

March 14, 2024  
No. 11

# STATE OF NEW HAMPSHIRE

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

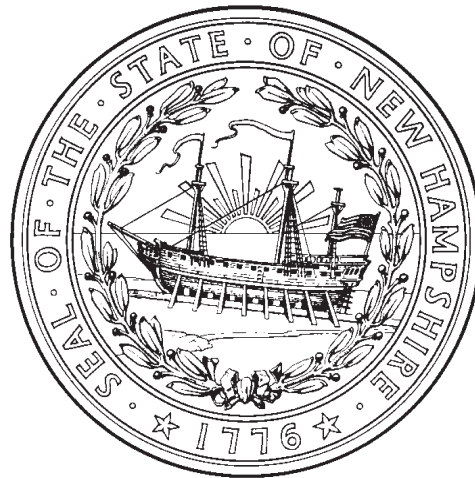
Senate Meeting Schedule Website Address:

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

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

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

Links are also available on the Senate Meeting Schedule.



**Second Year of the 168<sup>th</sup> Session of the  
New Hampshire General Court**

## SENATE CALENDAR

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## THE SENATE WILL MEET IN SESSION ON THURSDAY, MARCH 21, 2024 AT 10:00 A.M.

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The Senate Session on Thursday, March 21, 2024, in the Senate Chamber  
will be live streamed at the following link:

<https://youtube.com/live/BfqIX9gBQgk?feature=share>

Please note, this link will not be live until the Senate Session on  
Thursday, March 21, 2024 at 10:00 A.M.

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## LAID ON THE TABLE

**SB 173-FN**, relative to surprise medical bills.**01/03/2024, Pending Motion OT3rdg, Health and Human Services, SJ 1**

**SB 305-FN**, relative to allowing wholesalers of cigarettes to retain tax revenue collected for each package of cigarettes with tax stamps sold.**02/08/2024, Pending Motion Ought to Pass, Ways and Means, SJ 3**

**SB 343**, relative to school based health services.**01/18/2024, Pending Motion Interim Study, Education, SJ 2**

**SB 346-FN**, prohibiting the use of dogs while hunting coyotes.**02/15/2024, Pending Motion Inexpedient to Legislate, Energy and Natural Resources, SJ 4**

**SB 452-FN-A**, relative to making an appropriation for the hiring and training of small business development counselors in rural areas of New Hampshire.**02/21/2024, Pending Motion Interim Study, Finance, SJ 5**

**SB 483-FN**, relative to establishing an office of regulatory efficiency and oversight.**02/21/2024, Pending Motion Interim Study, Executive Departments and Administration, SJ 5**

**SB 484-FN**, relative to completion of the birth worksheet for hospital or institutional birth.**02/21/2024, Pending Motion Ought to Pass, Executive Departments and Administration, SJ 5**

**SB 512-FN**, relative to the 10-year highway plan.**03/07/2024, Pending Motion Interim Study, Transportation, SJ 6**

**SB 565-FN**, relative to discrimination in education and employment based on hairstyles historically associated with race.**03/07/2024, Pending Motion OT3rdg, Judiciary, SJ 6**

**HB 307-FN**, relative to attorney's fees in actions under the right to know law.**02/15/2024, Pending Motion Interim Study, Finance, SJ 4**

**HB 572-FN**, relative to eligibility for free school meals.**01/03/2024, Pending Motion Refer to Finance Rule 4-5, Education, SJ 1**

## CONSENT CALENDAR REPORTS

### ENERGY AND NATURAL RESOURCES

**SB 385**, relative to the cost of care fund.

Ought to Pass, Vote 5-0.

Senator Pearl for the committee.

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

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

Senator Avard for the committee.

This bill addresses the need for comprehensive understanding in the evolving energy landscape. The pro-

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

**SB 390**, relative to defining “critical habitat”.

Interim Study, Vote 5-0.

Senator Watters for the committee.

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

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

Ought to Pass with Amendment, Vote 5-0.

Senator Watters for the committee.

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

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

Ought to Pass with Amendment, Vote 5-0.

Senator Birdsell for the committee.

This bill initially aimed to address the shortage of large animal veterinarians in New Hampshire, proposing measures such as incentivizing relocation or educational pipelines for veterinarians. Concerns arose regarding potential impacts on the Department of Agriculture’s workflow and legal authority. The bill, however, was amended to establish a committee tasked with studying the scope and practice of veterinary technicians in New Hampshire’s northern rural areas, where large animal veterinarians are in high demand. The committee’s duties include examining the current scope of practice for veterinary technicians, exploring practice opportunities outside the current scope, particularly focusing on large animal veterinary care, and evaluating the licensure of veterinary technicians, with a specific emphasis on enhancing large animal veterinary services in the state.

**SB 550-FN**, relative to utility requirements for integrated distribution planning.

Interim Study, Vote 5-0.

Senator Watters for the committee.

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

**SB 589-L**, relative to wastewater surcharges.

Ought to Pass with Amendment, Vote 5-0.

Senator Birdsell for the committee.

This bill, initiated at the request of the town of Derry, addresses water and wastewater service challenges. The proposed 15 percent surcharge on out-of-town sewer customers aims to generate funds for economic development in Derry, building on past successful initiatives. The legislation’s flexibility allows

for intermunicipal agreements, promoting regionalization and preventing the need for new wastewater facilities. The Department of Energy remains neutral, recognizing the municipality's autonomy in imposing surcharges. Additionally, this bill as amended addresses an ambiguity in the statute regarding the regulation of community sewer systems, proposing the addition of the words "or sewer" to clarify that the Department of Energy and the Public Utilities Commission do not regulate such systems.

### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 309-FN**, relative to the vesting period for members of the state retirement system.

Ought to Pass, Vote 5-0.

Senator Pearl for the committee.

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

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

Ought to Pass, Vote 5-0.

Senator Carson for the committee.

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

**SB 487-FN**, relative to the division of personnel in the department of administrative services.

Interim Study, Vote 5-0.

Senator Carson for the committee.

SB 487-FN creates a new chapter for the personnel appeals board and repeals six statutes related to the department of administrative services division. The bill was filed at the request of the Department of Administrative Services. The committee recognizes that no compromise was made to alleviate major concerns regarding the bill that were brought forth in various testimonies. The committee feels the bill needs more time to be looked over and move it to interim study.

**SB 600**, relative to the board of pharmacy.

Ought to Pass with Amendment, Vote 5-0.

Senator Perkins Kwoka for the committee.

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

### **HEALTH AND HUMAN SERVICES**

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

Ought to Pass with Amendment, Vote 5-0.

Senator Bradley for the committee.

SB 403-FN, as introduced, would extend the deadlines of the legislative commission on the interdisciplinary primary care workforce issues, make clarifying amendments to the home health care provider and nurse practice act statutes, establish the position of and regulation of community health workers, and establish various programs and provide appropriations therefor focused on community health and health care employment. As amended, SB 403-FN maintains important reforms to the health care workforce while also preserving the important work done by case managers who are licensed – and the associated federal funding. It is not the intention of the legislation to have case managers supplanted by community health workers; they provide distinct services. The Committee Amendment also removes all appropriations from SB 403-FN, instead directing the Department to pursue federal funding and use of their existing budget and to work on a plan for the next budget cycle to support community health workers.

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

Ought to Pass with Amendment, Vote 5-0.

Senator Prentiss for the committee.

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

## **JUDICIARY**

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

Ought to Pass with Amendment, Vote 5-0.

Senator Chandley for the committee.

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

**SB 416-FN**, relative to the penalties for certain driving offenses while released on bail for certain offenses.

Interim Study, Vote 5-0.

