwoka, Sen. Altschiller

- 9:00 a.m. **SB 485-FN**, relative to allowing digitally verifiable licenses, certificates, or permits to prove occupational experience or training for military spouses and veterans
- 9:15 a.m. **SB 372-FN**, relative to plumbing apprenticeships.
- 9:30 a.m. **SB 323-FN**, relative to the definition of salon.
- 9:45 a.m. **SB 371-FN**, relative to the licensing of resident physicians.
- 10:00 a.m. **SB 306-FN**, reinstating the board of manufactured housing.
- EXECUTIVE SESSION MAY FOLLOW**

WAYS AND MEANS, Room 100, SH

Sen. Lang (C), Sen. D'Allesandro (VC), Sen. Murphy, Sen. Innis, Sen. Rosenwald

- 9:00 a.m. **SB 364-FN**, relative to establishing a historic housing preservation tax credit and making an appropriation to the Invest NH fund.
- 9:15 a.m. **SB 363-FN**, relative to wagering on simulcast dog racing.
- 9:30 a.m. **SB 472-FN**, relative to historic horse racing licensing.
- 9:45 a.m. **SB 473-FN**, governing unclaimed horse racing ticket and voucher money.
- EXECUTIVE SESSION MAY FOLLOW**

THURSDAY, JANUARY 11, 2024

JUDICIARY, Room 100, SH

Sen. Carson (C), Sen. Gannon (VC), Sen. Abbas, Sen. Whitley, Sen. Chandley

- 9:00 a.m. **SB 505**, relative to the prohibition on the sale of hemp products containing certain levels of THC.
- 9:15 a.m. **SB 316-FN**, establishing a penalty for a person who transports fentanyl class drugs into New Hampshire with the intent to distribute.
- 9:30 a.m. **SB 357**, relative to expanding the definition of providers who can certify patients of the therapeutic cannabis program.
- 9:45 a.m. **SB 414-FN**, relative to establishing a mandatory minimum sentence for the crime of distribution of a controlled drug with death resulting.
- 10:00 a.m. **SB 415-FN**, relative to the penalty for certain fentanyl-related offenses.

The Committee will break at the conclusion of the hearing on SB 415-FN.

- 1:00 p.m. **SB 418-FN**, relative to THC concentrations for driving offenses.
 1:15 p.m. **SB 419-FN**, relative to THC limits in cannabis and reporting.
 1:30 p.m. **SB 426-FN**, relative to the possession of controlled drugs in motor vehicles.
 1:45 p.m. **SB 570-FN**, establishing a misdemeanor for first-offense controlled drug possession.
EXECUTIVE SESSION MAY FOLLOW

TUESDAY, JANUARY 16, 2024**FINANCE**, Room 103, SH

Sen. Gray (C), Sen. Innis (VC), Sen. Bradley, Sen. Birdsell, Sen. Pearl, Sen. D'Allesandro, Sen. Rosenwald

- 1:00 p.m. **SB 348-FN-A**, relative to emergency crop relief.
 1:10 p.m. **SB 494-FN-A**, relative to establishing a farmer assistance fund.
 1:20 p.m. **SB 396-FN-A**, relative to making an appropriation to the culinary arts program at the Wilbur H. Palmer Regional Career and Technical Education Center.
 1:30 p.m. **SB 398-FN-A**, appropriating additional funds to the department of transportation for existing municipal bridges.
EXECUTIVE SESSION MAY FOLLOW

THURSDAY, JANUARY 18, 2024**RULES AND ENROLLED BILLS**, Room 100, SH

Sen. Avard (C), Sen. Carson (VC), Sen. Ward, Sen. Soucy, Sen. Rosenwald

8:30 a.m. Consideration of Late Bills

MEETINGS***TUESDAY, JANUARY 2, 2024*****STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2)**

5:00 p.m. Edward Cross Training Center Facility Regular Meeting
 722 Riverwood Drive
 Pembroke, NH

