



State of
New Hampshire

HOUSE RECORD

First Year of the 167th General Court

Calendar and Journal of the 2021 Session

Web Site Address: www.gencourt.state.nh.us

Vol. 43

Concord, N.H.

Friday, April 2, 2021

No. 18

Contains: House Deadlines; House Bills Amended by Senate; Committee Reports;
Meetings and Notices; Revised Fiscal Notes

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet in session on Wednesday, April 7th at 9:00 a.m., Thursday, April 8th, at 9:00 a.m., and Friday, April 9th at 9:00 a.m. in the NH Sportsplex facility at 68 Technology Dr. in Bedford, NH.

Session day logistics, including arrival times, parking, entry, materials and lunch distribution will be similar to the previous event, and where necessary, updates and modifications have been made. Those details appear in the back of this House Calendar. House members can expect an email with any further details early next week.

I have discussed with the Democratic and Republican Leaders our need to work together to manage our time wisely during the House session days. While there may be disagreement on many issues, we all agree that we can complete our business in a timely manner if we work together with mutual respect and understanding.

The House Finance committee will offer a budget briefing for House members on Monday April 5th at 1:00 p.m. via Zoom webinar. As in prior budget years, members of the public may watch a livestream via YouTube. A link to the YouTube stream is published in a notice in this House Calendar. House members will receive a link to the webinar by email so they may raise their hand and ask questions of the Finance Committee and Legislative Budget Assistant, if desired.

The amendment to House Bill 1 adopted by the majority of the House Finance Committee is one that replaces the entire bill and is over 700 pages long. Rather than print 400 copies of that amendment for next week, the Legislative Budget Assistant's Office has posted a link to that amendment here: [http://www.gencourt.state.nh.us/LBA/Budget/Capital Budget House/Week%20of%203-29/HB 1 H Finance COMBINED 33021.pdf](http://www.gencourt.state.nh.us/LBA/Budget/Capital_Budget_House/Week%20of%203-29/HB_1_H_Finance_COMBINED_33021.pdf) All other amendments to bills will be printed in two addendum calendars.

Additionally, if you are interested in the other documents used throughout the entire House budget process, the LBA has a webpage with those available to you found here: http://www.gencourt.state.nh.us/LBA/Budget/fy2022_2023_budget.aspx

The New Hampshire Automobile Dealers Association will be sponsoring one of our session day's lunches next week at session. Typically the NHADA hosts an annual Crossover reception for all legislators and staff, however in this unusual time, we have not been able to attend the usual social events that may exist for legislators. These receptions go a long way in terms of allowing members across the whole chamber to socialize and get to know their colleagues, and I know I speak for myself when I say this has been missed. We are thankful to the NHADA for sponsoring this lunch.

I am happy to announce that captioning for House sessions is now available. The link to access captions is a separate link from the session streaming link and will be available on the General Court website before the start of each session.

Sherman A. Packard, Speaker of the House

NOTICE

The **Finance** Committee will hold **budget briefings** on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2022 and June 30, 2023, and **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures on April 5th at 1:00 pm. House members will receive secure Zoom links. Members of the public may attend using the following link: <https://www.youtube.com/watch?v=MvMW6Lf-ltw>.

Rep. Kenneth Weyler, Chairman
Finance Committee

NOTICE

At this time, ***staff will see members by appointment only***. Please email or call, do not go to the State House complex. For your reference, the following is a directory of phone numbers by department.

Speaker's Office:271-3661	Clerk's Office:.....271-2548
Committee Services:271-3600	Sergeant-at-Arms:.....271-3315
Majority Office:271-3665	Democratic Office:.....271-2136
Security:271-3321	

NOTICE

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

CLOSES AT 3:00 p.m. ON:

Wednesday, April 07, 2021
 Wednesday, April 14, 2021
 Wednesday, April 21, 2021

AVAILABLE ON:

Friday, April 09, 2021
 Friday, April 16, 2021
 Friday, April 23, 2021

Paul C. Smith, Clerk of the House

2021 HOUSE DEADLINES

April 9, 2021
 May 6, 2021
 May 13, 2021
 May 27, 2021

 June 3, 2021
 June 10, 2021
 June 17, 2021
 June 24, 2021

CROSSOVER – Last Day to Act on House Bills
 Last Day to report Senate Bills going to a second committee
 Last day to act on Senate Bills going to a second committee
 Last day to report all remaining Senate Bills
 Last day to report list of retained Senate Bills
 Last day to act on all Senate Bills
 Last day to form Committees of Conference
 Last day to sign Committee of Conference reports (4 pm)
 Last day to act on Committee of Conference reports

2021 HOUSE BILLS AMENDED BY THE SENATE

HB 311, establishing a committee to study rail trail best management practices (SJ 03/25/2021)

HB 423, establishing a commission to study the implementation of enhanced automation of traffic lights (SJ 03/25/2021)

BILLS LAID ON TABLE

HB 81 - relative to the justified use of deadly force upon another person. (Pending Question: Ought to Pass)

HB 188-FN -relative to appointment of counsel in juvenile court proceedings. (Pending Question: Ought to Pass with Amendment)

HB 586-FN-A-L - relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. (Pending Question: Ought to Pass)

HR 11 - affirming revenue estimates for fiscal years 2021, 2022, and 2023. (No Pending Question)

WEDNESDAY, APRIL 7

CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 68, relative to the definition of child abuse. **INEXPEDIENT TO LEGISLATE.**

Rep. Cody Belanger for Children and Family Law. The committee believes this bill would punish parents for following the recommendation of their child's doctor. It is the understanding of the committee that this is a parent's rights issue. **Vote 15-0.**

HB 120, relative to administration of psychotropic medications to children in foster care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Josh Yokela for Children and Family Law. The majority believes this bill as amended will better protect NH children from the inappropriate use of psychotropic drugs and decrease the amount of money NH Medicaid spends on psychotropic drugs. This bill was filed in response to the United States Inspector General's Sept 2018 report "Treatment Planning and Medication Monitoring were Lacking for Children in Foster Care Receiving Psychotropic Medication." The Inspector General found that 23.4% of NH children in foster care receiving psychotropic medications had no treatment plan while 37.9% had a treatment plan, but no diagnosis on their treatment plan. It was also found that 21.8% of these children did not receive medication monitoring by a prescribing professional. The amendment addresses specific concerns brought forward by the NH Psychiatric Society. **Vote 15-0.**

HB 317-FN, relative to the treatment of veterans' disability benefits for purposes of determining child support. **INEXPEDIENT TO LEGISLATE.**

Rep. John Lewicke for Children and Family Law. This bill would make disabled veterans a special class to be treated differently from all others in New Hampshire. Disability benefits are for the veteran and their families, although the federal government may be less generous than it should to veterans who become disabled in the service of their country. It is not the responsibility of the taxpayers of the state of New Hampshire to make up for those shortcomings. **Vote 15-0.**

HB 541, relative to the priority of child support payments over other court costs and expenses. **INEXPEDIENT TO LEGISLATE.**

Rep. John Lewicke for Children and Family Law. Neither the legislature nor the courts can impute income to someone when a transaction has been between parties who are not involved in a support agreement. If a third party chooses to pay a lawyer, that transaction is between the third party and the lawyer. Since the funds never passed through the hands of the person named in a support agreement, they can't be imputed to be income of that person. **Vote 15-0.**

HB 547, relative to the opportunity for evidentiary hearings in parenting cases. **INEXPEDIENT TO LEGISLATE.**

Rep. Cody Belanger for Children and Family Law. It is the opinion of the committee that the context of this bill already happens in court proceedings and that the judicial system already provides a check and balance for families through petition. **Vote 15-0.**

HB 548, relative to the role of a guardian ad litem in cases where domestic violence is suspected or alleged. **INEXPEDIENT TO LEGISLATE.**

Rep. Cody Belanger for Children and Family Law. It is the opinion of the committee that during a family court hearing when there is a Guardian ad litem (GAL) appointed, the GAL is supposed to be a neutral third party serving in the best interest of the child. If this bill was to pass, it would insinuate that the GAL has a biased opinion against one party. **Vote 15-0.**

HB 577, relative to parenting and divorce cases involving allegations of domestic violence. **INEXPEDIENT TO LEGISLATE.**

Rep. Debra DeSimone for Children and Family Law. The cases that this bill would be referred to the "Complex Court" which no longer exists. Therefore, this bill was unanimously recommended Inexpedient to Legislate. **Vote 15-0.**

COMMERCE AND CONSUMER AFFAIRS**HB 109**, relative to the referral of debts for collection. **INEXPEDIENT TO LEGISLATE.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. This bill requires creditors to give affirmative notice to a consumer before bills for goods and services may be referred for collection. This bill would require a person or business who is owed money by another to give a in-person, certified mail, or telephone communication or a home visit before they can turn the person over to collections. There was no evidence that a consumer is unaware that they owed money. Creditors do not send people out to collection without sending notice and making calls. The adoption of this bill could lead to abuse since the debtor has to give a consumer affirmative notification, meaning that the creditor can not go to collection until the collector has affirmed that the consumer has actually gotten the notification. This would put an unnecessary hardship on many small businesses. A debt collector has the resources to locate and deliver collection notices. That is their job not the job of the one owed the funds. **Vote 16-1.**

HB 171, relative to food in cigar shops. **OUGHT TO PASS.**

Rep. John Potucek for Commerce and Consumer Affairs. Under current law cigar bars are prohibited from the service of food. This bill simply amends the law to prohibit the sale of food. This would allow cigar bar licensees to provide free food to customers, like traditional bar snacks. The Commerce and Consumer Affairs Committee feels that it is important for patrons consuming adult beverages to have something in their stomach and unanimously supported this bill. **Vote 19-0.**

HB 265, requiring bottled drinking water sold to the public meet the same maximum contaminant levels established for public drinking water. **INEXPEDIENT TO LEGISLATE.**

Rep. Max Abramson for Commerce and Consumer Affairs. While members of the committee expressed sympathy toward the need to guarantee that bottled water meets state—rather than merely EPA and FDA—standards, the majority also noted that the state would be giving a false sense of security to shoppers who might get the impression that all water sold in the Granite State exceeds federal standards. In fact, seltzer water, colored or flavored water, or possibly even ice that doesn't meet those standards could be sold after the adoption of this bill. More importantly, the Department of Health and Human Services is currently working on regulations for bottled water, and the majority recognizes the need to wait for the completion of this work rather than risking the adoption of statutes that could be in conflict. For this reason, the committee has retained HB 335 which has the exact same language as this bill. **Vote 18-0.**

HB 299, relative to responsibilities of the insurance department. **OUGHT TO PASS.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill was submitted at the request of the Insurance Department to make changes to several of the laws that regulate property and casualty insurance. These changes will clean up and simplify the language currently in statute, clarify requirements, and modernize standards. The Commerce and Consumer Affairs Committee agreed unanimously with these revisions. **Vote 17-0.**

HB 310, relative to vehicle repairs. **INEXPEDIENT TO LEGISLATE.**

Rep. Bonnie Ham for Commerce and Consumer Affairs. This bill establishes a rebuttable presumption that manufacturers' recommendations for scans and calibrations are necessary for vehicle safety and for the restoration of a vehicle to its pre-loss condition. It also makes it an unfair insurance practice for an insurance company, agent, or adjuster to knowingly fail to pay a claim to the claimant or repairer to the extent the claimant's vehicle is repaired in conformance with applicable manufacturer's recommendations or specification. The committee finds that this bill is not needed. There is insufficient evidence to demonstrate that consumers, their agents, insurance companies, adjusters, and vehicle repair shops are unable to negotiate for appropriate pre-loss condition repairs to a vehicle to acceptable safety standards without this legislation. **Vote 18-0.**

HB 312, relative to deadlines in consumer credit applications, licensing requirements for mortgage loan originators, examinations of family trust companies, delegation by credit union boards to committees, qualifications of the banking commissioner, and authorizing depository banks to elect benefit corporation status. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill clarifies and extends deadlines in consumer credit examinations applicable to certain entities licensed by the Banking Department. It also clarifies the home state licensing requirement for mortgage loan originators and provides that family trust companies may be examined more frequently than every 36 months if the commissioner deems it necessary. In addition, it clarifies that depository banks may elect RSA 293-C benefit corporation status and establishes requirements applicable to credit union boards who delegate to committees. And, finally, this bill adjusts restrictions on loans and other financial transactions that disqualify the commissioner or deputy commissioner from serving in his or her role. **Vote 18-0.**

HB 313, relative to property restrictions on certain amateur radio antennas. **INEXPEDIENT TO LEGISLATE.**

Rep. John Potucek for Commerce and Consumer Affairs. This bill regulates the enforcement of property restrictions by a community association on the installation and maintenance of amateur radio antennas and antenna support structures. It also allows private property, the antenna and its associated support structure, to be placed on the "common property" of the association and its members. The majority believes that this bill would restrict the property rights of the association members because it overrides the association rules and regulations. **Vote 17-1.**

HB 462, relative to lien assessments by condominium associations. **INEXPEDIENT TO LEGISLATE.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. This bill establishes a procedure for the enforcement of a lien assessment on a condominium unit owner by the unit owners' association. Under current law a condominium may place a lien on a unit owner, but they are not permitted to enforce the lien by going to court and foreclosing on the unit owner. The majority understands the difficulties that condo associations have with unit holders not paying their fees, but empowering the condo associations with foreclosure seem too extreme, especially considering the dollar amount. **Vote 18-0.**

HB 466, relative to contract powers of condominium unit owners' associations. **INEXPEDIENT TO LEGISLATE.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. This bill requires a condominium unit owner who contracts for property management, maintenance, or improvements business with the condominium association to recuse himself or herself from any participation in or vote on the awarding of the contract. It also requires any such relationship to be disclosed by the unit owners' association. Members of a condominium association are aware of the fact that many of the association members do the maintenance and repairs on the association properties. This helps support local businesses and their neighbors. It also helps keep costs low as

the condominium members also benefit from these agreements to maintain the buildings and grounds thus maintain the value of their property. Restricting participation in these decisions would harm these relations and put undo government regulations on a private, members-only association. **Vote 17-1.**