Senator Gannon for the committee.

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

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

Ought to Pass with Amendment, Vote 5-0.

Senator Whitley for the committee.

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

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

Ought to Pass, Vote 5-0.

Senator Whitley for the committee.

Senate Bill 424 requires the supervising probation or parole officer to conduct an annual review of his or her parole caseload to identify and present parolees to the adult parole board for reduction of the parolee's maximum sentence and provides additional factors for the parole board to consider when determining whether to grant a reduction of a parolee's maximum sentence. This bill, developed in collaboration with the Department of Corrections, seeks to refine existing laws by establishing a clearer framework for parole eligibility. Senate Bill 424 will provide clear and concise language in parole guidelines when weighing or evaluating the factors associated with the decision to grant or deny parole.

**SB 426-FN**, relative to the possession of controlled drugs in motor vehicles.

Ought to Pass with Amendment, Vote 5-0.

Senator Abbas for the committee.

Senate Bill 426-FN amends the requirements for transporting certain cannabis products in vehicles. The Committee Amendment makes it clear that therapeutic cannabis is excluded from this statute and clari-



fies where the least accessible place in one's car is. This piece of legislation seeks to treat marijuana the same as alcohol for transportation of a substance in a vehicle and these restrictions are designed to help prevent impaired driving.

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

Ought to Pass with Amendment, Vote 5-0.

Senator Chandley for the committee.

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

**SB 503**, relative to requiring a criminal background check when applying for a fish and game guide license.

Ought to Pass with Amendment, Vote 5-0.

Senator Abbas for the committee.

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

**SB 505**, relative to the prohibition on the sale of hemp products containing certain levels of THC.

Ought to Pass, Vote 5-0.

Senator Carson for the committee.

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

**SB 568**, relative to licenses for aliens temporarily residing in New Hampshire.

Inexpedient to Legislate, Vote 5-0.

Senator Gannon for the committee.

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

**SB 573-FN**, relative to parental consent for medical care.

Ought to Pass with Amendment, Vote 5-0.

Senator Gannon for the committee.

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

**SB 574**, relative to the appointment of a temporary agent for a minor child or incapacitated person.

Ought to Pass with Amendment, Vote 5-0.

Senator Chandley for the committee.

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

**SB 578-FN**, relative to criminal pre-trial services and monitoring.

Ought to Pass with Amendment, Vote 5-0.

Senator Carson for the committee.

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

**SB 601-FN**, restricting electronic mail solicitation.

Interim Study, Vote 5-0.

Senator Carson for the committee.

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

**SB 605**, relative to ethical standards for members of the general court.

Ought to Pass, Vote 5-0.

Senator Carson for the committee.

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

## REGULAR CALENDAR REPORTS

### COMMERCE

**SB 308-FN**, relative to the state minimum hourly rate.

Inexpedient to Legislate, Vote 3-2.

Senator Innis for the committee.

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

Ought to Pass with Amendment, Vote 5-0.

Senator Chandley for the committee.

**SB 335-FN**, relative to alcohol packaging.

Interim Study, Vote 5-0.

Senator Innis for the committee.

**SB 366-FN**, relative to restricting the purchase of real property on or around military installations.

Ought to Pass, Vote 5-0.

Senator Innis for the committee.

**SB 517**, relative to the employment status of university students working in educational programs.

Ought to Pass with Amendment, Vote 3-2.

Senator Gannon for the committee.

### EDUCATION

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

Ought to Pass with Amendment, Vote 3-1.

Senator Lang for the committee.

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

Ought to Pass with Amendment, Vote 3-2.

Senator Lang for the committee.

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

Inexpedient to Legislate, Vote 3-1.

Senator Ward for the committee.

## **ELECTION LAW AND MUNICIPAL AFFAIRS**

**SB 383-FN**, relative to local tax caps.

Ought to Pass with Amendment, Vote 3-2.

Senator Murphy for the committee.

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

Interim Study, Vote 3-2.

Senator Abbas for the committee.

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

Ought to Pass with Amendment, Vote 4-0.

Senator Gray for the committee.

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

Inexpedient to Legislate, Vote 3-2.

Senator Abbas for the committee.

## **ENERGY AND NATURAL RESOURCES**

**SB 301**, relative to establishing a committee to study the possibility of placing a desalination plant on the seacoast.

Ought to Pass with Amendment, Vote 3-2.

Senator Avarð for the committee.

## **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 368-FN**, relative to service retirement allowances for teachers and other group I retirement system members.

Interim Study, Vote 3-2.

Senator Pearl for the committee.

## **FINANCE**

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

Ought to Pass with Amendment, Vote 4-2.

Senator Innis for the committee.

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

Ought to Pass, Vote 6-0.

Senator Gray for the committee.

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

Ought to Pass, Vote 6-1.

Senator Birdsell for the committee.

**SB 364-FN**, relative to establishing a historic housing preservation tax credit.

Interim Study, Vote 6-1.

Senator Birdsell for the committee.

**SB 372-FN**, relative to plumbing apprenticeships.

Ought to Pass, Vote 5-2.

Senator Birdsell for the committee.

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

Ought to Pass, Vote 7-0.

Senator Innis for the committee.

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

Ought to Pass, Vote 7-0.

Senator Birdsell for the committee.

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

Ought to Pass, Vote 6-1.

Senator Pearl for the committee.

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

Ought to Pass, Vote 7-0.

Senator D'Allesandro for the committee.

**SB 475-FN**, relative to design of a climate-controlled storage facility for the New Hampshire state library.

Interim Study, Vote 6-1.

Senator Gray for the committee.



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

Ought to Pass, Vote 5-2.

Senator Gray for the committee.

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

Ought to Pass, Vote 7-0.

Senator Pearl for the committee.

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

Interim Study, Vote 7-0.

Senator Innis for the committee.

**SB 555-FN**, relative to receipt of pharmaceutical rebates by insurers and pharmacy benefits managers.

Ought to Pass, Vote 5-2.

Senator Birdsell for the committee.

**SB 584-FN**, relative to application of the utility property tax to certain renewable electric generating facilities, and relative to communications services tax revenues.

Interim Study, Vote 7-0.

Senator Innis for the committee.

**SB 595-FN**, relative to the rates for pole attachments.

Ought to Pass, Vote 7-0.

Senator Pearl for the committee.

**SB 602-FN-A**, making an appropriation to the university system of New Hampshire and the community college system of New Hampshire for marketing of hospitality management programs.

Interim Study, Vote 5-2.

Senator Rosenwald for the committee.

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

Ought to Pass, Vote 7-0.

Senator Birdsell for the committee.

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

Ought to Pass, Vote 7-0.

Senator D'Allesandro for the committee.

### **HEALTH AND HUMAN SERVICES**

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

Ought to Pass, Vote 5-0.

Senator Avarad for the committee.

### **JUDICIARY**

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

Ought to Pass with Amendment, Vote 4-1.

Senator Whitley for the committee.

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

Ought to Pass, Vote 3-2.

Senator Gannon for the committee.

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

Ought to Pass with Amendment, Vote 3-2.

Senator Abbas for the committee.

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

Ought to Pass with Amendment, Vote 4-1.

Senator Carson for the committee.

**SB 569-FN**, relative to the powers and duties of the attorney general as the state's attorney.

Inexpedient to Legislate, Vote 3-2.

Senator Abbas for the committee.

**SB 576**, relative to reporting the death of voters.

Ought to Pass with Amendment, Vote 3-2.

Senator Abbas for the committee.

# AMENDMENTS

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

## Amendment to SB 219-FN-LOCAL

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

1 Legislative Findings. The general court finds that:

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

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

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

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

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

### Students First Act

189:75 Definitions. In this subdivision:

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

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

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

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

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

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

189:76 Mandatory Report to Voters.