FRIDAY, JANUARY 5, 2024**COMMISSION TO STUDY THE USE OF OHRVS IN NEW HAMPSHIRE (RSA 215-A:44-a)**

11:00 a.m. NH Department of Natural and Regular Meeting
 Cultural Resources
 Main Conference Room
 172 Pembroke Road
 Concord, NH
 Join on your computer, mobile app or room device:
 Meeting ID: 294 702 092 687
 Passcode: gbvPnA

MONDAY, JANUARY 8, 2024**COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILD-LIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30)**

9:00 a.m. Conservation Center French Wing Regular Meeting
 Williams Room
 4 Portsmouth Street
 Concord, NH

COMMISSION TO STUDY THE EFFECT OF RECENT CHANGES MADE TO CHARITABLE GAMING LAWS, INCLUDING THE NEWLY AUTHORIZED HISTORICAL HORSE RACES (RSA 284:6-c)

10:00 a.m. Lottery Commission Regular Meeting
14 Integra Drive
Concord, NH 03301

COMMISSION TO STUDY COMMUNITY IMPACTS OF THE SECURED YOUTH DEVELOPMENT CENTER (RSA 169-B:48)

11:00 a.m. Room 100, SH Subcommittee Meeting

NEW HAMPSHIRE OPIOID ABATEMENT ADVISORY COMMISSION (RSA 126-A:85)

1:00 p.m. NH Department of Justice Regular Meeting
1 Granite Place South
Concord, NH
Meeting ID: 762 964 6757
Passcode: 782701

NEW HAMPSHIRE CANADIAN TRADE COUNCIL (RSA 12-O:22)

2:00 p.m. Room 100, SH Regular Meeting

FRIDAY, JANUARY 12, 2024

COMMISSION TO STUDY THE DELIVERY OF PUBLIC HEALTH SERVICES THROUGH REGIONAL PUBLIC HEALTH NETWORKS (RSA 127:12)

1:00 p.m. NH Fire Academy Regular Meeting
98 Smokey Bear Boulevard
Concord, NH
Join Zoom Meeting
<https://us02web.zoom.us/j/82731252212?pwd=Q3pvYncvcW55Zkg0ZVVNQW5USGlsZz09>
Meeting ID: 827 3125 2212
Passcode: 392939

FRIDAY, JANUARY 19, 2024

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Rooms 306-308, LOB Regular Meeting
Live Stream Link: https://youtube.com/live/M_Wu1xmmaA78?feature=share

NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2)

9:00 a.m. NH DOT Rooms 112-113 Regular Meeting
7 Hazen Drive
Concord, NH

FISCAL COMMITTEE (RSA 14:30-a)

10:00 a.m. Rooms 210-211, LOB Regular Meeting
The You Tube link to view the meeting livestream is;
https://youtube.com/live/4QzY_9s1bO4?feature=share

MONDAY, JANUARY 22, 2024

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

9:00 a.m. NH DES Room 213 Subcommittee Meeting - Construction
29 Hazen Drive Project Assistance
Concord, NH

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

10:00 a.m. NH DES Cafeteria Regular Meeting
 29 Hazen Drive
 Concord, NH

NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4)

2:00 p.m. NH Fish & Game Regular Meeting
 West Conference Room
 11 Hazen Drive
 Concord, NH

TUESDAY, JANUARY 23, 2024**WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3)**

9:00 a.m. New Futures Conference Room, Suite 400 Regular Meeting
 100 North Main Street
 Concord, NH

CURRENT USE BOARD (RSA 79-A:3)

9:30 a.m. NH Department of Revenue Administration Public Hearing Meeting - Rulemaking
 Training Room Hearing
 109 Pleasant Street
 Concord, NH

CURRENT USE BOARD (RSA 79-A:3)

10:00 a.m. NH Department of Revenue Administration Regular Meeting
 Training Room
 109 Pleasant Street
 Concord, NH

FRIDAY, JANUARY 26, 2024**CAPITAL PROJECT OVERVIEW COMMITTEE (RSA 17-J:2)**

9:00 a.m. Room 201, LOB Regular Meeting
 The You Tube link to view the meeting livestream is:
 <https://youtube.com/live/XauxAciXXHM?feature=share>

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1)

10:00 a.m. Room 201, LOB Regular Meeting
 The You Tube link to view the meeting livestream is;
 <https://youtube.com/live/ApLPc0I1DGs?feature=share>