HB 477, establishing consumer protections regarding Internet service provider outages and download speeds. **INEXPEDIENT TO LEGISLATE.**

Rep. Paul Terry for Commerce and Consumer Affairs. This bill attacks a problem the magnitude and frequency of which have not been established. It also presumes that Internet service providers egregiously fail to address service issues appropriately or at all. In summary, this bill would introduce onerous and unjustified government regulation in a type of commerce that, while not as yet widely and reliably available in modern high speed modes as we would like, is nevertheless not guilty of the offenses this bill wishes to remedy by its draconian, unjustified and unworkable standards and requirements. The best solution to perceived or claimed problems is increasing competition, not more heavy-handed government regulation. **Vote 18-0.**

HB 510, relative to limiting robocalls by automatic dialing devices. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Greeson for Commerce and Consumer Affairs. This bill establishes prohibitions and exceptions for the use of robocalls by automatic dialing devices. The bill gives the Department of Justice authority to seek injunctions and assess penalties for violations of the provisions of the act. The bill also requires an annual report on robocall violations. A representative from the Consumer Protection and Antitrust Bureau of the Attorney General's office testified that this bill was unnecessary since under current laws they already have all the tools to prosecute the violators. However, since these calls generally originate in other countries, they are impossible to track. Therefore, the committee has recommended that this bill be found Inexpedient To Legislate because robocallers are already required to register with the state and, if enacted, this bill would be impossible to enforce. **Vote 18-0.**

HB 518, relative to rebates under the law governing unfair insurance practices. **OUGHT TO PASS.**

Rep. Jeffrey Greeson for Commerce and Consumer Affairs. This bill declares that a producer may rebate all or a portion of the producer's commission to employees of the producer for policies of the employee. The entire committee agreed that this is a reasonable proposal and should be enacted. **Vote 18-0.**

HB 519, relative to technical changes in the laws administered by the insurance department. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill makes minor "technical" changes to several insurance laws to provide clarity in language or correct inadvertent errors and omissions in existing statutes. **Vote 19-0.**

HB 520, relative to e-delivery of insurance documents and commercial lines renewal notices. **OUGHT TO PASS.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was filed at the request of the Insurance Department. It was passed last term, but tabled in the House due to the COVID-19 pandemic. This bill allows insurance companies to deliver documents electronically to their customers after written consent. It also codifies what is common practice by many insurance companies already, but the statutes needed updating. **Vote 19-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 93-FN, relative to human trafficking and child exploitation prevention. **INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Criminal Justice and Public Safety. HB 93 prohibits the manufacture, sale, or lease of an internet-enabled device unless the device includes a filter that blocks obscene material. Actually, those filters do not exist. We found this bill not feasible. **Vote 18-2.**

HB 178-FN, relative to the parole of prisoners and the procedures of the adult parole board. **OUGHT TO PASS.**

Rep. Chris True for Criminal Justice and Public Safety. A performance audit was conducted for the NH Parole Board. This bill amends various provisions of the adult parole process including definitions of violent crime and recommitted of prisoners who violate parole. This bill incorporates the best practices as suggested by the performance audit. **Vote 20-0.**

HB 180, increasing the penalty for buyers under the law regarding trafficking in persons. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott Wallace for Criminal Justice and Public Safety. HB 180 seeks to raise the penalty from a class B felony to a class A felony for a person that pays to engage in sexual contact with another person under the age of 18 who is a victim of human trafficking. This bill as amended would apply to all persons engaging in such activity except when the age difference between the persons is more than 3 years for persons between 13-16 years old and the bad actor is less than 20 years old. In circumstances where the bad actor is less than 20 and there is less than 3 years difference in age the penalty would remain a B felony. This bill has been moving forward through this committee in one form or another for the last few terms and is now ready to enact. **Vote 20-0.**

HB 239-FN, relative to prosecutions for certain assaults against minors. **OUGHT TO PASS.**

Rep. John Bordenet for Criminal Justice and Public Safety. HB239 changes the statute of limitations for prosecution of first degree and second degree assault offenses. For a minor the statute of limitations is extended to six years from age of 18. The committee felt this extension was an excellent decision. **Vote 20-0.**

HB 270-FN, relative to post-conviction DNA testing. **OUGHT TO PASS.**

Rep. Casey Conley for Criminal Justice and Public Safety. HB 270 cleans up and modernizes New Hampshire's existing statute relating to post-conviction DNA testing. Specifically, the bill outlines which court someone would petition for this type of relief, provides for legal counsel for indigent petitioners and clarifies the evidentiary standard petitioners must meet. The bill lowers the burden of proof a petitioner must satisfy to obtain this potentially exculpatory evidence. It does not change the existing standards for overturning a conviction. DNA evidence is relatively rare in New Hampshire criminal cases, and rarer yet when it could be successfully used to exonerate someone already convicted. The fiscal note indicates it would not lead to a large increase in petitions for testing, or court hearings, and as such would not have a fiscal impact. **Vote 20-0.**

HB 286, establishing a committee to study the response of law enforcement and the criminal justice system to homelessness in New Hampshire, **OUGHT TO PASS.**

Rep. Nicole Klein-Knight for Criminal Justice and Public Safety. HB 286 establishing a committee to study the response of law enforcement and the criminal justice system to homelessness in New Hampshire. This bill would gather much needed state data regarding homelessness and incarceration. Some displaced New Hampshire residents do not get the assistance they need and continuously end up in the prison system. This results in tax payers repeatedly paying for the same cycle. This data is crucial to amending outdated laws and providing new solutions to the state's response on homelessness. **Vote 19-2.**

HB 296-FN, establishing the crime of unsolicited disclosure of an intimate image. **OUGHT TO PASS.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. This bill defines unsolicited disclosure of an intimate image and adds a new section, RSA 644:9-b. Most of the committee supported the OTP motion. This bill adds to the harassment laws, which is what cyberflashing is. Persons that receive these unsolicited intimate images, that are incredibly violating, don't always have a recourse. It's illegal to flash someone in person, and we believe that it should also be illegal to do so digitally. The committee believes it should be law, therefore the unsolicited sending of genitalia via electronic device, a violation, with multiple offenses being a class A misdemeanor punishable by a fine up to \$1,000. **Vote 18-1.**

HB 316, requiring a person issued a summons to remain of good behavior. **INEXPEDIENT TO LEGISLATE.**

Rep. Dave Testerman for Criminal Justice and Public Safety. The purpose of this bill was to correct some minor wording requiring "good behavior" in RSA 594:14. It is redundant to a similar sentence just before the suggested change. **Vote 21-0.**

HB 419-FN, relative to assault of a campaign worker at the polling place. **INEXPEDIENT TO LEGISLATE.**

Rep. John Bordenet for Criminal Justice and Public Safety. We already have laws to protect us against assault. Enhancing all assaults, including simple assault, to a felony is going too far. No definition of a campaign worker is given. We think present protections are sufficient. **Vote 19-0.**

HB 436, relative to eyewitness identification procedures. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. This issue dates back to 2015, when an agreement between the Attorney General and law enforcement recognized that there was an issue with lineups. Each state, county, and local law enforcement agency that conducts photo lineups live lineups or show ups shall adopt a written policy that sets forth the manner in which they shall be conducted. Since that time, what's been shown is that most departments never set up a standard. This law says they must set up a standard for NH and follow it. After checking in with the many department we found that few have actually worked or abide by the agreement and did not have a written policy in place. We are requesting now that every law enforcement agency have a written protocol for lineups and documented in the law. **Vote 19-1.**

HB 443-FN, relative to an extended term of imprisonment for assaulting military personnel. **INEXPEDIENT TO LEGISLATE.**

Rep. Chris True for Criminal Justice and Public Safety. This bill would allow for an extended term of imprisonment for any felony or misdemeanor crimes attempted or committed against a member of the United States Armed forces, whether on active duty or inactive duty, whether in uniform or out of uniform. The committee fully supports equal protection under the law. The committee finds that the bill is overly broad and that we do have laws in statute protecting members of our armed forces and all citizens. The committee does not find a demonstrated need. **Vote 21-0.**

HB 471, relative to police disciplinary hearings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This bill adds the following language to RSA 106-L:5, III; "Any disciplinary hearing shall be public; however, a portion of the hearing may be closed to the public only if the party seeking closure can prove with specificity that the portion of the hearing will reveal

confidential information that creates a compelling interest outweighing the public's presumed right of access." The amendment adds another sentence that states: that the request for closure of a portion of the meeting shall be made in non-public session in order for the request to be made and the council to vote whether or not the request shall be allowed or denied. This protects confidential information and still allows the public know the specifics of the hearing. Law enforcement agrees with the idea of public hearings and requested to protection for confidentiality. **Vote 20-0.**

HB 485, requiring law enforcement officers to inform a person of their right to refuse a consensual search. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Hopper for Criminal Justice and Public Safety. This bill requires law enforcement officers to inform a person of their right to refuse a consensual search. The Criminal Justice and Public Safety Committee believes that the people have the right to clearly understand that they have the option to say no, when an officer asked to search their vehicle, home or property. The amendment requires that interaction be recorded. **Vote 20-0.**

HB 493-FN, establishing a criminal penalty for an assault committed against a person who is conveying public health or safety guidance or requirements during a declared state of emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Scott Wallace for Criminal Justice and Public Safety. This bill would seek to establish a criminal penalty for the assault of another person who is relaying public health or safety guidance or requirements during a declared state of emergency. As written and introduced this bill would make the act of assault, threat of assault, or refusal to comply with another who the actor knows to be a person who as part of his or her employment duties is relaying directions for health care or safety from his or her supervisor or employer or relaying health or safety guidelines contained in a state of emergency declared by the federal, state, or local government a B misdemeanor. The committee did find the bill contrary to the NH constitution such that the committee recommendation of inexpedient to legislate was overwhelming. **Vote 20-1.**

HB 525-FN, relative to the seizure of personal computers and other electronic devices in child sexual assault cases. **INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for Criminal Justice and Public Safety. This bill is well intended yet once the amendment was put forth, the majority of the committee feels it current laws take care of the issue and a warrant must be requested in these cases. **Vote 20-1.**

EDUCATION

HB 152, relative to the apportionment of costs in cooperative school districts. **OUGHT TO PASS.**

Rep. Barbara Shaw for Education. This bill is a simple change to existing law that will enable cooperative school districts to pass an article of agreement to continue a current five-year cooperative contract without change in order to provide continuity. **Vote 19-0.**

HB 202, relative to school lunch payment policies. **INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for Education. This bill to protect students from stigma in school lunch programs is already covered in current New Hampshire law and federal regulations, therefore it is unnecessary. **Vote 20-0.**

HB 215, permitting school districts to contract with independent schools and private schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill was submitted to permit a school district to contract with an independent school or private school in another state. After committee review, it has been determined that inserting "independent school" into RSA 194:22 is unneeded as this section of law already includes the term "academy," that means an "independent school" that may contract with one or more school districts to provide educational services. **Vote 20-0.**

HB 401, relative to the duty of school superintendents regarding criminal history records checks. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill, as amended, modified the current requirements for school district criminal history reports on new employees. It allows the superintendent to designate someone, such as the Assistant Superintendent, Business Manager, or Human Resources Director, to review the criminal history report. It also requires the Department of Education to provide training on the reading and interpretation of the reports. **Vote 19-0.**

HB 409, relative to filling certain vacancies among members of school boards and other school district offices. **OUGHT TO PASS.**

Rep. Glenn Cordelli for Education. This bill provides that any vacancy occurring in school district offices between the beginning of the filing period and the election shall not be filled by official ballot until the following year. **Vote 18-2.**

HB 441, requiring The Universal Declaration of Human Rights to be placed in all public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for Education. This bill requires the school board or board of trustees of a charter school to place a copy of the Universal Declaration of Human Rights in all public schools and in every classroom where civics is taught. This is not needed, as the USA has our own Bill of Rights. If anything, the US Bill of Rights should be in our classrooms and not a declaration made by another governmental agency that includes non-democratic believing countries. In addition, NH public schools currently have the right and authority to make local policy regarding issues such as the United Declaration of Human Rights without the need for another statutory directive from Concord. Lastly the bill is yet another unfunded Part I, Article 28-a constitutional issue. **Vote 17-3.**

HB 500, relative to reducing school food waste and addressing child hunger. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alicia Lekas for Education. This bill, as amended, allows a school to partner with a nonprofit to make leftover school food, which was prepared but never served, into frozen meals to be sent home with children who participate in a free or reduced-price meals program. **Vote 20-0.**

HB 581, relative to the burden of proof in special education hearings. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill is about leveling the playing field for parents of children with disabilities. If a parent believes their child is not getting the needed services from their public school, they can take steps up to filing a complaint for a due process hearing. At the hearing, however, the burden of proving their case is on parents, which is a very costly proposition – tens of thousands of dollars. School districts have the lawyers, records, and resources so have the upper hand. This bill shifts the burden of proof to school districts. The amended bill also creates a study committee to look at the process starting with individualized education program (IEP) meetings to find issues and what can be done to provide a fair system for families with a child with disabilities. **Vote 20-0.**

SB 20, relative to one year certificates of eligibility to teach. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. This bill exempts individuals applying to teach a course in a Career and Technical Education (CTE) specialty area from the bachelor's degree requirement for a one-year certificate of eligibility to teach. This bill will give CTE centers flexibility when an emergency or sudden need arises to hire individuals having knowledge and skills, but who may not possess a bachelor's degree. The one-year certificate expires at year's end unless the individual is pursuing alternative track certification. **Vote 20-0.**

SB 24, relative to the Brewster Academy charter. **OUGHT TO PASS.**

Rep. Glenn Cordelli for Education. This bill related to Brewster Academy in Wolfeboro does two things. First, it allows the academy to expand its board of trustees to 30 members to provide for added member skills to match expanding programs. Second, it allows the academy to amend its own charter in the future without approval of the General Court in accordance with RSA 292:7. **Vote 20-0.**