I. Before any meeting at which any school district adopts a school budget, whether or not the district has adopted the provisions of RSA 194-C:9-b, a mandatory report to voters must be posted in at least 3 ap-

propriate places, 2 of which must be places of business or other public locations, and one of which shall be the local newspaper or, if a local newspaper is not available, the district's website. The report must be posted at least 24 hours, excluding Sundays and legal holidays, prior to the meeting.

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

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

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

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

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

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

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

2024-0533s

#### AMENDED ANALYSIS

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

Energy and Natural Resources

March 6, 2024

2024-1012s

12/05

#### Amendment to SB 301

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

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

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

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

2 Membership and Compensation.

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

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

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

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

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

2024-1012s

#### AMENDED ANALYSIS

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

Senate Judiciary  
March 6, 2024  
2024-0990s  
09/05

#### Amendment to SB 315-FN-LOCAL

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

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

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

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

2024-0990s

#### AMENDED ANALYSIS

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

Commerce  
February 20, 2024  
2024-0792s  
08/02

#### Amendment to SB 328-FN

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

1 New Paragraph; Regulation of Business Practices for Consumer Protection; Acts Unlawful; Unauthorized Resellers. Amend RSA 358-A:2 by inserting after paragraph XVIII the following new paragraph:

XIX.(a) In this paragraph:

(1) "Resale" means the second or subsequent sale of a ticket. "Resale" includes a sale by any means, including in person, by telephone, by mail, by e-mail, by facsimile, or through a website or other electronic means.

(2) "Reseller" means a person engaged in the resale of tickets.

(3) "Secondary ticket exchange" means an electronic marketplace that enables consumers to sell, purchase, and resell tickets.

(4) “Speculative ticket” means a ticket that is not in the actual or constructive possession of a reseller at the time of sale. “Speculative ticket” includes a ticket sold by a reseller that, at the time of resale:

- (A) Is not in the physical possession of the reseller;
- (B) Is not owned by the reseller; or
- (C) Is not under contract to be transferred to the reseller.

(5) “Ticket” means physical, electronic, or other evidence, that grants the possessor of the evidence license to enter a place of entertainment for one or more events at a specified date and time.

(6) “Ticket Issuer” means a person that, directly or indirectly, issues initial tickets for an entertainment event. “Ticket issuer” includes a musician or musical group, an operator of a venue, a sponsor or a promoter of an entertainment event, a sports team participating in an entertainment event, a sports league whose teams are participating in an entertainment event, a theater company, a marketplace operated for consumers to make an initial purchase of tickets, or an agent of any of the persons listed in this subparagraph.

(b) This paragraph applies only to secondary ticket exchanges, ticket issuers, and resellers. The listing for a ticket and each step of a transaction to purchase a ticket shall:

- (1) Clearly and conspicuously disclose the total price of the ticket, including all fees and taxes;
- (2) Provide an itemized listing of all charges that comprise the total price of the ticket, including all fees and taxes; and
- (3) Identify the seat number and zone or section of the ticket, to the extent applicable to the seat and venue.

(c) A reseller shall provide the ticket issuer with the contact information of the resale ticket purchaser to enable the ticket issuer to notify the resale ticket purchaser of any change in the event circumstances, such as an event cancellation or rescheduling.

(d) This paragraph shall not apply to a fee that a secondary ticket exchange may charge for the service of providing a marketplace for the resale of a ticket. Except as provided in this paragraph, the total price at which a reseller may sell or offer to sell a ticket shall not exceed the total price of the initial ticket, including all fees and taxes in connection with the initial ticket. If initial tickets were purchased for a series of events, such as season tickets for a sports team, the total resale price of a ticket for a single event shall not exceed the total price of a comparable ticket, including all fees and taxes. The fee that a secondary ticket exchange may charge for the service of providing a marketplace for the resale of a ticket shall not exceed 10 percent of the total price of the initial ticket. Subject to reasonable restrictions imposed by a ticket issuer, a person shall not prohibit or restrict the transfer or resale of a ticket that was made available to the general public for purchase.

(e) A reseller shall not sell or offer to sell speculative tickets

(f) A secondary ticket exchange shall not provide a marketplace for the resale of a ticket that violates this section.

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

2024-0792s

#### AMENDED ANALYSIS

This bill regulates secondary ticket exchanges, ticket issuers, and resellers and prohibits speculative ticket sales.

Senate Education  
February 20, 2024  
2024-0786s  
02/05

#### Amendment to SB 341

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

1 Short Title. This act shall be known as the Honesty and Transparency in Education Act.



2 New Section; Communications Between Teachers and Parents. Amend RSA 189 by inserting after section 13-c the following new section:

189:13-d Communications Between Teachers and Parents.

I. Educators credentialed by the New Hampshire department of education shall have a duty to respond to written inquiries by parents regarding material information relating to their child enrolled in that educator's school. Such response to a written request shall be sent within 10 business days of its receipt and be answered completely and honestly to the extent permitted by state or federal law.

II. If, in the good faith determination of the credential holder, such complete and honest response to a request would put the student at imminent risk of physical harm, abuse, or neglect, such credential holder shall file a report with the department of health and human services within 48 hours of such determination in accordance with RSA 169-C:30, and may withhold only the information that creates the risk.

III. On or before June 30, 2025, the state board of education shall adopt rules, pursuant to RSA 541-A, amending the code of ethics and the code of conduct for New Hampshire educators relative to this section.

IV. Violation of this section shall be considered a violation of the code of conduct for New Hampshire educators and subject to investigation, in accordance with administrative rules, against that credential holder.

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

Senate Judiciary  
March 6, 2024  
2024-0994s  
05/06

Amendment to SB 357

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

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

2024-0994s

AMENDED ANALYSIS

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

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

Amendment to SB 383-FN

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

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

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

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

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

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

***(b) In this paragraph:***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Amendment to SB 386

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

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

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

#### Amendment to SB 403-FN

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

AN ACT relative to the health care workforce.

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

##### 1 Purpose and Findings.

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

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

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

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

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

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

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

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

- (a) Has participated in and completed a board-approved medication administration education program;
- (b) Has been employed as a licensed nursing assistant for one full year;**
- ~~(b)~~ **(c)** Has passed an examination approved by the board; and
- ~~(c)~~ **(d)** Has paid the certification fee.

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

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

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

## CHAPTER 326-N COMMUNITY HEALTH WORKERS

### 326-N:1 Definitions.

- I. “Applicant” means an individual applying to be certified or recertified as a community health worker.
- II. “Certificate” means the document issued by the office of professional licensure and certification to qualified applicants for certification as community health workers.
- III. “Certification” means the voluntary process by which the office of professional licensure and certification grants recognition and use of a credential to individuals who are eligible to practice as certified community health workers.
- IV. “Certified community health worker” means a community health worker to whom the office of professional licensure and certification has issued a certificate to practice as a certified community health worker.
- V. “Commissioner” means the commissioner of the department of health and human services.
- VI. “Community health worker” means a public health worker who applies an understanding of the experience, language, and culture of the populations that the individual serves and who provides direct services aimed at optimizing individual and family health outcomes, including:
  - (a) Informal and motivational counseling and education;
  - (b) Interventions to maximize social supports;
  - (c) Community health integration services;
  - (d) Facilitation of access to health care and social services;
  - (e) Health screenings; and
  - (f) Other services that the commissioner defines by rules adopted under RSA 541-A;
- VII. “Department” means the department of health and human services.
- VIII. “Executive director” means the executive director of the office of professional licensure and certification.
- IX. “Recertification” means a renewal of certification.
- X. “Telemedicine” means the use of audio, video, or other electronic media for the purpose of optimizing individual and family health outcomes.