TUESDAY, FEBRUARY 6, 2024**NEW HAMPSHIRE DRUG OVERDOSE FATALITY REVIEW COMMISSION (RSA 126-DD:1)**

3:00 p.m. Executive Council Chamber Regular Meeting
 Room 207, SH
 107 North Main Street
 Concord, NH

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2)

5:00 p.m. Edward Cross Training Center Facility Regular Meeting
 722 Riverwood Drive
 Pembroke, NH

FRIDAY, FEBRUARY 9, 2024

COMMISSION TO STUDY THE DELIVERY OF PUBLIC HEALTH SERVICES THROUGH REGIONAL PUBLIC HEALTH NETWORKS (RSA 127:12)

1:00 p.m.	NH Fire Academy 98 Smokey Bear Boulevard Concord, NH Suzanne Prentiss is inviting you to a scheduled Zoom meeting. Join Zoom Meeting https://us02web.zoom.us/j/82731252212?pwd=Q3pvYncvcW55Zkg0ZVVNQW5USGlsZz09 Meeting ID: 827 3125 2212 Passcode: 392939	Regular Meeting
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MONDAY, FEBRUARY 12, 2024

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

10:00 a.m.	NH Department of Safety 2nd Floor Conference Room 33 Hazen Drive Concord, NH	Regular Meeting
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FRIDAY, FEBRUARY 16, 2024

STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE (SIEC) (RSA 21-P:48, IV)

9:00 a.m.	NH Fire Academy Classrooms 5 & 6 98 Smokey Bear Boulevard Concord, NH 03301	Regular Meeting
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TUESDAY, MARCH 5, 2024

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2)

5:00 p.m.	Edward Cross Training Center Facility 722 Riverwood Drive Pembroke, NH	Regular Meeting
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MONDAY, MARCH 11, 2024

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

10:00 a.m.	NH Department of Safety 2nd Floor Conference Room 33 Hazen Drive Concord, NH	Regular Meeting
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COMMISSION TO STUDY COMMUNITY IMPACTS OF THE SECURED YOUTH DEVELOPMENT CENTER (RSA 169-B:48)

1:00 p.m.	Room 100, SH	Regular Meeting
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TUESDAY, APRIL 2, 2024

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2)

5:00 p.m.	Edward Cross Training Center Facility 722 Riverwood Drive Pembroke, NH	Regular Meeting
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MONDAY, APRIL 8, 2024

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)

10:00 a.m.

NH Fish and Game
11 Hazen Drive
Concord, NH

Regular Meeting

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2023 BILLS REMAINING ON THE TABLE:

SENATE BILLS: 36, 55, 57, 86, 114, 115, 122, 124, 125, 138, 140, 145, 153, 154, 169, 175, 202, 205, 230, 231, 232, 233, 234, 237, 241, 242, 270

HOUSE BILLS: 31, 87, 150, 231, 360, 392, 431, 555

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FISCAL NOTE ADDITIONS AND UPDATES HAVE BEEN AMENDED TO THE BILLS ON THE WEB SITE AND ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR THE FOLLOWING 2023 - 2024 BILLS:

SENATE BILLS: 75, 80, 97, 106, 112, 128, 133, 134, 137, 151, 156, 173, 178, 180, 191, 210, 218, 235, 239, 248, 249, 255, 259, 263, 267, 303, 304, 306, 308, 309, 311, 315, 329, 330, 335, 337, 342, 345, 347, 350, 361, 369, 377, 388, 393, 397, 399, 404, 413, 419, 427, 436, 438, 439, 442, 453, 466, 470, 473, 478, 480, 485, 486, 497, 499, 520, 522, 523, 525, 545, 549, 556, 561, 562, 563, 567, 569, 575, 580, 603

HOUSE BILLS: 68, 107, 135, 250, 257, 379, 397, 400, 572

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NOTICES

NOTICE

LEGISLATIVE ETHICS COMMITTEE

The Legislative Ethics Committee has voted to issue the following advisory opinion, which is printed below in its entirety.