ELECTION LAW

HB 151, relative to changes of registration of certain voters after a primary election. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for Election Law. Under RSA 654:34, any legal undeclared voters that choose to vote in a primary election must change their registration to the party for the ballot that they choose. Once they have voted they can immediately return to undeclared status by completing a form at the polls. The voter can also change at a later date by contacting the supervisor of the checklist for their district. This bill proposes a process that would not require the voter to do anything but would require supervisors of the checklist to bear the responsibility to automatically return voters to undeclared status. The Election Law Committee believes that the voter should retain the burden and the responsibility to make any changes to their own voter registration status. To require supervisors to do that work is beyond the scope of what should be their responsibilities. **Vote 19-1.**

HB 370, relative to the election of electors of the president and vice-president of the United States. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for Election Law. This bill would change the current process in New Hampshire whereby all electoral votes are awarded to the candidate that receives the greatest number of popular votes in the state and replace it with a process designating the electors of the party who received a plurality of votes in the five New Hampshire Executive Council districts as electors. If no party that wins a plurality of Executive Council districts, the New Hampshire Senate would designate the electors of the President and Vice President of the United States. While this bill presents an interesting idea that could have some merit in the future, it is unclear what issue it is trying to address and could face legal challenges as it changes the entire process for how each individual vote would be counted in regard to determining the outcome of presidential elections. There was no information presented on what other states might employ a similar process and how that would work. The committee agreed that there were multiple reasons that the bill was not appropriate at this time. **Vote 20-0.**

HB 372-FN, relative to enforcement of the elections laws. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This bill permits county attorneys and municipal prosecutors to enforce election laws. Currently enforcement of election laws is the responsibility of the Attorney General's office. We heard from a representative of our state's various county attorneys that counties are not currently prepared to handle the bandwidth this bill presents, creating an unfunded mandate from the state. Additionally not all communities have municipal prosecutors. While members of the House Election Law Committee understood the intent of this legislation to create uniform and improved enforcement of our election laws, the difficulties in implementation and disparate application from community to community led the committee to unanimously recommend this bill be found Inexpedient to Legislate. **Vote 20-0.**

HB 429, relative to college or university student voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Griffin for Election Law. This bill proposes that the University System of New Hampshire and the community college system charge in-state tuition for any person who is registered to vote in this state. The committee heard witnesses report that the tuition rates are set by the University Trustees, and that the change would cost the university system approximately one hundred and seventy million dollars annually. The committee unanimously agreed that the bill presented a policy change with a cost that was not appropriate for implementation as proposed. **Vote 20-0.**

HB 470, relative to the designation of office on ballots. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Hayward for Election Law. This bill requires the Secretary of State to highlight the maximum number of votes that may be cast for an office on the ballot. The bill proposes a variety of methods to be chosen such as a different font, color or watermark. The committee learned that there are multiple instructions at the polling place for completion of the ballot, including wording on the ballot itself. There was a question on how to even implement such a change consistently given the variety of elective offices and ballot layouts. The committee agreed it was not necessary and might confuse voters rather than clarify the options. **Vote 20-0.**

HB 476, relative to election officers at additional polling places. **OUGHT TO PASS.**

Rep. Katherine Prudhomme-O'Brien for Election Law. This bill removes the requirement that election officials for an additional polling place in a town be domiciled in the district of the additional polling place. It does not change the requirement that election officials be domiciled in the town. This change will make it easier for larger towns with multiple polling locations to find election workers from throughout their towns. This bill passed in the prior session of the House; it was not enacted due to the impact of COVID on the General Court Session. The Election Law Committee unanimously agreed that this legislation will improve the conduct of our elections. **Vote 20-0.**

HB 508, establishing a committee to study the definition of "temporary" as it pertains to residence in the state for voting purposes. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This bill establishes a committee to study the definition of "temporary" as it pertains to residence in the state for voting purposes. This was one of two bills before the committee addressing the issue of temporary residence. The majority of the committee agreed the definition of temporary residence for voting proposes needs to be addressed. The committee preferred to retain rather than have a committee to study the same matter. By retaining that bill the House Election Law Committee can continue to work on the concept and avoid the study committee this year when COVID-19 protocols make study committees more challenging logistically. **Vote 20-0.**

HB 555, relative to prisoners' voting rights. **OUGHT TO PASS.**

Rep. Katherine Prudhomme-O'Brien for Election Law. This bill proposes to amend the list of reasons why a voter is using the absentee ballot to include a provision specific to incarcerated persons. This bill establishes no new rights. Convicted felons have lost their right to vote. Accordingly, while felons currently serving their sentences cannot vote, other incarcerated people, such as those awaiting trial, retain their right to vote. This bill only clarifies that people incarcerated in a penal institution in their own community, and not convicted of or serving a sentence for a felony, may vote by absentee ballot. The problem this bill seeks to fix is that the absentee ballot request form does not acknowledge this specific situation so prisoners in this situation have no correct option presented on the form to declare why they are requesting an absentee ballot. The current options for voting absentee are very specific and limited. They include being outside of the home community, being ill, being at a place of employment during polling hours or caring for ill people or children. The amendment proposed by this bill would add a category which allows a voter to declare that they are confined in a penal institution for a misdemeanor or awaiting trial. The committee agreed that it would be best to update the absentee ballot request form to allow for persons in this particular situation to be accurate and honest about why they need to vote by absentee ballot. **Vote 20-0.**

HB 570, permitting certain political organizations to appear on a general election ballot as a minor party after holding a nominating convention. **INEXPEDIENT TO LEGISLATE.**

Rep. James Qualey for Election Law. This bill proposes: 1) to add a provision to RSA 652:11 to allow a political organization to qualify as a party by receiving at least 4% of the votes cast for the office of President of the

United States; 2) to amend RSA 655:42, III to change how a political organization's candidates are added to the ballot in state elections by allowing the substitution of \$5 filing fee for each name by which they fall short of the current requirement of 3% of the total votes cast in the previous state general election; and 3) to add a provision to RSA 655 allowing a political organization which did not win more than 4% of the vote in a state wide race to add its candidates to the ballot by holding a nominating convention and submitting its list of candidates for a general election within 3 days of the primary election for that general election. The Election Law Committee unanimously holds the view that current New Hampshire law provides ample opportunity for all political organizations to place their candidates on state ballots provided they have shown even a modest amount of support from the voters either through past election results or by submitting a sufficient number of nominating papers from registered voters. **Vote 20-0.**

SB 43, (New Title) authorizing an audit of the Rockingham County district 7 state representative race. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Maureen Mooney for Election Law. As amended, this bill authorizes and directs a forensic election audit of the ballot counting machines and their memory cards, as well as the hand tabulation of ballots and *certain races* in the general election held in town of Windham on November 3, 2020. The audit process shall be determined by a forensic election audit team with the purpose of generating a report which will include a finding as to whether the machine counting devices and memory cards functioned properly on November 3, 2020, and recommendations for improvement to the machine and hand processing. The audit process shall include running all ballots through the counting machines used by the town of Windham on November 3, 2020, determining the total ballots cast, counted and received from the Secretary of State, and a hand tallying of all ballots cast in the Rockingham County District 7 state representative race and two statewide races. The audit shall be live-streamed, and provisions are included in the amended bill for selecting the location, as well as transporting and securing the ballots. The bill gives the necessary authorization to unseal the ballot boxes, and makes clear the audit results shall not alter the official results of the Rockingham County district 7 state representative race. The audit is to be completed in 45 days from the bill's effective date, and the forensic election audit team report must be filed with the Secretary of State, town of Windham, and Ballot Law Commission 45 days after the completion of the audit. Thereafter, a report of the Secretary of State and Attorney General shall be submitted to the Speaker of the House of Representatives, President of the Senate, and town of Windham. Additionally, the Ballot Law Commission is required to issue a report. The House Election Law Committee carefully listened to the people of Windham and from across the state to draft and adopt this amendment and unanimously approve the amended bill. **Vote 20-0.**

ENVIRONMENT AND AGRICULTURE

HB 199, including soil health and soil conservation in the state soil conservation plan. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. This bill as amended updates the state soil conservation plan to include soil health and resilience to changes in the climate and environment. The soil conservation plan, initially created as a response to the Dust Bowl in the 1930s, is the guiding statute for county Soil Conservation Districts (SCD), which provide education and technical assistance on soil and natural resource conservation to farmers and landowners. While counties provide core staff funding, many of the SCDs' equipment and education programs are grant funded. This change to the SCDs' charter statute will strengthen their ability to apply successfully for grants related to soil health and changes in the climate and environment. The amendment modifies the definition of "adaptation," removes "mitigation" from the bill, and puts greater emphasis on drought resilience. The bill places no new requirement on SCDs; it simply opens new funding avenues for the good work they are already doing. **Vote 18-1.**

HB 249, relative to animal shelter facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judy Aron for Environment and Agriculture. This bill updates the current statute (RSA 437:1) to allow for animal shelters to be housed in leased facilities. It also requires dogs, cats and ferrets transferred out of shelters to have a means of identification and to be vaccinated against rabies. It also stipulates that when dogs, cats or ferrets are brought into a shelter which have been abandoned or unclaimed, (as defined in RSA 437:18), that within 72 hours, every means of contacting the previous owner(s) is made in order for the animal to be reclaimed. Lastly, the bill requires that any dog, cat or ferret received from outside of the state of New Hampshire be required to have an official health certificate and meet quarantine requirements before being transferred to any person. **Vote 18-0.**

HB 250, relative to pet vendors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. As amended, this bill raises the threshold to qualify as a pet vendor by 5 dogs and 10 cats. The threshold was cut in half (25 dogs and 25 cats) in the 2019 budget bill HB4 and has caused significant issues for small breeders in NH. The bill also provides an exemption process for a breeder that hasn't qualified to be a pet vendor in the previous four years but has an exceptionally large

litter and would suddenly have to register. Also, the bill clarifies the intent of the legislature on the zoning requirements necessary to be a pet vendor. The current statute is unclear and has caused some breeders to comply with onerous zoning requirements that the legislature never intended. **Vote 18-1.**

HB 272, relative to the labeling and sale of hemp products containing CBD. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherry Dutzy for Environment and Agriculture. As amended, this bill places into statute after RSA 146 the labeling, testing, and certification requirements for products containing Cannabidiol (CBD). It gives rule-making authority to the commissioner of the Department of Health and Human Services in consultation with the commissioner of the Department of Agriculture, Markets, and Foods. It also establishes a Cannabidiol Program Fund to accept donations, gifts, and grants from individuals and groups to fund the program. **Vote 19-0.**

HB 322, requiring a color photo of a dog, cat, or ferret on a rabies vaccination certificate. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Comtois for Environment and Agriculture. Although the bill was well intentioned, the committee felt it would add additional costs to the pet owner, while not providing any benefits. Testimony received indicated pets of the same breed look alike and that features change as they grow into adulthood, rendering the photo ineffective. **Vote 19-0.**

HB 387, relative to rabies vaccinations for dogs. **INEXPEDIENT TO LEGISLATE.**

Rep. Catherine Sofikitis for Environment and Agriculture. This bill would have required rabies antibody titer tests as the method for determining whether dogs need to be re-vaccinated. While this is a well-intentioned bill, and it is our second time hearing it, we believe that the research is just not there yet. Rabies is 100% fatal and the use of titers is not ready to determine immunity in dogs. **Vote 19-0.**

HB 413, establishing a solid waste working group on solid waste management planning and relative to compost. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Megan Murray for Environment and Agriculture. This bill was filed in response to findings of the study committee on recycling streams and solid waste management in New Hampshire created by the 2019 bill, HB 617. HB 413 establishes a comprehensive stakeholder working group to provide needed recommendations to the Department of Environmental Services (DES) to assist in long-range planning for waste management and to review changes to existing departmental policies, goals, and initiatives. It also takes a look at regional impacts, waste disposal bans, and disposal capacity in accordance with RSA 149-M:3 and will recommend ways to improve current solid waste hierarchy practices. The bill will provide much needed technical assistance and education to schools, municipalities, and citizens. It sets a deadline for DES to enact rules relative to composting facilities. The amendment clarifies the terms of stakeholder representatives and outlines the due dates of reports. This bill is critical to the future management of solid waste in New Hampshire. **Vote 19-0.**

HB 437, establishing a committee to study the implementation of the meat inspection program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Comtois for Environment and Agriculture. As amended, this bill will create a study committee that will help with New Hampshire's food security. The study committee will delve into why farmers need to book appointments one year in advance for butchering services with NH USDA facilities. Additionally, the committee will look into the shortage of workers going into the slaughter industry and the need for educational opportunities for training. The lack of availability in slaughter facilities hinders new farmers who may want to start raising animals. **Vote 19-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 72, relative to ratification of amendments to the state building code and state fire code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill passed in the House during the previous session and is one of many bills that did not leave the Senate due to the pandemic. As introduced, the bill identifies amendments to the building codes that were adopted by the State Fire Marshal and the Building Code Review Board from 2015 to 2019 and amendments to the State Fire Code adopted on January 15, 2020. These amendments must be ratified by the General Court. The amendment to the bill identifies further code amendments adopted on December 16, 2020 and approved by the Safety Commissioner on January 21, 2021. This bill, and its amendment, relaxes such elements as wood frame wall R values, thermal envelope and mechanical ventilation that are meant to address the conservation of heat. **Vote 19-0.**

HB 128, adding notification requirements to the weather modification statute. **OUGHT TO PASS.**

Rep. Matthew Santonastaso for Executive Departments and Administration. This bill requires state agencies to inform the public of the nature of an experiment before performing weather modification experimentation, and to solicit public input. The statute (RSA 12-F:1) currently has no restrictions on what types of experiments may be performed, what chemicals or technologies can be used, or any protection for ecology or popu-

lation. Although this statute has never been used by any agency as far as anyone can determine, because of its broad scope and it's potential to create large negative externalities, the committee felt it is reasonable to add a notification requirement. **Vote 18-0.**