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

- I. Accepting applications for certification under this chapter, and approving or denying such applications.
- II. Renewing certifications.
- III. Suspending or revoking certification of a certified community health worker upon the grounds listed in RSA 326-N:5, and conducting hearings regarding the denial, suspension, revocation and renewal of certificates as provided in RSA 326-N:8.
- IV. Accepting written complaints from the public against registrants and conducting necessary investigations upon such written complaints.
- V. Publicizing the complaint procedure.
- VI. Adopting such rules under RSA 541-A as are necessary to carry out the purposes of this chapter.
- VII. Reporting to the governor and commissioner annually on the activities conducted under this chapter.

### 326-N:3 Rulemaking.

- I. The executive director shall, in consultation with the New Hampshire area health education centers, adopt rules pursuant to RSA 541-A, relating to the following:
  - (a) Establishment and administration of a voluntary program for certification of community health workers, including criteria for:



(1) Minimum and continuing education;

(2) Training;

(3) Experience; and

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

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

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

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

(1) Disciplinary action;

(2) Reprimands;

(3) Probation;

(4) The denial, suspension, or revocation of certification or recertification; and

(5) Applicants' appeal rights;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Effective Date.

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

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

2024-1004s

AMENDED ANALYSIS

This bill:

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

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

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

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

Health and Human Services

March 6, 2024

2024-0999s

05/06

Amendment to SB 407-FN

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

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

415:6-q Reimbursement for Ambulance Service Providers.

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

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

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

415:18-v Reimbursement for Ambulance Service Providers.

***I.*** Each insurer that issues or renews any policy of group or blanket accident or health insurance that constitutes health coverage under RSA 420-G:2, IX, and that provides benefits for medically necessary ambulance services shall reimburse the ambulance service provider directly ~~for by a check payable to the insured and the ambulance service provider subject to the terms and conditions of the policy, plan, or contract~~. ***An insurer shall provide reimbursement for ambulance services at rates negotiated between the insurer and the provider of such services. In the absence of agreed upon rates, an insurer shall pay for such services at the rates set by the local government or contracted entity subject to a public***

***process prior to adoption or readoption. All current rates set by local government and the entities shall remain in place unless a change is proposed. This section shall apply to unscheduled emergency calls and emergency interfacility transfers. This section shall not apply to policies that do not include coverage for ambulance services.***

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

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

2024-0999s

#### AMENDED ANALYSIS

This bill regulates insurance reimbursement for ambulance services.

Senate Judiciary

March 13, 2024

2024-1111s

08/05

#### Amendment to SB 417-FN

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

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

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

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

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

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

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

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

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

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

**I.** Any child in a court-ordered placement pursuant to RSA 169-B, RSA 169-C or RSA 169-D shall be seen in-person on at least a monthly basis, by the case worker assigned to that child's case. In the event the assigned case worker is not available, another case worker or supervisor familiar with the child and/or case may perform the visit. The visit to the child shall include a private meeting with the child, in a safe place, as well as an in-person tour of the child's living quarters. The monthly contact shall also include contact with the child's placement provider, therapeutic providers, and educational providers, preferably in real-time, but

at least by written correspondence. For any child placed in a residential placement by the department, these visits shall include a tour of the facility where the child may have access to; check-in with appropriate leadership and therapeutic providers with knowledge of the child's case about program culture and therapeutic programming, and the child's individual progress, strengths and challenges in the program; a check-in with a member of program direct care staff, and a private interview with the child to inquire about care received.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Whether the protocol for the residential treatment program assessment was followed;



(b) Whether the school district is meeting the child's educational needs, based on their statutory requirements under RSA 169-B:22, RSA 169-D:18, and RSA 169-C:20;

(c) The strengths and specific treatment or service needs of the child and the family;

(d) The expected length of stay; and

(e) The placement preference of the child and the family.

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

(a) The department shall notify the court promptly of such placement.

(b) The court shall review the placement of that child within 60 days after placement, and every 60 days thereafter; or

(c) If the child or the child's representative does not support the residential treatment program level of care or the child, guardian ad litem, or any party objects to the placement, the court shall review the placement within 30 days, and every 30 days thereafter.

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

(a) Demonstrating that:

(1) Ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement with a parent, legal guardian, legal custodian, kin or fictive kin, caregiver, or in a foster family home;

(2) Any recommended psychological or clinical evaluations or assessments have been completed, and if not, the status of those evaluations or assessments;

(3) The department has worked with the school district to assure, consistent with the best interest of the child, the child's educational stability;

(4) That the placement in a residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment; and,

(5) That the placement is consistent with the short- and long-term goals for the child as specified in the permanency plan for the child, or as outlined in the family services plan.

(b) Documenting that:

(1) The specific treatment or service needs that will be met for the child in the placement;

(2) The length of time the child is expected to need treatment or services, and the treatment basis for the determination of that length of time; and

(3) The specific efforts made by the division to prepare the child and prospective placement for the child's return home or to be placed with a fit and willing kin or fictive kin caregiver, a legal guardian, legal custodian, or an adoptive parent, or in a foster family.

Senate Judiciary

March 13, 2024

2024-1119s

02/06

#### Amendment to SB 423

Amend RSA 402:85, I as inserted by section 1 of the bill by replacing it with the following:

I. Upon written request by a claimant or the claimant's attorney, an insurer doing business in this state shall provide the claimant or the claimant's attorney with the liability coverage limits of that insurer's insured. The insurer shall provide the liability coverage limits within 60 days of receipt of the written request. The claimant or claimant's attorney receiving the liability coverage limits shall utilize the liability coverage limits only in connection with the claim or lawsuit which pertains to the insured.

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

Amendment to SB 426-FN

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

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

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

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

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

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

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

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

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

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

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

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

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

VI. For the purposes of this section only:

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

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

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

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

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

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

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

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

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

2024-1137s

#### AMENDED ANALYSIS

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

Energy and Natural Resources

March 13, 2024

2024-1120s

12/06

#### Amendment to SB 449

Amend the bill by replacing section 1 with the following:

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

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

Senate Judiciary  
 March 13, 2024  
 2024-1112s  
 09/08

#### Amendment to SB 462

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

AN ACT relative to raising the cap on damages for wrongful death loss of consortium claims.

Amend the bill by replacing section 1 with the following:

1 Probate Courts and Decedents' Estates; Suits by and Against Administrators; Damages for Wrongful Death, Elements. Amend RSA 556:12 to read as follows:

556:12 Damages for Wrongful Death, Elements.

I. If the administrator of the deceased party is plaintiff, and the death of such party was caused by the injury complained of in the action, the mental and physical pain suffered by the deceased in consequence of the injury, the reasonable expenses occasioned to the estate by the injury, the probable duration of life but for the injury, and the capacity to earn money during the deceased party's probable working life, may be considered as elements of damage in connection with other elements allowed by law, in the same manner as if the deceased had survived.

II. In addition, the trier of fact may award damages to a surviving spouse of the decedent for the loss of the comfort, society, and companionship of the deceased; however, where fault on the part of the decedent or the surviving spouse is found to have caused, in whole or in part, the loss complained of, damages recoverable shall be subject to diminution to the extent and in the manner provided for in RSA 507:7-d. In no event shall damages awarded under this paragraph exceed [~~\$150,000~~] **\$500,000**.