Advisory Opinion 2023-3

Response to a Request for an Advisory Opinion from

Representative Alissandra Murray

(December 5, 2023)

The Legislative Ethics Committee, at its meeting on December 5, 2023, considered a request for an advisory opinion from Representative Alissandra Murray. More specifically, she asked for advice on whether, given her employment, she “should be filing a Declaration of Intent prior to any specific vote in the upcoming legislative year.”

In her letter to the Committee, dated October 16, 2023, Representative Murray stated that she is employed by the Reproductive Freedom Fund of New Hampshire (“RFFNH”), which she described as a “501(c)(3) non-profit organization whose mission is to fund abortion care for indigent patients in New Hampshire.” She stated that she disclosed her employment by RFFNH on her 2023-2024 Financial Disclosure Form. Her employer engages in minimal “lobbying” activity. However, she is not employed in nor does she receive any direct financial benefit from that activity. Therefore, in the past, she did not think it necessary to make further disclosure by filing a Declaration of Intent Form on particular legislation. That position has been called into question, prompting her request for an advisory opinion.

In completing its consideration, the Committee reviewed the facts set forth in the written request. In addition, the Committee received testimony from Representative Murray and her attorney, William E. Christie. The Committee also invited Ms. Josie Pinto, the Executive Director of RFFNH to attend voluntarily, and her attorney, Jeffrey D. Odland, spoke on her behalf.

The Committee finds that Representative Murray was elected to office in November 2022. She was a founder of RFFNH and served as a volunteer until she was hired for the position of deputy director. The purpose of RFFNH is to provide funding for abortion services. According to the testimony received by the Committee, the executive director of RFFNH, Josie Pinto, is a registered lobbyist representing RFFNH. She specifically testified on five bills before the legislature during the 2023 session with about \$800 in organizational expenses attributable to the lobbying effort. While Representative Murray's position does not involve lobbying for RFFNH, she did co-sponsor one of the bills promoted by RFFNH and may have voted on others.

Relevant Provision of the Ethics Guidelines

Ethics Guidelines Section 3 -- Prohibited Activities

II. Legislators shall not solicit, accept, or agree to accept anything of value from another for themselves or other persons, if the legislator receives such thing of value:

(b) Knowing or believing that the giver is or is likely to become subject to or interested in any matter or action pending before or contemplated by the legislator or the General Court.

Committee Analysis

In *Advisory Opinion 2023-2*, the Committee considered a set of facts involving a legislator's proposed employment by an organization which was represented by registered lobbyists and actively promoted or opposed matters pending before the General Court. The Committee reasoned that if the legislator was being compensated to work on behalf of an organization which has a direct interest in the outcome of legislation, the legislator would be receiving something of value to effectively support the organization's activities. The Committee determined that an organization which intends to effect legislation is different from a business that may be affected by legislation. Accordingly, the Committee advised that, were the legislator to accept employment with the organization, she would be required "to recuse herself from voting, testifying or otherwise participating in any official activities relating to legislation on which (the organization) has lobbied, testified, or otherwise attempted to influence the outcome." The Committee determined that the circumstances presented in this request are substantially the same as the circumstances presented in *Advisory Opinion 2023-2*.

Conclusion

Accordingly, we advise that Representative Murray is required to file a Declaration of Intent Form on any matters involving abortion funding. As long as Representative Murray is employed by RFFNH, she is required to recuse herself from voting, testifying or otherwise participating in any official activities relating to legislation on which RFFNH has lobbied, testified, or otherwise attempted to influence the outcome. For legislation generally relating to abortion funding but on which RFFNH has not lobbied, testified, or otherwise attempted to influence the outcome, filing a Declaration of Intent would provide disclosure of the possible conflict sufficient to satisfy requirements of the conflict of interest provisions of the Ethics Guidelines. [Vote: 5-1]

We appreciate the opportunity to be of assistance.

By the Committee:

Honorable Donna Sytek, Vice Chairman

Senator Ruth Ward

Representative Janet G. Wall

Honorable David W. Hess

Senator Cindy Rosenwald voted against the majority opinion.

Representative Bob Lynn recused and did not participate.