HB 130, relative to administration by the retirement system of certain health care premium deductions. **OUGHT TO PASS.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill was requested to resolve an inconsistency in the statutes regarding deductions made from certain retirees' monthly allowances toward their health care premium. Specifically, it clarifies whether the New Hampshire Retirement System deductions should precede Department of Administrative Services deductions. It deletes language which has been interpreted in such a way that, in some cases, deductions in excess of the total cost of the medical premium are possible. Passage of this legislation will reinforce legislative intent for the order in which the deductions should be taken. **Vote 19-0.**

HB 141-FN, requiring the department of environmental services to maintain a public registry of where certain fire suppressants have been used. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for Executive Departments and Administration. This bill originally required the Department of Environmental Services to maintain a database of all locations where fire fighting foams containing polyfluoroalkyl substances (PFAS) had been used in the state, and demanding all fire services in the state report where, when, and how much, within 120 days. Since these foams have been used for over 50 years, obtaining this data would be error-prone and labor intensive - and since there was no state funding to do so, it represents an unfunded mandate on the fire services. The committee respected the idea of having this database, and in fact had required uses of this foam to be reported going forward, but could not support this unfunded mandate. The committee amendment, which replaces the entire bill, gives an option for the Chief Administrative Officer of a county to elect not to participate in the NH Retirement System. It is already permissible under the law for a municipality to exempt its Chief Administrative Officer, this bill expands that provision to county administrators. This bill also prevents a municipality or county from abandoning its pension liabilities and passing those costs onto other municipalities by requiring the employer to pay the unfunded liability portion of the pension if the administrator does not participate in the retirement system. **Vote 19-0.**

HB 155, renaming Columbus Day as Indigenous People's Day. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Yakubovich for Executive Departments and Administration. As introduced, this bill replaced Columbus Day in the NH statute that lists state holidays with Indigenous People's Day. The amendment simply adds a new holiday to this section, making August 9 Indigenous People's Day in NH. As we know, humans originated in Africa 200,000 years ago and gradually migrated all over the world. Over time people have settled everywhere, traveled into Arabia, Southern Europe, Eurasia, Asia. Some tribes traveled through the Siberian tundra to Beringia and eventually progressed further over the Bering Straits into Alaska, Northern America, Central America and all the way to the south of the continent. We know them now as the Indigenous people. By resolution 49/214 of December 23, 1994, with the help of the Sub-Commission on the Promotion and Protection of Human Rights, the United Nations General Assembly designated August 9th as the International Day of the World's Indigenous Peoples. Thus we celebrate those original migrants to the Western Hemisphere, the travelers, who 14 thousand years ago made this long, arduous and fascinating journey, over many generations, on foot to the Americas; with Indigenous People's Day. **Vote 18-1.**

HB 187, (New Title) relative to the emergency powers of the commissioner of health and human services and relative to the membership of the oversight committee on health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. This bill establishes retrospective legislative oversight over emergency orders issued by the Commissioner of the Department of Health and Human Services (DHHS) under RSA 21-P, and establishes legislative oversight over various powers under the public health and infectious disease laws. Legislative oversight over other emergency powers is also established through the Ethics Oversight Advisory Committee. This committee would also review other emergency orders, and address ethical concerns with emergency orders. The ED&A Committee amendment revises the process for rescinding an emergency order issued by the commissioner proposed in the bill. The amendment authorizes the Joint Legislative Oversight Committee on Health and Human Services to vote to sponsor a joint resolution to rescind the emergency order. The joint resolution must be presented to the House within 20 days of the vote or 20 days after the start of the legislative session, if the General Court is not in session. If the joint resolution is presented within this time frame, the DHHS Commissioner is prevented from enforcing the emergency order until final legislative action is taken on the resolution or the passage of 90 consecutive days during which the General Court is in session, whichever comes first. If the emergency precludes either oversight committee from meeting in person, they are authorized to vote through a remote meeting. The amendment also adjusts the membership of the Ethics Oversight Advisory Committee to include representation from the House, Senate, the Commissioner of the Department of Labor or designee and a representative from the Disability Rights Center of New Hampshire. **Vote 17-1.**

HB 217, repealing RSA 320 regarding hawkers and peddlers. **INEXPEDIENT TO LEGISLATE.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill repeals RSA 320 regulating hawkers and peddlers. The provisions of this bill have been proposed as an amendment to HB 218, regarding itinerant vendors. The committee agreed to decide on both subjects in that bill and so this bill is not needed **Vote 17-1.**

HB 283, proclaiming April 11 as Wentworth Cheswill Day. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne Schuett for Executive Departments and Administration. As a result of the introduction and testimony on this bill, the ED&A Committee learned that Mr. Wentworth Cheswill, a gentleman of color, was a Revolutionary War veteran who served the town of Newmarket in many capacities. He is thought to be the first African-American elected official in the United States. This bill recognizes the 275th anniversary of his birth on April 11, 1746. The amendment places the requirement for the celebration in session law rather than in statute. **Vote 18-0.**

HB 369-FN, relative to the use of physical agent modalities by occupational therapists. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, a request of the Office of Professional Licensure and Certification, eliminates a redundant board-issued certificate for the use of physical agent modalities. The committee amendment, a request of the Board of Occupational Therapists, allows the board to write rules about physical agent modalities, and expands occupational therapists' scope of practice to the full range of their training. There is no cost impact as the certificate has no fee. **Vote 19-0.**

HB 405, relative to out-of-state applicants occupational licensure or certification. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol McGuire for Executive Departments and Administration. This well-meaning bill sought to improve reciprocity of licensing and provide a way for professionals to easily obtain a license when they move to New Hampshire from a state that doesn't actually license their profession. Unfortunately, it violates a number of other statutes on timing and is extremely vague about some important details. For instance - how does one determine that a person has "worked for at least three years?" Does it mean full-time work only or does part-time work apply? What if the New Hampshire laws define the profession as having a much broader scope of practice than similarly titled occupations in other states? Naturopaths, for example, can prescribe medication in New Hampshire, but not in every other state where they are licensed. Finally, this bill has the exact language that was referred for interim study last year, and the committee is convinced that addressing this issue on a profession-by-profession basis would be better than the broad-brush approach of HB 405. **Vote 19-0.**

HB 433, limiting renewal of states of emergency. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Executive Departments and Administration. This bill permits the Governor to renew a state of emergency only once and requires a state of emergency to be renewed by a vote of the legislature unless half of the members of either chamber are unable to meet. The committee passed a similar bill, HB 417, and addressed the issue of renewing states of emergency. Another bill was retained in committee, thus making HB 433 unnecessary. **Vote 18-0.**

HB 444, relative to the board of pharmacy. **INEXPEDIENT TO LEGISLATE.**

Rep. Sallie Fellows for Executive Departments and Administration. This bill makes various technical changes to the laws governing pharmacies and modifies the inspection procedures for some organizations that store prescription drugs. Due to drafting issues, and a lack of consensus between the professional boards involved, the sponsor and the committee jointly believe a fresh start would be the most conducive approach to reaching a workable solution. **Vote 19-0.**

HB 456, relative to the disclosure of information from vital records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tony Lekas for Executive Departments and Administration. This bill, with the amendment, would permit the Secretary of State to provide a limited set of vital records to the Department of Corrections that the department requires to perform its duties. Those records are data on deaths, marriages, and divorces. If the Department of Corrections is not able to access this information it would need to pay to contract with outside data providers to get it. The amendment adds language to make it even more explicit that the data is limited to the data required. The amendment also corrects two minor technical errors in the bill as introduced. **Vote 18-0.**

HB 499, prohibiting the state from using a face recognition system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill prevents any state database of facial images (drivers' license photos, for one) from being used to identify a photo of an unknown person using facial recognition software. At the current time, no such photo database is used this way by the state. The committee amendment prohibits use of data from face recognition in a New Hampshire court, unless it has been authorized by a search warrant. The committee heard concerns that face recognition is used for identifying lost children and seniors, as well as victims of sexual predators and human traffickers, but decided not to exempt this use for two reasons: first, facial recognition is at its most faulty in dealing with seniors, children, people of color, and women, so it is not likely to provide more than a hint to someone's identity; secondly, under these circumstances, we were assured a warrant could be obtained very quickly. **Vote 17-1.**

HB 533, establishing a division of investigation and compliance in the lottery commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey Goley for Executive Departments and Administration. This bill came to the ED&A Committee as a second committee bill. It modifies the way in which the Lottery Commission interacts with the Attorney General's Office when it comes to the investigation of license applicants. With this bill, the Lottery Commission would pick up more of the responsibility for fact-finding about all applicants for the variety of gambling-related licenses that the Lottery Commission offers. The important point is that the Attorney General's Office will still have the final say in whether an individual is suitable to hold a license. The amendment corrects a few drafting errors and changes references to a determination if a person is "fit" to be associated with racing to whether they are "suitable" to be associated with racing. **Vote 18-0.**

HB 567, declaring February 5, 2021 as Apollo 14 Day. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for Executive Departments and Administration. This legislation as originally submitted was obsolete before the hearing, as Governor Sununu declared Apollo 14 Day without legislation requiring it. The committee amendment, which replaces the entire bill, allows for current and former military personnel who served as combat medics or medical service specialists, as well as any Emergency Medical Technician (EMT) or paramedic who is certified by the National Registry of EMTs, to be able to apply for a license as a Licensed Nursing Assistant (LNA). This is to assist a profession that is severely understaffed with people who have an equivalent level of training and experience. **Vote 19-0.**

HB 631, relative to regulation of interpreters for the deaf, deaf blind, and hard of hearing. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for Executive Departments and Administration. This bipartisan and bicameral bill was written at the request of several members of the New Hampshire Board of Licensing for Interpreters for the Deaf and Hard of Hearing. The bill conforms New Hampshire's language about these matters to current national language. The bill adds "deafblind" where we presently speak only of deaf and hard of hearing. Regulations for licensing of sign language interpreters have been clarified and updated. The disciplinary action provisions were revised to permit the board to take a middle ground action, such that when an adverse consequence to a recipient of sign language interpreter services occurs, the misconduct does not rise to the level of a violation of the Code of Conduct. In cases such of these the board would take remedial, not punitive, action. Finally, while there are many cases where a sign language interpreter needs not be licensed by the board (religious settings, emergency situations, interpreters employed in school settings, for example), an unlicensed person may not present him or herself as a licensed one. Should that occur, that person "shall be guilty of a class A misdemeanor if a natural person or guilty of a felony if any other person." The committee amendment simply adds another group to those consulted by the commission in order to provide access to interpreters. **Vote 19-0.**

SB 21, relative to the Pease development authority board of directors. **OUGHT TO PASS.**

Rep. Tony Lekas for Executive Departments and Administration. In 2019, HB 243, a bill to change the membership of the Pease Development Authority Board of Directors passed the legislature. That bill had an effective date of April 30, 2021. It was later discovered that due to a drafting error the bill made an unintended change to the quorum of the board. A change to fix that problem was included in a Senate omnibus bill in 2020 but, due to other matters in that bill, it was vetoed. This bill corrects that error and is expected to do so prior to the effective date of the incorrect section in statute. **Vote 18-0.**

FINANCE**HB 600-FN**, relative to funding for newborn screening. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jess Edwards for Finance. New Hampshire's newborn screening program is an important program, and the intent of this bill is not to change the program. The intent is to change how bills are sent out. Under current law, the Department of Health and Human Services bills hospitals for the filter paper on which blood samples are submitted for testing. Filter paper is a supply, as such this bill cannot be submitted to insurers. This bill directs the commissioner to restructure the current fee so that these bills can be submitted to insurers. Instead of billing for "filter paper," the invoice could read "newborn screening panel." We are aware this is already done at least in Texas and Minnesota. Coverage for pediatric preventative services has been mandated by federal law without co-pay or deductible since 2014 pursuant to 45 CFR 147.130. This bill does not mandate any change whatsoever in insurance law. Passage of this bill will help maintain the economic viability of the various birthing centers in New Hampshire. The amendment changes the effective date from 60 days after passage to 120 days. **Vote 20-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**HB 89-FN**, adding qualifying medical conditions to the therapeutic use of cannabis law. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. This bill adds moderate to severe insomnia as a qualifying symptom and autism spectrum disorder (ASD) as a stand-alone qualifying condition in the therapeutic cannabis program on recommendation of the Therapeutic Cannabis Medical Oversight Board (TCMOB). The board is composed of the Chief Medical Officer of the Department of Health and Human Services, a qualifying patient representative, a clinical representative from an Alternative Treatment Center (ATC), and ten medical providers from various fields charged with the task of advising the therapeutic cannabis program on medical issues, including qualifying conditions. The TCMOB considers each qualifying condition with an exhaustive literature review, a public hearing, personal experience and robust discussions. The original bill adds moderate and severe insomnia to be a qualifying symptom. The TCMOB voted 9-1 to recommend the addition, as there is evidence that therapeutic cannabis can help with insomnia. The amendment adds ASD as a stand-alone qualifying condition on recommendation of the TCMOB with a vote of 9-0. Agitation and other problems in ASD, particularly in adult patients, can be difficult to manage with current pharmacologic options. Anecdotal evidence and emerging literature supports cannabis as a reasonable option for the management of ASD. Given the concerns regarding the deleterious effects of cannabis on the developing brain for patients under age 21, the TCMOB added the requirement of evaluation by a provider of child or adolescent psychiatry, pediatric neurology or developmental pediatrics who confirms that the ASD has not responded to previously prescribed medication or that the other treatment options produced serious side effects and supports certification for the use of therapeutic cannabis. **Vote 20-0.**

HB 90, allowing alternative treatment centers to acquire and use in manufacturing hemp-derived cannabidiol (CBD) isolate. **INEXPEDIENT TO LEGISLATE.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill would allow Alternate Treatment Centers (ATCs) to use CBD isolate not produced by the treatment centers themselves in the manufacture of their products. The bill sponsor testified that circumstances in the industry have changed since the bill was filed and the bill is no longer necessary. The representatives from the ATCs who testified also asked us to find the bill Inexpedient to Legislate, as they are producing the CBD isolate they need themselves under conditions far more controlled than those of outside producers. **Vote 20-0.**

