

March 28, 2024  
No. 13A

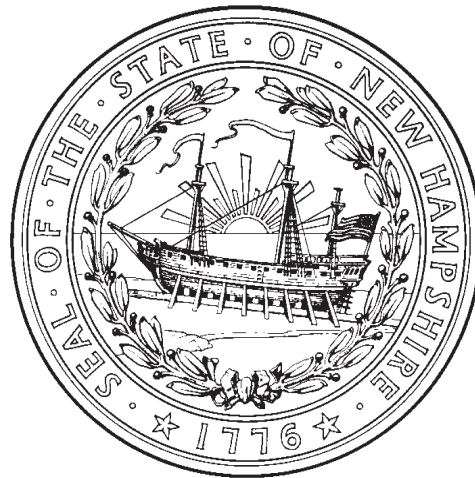
# STATE OF NEW HAMPSHIRE

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 ADDENDUM

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**THE SENATE SESSION ON THURSDAY, APRIL 4, 2024  
AT 10:00 A.M. WILL BE CANCELLED AND IS RESCHEDULED  
TO FRIDAY, APRIL 5, 2024 AT 10:00 A.M.**

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**The Senate Session on Friday, April 5, 2024, in the Senate Chamber  
will be live streamed at the following link:**

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

**Please note, this link will not be live until the Senate Session on  
Friday, April 5, 2024 at 10:00 A.M.**

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## REGULAR CALENDAR REPORTS

**FINANCE**

**SB 442-FN**, relative to student eligibility for education freedom accounts.  
Ought to Pass with Amendment, Vote 5-2.  
Senator Innis for the committee.

**JUDICIARY**

**SB 461**, relative to repealing a construction provision of the fetal life protection act.  
Ought to Pass with Amendment, Vote 3-2.  
Senator Carson for the committee.

**TRANSPORTATION**

**SB 431**, relative to wake surfing.  
Ought to Pass with Amendment, Vote 4-1.  
Senator Ricciardi for the committee.

## AMENDMENTS

Senate Transportation  
April 2, 2024  
2024-1413s  
08/02

Amendment to SB 431

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

1 Motorboats Towing Water Skiers and Aquaplanes. Amend RSA 270-D:3, VII to read as follows:

**VII. No person shall engage in wake surfing on a body of water that is less than 50 acres in size.**

**VIII. No person shall engage in wake surfing within 200 feet of a shoreline, dock, pier, boat-house, or other boats or on a portion of a body of water with a width, measured from the nearest shoreline to the second nearest shoreline, of less than 400 feet.**

**IX.** No person shall operate a motorboat propelled by an outboard motor, inboard/outboard motor, or water jet while a person is wake surfing in or on the wake of such motorboat, unless the propulsion system is designed by the manufacturer for that activity.

**X. The department of safety shall promote best practices in wake surfing through boater safety education, including educating the operator of the motorboat to direct surf waves away from shorelines as is appropriate for the safety of the surfer and the operating conditions.**

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

Senate Finance  
 April 2, 2024  
 2024-1414s  
 02/05

Amendment to SB 442-FN

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

AN ACT relative to student eligibility for education freedom accounts and the scholarship organization's costs of administering the program, extending phase-out grants for education freedom accounts, and revising the definitions of average daily membership in attendance and average daily membership in residence.

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

1 Education Freedom Accounts; Definitions. Amend RSA 194-F:1, VI to read as follows:

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public elementary or secondary school and whose annual household income at the time the student applies for the program is less than or equal to ~~[350]~~ **400** 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 student otherwise qualifies. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

2 Education Freedom Accounts; Authority and Responsibilities of the Scholarship Organization. Amend RSA 194-F:4, V to read as follows:

V. The scholarship organization may withhold from deposits or deduct from EFAs an amount to cover the costs of administering the EFA program, up to a maximum of ~~[10]~~ **8** percent annually.

3 Extension of Phase-Out of Grants to 2029. Amend RSA 194-F:10, II to read as follows:

II. The phase-out grants will terminate for new EFA students receiving an EFA effective July 1, ~~[2026]~~ **2029**.

4 New Section; Education Freedom Accounts; Reporting Requirement. Amend RSA 194-F by inserting after section 12 the following new section:

194-F:12-a Department Reporting Requirement. On or before November 1, 2024, and each November 1 thereafter, the department shall submit a report to the governor and council and the legislative oversight commission established in RSA 194-F:12 regarding:

I. The amount of education adequacy aid provided to each school district attributed to students in the first year of the education freedom account program; and

II. Phase-out grants provided to each school district attributed to students in the second and third year of the education freedom account program.