III. In addition, where the decedent is a parent of a minor child or children, the trier of fact may award damages to such child or children for the loss of familial relationship, whether caused intentionally or by negligent interference; where the decedent is a minor child with a surviving parent or parents, the trier of fact may award damages to such parent or parents for the loss of familial relationship, whether caused intentionally or by negligent interference. However, where fault on the part of the decedent or the claimant is found to have caused, in whole or in part, the loss complained of, damages recoverable shall be subject to diminution to the extent and in the manner provided for in RSA 507:7-d. For purposes of this paragraph, loss of familial relationship shall include the loss of the comfort, society, affection, guidance, and companionship of the deceased. In no event shall damages awarded under this paragraph exceed [~~\$50,000~~] **\$300,000** per individual claimant.

2024-1112s

#### AMENDED ANALYSIS

This bill raises the cap on damages for wrongful death loss of consortium claims.

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

#### Amendment to SB 501

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

II. The director may require any of the following:

- (a) Certification from the foreign government regarding the person's driving record and licensing status.
- (b) Submission of social security number, or, if the person does not qualify for such a number, the submission of certification to that effect as is acceptable to the commissioner.
- (c) Written or other testing.
- (d) Proof of compliance with the conditions set forth in paragraph I *or I-a, as applicable*.

(e) Proof of identification as may be acceptable to the director.

~~[(f) Proof of previous vehicle operation in the foreign country or proof of completion of an approved driver education course acceptable to the director.]~~

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

#### Amendment to SB 503

Amend the bill by replacing section 2 with the following:

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

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

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

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

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

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

Commerce  
March 5, 2024  
2024-0965s  
12/06

#### Amendment to SB 517

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

#### Amendment to SB 522-FN-A

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

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

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

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

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

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

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

#### Early Childhood Education Account Program

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 194-F:14 Rulemaking.

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

(a) Develop a detailed, publicly available rubric for approving quality pre-kindergarten programs eligible for funding under this subdivision, in line with the Early Learning New Hampshire standards. The departments shall consult with a variety of stakeholders, including families, when developing the standards and benchmarks of a quality pre-kindergarten program.

(b) Develop a technical assistance and monitoring program of pre-kindergarten programs receiving funding under this subdivision. Monitoring and technical assistance shall focus on the standards and benchmarks of quality approved under this subdivision.

(c) Identify the variety of federal, state, and private funding streams to be used in the implementation of this subdivision and how these various funding streams will be combined to fund pre-kindergarten under this subdivision.

(d) Identify the stackable versus exclusionary grants per student available for ECEA eligible students.

(e) Collaborate to leverage all available funds at the child level to support pre-kindergarten.

(f) Develop outcome measures for pre-kindergarten programs receiving funding under this subdivision.

(g) Build off work done by New Hampshire's preschool development grant and Kindergarten Entry Assessment when designing, implementing, and monitoring the availability of pre-kindergarten in New Hampshire.

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

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

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

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

(a) Detail the grants provided under this subdivision, the localities and districts, the duration of the program, and a summary report of students and families served.

(b) Highlight high-performing programs, including those that have improved student and family outcomes.

(c) Provide descriptions and analysis of practices that contributed to the improvements described in paragraph II.

(d) Provide information on the development of the report, to include information solicited from pre-kindergarten programs, with descriptions and explanations of strategies, services, and programs that they have implemented, and evidence demonstrating their effectiveness.

(e) Include specific requests and outlines of legislative action needed, including budget requests.

(f) Summarize non-identifiable demographic and economic data on grant recipients.

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

2024-0966s

#### AMENDED ANALYSIS

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

Election Law and Municipal Affairs

March 5, 2024

2024-0974s

11/06

#### Amendment to SB 532-FN

Amend the bill by replacing section 1 with the following:

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

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

Energy and Natural Resources

March 12, 2024

2024-1101s

12/08

#### Amendment to SB 545-FN

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

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

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

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

2 Membership and Compensation.

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

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

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

appointed by the speaker of the house of representatives.

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

### 3 Duties.

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

(a) The current scope of practice for veterinary technicians

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

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

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

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

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

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

2024-1101s

## AMENDED ANALYSIS

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

Senate Judiciary

March 13, 2024

2024-1130s

12/06

## Amendment to SB 573-FN

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

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

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

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

### 2 Membership and Compensation.

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

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



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

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

3 Duties. The committee shall:

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

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

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

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

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

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

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

2024-1130s

#### AMENDED ANALYSIS

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

Senate Judiciary

March 6, 2024

2024-0984s

09/05

#### Amendment to SB 574

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

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

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

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

Senate Judiciary  
 March 13, 2024  
 2024-1114s  
 08/06

#### Amendment to SB 576

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

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

2024-1114s

#### AMENDED ANALYSIS

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

Senate Judiciary  
 March 6, 2024  
 2024-0983s  
 09/08

#### Amendment to SB 578-FN

Amend the bill by replacing section 1 with the following:

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

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

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

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

2024-0983s

## AMENDED ANALYSIS

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

Energy and Natural Resources

March 8, 2024

2024-1036s

08/02

## Amendment to SB 589-LOCAL

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

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

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

Senate Executive Departments and Administration

March 6, 2024

2024-1000s

09/05

## Amendment to SB 600

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

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

Amend the bill by replacing section 1 with the following:

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

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

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

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

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

2024-1000s

## AMENDED ANALYSIS

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

# 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.



## TUESDAY, MARCH 19, 2024

### **COMMERCE**, Room 100, SH

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

9:00 a.m. **SB 588-FN**, relative to employer notice of veterans' benefits and services.

9:15 a.m. **SB 516-FN**, relative to prohibiting collective bargaining agreements that require employees to join a labor union.

**EXECUTIVE SESSION MAY FOLLOW**

### **EDUCATION**, Room 101, LOB

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

9:00 a.m. **HB 1480**, relative to alternative dispute resolution within individualized education programs.

9:15 a.m. **HB 1160**, relative to school assessments of statewide academic areas.

9:30 a.m. **HB 1167**, relative to the math learning communities program.

9:45 a.m. **HB 1048**, relative to the commission on Holocaust and genocide education.

10:00 a.m. **HB 1066**, relative to the graduation requirement of filing a Free Application for Federal Student Aid (FAFSA).

**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

9:15 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

9:30 a.m. **HB 202**, relative to property tax abatements.

9:40 a.m. **HB 1055**, relative to the property tax exemption for charitable organizations.

9:50 a.m. **HB 1105-FN-L**, relative to application of a local tax cap.

10:00 a.m. **HB 1154**, relative to property tax exemptions for certain disabled veterans.

**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 546**, removing the requirement that an executory interest be conveyed to the state of New Hampshire in all easements acquired through the use of LCHIP program funds.

9:15 a.m. **SB 547**, relative to certain requirements relative to the LCHIP programs.

9:30 a.m. **HB 458**, reestablishing the commission to study the assessing of power generation.

9:45 a.m. **HB 609-FN**, relative to the site evaluation committee for energy facility siting.