HB 146, requiring health care providers to furnish upon request a list of ingredients contained in an injectable medication that is recommended or administered. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. Prior to the administration of an injectable drug, this bill allows a patient to request, and the prescriber to furnish, a complete list of the medication's ingredients. It also requires a manufacturer to make available to the public and to healthcare providers a complete list of the medication's ingredients. Lists of the medication's ingredients are available to the public and to healthcare providers in the DailyMed database or on the FDA database. This bill exempts investigational drugs, patients involved in double-blind studies, or medications used in case of an emergency. **Vote 21-0.**

HB 157-FN, repealing the state health assessment and state health improvement plan council. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill began as a repeal bill. It became clear that important stakeholders felt disenfranchised by the process developing the state health assessment and state health improvement plan. The committee thanks Senator Sherman who orchestrated the meeting between stakeholders and the Department of Health and Human Services, resulting in the amendment. The amendment instead revises the charge to the council and adds members to the council such that the previously disenfranchised stakeholders believe their concerns have been addressed. Highlights include an increased scrutiny on access to critical services including maternity, cost of healthcare and health insurance, fiscal stability and sustainability, and an emphasis on public health. A new goal is to plan on ways to reduce the cost of healthcare both to individuals and to the system overall. The council's recommendations are to include both costs and benefits. The committee recommends this bill ought to pass with amendment. **Vote 20-0.**

HB 220, establishing medical freedom in immunizations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill establishes explicitly in statute that citizens of NH have the right to medical freedom and will not be subject to medical procedures, including immunization, without their consent. Unfortunately, the bill as introduced created a number of unworkable conflicts in statute. Most obviously, this conflicts with the involuntary emergency admission procedure to NH hospital when people are a threat to themselves and to others. The bill as originally introduced would conflict with existing guardianship statutes. It would conflict with the Department of Health and Human Services commissioner's authority to respond to public health emergencies, such as infectious disease and venereal disease, subjects which the committee addressed in another bill. It could also possibly conflict with immunizations as a prerequisite for public school attendance. One clear objective of the sponsors was to establish whether employers could require vaccination as a condition of employment. The amendment makes exceptions for the various conflicting statutes listed above, where the committee believed existing statute already had appropriate procedures for safeguarding the rights of citizens. The amendment also aligns state

law with federal law regarding employers. The Equal Employment Opportunity Commission has strictly applied a direct threat requirement if an employer mandates vaccinations. It also allows vaccination of inmates in the event of an Hepatitis A outbreak. **Vote 18-1.**

HB 492, requiring maintenance of the COVID-19 dashboard. **INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for Health, Human Services and Elderly Affairs. This bill would require the Department of Health and Human Services (DHHS) to maintain the Covid-19 dashboard and study health disparities during the Covid-19 pandemic. The committee recognizes that DHHS had issues expanding the information on the Covid-19 dashboard through the pandemic, but believes that it continues to address, without legislation, these issues as they arise. The committee believes health disparities are being adequately addressed by the State Health Assessment and State Health Improvement Plan Council established in RSA-A:88, and another committee is not needed. **Vote 19-0.**

HB 502, establishing a committee to study whether adequate funds are being set aside from the tobacco fund for youth and young adult prevention to help preserve long-term health. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Salloway for Health, Human Services and Elderly Affairs. The Committee on Health, Human Services and Elderly Affairs considered this bill. It was determined that the issue addressed in the bill fell under the purview of the Committee on Oversight of the Department of Health and Human Services. **Vote 21-0.**

HB 572, relative to pharmacist administration of vaccines and allowing a licensed advanced pharmacy technician to administer vaccines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. RSA 318:16-b includes ambiguous language regarding administering the flu vaccine to individuals under age 18. The bill clarifies that a pharmacist may provide a vaccine only to individuals 18 years of age or older. Pharmacists currently provide 12 of 14 vaccines on the Centers for Disease Control and Prevention (CDC) recommended adult immunization schedule. This bill enables a pharmacist to administer the remaining two vaccines, allowing patients greater access to all CDC-recommended adult vaccines. Patient utilization of pharmacists for vaccines has grown significantly in the past few years. This bill enables fully trained, educated, licensed advanced pharmacy technicians to administer a vaccine, allowing safe use of cost-effective healthcare personnel to assist pharmacists. **Vote 19-0.**

HB 582, relative to prescriptions for the treatment of attention deficit disorder or attention deficit disorder with hyperactivity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Woods for Health, Human Services and Elderly Affairs. Individuals using medications for Attention Deficit Disorder (ADD), Attention Deficit Hyperactive Disorder (ADHD) or narcolepsy are frequently students studying a distance from home. Logistical difficulties are regularly encountered when refills are needed while away which creates significant risks for disruption of critical functioning. This bill as amended allows a 90-day prescription just for these medical diagnoses and thus corresponds better to routine home visits. This avoids the risk of disruption in medications and consequent functional impairment. Although these medications are schedule II drugs and a single prescription cannot be written that indicates a number of refills, the US Department of Justice has opined that a single prescription can be written for a 90-day supply if also allowed by state law. This bill meets these federal requirements. **Vote 20-0.**

HB 599-FN, relative to the therapeutic cannabis medical oversight board. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Acton for Health, Human Services and Elderly Affairs. This bill is a citizen-requested bill that adds new requirements on the medical director of the Department of Health and Human Services (DHHS) to conduct a review of qualifying medical conditions under the therapeutic cannabis law. The bill also requires members of the Therapeutic Cannabis Medical Oversight Board (TCMOB) to disclose certain conflicts of interest before participating in matters in which such conflicts of interest exist. The committee heard testimony from the chairman of the TCMOB who explained how this bill would create redundant and unnecessary changes to the current rules. A representative of DHHS also testified and informed the committee that the department has taken a stance against this bill for these same reasons. Having heard no testimony in favor of this bill, the committee recommends this bill Inexpedient to Legislate. **Vote 20-0.**

JUDICIARY

HB 83, prohibiting non-disparagement clauses in settlement agreements involving a governmental unit. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Paul Berch for Judiciary. This bill, as amended, would prohibit non-disparagement clauses in settlement agreements that involve governmental units. Citizens who agree to such settlements would be able to freely talk about the conduct that gave rise to the suit, even if that reflects negatively on some government official. Based upon the First Amendment, this bill promotes public understanding of the working of our government, allows exposure of misuse of government power, and bars the government from using its power to suppress speech that it may find unfavorable. This bill was broadly supported on a bi-partisan basis. **Vote 20-1.**

HB 108-FN-LOCAL, relative to minutes and decisions in nonpublic sessions under the right-to-know law. **OUGHT TO PASS.** Rep. Mark McLean for Judiciary. This bill requires that public bodies keep a list of sealed minutes from non-public sessions. The list would be available to the public and would contain the date and time of the session, the specific exemption from RSA 91-A:3 II under which the non-public session was authorized, and the date of the decision to withhold the minutes from public disclosure. The majority of the committee felt that the generation and retention of such a list would be a minor burden that would be far outweighed by enhanced transparency with the public. The list will also be useful in assisting with the management of records, and could help streamline facilitation of right to know requests. **Vote 21-0.**

HB 111, establishing a cause of action against the state to protect individual rights. **OUGHT TO PASS.** Rep. Paul Berch for Judiciary. This bill would allow a citizen to sue in state court for an injury caused by an agent of the State of NH or a subdivision thereof, if it involved a violation of state or federal law. It waives immunity of the state so that such a suit can occur. If the agent of the state is found liable, any financial liability will only be assessed against the state or the subdivision that employed the agent, and not the individual employee. This bi-partisan bill assures that the doors of our courts will be open to our citizens for redress of harm; will promote better training of police, correctional officers and other governmental employees; and encourages the state and its political subdivisions to be vigilant in making hiring decisions. **Vote 19-2.**

HB 126, relative to notice of execution of tax lien to mortgagees. **OUGHT TO PASS.** Rep. Joe Alexander for Judiciary. This bill would extend the time for the notice of the execution of a municipal or state tax lien to be given to a mortgagee from 45 days to 60 days. The committee unanimously recommends ought to pass because such bill would give more flexibility to municipal and state tax collectors and is widely supported by tax collectors and town clerks as well as the New Hampshire Municipal Association. **Vote 21-0.**

HB 133, creating a cause of action for censorship by social media websites. **INEXPEDIENT TO LEGISLATE.** Rep. Michael Sylvia for Judiciary. This bill seeks to control the actions of social media corporations. It would only be applicable to New Hampshire corporations, putting them at a competitive disadvantage. It also suffers from a serious constitutional defect in its infringement on free speech. **Vote 21-0.**

HB 212, relative to drug courts and alternative drug offender grant programs. **INEXPEDIENT TO LEGISLATE.** Rep. Charlotte DiLorenzo for Judiciary. In order to be eligible to participate in the drug court alternate sentencing program, offenders must agree to participate in mental health and social service counseling components of the drug court program. The committee agrees that adequate mental health and social service counseling are already available to offenders who have agreed to participate in the New Hampshire Drug Court System. **Vote 21-0.**

HB 360, relative to the rental of shared living facilities. **OUGHT TO PASS WITH AMENDMENT.** Rep. Edward Gordon for Judiciary. This bill clarifies the process for termination of a rental and the availability of remedies to occupants of shared living facilities. Shared living facilities are premises rented for residential purposes where the tenant has a separate sleeping area but shares with the owner other parts of the living quarters. The bill requires that tenants identify that they live in a shared living facility when they file a petition with the court. The amendment changes the effective date and provides that the court include a check box on its petition. **Vote 21-0.**

HB 395-FN, relative to consideration of home-share income and exempting rentals of shared facilities from requirements under the real estate practice act. **INEXPEDIENT TO LEGISLATE.** Rep. Kimberly Rice for Judiciary. The committee thought the subject matter in this bill was important and deserves more investigation, but several issues were raised at the hearing that were too important to rush. Because the committee believes that the bill has a lot of merit and is valuable, the committee encourages the sponsors to address the suggestions which were made by committee members and submit another bill in the future. **Vote 17-3.**

HB 453, shielding journalists from mandatory disclosure of sources by subpoena. **INEXPEDIENT TO LEGISLATE.** Rep. Joe Alexander for Judiciary. The majority of the Judiciary Committee believes the existing system of disclosure of sources through subpoena is sufficient. The majority believes there is already a delicate balance between freedom of the press and disclosure through subpoena. This bill also does not define "journalist" and the majority is concerned that anyone could be defined as a journalist in certain situations. This bill would muddle up the already existing balance with freedom of the press. **Vote 18-2.**

HB 474, prohibiting surveillance by the state on public ways or sidewalks. **OUGHT TO PASS WITH AMENDMENT.** Rep. Michael Sylvia for Judiciary. This bill, as amended, clarifies the existing statute that prohibits the state or its municipalities from using cameras or similar devices to determine ownership of a motor vehicle or the identity of its occupants on any public way. It ensures that the prohibition applies not just to vehicle ownership but also to vehicle location. It also expands these protections to include pedestrians using public sidewalks.

Finally, it provides a private right of action for those injured by a violation of the prohibition. These changes are an important legislative step in keeping with the recently passed informational privacy amendment to the New Hampshire Constitution. **Vote 17-3.**

HB 540, relative to supported decision-making as an alternative to guardianship. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Wendy Chase for Judiciary. This bill, as amended, provides formal recognition of supported decision making, which occurs when people with disabilities use friends, family members, and professionals to help them understand and make their own decisions without the need for a substitute decision maker, such as a guardian. It can be used in a range of circumstances, from young adulthood when a person is learning to make effective decisions for themselves to later life when someone is in increased need of support but continues to be able to make their own decisions. It can be used to help with decisions related to such things as healthcare, finances, and employment. People who retain their autonomy and exercise greater self-determination have better health, are more integrated in their communities, and are better able to recognize and resist abuse. The bill does not make guardianship any less available, but provides recognition for an alternative when it is appropriate. **Vote 21-0.**

HB 569, relative to offering vocational training as part of the drug court and alternative drug offender grant program. **INEXPEDIENT TO LEGISLATE.**

Rep. Rebecca McBeath for Judiciary. The majority of the committee appreciated the motivation of the prime sponsor to introduce legislation to correct an issue identified by a concerning experience of a constituent; however, after considering the testimony of the numerous individuals including prosecutors, probation officers, and the Chief Justice of the New Hampshire Superior Court, members believed the issue had received fair hearing and the underlying concerns of this bill were being presently addressed by court protocol and the NH Judicial Branch. **Vote 20-0.**

HB 584-FN, relative to guilt by association and defamation by media outlets. **INEXPEDIENT TO LEGISLATE.**

Rep. Charlotte DiLorenzo for Judiciary. The committee feels that this bill is unconstitutional because it interferes with the First Amendment of the US Constitution which guarantees and protects free speech and that includes freedom of the press. The committee received written testimony from Brendan McQuaid, publisher of the New Hampshire Union Leader who wrote that: "A free press is how a free society can keep track of what their government is up to. If the press can be ordered to remove or alter their first draft of history then that free society loses a window into the behavior of their government." Similar legislation was proposed in the Rhode Island Senate in 2020 but due to difficulties in gaining support for the bill it was withdrawn by the sponsor. **Vote 20-0.**

HB 630, relative to remote board meetings under the right-to-know law and authorizing certain procedures for rulemaking. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Sylvia for Judiciary. This bill, as amended, defines "electronic documents" and "signatures" under RSA 541-A, the administrative procedure act. **Vote 20-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 261, relative to apprenticeship programs in trade and industry. **OUGHT TO PASS.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. This change to RSA 278 was requested by the NH Department of Labor (NH DOL) and the US Department of Labor (US DOL). It brings the language regarding apprenticeship programs and, particularly, the Apprenticeship Council, in line with current practice. Since the US DOL made changes to the federal Law in 2007, some NH state language has not matched the regulatory environment. This bill corrects these issues. **Vote 20-0.**