5 School Funding; ADMA and ADMR; Home Educated Pupils and Pupils Participating in the EFA program. Amend RSA 198:38, I and I-a to read as follows:

I.(a) "Average daily membership in attendance" or "ADMA" means the average daily membership in attendance, as defined in RSA 189:1-d, III, of pupils in kindergarten through grade 12, in the determination year. ADMA shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMA shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

(b) For the purpose of calculating ADMA, each pupil who is home educated in compliance with RSA 193-A, **or who is participating in an education freedom account in compliance with RSA 194-F**, and who is enrolled in a school board approved public ~~[high]~~ school academic course **in grades 7 through 12** shall count as an additional 0.15 pupil for each such academic course taken in a public ~~[high]~~ school. ~~[The department of education shall only make grant payments for such pupils to the extent of available appropriations.]~~ In this subparagraph, "public ~~[high]~~ school" shall have the same meaning as "~~[high]~~ **standard** school" as defined in RSA ~~[194:23]~~ **189:24**.

I-a.(a) “Average daily membership in residence” or “ADMR” means the average daily membership in residence, as defined in RSA 189:1-d, IV, of pupils in kindergarten through grade 12, in the determination year. ADMR shall only include pupils who are legal residents of New Hampshire pursuant to RSA 193:12 and educated at school district expense which may include public academies or out-of-district placements. For the purpose of calculating funding for municipalities, the ADMR shall not include pupils attending chartered public schools, but shall include pupils attending a charter conversion school approved by the school district in which the pupil resides.

(b) For the purpose of calculating ADMR, each pupil who is home educated in compliance with RSA 193-A, *or who is participating in an education freedom account in compliance with RSA 194-F*, and who is enrolled in a school board approved public [high] school academic course *in grades 7 through 12* shall count as an additional 0.15 pupil for each such academic course taken in a public [high] school. ~~[The department of education shall only make grant payments for such pupils to the extent of available appropriations.]~~ In this subparagraph, “public [high] school” shall have the same meaning as “[high] *standard* school” as defined in RSA ~~[194:23]~~ **189:24**.

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

2024-1414s

#### AMENDED ANALYSIS

This bill:

I. Raises the annual household income threshold for eligible students and reduces the amount that the scholarship organization may retain to cover administrative costs.

II. Extends the phase-out grants provided under the education freedom account (EFA) program and directs the department of education to submit an annual report regarding EFA funding and costs.

III. Revises the definitions of average daily membership in attendance (ADMA) and average daily membership in residence (ADMR) for school funding from the education trust fund for the purpose of home educated pupils and pupils participating in the EFA program.

Senate Judiciary  
April 2, 2024  
2024-1419s  
05/11

#### Amendment to SB 461

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

AN ACT requiring health care providers to report certain information about abortions performed to their medical facility, and requiring those medical facilities to report the information to the department of health and human services.

Amend the bill by replacing section 1 with the following:

1 Health Care Provider Reporting of Abortion Performed. RSA 329:49 is repealed and reenacted to read as follows:

329:49 Reporting.

I. Nothing in paragraph II of this section shall be construed as requiring the communication or disclosure of personally identifiable health care information to the department.

II. Any health care provider who performs an abortion as defined in RSA 329:43, I, shall report the following information in writing to the medical facility in which the abortion is performed:

- (a) Date and place of the abortion performed;
- (b) Age of the pregnant patient;
- (c) State of residence of pregnant patient;
- (d) Method used to perform the abortion;
- (e) Gestational age when the abortion was performed; and
- (f) Any prescriptions written for the purpose of inducing abortion.

III. The medical facility shall report the information disclosed pursuant to paragraph II at least annually, or as required by the commissioner, to the department of health and human services. The commissioner shall prepare from these data such statistical tables with respect to maternal health, abortion procedures, and gestational age, as the commissioner deems useful and shall make an annual report thereof to the general court.

2024-1419s

#### AMENDED ANALYSIS

This bill requires health care providers to report certain information about abortions performed to their medical facility, and requiring those medical facilities to report the information to the department of health and human services for statistical purposes.

## HEARINGS

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### WEDNESDAY, APRIL 3, 2024

**HEALTH AND HUMAN SERVICES**, Room 100, SH

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

9:00 a.m. Hearing on proposed non-germane Amendment #2024-1371s, relative to establishing a committee to study the New Hampshire board of medicine and making an appropriation to the department of health and human services, to HB 322, relative to establishing a committee to study the New Hampshire board of medicine.

9:10 a.m. **EXECUTIVE SESSION ON PENDING LEGISLATION**

9:15 a.m. **HB 1028**, relative to the definition of mental illness for purposes of the New Hampshire mental health services system.

9:30 a.m. **HB 1609-FN**, relative to the commission on the primary care workforce and the state office of rural health.

9:45 a.m. **HB 1615-FN**, relative to the autism registry.

10:00 a.m. **HB 1056**, relative to child day care licensing.

10:15 a.m. **HB 1407**, relative to child care staffing ratios.

**EXECUTIVE SESSION MAY FOLLOW**

## NOTICES

WEDNESDAY, APRIL 3, 2024

Due to expected inclement weather, AARP New Hampshire will be rescheduling their April 3rd Legislative Lunch at the State House Cafeteria for a later date.

If you have any questions, please contact Mike Padmore at [mpadmore@aarp.org](mailto:mpadmore@aarp.org).

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