**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  
1:30 p.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

**JUDICIARY**, Room 100, SH

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

1:00 p.m. **SB 593**, relative to possession of firearms in safe school zones.  
1:30 p.m. **HB 1186-FN**, relative to firearm purchaser's privacy.  
1:45 p.m. **HB 314-FN**, relative to the expectation of privacy in the collection and use of personal information.  
2:00 p.m. **HB 1260-FN**, relative to the criminal penalty for violations of privacy involving minors.  
2:15 p.m. **HB 470-FN**, relative to fentanyl test strips and other drug checking equipment.  
**EXECUTIVE SESSION MAY FOLLOW**

**TRANSPORTATION**, Room 101, LOB

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

1:00 p.m. **HB 1083**, relative to vehicles held in joint tenancy with rights of survivorship.  
1:10 p.m. **HB 1217**, relative to an exception to allow the state or a municipality to use video monitoring to identify the cause of damage to historic covered bridges.  
1:20 p.m. **HB 1249**, relative to the towing of inflatables by motorboats.  
1:30 p.m. **HB 1062**, relative to the use of special cover plates.  
**EXECUTIVE SESSION MAY FOLLOW**

***WEDNESDAY, MARCH 20, 2024*****EXECUTIVE DEPARTMENTS AND ADMINISTRATION**, Room 103, SH

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

9:00 a.m. **HB 1451-FN**, relative to mandatory overtime and the calculation of base rate of compensation.  
9:15 a.m. **HB 1292-FN**, relative to coverage of children under the state retiree insurance plan.  
9:30 a.m. **HB 1433-FN**, relative to the donation of archival records to the state and relative to classified positions in the secretary of state's office.  
9:45 a.m. **HB 1274-FN**, relative to judicial administration.  
10:00 a.m. **HB 1140**, relative to requirements for homeowner installations of septic systems.  
**EXECUTIVE SESSION MAY FOLLOW**

**HEALTH AND HUMAN SERVICES**, Room 101, LOB

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

10:00 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

## **MEETINGS**

### ***FRIDAY, MARCH 15, 2024***

**ADMINISTRATIVE RULES (RSA 541-A:2)**

9:00 a.m. Rooms 306-308, LOB Regular Meeting  
Live Stream Link: <https://youtube.com/live/3Iw7aEgotS4?feature=share>

**OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 21-V:10)**

9:00 a.m. Room 100, SH Regular Meeting



**PUBLIC HIGHER EDUCATION TASK FORCE TO STUDY THE STRATEGIC ALIGNMENT OF PUBLIC HIGHER EDUCATION IN NEW HAMPSHIRE (EXECUTIVE ORDER 2023-06)**

9:00 a.m. 25 Hall Street Regular Meeting  
Concord, NH 03301

**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/VyEsob9TTo8?feature=share>

**COMMISSION TO STUDY ENVIRONMENTALLY-TRIGGERED CHRONIC ILLNESS (RSA 126-A:73-a)**

3:00 p.m. Merrimack Town Hall Public Hearing Meeting  
6 Baboosic Lake Road  
Merrimack, NH  
Join Zoom Meeting  
<https://us06web.zoom.us/j/86117818803?pwd=cWRXdIgwQnQvc2ZRbkNOBhGhGc3M0dz09>  
Meeting ID: 861 1781 8803  
Passcode: 669915

***MONDAY, MARCH 18, 2024***

**NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a)**

9:00 a.m. NH Veterans Home Regular Meeting  
Town Hall  
139 Winter Street  
Tilton, NH

**JOINT LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1)**

10:00 a.m. Room 212, LOB Regular Meeting  
The You Tube link to view the meeting livestream is;  
[https://youtube.com/live/hfCU5ybP\\_fE?feature=share](https://youtube.com/live/hfCU5ybP_fE?feature=share)

**STATE COMMISSION ON AGING (RSA 19-P:1)**

10:00 a.m. NH Hospital Association Regular Meeting  
125 Airport Road  
Concord, NH  
Zoom:  
<https://us02web.zoom.us/j/87430173115?pwd=bUFR3I5emt3NGVudDBYYW9SZThLUT09>

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

2:00 p.m. Room 103, SH Regular Meeting

**THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a)**

2:00 p.m. Thayer Building Regular Meeting  
1st Floor DCYF Director Office  
97 Pleasant Street  
Concord, NH

***FRIDAY, MARCH 22, 2024***

**PUBLIC HIGHER EDUCATION TASK FORCE TO STUDY THE STRATEGIC ALIGNMENT OF PUBLIC HIGHER EDUCATION IN NEW HAMPSHIRE (EXECUTIVE ORDER 2023-06)**

9:00 a.m. 25 Hall Street Regular Meeting  
Concord, NH 03301

**SOLID WASTE WORKING GROUP (RSA 149-M:61)**

9:30 a.m.                      NRRA Offices                      Regular Meeting  
                                      2101 Dover Road  
                                      Epsom, NH

**JOINT COMMITTEE ON EMPLOYEE CLASSIFICATION (RSA 14:14-C)**

1:00 p.m.                      Room 104, LOB                      Regular Meeting

***MONDAY, MARCH 25, 2024*****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.                      Room 100, SH                      Regular Meeting

**COMMISSION ON BEHAVIORAL HEALTH CRISIS SERVICES (RSA 135-C:68)**

1:00 p.m.                      Room 103, SH                      Organizational Meeting

**AMERICAN REVOLUTION SESTERCENTENNIAL COMMISSION (RSA 17-S:1)**

1:30 p.m.                      New Hampshire Historical Society                      Regular Meeting  
                                      30 State Street  
                                      Concord, NH 03301

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

2:00 p.m.                      Dept. of Natural and Cultural Resources                      Regular Meeting  
                                      172 Pembroke Road  
                                      Concord, NH 03301

***FRIDAY, MARCH 29, 2024*****NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)**

10:00 a.m.                      NH DES Room 208C                      Subcommittee Work Session  
                                      29 Hazen Drive                      Meeting - Finance  
                                      Concord, NH

***TUESDAY, APRIL 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, APRIL 5, 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/FI00XtOvotw?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/-mRpei3S3no?feature=share>

***MONDAY, APRIL 8, 2024*****NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4)**

10:00 a.m.                      NH Fish and Game                      Regular Meeting  
                                      11 Hazen Drive  
                                      Concord, NH

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

1:00 p.m.

NH Dept of Justice  
1 Granite Pl South  
Concord, NH

Regular Meeting

Join Zoom Meeting

<https://nh-dhhs.zoom.us/j/7629646757?pwd=dUJnaTVCOEk1bnZMTepDZEkrOGk4QT09&omn=83760052265>

Meeting ID: 762 964 6757

Passcode: 782701

One tap mobile

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+13092053325,,7629646757#,,,782701# US

Dial by your location

- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 9128 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US

Find your local number: <https://nh-dhhs.zoom.us/j/7629646757?pwd=dUJnaTVCOEk1bnZMTepDZEkrOGk4QT09&omn=83760052265>***FRIDAY, APRIL 12, 2024*****COMMISSION TO STUDY THE DELIVERY OF PUBLIC HEALTH SERVICES THROUGH REGIONAL PUBLIC HEALTH NETWORKS (RSA 127:12)**

1:00 p.m.

98 Smokey Bear Boulevard  
Concord, NH

Regular Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/82731252212?pwd=Q3pvYncvcW55Zkg0ZVVNQW5USGlsZz09>

Meeting ID: 827 3125 2212

Passcode: 392939

***MONDAY, APRIL 15, 2024*****STATE COMMISSION ON AGING (RSA 19-P:1)**

10:00 a.m.