HB 501, establishing a minimum pay rate for adjunct faculty of the university system of New Hampshire and community college system of New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. The initial intent if this bill was to establish a minimum wage rate for adjunct faculty at the University System of NH and at the Community College System of NH. The adjunct faculty members are represented by a union and the union has been unable to negotiate what they consider to be fair wage terms. The committee did not feel legislation was the proper way for this group to obtain what they were unable to get from collective bargaining. The sponsor of the bill submitted an amendment to the bill requesting that salary information for other members of the university and community college system be provided to the adjunct faculty bargaining unit. The university system already provides this information to the public and, through the hearing process, the community college system agreed to provide the same information. With this, the committee felt that there was no need for legislation. **Vote 20-0.**

LEGISLATIVE ADMINISTRATION

CACR 11, relating to powers of the general court. Providing that the legislature have the power to submit a binding referendum on whether to overturn a decision of a state court that interprets a provision of the state constitution. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Simon for Legislative Administration. This proposal to amend the State Constitution seeks to give the legislature the power to submit a binding referendum on whether to overturn a decision of a state court that interprets a provision of the State Constitution. We find this proposal to be unnecessary and cumbersome as the General Court already has mechanisms in place to hold courts accountable. The language of the proposal is vague in its reference to both “state courts” and “constitutional interpretation.” This ambiguity leaves the amendment open to the broadest possible interpretation as well as interjecting the General Court into the middle of the judicial branch process. Furthermore, the CACR does nothing to ensure that proper interpretation of the constitution is adhered to, but rather shifts the ultimate role of interpretation to the General Court and to the general public—whose opinions may or may not be constitutional. If passed, there is nothing that prohibits any majority party from politicizing every court decision contrary to its political philosophy and agenda. The majority party could work to impassion the public along partisan rather than constitutional lines, they could use the powers granted in this amendment to overturn a constitutional court ruling, and ultimately threaten the balance of power between the legislative and judicial branches. This CACR, in effect, multiplies the dangers of a lack of constitutional checks and balances between the legislative and judicial branches—the very thing which it was intended to protect against. For these, and multiple other reasons, the majority of the committee requests the CACR 11 be found Inexpedient to Legislate. **Vote 15-0.**

HB 186, repealing certain inactive committees and revising the membership or duties of certain committees, councils, and boards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Vanessa Sheehan for Legislative Administration. This is the second bill filed to implement the work completed by a bipartisan study committee over the last two years. The first bill was adopted last year as part of an omnibus bill. A large number of committees have outlasted their usefulness. This bill repeals some committees that appear in statute and also amends related statutory provisions. This bill was further amended in committee. The amendment deletes section 5, revising the description of the members of the Legislative Youth Advisory Committee. It also amends section 8 requiring a majority of the members of the Advisory Committee on Marine Fisheries to be from the seacoast region. Lastly, the amendment deletes references to Joint Health Care Reform Oversight Committee in RSA 420-N and RSA 126-AA that had been inadvertently omitted in the bill as introduced. **Vote 15-0.**

HB 190, relative to financial disclosures by legislators. **OUGHT TO PASS.**

Rep. Janet Wall for Legislative Administration. This bill changes the requirement for filing financial disclosure forms for all representatives, senators and staff. Rather than filing every year as currently required under RSA 14-B:8, the change proposed in the bill requires financial disclosure forms to be filed at the beginning of every biennium. All forms will continue to be posted on the NH General Court website. Any changes in a member’s financial status will still require reporting. The Legislative Ethics Committee requested this bill. **Vote 14-1.**

HB 277, relative to termination of a state of emergency by the legislature. **INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Simon for Legislative Administration. This legislation seeks to give the legislature the power to end a state of emergency through petition. The committee, upon receiving written testimony, believes the solution to be unconstitutional. It is also superfluous, since another bipartisan bill, HB 417, addressing this same issue has been addressed by another committee and is working through the legislative process. **Vote 15-0.**

HB 509, relative to portraits and memorial objects in the state house, legislative office building, and Upham Walker house. **OUGHT TO PASS.**

Rep. Janet Wall for Legislative Administration. The committee unanimously agreed that it is advisable to clarify who has the authority and responsibility for placement of portraits, flags, busts, statutes, or other memorial objects within the State House, legislative office building and Upham Walker House. The bill clarifies which areas are under the jurisdiction of the Governor and Council and which areas are under the jurisdiction of the Joint Legislative Historical Committee in consultation with the Director of the Division of Historical Resources. **Vote 15-0.**

HB 559, relative to state of emergency declarations. **INEXPEDIENT TO LEGISLATE.**

Rep. Betsy McKinney for Legislative Administration. This bill requires the legislature to renew a state of emergency beyond the initial 21-day period. The committee thought the sponsor hit the mark with this bill, but also agreed that HB 417 is a better solution to the problem which makes this bill unnecessary. **Vote 15-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 64-LOCAL, relative to renewable generation facility property subject to a voluntary payment in lieu of taxes agreement. **OUGHT TO PASS.**

Rep. Richard Tripp for Municipal and County Government. This bill is a housekeeping bill which clarifies the exclusion of a renewable generation facility’s property valuation from the municipality’s tax base which is used to determine the statewide education property tax. **Vote 19-0.**

HB 79, relative to town health officers. **OUGHT TO PASS.**

Rep. Everett McBride for Municipal and County Government. This bill is the result of a year's work by the NH Health Officers Association to strengthen the public health system in New Hampshire and to incorporate numerous measures to achieve that goal. Communication between the Department of Health and Human Services (DHHS) and town health officers will be improved by the collection of contact information. DHHS will begin training health officers so that they will be better able to perform their duties. This bill gives health officers needed tools to be the local "boots on the ground" by providing information about quarantine and enforcement orders in their local communities. Health officers will meet at least annually with selectmen, receive information from the Public Health Department when actions are necessary to protect the public in their locale, and coordinate with selectmen when necessary. And while education and cooperation have always been the first choice of health officers when action is needed, this bill puts in statute the enforcement authority granted to health officers by provision 5 of emergency order 65, which is necessary before lifting the state of emergency. Last, local health officers will report through the NH Health Officer's Association to the Health and Human Services Oversight Committee and the State Health Assessment and State Health Improvement Plan Advisory Council annually about readiness for public health emergencies so that New Hampshire will be better prepared if another public health emergency ensues. **Vote 17-1.**

HB 88, relative to the city of Claremont police commission. **OUGHT TO PASS.**

Rep. Marjorie Porter for Municipal and County Government. This bill was brought forth on behalf of the city of Claremont. Under current law, the city's police commission is appointed by the city manager. This bill changes that, allowing the city council to make those appointments instead. Claremont's city council approves this change. **Vote 18-0.**

HB 101, relative to the close of a county's books of records. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John MacDonald for Municipal and County Government. In 2019, the General Court updated the statute about county audits by requiring audits to be completed within 120 days of the close of books. However, some counties discovered they could delay the audit indefinitely by simply not closing the books. This bill closes that loophole. As amended, counties must close their books within 45 days of the close of the fiscal year, but may be granted an extension for cause by the commissioner of the Department of Revenue Administration. **Vote 19-0.**

HB 154-LOCAL, relative to community revitalization tax relief incentives. **OUGHT TO PASS.**

Rep. Everett McBride for Municipal and County Government. The intent of this bill is to enable community revitalization tax incentives for the construction of additional housing in designated areas. The bill also revises the criteria for assistance from the affordable housing fund administered by the housing finance authority. **Vote 19-0.**

HB 164, relative to the acquisition, sale, or demolition of municipal land or buildings. **OUGHT TO PASS.**

Rep. Tony Piemonte for Municipal and County Government. This bill amends RSA 41:14-a which relates to the statute which outlines how a select board may acquire or sell municipal land, buildings or both. This bill makes two major changes to the statute. First, it adds the demolition or disposal of municipal buildings, other than a sale, to the breadth of the statute. Currently the process calls for the planning board and the Conservation Commission, if they exist within a town, to make recommendations to the select board concerning the disposition of municipal land and buildings. The second statute change within this bill is the addition of the Heritage Commission, if such a commission exists within a town, and the Historic District Commission, if the building lies within the defined district, to become part of the review process for recommendations being made to the select board. What prompted this bill was that there were more and more examples of towns knocking down historic buildings. The current statute only addresses the sale of municipal buildings and not the demolition of these buildings. When it comes to historic buildings, the Heritage Commission within a town is best positioned to inform the select board of a buildings historic value. The committee unanimously agreed that these two changes were needed. **Vote 19-0.**

HB 262, relative to the adoption of bylaws and ordinances by municipalities. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Municipal and County Government. Although requiring that municipalities state the enabling RSA section for which all bylaws and ordinances enacted or amended would be useful and is motivated by good intentions, making that compulsory would place an undue burden on some municipalities, particularly smaller ones that have limited resources. The majority feels the burden would exceed the benefit gained. **Vote 18-0.**

HB 284, relative to the restoration of involuntarily merged lots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ivy Vann for Municipal and County Government. The Municipal and County Committee voted to eliminate the sunset clause from the statutory language as we saw no reason why involuntarily merged lots should not be separated at any point after their merger. **Vote 19-0.**

HB 411, establishing a commission to study the equalization rate used for the calculation of a property tax abatement by the New Hampshire board of tax and land appeals, the superior court, and all cities, towns, and counties. **OUGHT TO PASS.**

Rep. Richard Lascelles for Municipal and County Government. This bill establishes a commission to study the equalization rate used for the calculation of a property tax abatement. The commission will consider any

inequity in the current system of equalization and establish a method to eliminate the use of two separate equalization rates reported by the Department of Revenue Administration in separate years, one of which is used for tax assessment purposes and one of which is used for tax appeal purposes. This will result in the same equalization rate being used by the New Hampshire board of tax and land appeals, the Superior Court, and all cities, towns, and counties. **Vote 19-0.**

HB 415, relative to municipal estimates of expenditures and revenues. **INEXPEDIENT TO LEGISLATE.** Rep. Tony Piemonte for Municipal and County Government. The sponsor of the bill felt it would be prudent to make HB415 an amendment and apply it to HB243. Therefore a motion of Inexpedient to Legislate in this instance is recommended. **Vote 19-0.**

HB 454, relative to the requirement that certain governing bodies submit recommendations to the budget committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for Municipal and County Government. The sponsor of this bill felt it prudent to make HB 454 an amendment and apply it to HB243. Therefore a motion for Inexpedient to Legislate is recommended. **Vote 19-0.**

HB 463, requiring the Gorham town clerk to be appointed by the board of selectmen. **INEXPEDIENT TO LEGISLATE.**

Rep. Everett McBride for Municipal and County Government. This bill requires that the town clerk in the town of Gorham be appointed by the selectmen. The committee unanimously agreed this legislation is a local issue that should be resolved at the local level. **Vote 18-0.**

HB 486-FN, relative to eligibility for the low and moderate income homeowners property tax relief. **OUGHT TO PASS.**

Rep. Richard Tripp for Municipal and County Government. This bill is an update to the NH Department of Revenue low and moderate income homeowners property tax relief program. This program is used to rebate a portion or all of the property owner's statewide education property taxes. The bill amends RSA 198:57 to increase the household income eligibility, property assessment and tax relief percentage amounts. When originated in 2002, 10% of NH homeowners were eligible for the property tax relief. Last year only 1.5% were eligible for the relief because they exceeded the low-income criteria. The change this bill makes brings the income and assessed value amounts up to par and makes it possible for low-income homeowners to once again qualify for the statewide education property tax relief. **Vote 19-0.**

HB 545, relative to the use of certain out-of-state banks by the state treasurer and municipal and county treasurers or trustees. **OUGHT TO PASS.**

Rep. Tony Piemonte for Municipal and County Government. This bill would allow out-of-state banks with a branch in New Hampshire to accept deposits and investments of public funds from the state treasurer as well as city, town, and school district treasurers. **Vote 18-0.**

HB 552, relative to property tax valuations. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Lascelles for Municipal and County Government. The stated intent of this bill is to give taxpayers a one year break from higher taxes resulting from increases in property value due to reassessments. Although the intent is commendable, testimony in the hearing concluded that for most taxpayers, taxes do not go up due to reassessments. Most taxpayers see no increase and sometimes there is a decrease in taxes attributable to reassessments. For those whose taxes do go up, the increase is due to past under-valuations. Testimony heard in committee suggested that this bill, if enacted, would upset the normal schedule for reassessments for many towns. **Vote 18-1.**

HB 573, relative to the uses of certain large retail properties. **INEXPEDIENT TO LEGISLATE.**

Rep. Latha Mangipudi for Municipal and County Government. This bill attempts to fix a local zoning issue and was an overreach. It takes local control away from municipalities who should be able to address local issues effectively and efficiently. **Vote 19-0.**

HB 574, relative to change of use of certain retail properties. **INEXPEDIENT TO LEGISLATE.**

Rep. Latha Mangipudi for Municipal and County Government. In the spirit of the Live Free or Die NH motto, local issues are addressed best at the local level. This bill takes away local control. **Vote 19-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 184, relative to the operation of personal water craft around the marshlands or flats of the Rye estuary and the New Castle back channel. **OUGHT TO PASS.**

Rep. Suzanne Smith for Resources, Recreation and Development. This bill amends RSA 270:74-c, II which prohibits the use of personal water craft (PWCs) within 300 feet of any marshland or flat in the Hampton/Seabrook estuary to include the Rye estuary and the area within the New Castle Goat Island Back Channel

Mooring Field. The boundaries of the Back Channel in HB184 include only the most fragile areas of the Back Channel and do not prohibit access to Sagamore Creek. Marine Patrol testified that the boundaries outlined in the bill will facilitate enforcement. The bill also includes in the prohibited areas the tidal areas surrounding Berry's Brook, Seavey Creek, Witch Creek, Parson's Creek, and the Awcomin Marsh and Rye Harbor Marsh areas which flow into Rye Harbor. The bill exempts water craft operated by police, fire, or other emergency from the prohibition. **Vote 21-0.**