For the Committee,
Edward M. Gordon
Chairman
Legislative Ethics Committee

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In 2023, the New Hampshire Secretary of State's Office hosted the first-ever statewide "I Voted" sticker contest. There were over 1,000 entries in the contest, which was open to all fourth graders in New Hampshire. The three winning designs, chosen by local election officials, will be distributed as "I Voted" stickers at all 2024 state elections.

The Secretary of State's Office has hung up posters with all the entries, organized by town, in the Legislative tunnel. Walk through the tunnel when you have a chance to admire the creative and colorful designs submitted by students in your districts and look for the winning designs at your local polling place on January 23rd!

Senator Jeb Bradley, Senate President

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WEDNESDAY, JANUARY 3, 2024

Future In Sight of Concord, formerly known as the NH Association for the Blind, cordially invites all legislators and staff to join us for lunch on Wednesday, January 3, 2024, from 11:30 am – 1:30 pm in the State House café. The lunch will be an opportunity to learn how Future In Sight is the only private nonprofit organization in New Hampshire to supply a comprehensive range of statewide services to children, adults and elderly who are blind and visually impaired. Our members and clients will be available to share their experiences and provide information.

Senator Rebecca Whitley

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THURSDAY, JANUARY 4, 2024

Stay Work Play New Hampshire will hold a Legislative Reception from 4:30 p.m. – 6:30 p.m., Thursday, January 4, at The Barley House, 132 N. Main St., directly across from the State House.

Bringing together legislators, young Granite Staters, and those who employ them, this casual networking event will give you the opportunity to meet your younger constituents and learn more about the issues affecting whether they might stay in, or leave, New Hampshire.

Please RSVP to Kristina Lafiosca at kristina@stayworkplay.org or online at stayworkplay.org/legislative-reception.

Senator Rebecca Perkins Kwoka

Senator Rebecca Whitley

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THURSDAY, JANUARY 11, 2024

All Senators and Senate staff are cordially invited to attend the "Welcome Back Legislators" reception hosted by the Business and Industry Association, New Hampshire's statewide chamber of commerce. The reception will take place at the Grappone Conference Center (70 Constitution Ave Concord, NH) on Thursday, January 11th from 4:00 p.m. to 6:00 p.m. The reception is complimentary to Senators and staff, but the BIA is requesting advance registration to assist in planning for the event. RSVP to Carole Alfano at the BIA by email at calfano@biaofnh.com or by phone at (603 224-5388, ext. 102).

Senator Sharon M. Carson, Senate Majority Leader

Senator Donna M. Soucy, Senate Democratic Leader

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SENATE SCHEDULE

Monday, January 01, 2024	New Year's Day (State Holiday)
Wednesday, January 03, 2024	Convening Day
Monday, January 15, 2024	Martin Luther King Jr./Civil Rights Day (State Holiday)
Monday, February 19, 2024	President's Day (State Holiday)
Monday, February 26, 2024 – Friday, March 01, 2024	Winter Recess
Thursday, March 28, 2024	Deadline for Policy Committees to ACT on all Senate bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
Thursday, April 11, 2024	CROSSOVER – Deadline to ACT on all Senate bills.
Thursday, May 09, 2024	Deadline for Policy Committees to ACT on all House bills with a fiscal impact, except bills exempted pursuant to Senate Rule 4-5.
Thursday, May 23, 2024	Deadline to ACT on all House bills.
Monday, May 27, 2024	Memorial Day (State Holiday)
Thursday, May 30, 2024	Deadline to FORM Committees of Conference.
Thursday, June 06, 2024	Deadline to SIGN Committee of Conference Reports. (4:00 p.m.)
Thursday, June 13, 2024	Deadline to ACT on Committee of Conference Reports.
Thursday, July 04, 2024	Independence Day (State Holiday)
Monday, September 02, 2024	Labor Day (State Holiday)
Monday, November 11, 2024	Veterans' Day (State Holiday)
Thursday, November 28, 2024	Thanksgiving Day (State Holiday)
Friday, November 29, 2024	Day after Thanksgiving (State Holiday)
Wednesday, December 25, 2024	Christmas Day (State Holiday)