NH Hospital Association  
125 Airport Road  
Concord, NH

Regular Meeting

Zoom:

<https://us02web.zoom.us/j/87430173115?pwd=bUFR3I5emt3NGVucDBYYW9SZThLUt09>

## ***MONDAY, APRIL 22, 2024***

### **NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R:2)**

10:00 a.m.	National Guard Edward Cross Training Center 722 Riverwood Drive Pembroke, NH	Regular Meeting
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## ***TUESDAY, MAY 7, 2024***

### **NEW HAMPSHIRE DRUG OVERDOSE FATALITY REVIEW COMMISSION (RSA 126-DD:1)**

3:00 p.m.	Executive Council Chamber Room 207, SH 107 North Main Street Concord, NH	Regular Meeting
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### **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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## ***FRIDAY, MAY 10, 2024***

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

9:00 a.m.	Marine Patrol Bureau 31 Dock Road Gilford, NH	Regular Meeting
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### **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 Join Zoom Meeting <a href="https://us02web.zoom.us/j/82731252212?pwd=Q3pvYncvcW55Zkg0ZVVNQW5USGlsZz09">https://us02web.zoom.us/j/82731252212?pwd=Q3pvYncvcW55Zkg0ZVVNQW5USGlsZz09</a> Meeting ID: 827 3125 2212 Passcode: 392939	Regular Meeting
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## ***MONDAY, MAY 13, 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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## ***MONDAY, MAY 20, 2024***

### **STATE COMMISSION ON AGING (RSA 19-P:1)**

10:00 a.m.	NH Hospital Association 125 Airport Road Concord, NH Zoom: <a href="https://us02web.zoom.us/j/87430173115?pwd=bUFR3I5emt3NGVueDBYYW9SZThLUt09">https://us02web.zoom.us/j/87430173115?pwd=bUFR3I5emt3NGVueDBYYW9SZThLUt09</a>	Regular Meeting
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## ***TUESDAY, JUNE 4, 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, JUNE 14, 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

## ***MONDAY, JUNE 17, 2024***

### **STATE COMMISSION ON AGING (RSA 19-P:1)**

10:00 a.m.                      NH Hospital Association                      Regular Meeting  
    25 Airport Road  
    Concord, NH  
    Zoom:  
    <https://us02web.zoom.us/j/87430173115?pwd=bUFR3I5emt3NGVudDBYYW9SZThLUT09>

## ***MONDAY, JUNE 24, 2024***

### **NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R:2)**

10:00 a.m.                      National Guard Edward Cross                      Regular Meeting  
    Training Center  
    722 Riverwood Drive  
    Pembroke, NH

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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, 176, 177, 178, 180, 191, 210, 218, 229, 235, 239, 248, 249, 252, 255, 259, 263, 267, 303, 304, 306, 307, 308, 309, 311, 314, 315, 317, 319, 320, 326, 329, 330, 335, 337, 342, 345, 347, 350, 351, 355, 361, 363, 364, 368, 369, 377, 383, 384, 387, 388, 393, 396, 397, 399, 401, 403, 404, 405, 406, 409, 410, 412, 413, 417, 419, 427, 436, 438, 439, 442, 443, 445, 453, 454, 455, 456, 457, 459, 460, 463, 465, 466, 467, 470, 472, 473, 478, 480, 484, 485, 486, 487, 489, 490, 492, 493, 495, 497, 498, 499, 500, 506, 507, 511, 514, 518, 520, 521, 522, 523, 525, 534, 536, 540, 545, 549, 550, 553, 554, 555, 556, 558, 559, 561, 562, 563, 567, 569, 575, 578, 579, 580, 583, 584, 588, 590, 591, 592, 595, 596, 601, 603

**HOUSE BILLS:** 68, 82, 107, 135, 182, 185, 229, 243, 250, 257, 307, 314, 354, 379, 397, 400, 436, 450, 463, 468, 470, 476, 535, 558, 572, 596, 602, 618, 622, 637, 644, 645, 653, 1003, 1006, 1104, 1105, 1220, 1260, 1263, 1412, 1433, 1620, 1687, 1696, 1697

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**ENROLLED BILL AMENDMENTS ARE AVAILABLE IN THE SENATE CLERK'S OFFICE FOR 2024 BILLS:**

**SENATE BILLS: 255**

**HOUSE BILLS: 68, 154, 397**

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## **SENATE BILLS AMENDED BY THE HOUSE**

**SENATE BILLS: 84, 112, 236, 249, 266**

## **HOUSE BILLS AMENDED BY THE SENATE**

**HOUSE BILLS: 135, 261, 596**

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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 2024-1**

#### **Response to a Request for an Advisory Opinion from Representative Judy Aron (January 29, 2024)**

Representative Judy Aron has submitted a request for an Advisory Opinion about whether, consistent with applicable statutes and the Ethics Guidelines, it would be "reasonable" for her, as chair of the House Committee on Environment and Agriculture, to ask her committee members if they were solicited by or accepted campaign donations from the Humane Society Legislative Fund (HSLF) and, if so, suggest that they should recuse themselves from voting on bills that are supported by the Humane Society.

#### **Background**

In completing its consideration of Representative Aron's request, the Committee reviewed the facts set forth in the written request. In addition, at the Committee's invitation, Representative Aron appeared before the Committee and provided direct testimony.

In her email, dated January 11, 2024, Representative Aron stated that in late November 2023, she received a \$500 donation in the form of a check from the Humane Society Legislative Fund. According to her email submission, the check was included with a letter from Kurt Ehrenberg, the NH State Director of HSLF. The letter stated:

"Dear Candidate, Please find the enclosed contribution from the Humane Society Legislative Fund of New Hampshire PAC. HSLF works to pass animal protection laws at the state and federal levels, to educate the public about animal protection issues, and to support humane candidates for office. Thank you for all you do to protect animals in your community."

Representative Aron expressed concern that accepting a donation from HSLF and voting in favor of legislation promoted by HSLF could appear as a "quid pro quo situation" and said she "would not want any of my committee members to be accused of quid pro quo actions or to seem that such a contribution 'bought their vote.'" She asked, "Since quid pro quo is outlined as a prohibited activity in item number 3 of the ethics guidelines should my committee members be alerted to the possibility of an ethics violation and therefore protect themselves by recusal when exec'ing these bills? With regard to the possibility of ethics violations, what is your recommendation here?"

### **Relevant Statutory Provisions**

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:

(a) Knowing or believing the other's purpose to be the influencing of an action, decision, opinion, recommendation, or other official activity.

(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.

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(d) In return for introducing legislation, testifying before any legislative committee or state agency, voting in committee or in House or Senate session, or otherwise participating in, influencing, or attempting to influence any decision of the legislature, county delegation, or any state agency.

Ethics Guidelines Section 4 -- Permitted Activities; Permitted Gifts.

I. Nothing in section 3, Prohibited Activities, shall be construed to prohibit the following:

(a) Giving or receiving campaign contributions made for the purpose of defraying the costs of a political campaign in compliance with RSA 664 or the Federal Election Campaign Act of 1971, as amended.

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II. The following shall not be considered gifts for the purposes of these Guidelines:

(a) A political contribution as defined in RSA 664.

RSA14-C:2 Definitions.

IV.(b) Notwithstanding subparagraph (a), "gift" shall not include:

(1) A political contribution as defined in RSA 664.

### **Committee Analysis**

The Committee acknowledges that campaign contributions are sometimes made by individuals or organizations with the hope that the legislator receiving the contribution will look favorably upon legislation the donor supports or opposes. The Committee is sympathetic with Representative Aron's concern that such situations can create at least the appearance of impropriety. However, the Legislature, in adopting the Ethics Guidelines and RSA 14-C, specifically exempted political contributions from the definition of a gift and permitted the giving or receiving of such contributions. There is an expectation that legislators will carry out their responsibilities as legislators regardless of who has provided political support. Individual legislators may decide not to accept political donations if they disagree with the donor's positions or are concerned about the donor's intent.

### **Conclusion**

As the Ethics Guidelines are currently established, it is not an ethical violation to accept a campaign contribution. We advise Representative Aron that it is the responsibility of her committee members to decide for themselves whether they should accept legal campaign contributions from individuals or organizations who may support or oppose legislation that could come before them. The members of her committee would not be required to recuse from voting or otherwise participating in official activities relating to legislation HSLF has supported or opposed solely on the basis of having received a campaign contribution from HSLF.

We appreciate the opportunity to be of assistance.