HB 235, relative to community small groundwater withdrawal. **OUGHT TO PASS WITH AMENDMENT.** Rep. Andrew Renzullo for Resources, Recreation and Development. This bipartisan legislation addresses impacts to other water users from new sources of water for community water systems. Specifically, the bill requires the Department of Environmental Services (DES) to establish criteria within administrative rules for new small community water supply wells. Small water supply wells draw under 40 gallons per minute. These rules would authorize DES to require a small community water supply well applicant/owner to mitigate potential adverse impacts to a private water supply well in the event that such impacts occur. The owner/applicant would be required to perform an investigation and mitigation. The increasing density of development within the state, and the use of small community water supply systems at subdivisions to increase land development, increases the likelihood for these impacts in the future. In the 2020 session a similar bill on this topic was unanimously passed by the committee and was tabled in the Senate without committee referral as were many other bills due to Covid. The amendment reestablishes the same verbiage and text previously approved in the 2020 session. **Vote 21-0.**

HB 269, relative to abandoned underwater cables. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Vail for Resources, Recreation and Development. This bill intends to address the existence of abandoned underwater cables that were at one time used to bring electricity and telecommunications to islands in lakes. While it is important environmentally to explore the impact of abandoned cables in lakes, it is not known what the environmental impact would be to lake bottoms during the removal of them. The committee was unable to determine the scope of the problem, how deep the cables might be, who they belong to, and whether or not these cables are still actually in service and/or could be put back into service. During the hearing the committee learned that the administration and enforcement mechanisms proposed needed rework. The committee hopes the bill will be brought back in the future, with the information needed to determine a course of legislative action. **Vote 21-0.**

HB 271, relative to standards for per and polyfluoroalkyl substances (PFAS) in drinking water and ambient groundwater. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Suzanne Smith for Resources, Recreation and Development. This bill changes the use of the term "Perfluorinated compounds" to "Per and polyfluoroalkyl Substance" and the acronym "PFC" to "PFAS" in existing statutes. The change will result in using the term that is most inclusive of the entire family of these substances. The amendment specifies that the department of environmental services may only set standards for other PFAS for which at least one peer reviewed study has been conducted in accordance with generally accepted scientific principles which demonstrate that the PFAS of concern are known to cause or may reasonably be anticipated to cause acute, chronic, mutagenic, reproductive, or developmental health effects in humans as a result of exposure. **Vote 21-0.**

HB 397, relative to permitting fees under the shoreland protection act. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Eamon Kelley for Resources, Recreation and Development. As introduced, HB397 would exempt projects funded solely by municipal, county, state, federal or non-profit entities from paying any Shoreland Water Quality Protection Act permitting fees. In 2019, a similar exemption law sunsetted. Department of Environmental Services testified in support of capping the fees for these projects at \$3750, which had been the cap for all projects prior to 2019. Reduced fees will allow municipal water systems, wastewater treatment plants, and other projects solely funded by municipal, county, state, or federal entities to move forward more quickly on important infrastructure improvements. The amendment removes the full exemption but caps Shoreland Water Quality Protection Act permitting fees at \$3750 for all projects solely funded by municipal, county, state, or federal entities. **Vote 21-0.**

HB 447, relative to scuba equipment. **INEXPEDIENT TO LEGISLATE.**

Rep. Eamon Kelley for Resources, Recreation and Development. This bill would mandate that any business renting scuba gear also make available an underwater GPS device. To fulfill this mandate, businesses would need to have one GPS device for every set of gear they have available for rent. Although the committee believes that providing divers with a safe experience is important, we did not find that the devices currently available could accomplish the intended outcome. Divers may misunderstand the devices limitations and it may encourage them to take greater risk. Diving can be a safe activity if those involved know their limitations and follow proper safety training. **Vote 20-1.**

HB 534, relative to municipal control of certain frozen water bodies. **INEXPEDIENT TO LEGISLATE.**
Rep. Robert Healey for Resources, Recreation and Development. This bill would allow the local governing body of a municipality to regulate the time, place, and manner of use of frozen public waters of 100 acres or less within their boundaries. This contradicts RSA 271:20, I, which states: "All natural bodies of fresh water situated entirely in the state having an area of 10 acres or more are state-owned public waters, and are held in trust by the state for public use." This bill had opposition from many state agencies including NHDES, State of New Hampshire Department of Parks and Cultural Resources, New Hampshire Fish and Game Department, and NH Rivers and Management Advisory Committee. To quote the Chair of NH Rivers and Management Advisory Committee, "If passed this bill would effectively remove the public's free use of the states smaller lakes and ponds during the winter months." In addition, during hearings, Captain Eastman of Fish and Game suggested that the public currently has the ability to address local grievances via Administrative Rules. **Vote 21-0.**

SCIENCE, TECHNOLOGY AND ENERGY

HB 225, relative to the calculation of net energy metering payments or credits. **INEXPEDIENT TO LEGISLATE.**

Rep. Fred Plett for Science, Technology and Energy. This bill would reduce payments for excess net metering from default service energy rates (in the nine-cent range) to locational marginal pricing - wholesale rates (about 3 cents per kWh), while allowing an increase in the maximum generator size from 1 to 2 MW. It would also require the excess sale to the utility to appear as a monetary credit on future bills, thus avoiding any net sale to the utility over time. The committee recommends this as Inexpedient to Legislate due to the complexity and the shortage of time to deal on the floor this session with controversy. It may resurface in the future in some form. **Vote 21-0.**

HB 289, relative to including electrical storage facilities in the definition of energy facility. **OUGHT TO PASS.**

Rep. Michael Harrington for Science, Technology and Energy. This bill expands the definition of an energy facility to include energy storage facilities. This allows the Site Evaluation Committee (SEC) with its additional expertise and resources to 1) have primary jurisdiction on siting of energy storage facilities with a peak storage capacity of 30 megawatt-hours or greater; and 2) allow municipalities to petition the SEC to take jurisdiction over smaller-sized storage facilities. **Vote 20-0.**

HB 294, relative to the purchase of output of limited electrical energy producers. **INEXPEDIENT TO LEGISLATE.**

Rep. JD Bernardy for Science, Technology and Energy. This bill is substantially equivalent to HB 1262 which was rejected last session to allow necessary revisions. No revisions were incorporated into the resubmitted bill. The bill as written would likely require significantly more action by the offices of the Consumer Advocate, Attorney General, and the Public Utilities Commission to address contractual issues in an unregulated limited producer sector, potentially requiring additional staffing. **Vote 18-2.**

HB 309, relative to the computation of renewable energy credits. **OUGHT TO PASS.**

Rep. Michael Harrington for Science, Technology and Energy. This bill would change the capacity factor assigned to class II (solar) facilities from 20% to a capacity factor rating equal to the annual Photovoltaic (PV) Energy Forecast issued by the Distributed Generation Working Group under ISO New England (ISO-NE). The capacity factor determined by ISO-NE provides a more accurate number based on actual field measurements. **Vote 21-0.**

HB 399, relative to the energy consumption reduction goal. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for Science, Technology and Energy. This bill would have changed the focus of the NH energy reduction goal to greenhouse gas emissions instead of fossil fuels, but after consultation with the Department of Environmental Services, the sponsor found that this change had already been made and the bill is no longer needed. Therefore, the sponsor requested the bill be recommended Inexpedient to Legislate. **Vote 20-0.**

HB 487, establishing an information technology supply chain risk authority. **INEXPEDIENT TO LEGISLATE.**

Rep. Lex Berezny for Science, Technology and Energy. This bill sought to tighten up security at the state's Department of Information Technology. It was requested by the head of the department. In light of recent cyber security developments, both the department head and the sponsor decided to request that the bill be deemed Inexpedient to Legislate so that a better bill can be brought forward next year. **Vote 20-0.**

TRANSPORTATION

HB 100, relative to driving to the left of an unbroken painted line. **OUGHT TO PASS.**

Rep. Larry Gagne for Transportation. This bill adds an exemption to the prohibition on crossing unbroken painted center lines while driving on anyway. This amends RSA 265:22, I (d) to read as follows: In order to pass a pedestrian or a device moved by human power, including a bicycle, skateboard, or foot scooter, provided such movement can be made safely, or (E) in order to comply with RSA 265:37-a, I **Vote 19-0.**

HB 174, relative to reporting a collision between a cat and a motor vehicle. **OUGHT TO PASS.**

Rep. Aidan Ankarberg for Transportation. The intent of this bill is to further protect the property rights of domesticated pet owners by bringing the classification of a cat into equal standing to a dog under RSA 264:31. Under the current law, if a person were to strike a cat, there is no requirement that they must notify the owner of the cat or the authorities and they are free to simply drive away. This is inconsistent with the majority of laws in our state regarding property protection. Literally, you could hit a statue of a cat and you are legally obligated to report it, but you are not if you hit an actual cat. This bill addresses and solves this problem. **Vote 19-0.**

HB 175, relative to reciprocal driver education. **INEXPEDIENT TO LEGISLATE.**

Rep. Karel Crawford for Transportation. This bill would require the Commissioner of Department of Safety to issue a driver's license to any individual who can provide satisfactory evidence of completion of a course of driver education approved by the state in which the courses were offered. This bill is unnecessary as the Department of Motor Vehicle already handle these reciprocal driver education requests. They also provide the information on their web site on the requirements that are needed for driver education in New Hampshire and additional documentation that might be needed to complete the NH Driver Education requirements. We were told that the Department of Motor Vehicle handles about 20 of these requests a year. **Vote 19-0.**

HB 268, relative to cycling on the left side of the road **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Gagne for Transportation. This bill would require that bicycles travel on the left side of a two way road where there are no existing bicycle lanes. Because of the opposition from various state agencies and the public, the prime sponsor has recommended to the committee that this bill be inexpedient to legislate. **Vote 18-0.**

HB 329, relative to storage of rail cars containing hazardous materials. **INEXPEDIENT TO LEGISLATE.**

Rep. Travis O'Hara for Transportation. While the committee understands the intent of the bill, we all understand how dangerous New Hampshire winters can be. One of the most common materials included in this bill is home heating fuels, that have no other storage options. We fear that not having the cars close to the people we risk long outages that could be deadly to the people. Lastly, we feel that moving the storage cars every 72 hours, because the law would say so would increase the risk of spillage. **Vote 19-0.**

HB 361, relative to gold star family decals for motor vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Gagne for Transportation. This bill authorizes the New Hampshire office of Veterans services to issue free of charge gold star family decals for motor vehicles owned by certain family members of persons killed while on duty in the U.S. armed services. The intent of this bill has been infused into HB 451 without being diminished. **Vote 18-0.**

HB 393, relative to the indication of blood type on drivers' licenses and nondrivers' picture identification cards. **INEXPEDIENT TO LEGISLATE.**

Rep. Travis O'Hara for Transportation. While the committee understands the intent of the bill, we find that the burden of verification process would be unreasonable liability for the state to assume, and could endanger the welfare of the people of this state. **Vote 19-0.**

HB 421, relative to organ donation on a driver's license. **OUGHT TO PASS.**

Rep. Travis O'Hara for Transportation. The committee agrees, in whole, that our choice to donate our organs is a legal choice that we assume under our own freewill. This is a choice that we can make on how our private property is handled even after our passing. This choice can be revoked by us at any time in our life, the logo on our ID is just a reminder of that commitment with our private property and is not used by first responders to determine any action to our body, post passing. **Vote 19-0.**

HB 424, establishing a commission to study ways to reduce texting while driving. **OUGHT TO PASS.**

Rep. Travis O'Hara for Transportation. This bill allows us to set up a commission to study how to reduce texting and driving; this is a danger to our citizens and should be addressed in a better way than it currently is being handled. **Vote 19-0.**

HB 451-FN, allowing the New Hampshire Masons to issue decals for motor vehicle plates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Transportation. The majority of the committee agreed to combine three bills via amendments into this single bill and then voted to grant the addition of two groups to the list of approved multi-use decal plate organizations: the N.H. State Council of Knights of Columbus and the Grand Lodge of Ancient Free and Accepted Masons in New Hampshire. Additionally, the amended bill grants the Department of Military Affairs and Veteran Services the ability to provide gold star family decals to those who qualify. There will be no charge to the family. **Vote 18-0.**

HB 461, relative to motorcycle auxiliary lamping, and adding the New Hampshire Motorcyclists' Rights Organization to the traffic safety commission. **OUGHT TO PASS.**

Rep. Steven Smith for Transportation. This bill adds the New Hampshire Motorcyclists' Rights Organization to the traffic safety commission. The commission considers matters of road and vehicle safety. The members are state safety agencies and various stakeholder representatives. It makes sense to add motorcycle issues to this group. The focus on safety and training by the NHMRO will enhance the effectiveness of the commission. The bill also updates New Hampshire motor vehicle laws to match the recommendations of the NHTSA and allows 4 four forward facing lights on motorcycles instead of the current three light restriction. **Vote 19-0.**

HB 496-FN, relative to license plate covers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Larry Gagne for Transportation. This bill prohibits persons from attaching or permitting to be attached to a license plate any coverings that are colored, smoked or tinted. The testimony that we heard stated that the language of this bill defines more accurately what obscuring a license plate means. The amendment simply changes the effective date from 60 days after passage to January 1, 2021. **Vote 18-1.**

HB 515, relative to confidentiality for reporting possibly medically unfit drivers. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for Transportation. The committee is sensitive to the concerns heard in testimony from the prime sponsor indicating how difficult it sometimes can be to begin the process of removing the driving privileges from a friend, neighbor, or family member. The bill seeks to make that easier by allowing the reporting process to take place behind the veil of secrecy. The most compelling testimony came from the Director of the Department of Motor Vehicles (DMV) who gave statistics indicating that most often the administrative action of taking the license is initiated by law enforcement, and then by a medical professional and way down the list, with only 20 occurrences in 2020, comes the family member. The director also explained that she personally oversees all of these cases and feels strongly that NH is beyond reproach in terms of handling these actions with compassion and professionalism. The committee feels the current system is working well and anonymous reporting would not make the difficult situation better. **Vote 19-0.**