Honorable Edward M. Gordon, Chairman  
 Honorable Donna Sytek, Vice Chairman  
 Senator Cindy Rosenwald  
 Senator Ruth Ward  
 Representative Janet G. Wall  
 Representative Bob Lynn  
 Honorable David W. Hess

For the Committee,  
 Edward M. Gordon  
 Chairman

[Vote: 7-0]

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**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 2024-2**

**Response to a Request for an Advisory Opinion  
from Senate Legal Counsel Richard J. Lehmann  
on Behalf of Senator Sharon M. Carson and Senator Daniel Innis  
(January 29, 2024)**

Senate Legal Counsel Richard J. Lehmann has submitted a request for an Advisory Opinion on behalf of Senator Sharon M. Carson and Senator Daniel Innis about whether, consistent with applicable statutes and the Ethics Guidelines, the Senators are required to recuse themselves from participating on certain bills that are of interest to their employers. In completing its consideration, the Committee reviewed the facts set forth in the written request and received testimony from Attorney Lehmann.

**Background**

According to the information submitted by Attorney Lehmann in his letter to the Committee dated January 17, 2024, Senator Carson is an adjunct professor who teaches at the Nashua Community College and Senator Innis is a tenured professor at the University of New Hampshire. The Senators receive their wages from the Community College System of New Hampshire and the University System of New Hampshire, respectively, both of which are public entities.

Attorney Lehmann referenced several decisions and advisory opinions issued by the Committee over the past decade and stated that “a rule has emerged that Section 3, II(b) of the Ethics Guidelines requires legislators to recuse themselves from matters on which their employers lobby, testify, or otherwise attempt to influence the outcome (of) legislation.” He asserted that the Ethics Guidelines and relevant statutes treat employment by state entities differently than employment by private entities, citing Section 4, I(h) of the Ethics Guidelines as providing a “safe-harbor that removes any transactions that are permitted under RSA 14-C from the prohibitions contained in Section 3” of the Ethics Guidelines. He cited RSA 14-C:2, IV(b)(8) as expressly excluding from the gift prohibition, “[w]ages...paid to the person by the state, a county, or the United States of America related to performance of official duties.” He argues that “[m]oney received by Sen. Carson and Sen. Innis is paid to them by the state and is related to the performance of their official duties for their employers. Accordingly, because Sen. Carson and Sen. Innis are not prohibited from accepting their salaries under RSA 14-C, their participation in matters in which their employers lobby, testify, or seek to influence the outcome is not prohibited by Section 3 of the Guidelines.”

**Committee Analysis**

The Committee engaged in a long discussion of the facts and circumstances presented and the applicable statutory guidelines and standards set by prior precedent. While Senators Carson and Innis are employed by the University System and the Community College System, in their positions as instructors, they clearly are unable to exercise substantial influence over the affairs of those organizations. While that language is not spelled out in statute, the Committee viewed RSA 14-C:2, IV(b)(8), as argued by Attorney Lehmann, and RSA 14-C:2, IV(b)(7) as provisions directed at exempting certain employees from the financial limitations which may otherwise require recusal. The Committee spent a considerable amount of time attempting to understand the intent behind the two provisions and to eliminate the ambiguity in their terms. While the Committee members may have differences over which of the two provisions may apply, all members were in agreement that, by virtue of their employment, one of the provisions exempted Senators Carson and Innis from recusal from matters on which their employer takes legislative positions.

**Conclusion**

Given the nature of their employment, the Committee found that Senator Carson and Senator Innis may participate in matters in which their employers, the Community College System of NH or the University System of NH, lobby, testify, or seek to influence the outcome of the matter under consideration.

We appreciate the opportunity to be of assistance.

Honorable Edward M. Gordon, Chairman  
 Honorable Donna Sytek, Vice Chairman  
 Senator Cindy Rosenwald  
 Senator Ruth Ward  
 Representative Janet G. Wall  
 Representative Bob Lynn  
 Honorable David H. Hess

For the Committee,  
 Edward M. Gordon  
 Chairman

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### **FRIDAY, MARCH 15, 2024**

The Department of Natural and Cultural Resources (DNCR) and the NH State Council on the Arts (NHSCA) invite all legislators to join them at Representatives Hall on Friday, March 15th at 5:00 p.m. to watch our High School finalists vie for the opportunity to attend the National finals in DC this May. A national recitation program for high school-aged students, Poetry Out Loud has participants select, memorize and recite classic and contemporary poems, helping them to master public speaking skills, build self-confidence and learn about literary history and contemporary life.

Senator Rebecca Whitley

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### **WEDNESDAY, MARCH 20, 2024**

All members and staff are welcome to Acupuncture Day, Wednesday March 20, 2024 in room 104 LOB. Learn what acupuncture can do for you. Ease tension and stress with treatments from NH Licensed Acupuncturist and Certified Detoxification Specialist with The People's Organization of Community Acupuncture.

Senator Jeb Bradley, Senate President  
 Senator Donna M. Soucy, Senate Democratic Leader

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### **THURSDAY, MARCH 21, 2024**

All legislators are invited to join NH's disability organizations on Thursday, March 21, 2024, from 12:00 p.m. until 1:30 p.m. at the State House Cafeteria to learn about and discuss how policy can impact the lives of people with disabilities. Hear how these organizations can be a resource for our decision makers. This event is co-sponsored by the NH Bipartisan Disability Caucus and is in memory of champion advocate, Jeff Dickinson. Refreshments will be served.

For any questions contact: [Vanessa.A.Blais@ddc.nh.gov](mailto:Vanessa.A.Blais@ddc.nh.gov) or call 603-271-7040.

Senator Rebecca Perkins Kwoka

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### **THURSDAY, MARCH 28, 2024**

Please join the NH Oral Health Coalition in celebrating the 1-year birthday anniversary of the successful roll-out of NH's Medicaid Adult Dental Benefit, NH Smiles. This open-house style program highlights the bipartisan collaboration that helped to make NH one of the nation's healthiest states. Get an update on the benefit, the rollout, and the impact on the people of NH, your constituents. Talk to the team that led the

rollout, Mr. Tom Raffio, Dr. Jay Maillet, Dr. Sarah Finne, and Mr. Ed Lorch. Hear from the Institute on Disabilities Oral Health Consumer Task Force that created a beneficiary-facing brochure. Find out about the “Sealing Smiles Across NH” school-based pilot. March 28 1:30 p.m. to 3:00 p.m. in the State House Cafeteria. Take a Break and Eat Cake! RSVP to Gail Brown at [gbrown@nhoralhealth.org](mailto:gbrown@nhoralhealth.org) or 603-415-5550.

Senator Jeb Bradley, Senate President  
Senator Cindy Rosenwald, Deputy Minority Leader

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**WEDNESDAY, APRIL 3, 2024**

AARP New Hampshire has scheduled a legislative lunch for Wednesday, April 3rd from 11:30 a.m. – 1:30 p.m. at the State House Cafeteria and would love to extend an invitation for you to join us. You will have an opportunity to meet our volunteers from across the state who are dedicated to advocating on behalf of supporting family caregivers, protecting consumers against fraud, battling rising prescription drug costs, and more.

Senator Jeb Bradley, Senate President  
Senator Donna M. Soucy, Senate Democratic Leader

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**THURSDAY, APRIL 11, 2024**

All legislators and staff are cordially invited to join the New Hampshire Automobile Dealers Association (NHADA) for our annual Legislative Crossover Reception on Thursday, April 11, 2024 at 3:30 p.m. (or following the end of the session day) at the Holiday Inn, 172 North Main Street, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Senator Jeb Bradley, Senate President

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**SENATE SCHEDULE**

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)