WAYS AND MEANS

HB 565, establishing a committee to study charitable gaming. **OUGHT TO PASS.**

Rep. Edith Tucker for Ways and Means. This bill establishes a committee of three representatives and two senators to study the appropriate regulatory structure of charitable gaming so as to ensure its integrity, the fair selection of participating charities, and the fair allocation of all revenues. The committee shall study the oversight and enforcement of charitable gaming in NH and how that regulatory structure, including staffing levels for auditors, inspectors, and other oversight positions, compares with best-practice regulatory standards for the gaming industry and regulatory structures used in other jurisdictions. It shall review the recommendations of prior study commissions in 2013 and 2015 and determine to what degree those recommendations have been addressed, including but not limited to recommendations related to oversight, enforcement, control measures, technology, and staffing. It shall study the amounts and distribution of revenues generated by each charitable gaming operator to the state and to the charities served by that operator, including all costs borne by the operator and charities. And it shall study the methods used by charitable gaming operators to select the charities that will be given dates at the operators' facilities, including the methods used when there is a "wait list" at the facilities. The committee shall report its findings and any recommendations for proposed legislation to the Speaker, Senate President, House Clerk, Senate Clerk, Governor, and the State Library on or before Nov. 1, 2022. **Vote 24-0.**

HB 610-FN, requiring certain licensing and reporting functions be conducted through the Nationwide Multistate Licensing System and Registry, and relative to background investigations of trust officers, to certain filing fees, assessments, and interest rates, and to the transmission of consumer complaints by the banking department. **OUGHT TO PASS.**

Rep. Patrick Abrami for Ways and Means. This is a housekeeping bill requested by the Banking Department covering many policy issues that have already been vetted by the policy committee, Commerce and Consumer Affairs. This bill came out of that committee unanimously and passed the full House on the consent calendar. There were only two issues that were under the purview of the Ways and Means Committee. The first issue was the filing fee for an entity wanting to charter a new state bank and credit union; that fee was raised from \$10,000 to \$15,000. It was clear from testimony that the average cost to review new charter requests is in the range of \$15,000, thus justifying the fee increase. The second change was the addition of language stating that if a filer wants to withdraw an application before completion, that the \$15,000 fee, minus the cost borne by the department to that point, will be refunded. This new section also states that if the cost of reviewing and examining the filing exceeds the \$15,000 fee, that the filer is responsible for a per diem examination charge for all additional investigation or examination costs. This additional change seemed reasonable to all members of the committee. **Vote 24-0.**

HB 615-FN, reducing the penalty for certain first offense drug possession charges. **OUGHT TO PASS.**

Rep. Alan Bershtein for Ways and Means. This bill passed the House by a voice vote on February 24, 2021. It was sent to the Ways and Means Committee for consideration of the fiscal impact of the portion of the bill prescribing reductions of certain fines. The scope of this bill is broader than simply reducing nominal fine amounts. However, as a second committee, Ways and Means confined its discussion to address only the fiscal aspect of the bill. The committee concluded that fine reductions detailed in this bill will be of *de minimis* fiscal consequence. **Vote 24-0.**

WEDNESDAY, APRIL 7 REGULAR CALENDAR - PART ONE

PUBLIC WORKS AND HIGHWAYS

HB 25-A, making appropriations for capital improvements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Graham for Public Works and Highways. This bill is New Hampshire's capital budget for the coming biennium. The capital budget provides bonded funding for statewide capital improvements including construction, repairs, and investments in state-owned buildings, state facilities and parks. Such improvements aim to maintain and strengthen our state's non-highway transportation, building, and technological infrastructure. Working with the State Treasurer, the committee determined that maintaining a budget close to the dollar amount that the Governor recommended was the prudent thing to do. Therefore, the capital budget, as recommended by the committee, appropriates approximately \$127 million in general fund bonding, which is about \$200 thousand more than the budget recommended by the Governor. Through judicious use of lapse money, the committee was able to provide support for urgent needs such as matching funds for federal efforts to widen the turning basin in the Portsmouth Harbor. The additions also include, funding for such things as critical maintenance at the Community College System, additional funds to match federal funds for National Guard readiness center renovations, the renovation of public bathrooms at the Department of Education, and the demolition of a burned out building at the Sununu Youth Center. Understanding that NH relies heavily on the tourism industry the committee is providing additional funds for repair and maintenance of facilities at our state parks. The committee tried to take advantage of federal and other matching funds to develop a proposal which will provide much needed projects, improvements, and jobs throughout New Hampshire. For example, the Department of Health and Human Services (DHHS) spending \$26 million brings in over \$142 million in federal matching funds. Overall this budget leverages over \$214 million in federal funds. IT projects comprise over 25% of this capital budget. While the committee recognizes that we are in the 21st century and the state needs a robust IT infrastructure, with finite funding capacity this infrastructure comes at the expense of maintaining the rest of the state's buildings and facilities. Future legislatures will have to continue this balancing act of how to maintain fixed facilities while simultaneously ensuring the viability of our IT infrastructure. Finally, with the passage of the American Recovery Plan Act it appears that there will be additional federal funds for state capital projects. While guidance on the use of these funds is still forthcoming, the committee took the unprecedented step of including a list of one-time projects that could be completed utilizing these funds. It is imperative that we maintain our state owned buildings, and this proposed budget continues the commitment of the Public Works committee to do just that. In summary, this capital budget helps New Hampshire maintain and enhance its infrastructure and also stimulates private business growth and economic opportunity. The projects for which money is appropriated will create jobs for many small and large contracting businesses throughout our state. The committee did the best it could to spread as many of these projects to all corners of the state - from the Connecticut River Valley, to the North Country, to the Southern Border, to the Seacoast, and voted unanimously to support this bill. We ask the House to do likewise. **Vote 20-0.**

WAYS AND MEANS

HB 626-FN, relative to historic horse racing. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Fred Doucette for the **Majority** of Ways and Means. For a decade and a half, New Hampshire has supported charitable gaming which has grown to 16 locations across the state. These locations offer games such as blackjack, craps, roulette, poker, and more sponsored by 500 charities which benefit from the \$8-10 million this NH-style gambling generates for these charities each year. Historic Horse Racing (HHR) is simply another game to be added to the offerings at these charitable gaming locations. In short, HHR are played on terminals connected to a system that has stored thousands of horse races run in the past. The player can see the record of the horse and jockey and other facts without revealing their names, location of the track, or date that the race was run. This is pari-mutuel betting meaning those betting are betting against each other and not the house. These are not slot machines based on random number generators in which you are playing against the house. The terminals communicate with a totalizator which calculates winnings which delays play by 4-6 seconds even in the fast play mode as the winnings are calculated. This is why you will never see these machines in true casinos; they are just too slow. NH has a history of pari-mutuel racing going back to the 1930s. All of our race tracks are now closed, but the old Seabrook Dog Track, known as The Brook today, is the only location in NH that offers live simulcast racing. You can place actual bets on current races anywhere in the country. This activity is monitored by the Lottery Commission who oversees the totalizator which is the same technology used for HHR. The Lottery Commission is already well versed in the technology used in HHR. Just like any of our lottery games, current charitable gaming offerings, and simulcast, the age

to play has always been 18. The age to place a bet at our live tracks in the past was also 18. The bill calls for two charities being assigned to share in the winnings in HHR alone from 10 dates each charity is assigned annually. This will add an additional 500 charities that will benefit from charitable gaming. It is estimated by the Lottery Commission that an additional \$5.75 million annually will be generated for the charities, an additional \$12.05 million annually will go to the education trust fund, and \$820,000 annually would go to the problem gaming fund if HHR becomes law. The committee heard overwhelming support for this bill from charities across the state. The majority of the Ways and Means Committee understands that the maximum of \$25 on a bet mirrors the largest scratch ticket sold by the Lottery Commission, but also understands from testimony that the typical bet will be \$2-3; also understands that charitable gaming establishments have never been subject to an opt-in vote of the community before opening; and that communities regulate charitable gaming via zoning ordinances; also understands a charitable gaming license is required and that by 2024 those establishments with HHR will also require a pari-mutuel racing license; also understands that the Lottery Commission has an extensive staff already in place to monitor and audit this new game; also understands that the market will regulate the actual number of HHR machines by location; and also understands through facts provided that the allocation of the monies is fair to those playing, to the state, to the charities, and to the facilities that offer charitable gaming. The bipartisan majority of the Ways and Means Committee sees the significant benefits of HHR to our state charities and to our education trust fund by adding HHR to the portfolio of games offered at our charitable gaming locations. **Vote 16-5.**

Rep. Richard Ames for the **Minority** of Ways and Means. The historic horse racing machines authorized by this bill will radically transform the charitable gaming experience, moving it from mostly interactive group play to mostly solitary repetitious machine play. The bill sets no limit statewide or per site on the number of machines, and after three years a charitable gaming license will allow their placement in any town in the state. The fiscal note assumes 1,000 statewide, or an average of 62 machines at the 16 existing charitable gaming locations that are given monopoly status for the first three years after enactment. Unlike the municipal approval votes that are required for keno and sports books, this bill includes no municipal option to accept or deny the placement in a locality of tens or hundreds of these fast-moving, slot-like machines. Nor does the bill include any new guidance, other than a new unexplained executive council district preference, on how participating charities are to be selected by gaming operators. The bet limit has been raised from the \$10 limit that was in last year's bill to \$25 per bet. There are no per-game or per-day betting limits. Unlike our neighboring states where the minimum age for legal slot machine gambling has been set at 21, gambling in New Hampshire on historic horse racing machines will start at age 18. This bill also has removed last year's mandate prohibiting activation of auto-play features. Testimony by a leading machine manufacturer confirmed that most players choose to use this auto-play feature, giving them the ability to completely bypass individualized horse race calculations and instead to place rapid-fire bets every four seconds, as they would at a traditional slot machine, but at a slightly slower pace. These rapid-play machines, with excitement-generating visual and sound features resembling those of traditional slot machines, appear to be dangerously addictive. Their placement in multiple dispersed locations will make access easy for players susceptible to problem gaming. And this uncontrolled dispersal of gaming sites will make it much harder to intervene effectively to minimize the destructive, socially costly incidence and consequences of problem gambling. The minority believes that the monetary benefits promised to charities by promoters of this bill are uncertain and insufficient to outweigh its potential for disrupting existing patterns of charitable gaming with no opportunity for local control and its potential for fostering destructive problem gambling.

FINANCE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2022 and June 30, 2023. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Weyler for the **Majority** of Finance. Families across New Hampshire have had to tighten their belts during this pandemic and our state government should be able to do the same. This budget provides a broad range of tax relief to businesses, consumers, retirees, and property taxpayers. This budget spends taxpayer dollars at responsible levels with a 1.4% decrease in present budget general and education trust fund. These are challenging times, but we believe we have built a budget the people of New Hampshire can be proud of, and they can know that we have their backs. We have overcome the challenges of putting together a 2-year budget plan in the midst of a pandemic – and we believe New Hampshire will come out of this stronger, with a more robust economy. This is just one more step in the budgeting process. We know changes will come in the Senate. We know we will need to work out some differences in the committee of conference. But this budget reflects what many members of the House told us their constituents wanted, and that's how we arrived at this product.

Division I reviews several areas. Administrative Services (DAS) is the central service agency for the state. By using savings from errata and insurance re-allocations, 20 positions were restored. Transportation money

for Sheriffs was moved from DAS to Judicial. Cyber Security costs were allocated across all agencies rather than all by general funds. Deleted \$500,000 in premature budget dollars for a law enforcement commission that has not yet been recommended from legislative studies. In Information Technology (IT) section had four positions restored that work across all agencies. Would like to fill 20 more positions if revenue allows. Added two auditor positions to Department of Revenue Administration. They will bring in revenue. Changes to the Governor's Scholarship Fund freed up money to return education services to the Department of Corrections. Having a high school diploma on release improves job prospects and reduces recidivism. Corrections transitional housing was restored on Calumet and Shea Farms, another important step to reduce recidivism. A lengthy audit disclosed problems in liquor enforcement division. Enforcement was changed to education and licensing. Parole Board was reorganized to just five members, they will now use digital technology for all their hearings. Networking access as well as equipment to make this happen was budgeted. Some savings in the Department of Justice were realized by delaying additional staffing. Under Business and Economic Affairs, moved \$400,000 from Travel and Tourism to increase Small Business Development Center from \$50,000 to \$450,000. In Environmental Services, the Dam Maintenance Fund was fully funded, other projects await expected federal funds. Military Affairs and Veterans Services will begin to coordinate mental health services with the VA, and federal funds will increase. In the Office of Professional Licensing and Certification the last piece of reorganization was funded in order to allow electronic application and better service. The Judicial Branch was allowed to increase the District Court by two Judges, now up to 37.

The majority of changes made by Division II were technical corrections. However, we did approve the funding for three people in the forensic lab for the Department of Safety. We funded a position in Fish and Game for a hatchery manager. In the Department of Education we fully funded Special Education Aid (\$5,569,000) over the biennium. We also funded the robotics education program (\$1,500,000) over the biennium. We increased the funding for the University System of New Hampshire and the Community College System of New Hampshire (\$11,000,000) over the biennium. This increased funding will keep tuition rates stable for in-state residents. In the Department of Transportation, the Highway Fund, we had to reduce the dollars that were in the Governor's budget for Highway Block Grants, betterment and winter maintenance (\$5,222,430), because the projected road toll revenues were down considerably. The Governor's budget was accepted for Police Standards and Training which includes the development of crisis intervention training that will be provided to all police departments across the state.

Approximately 70% of the Department of Health and Human Services (DHHS) budget is federal or other agency funding with about 30% from general funds. We've authorized full funding as requested by the Governor's proposed budget that corrects the unsustainable growth rate of the current budget and bends the curve down to marginally exceeding the inflation rate since the previous budget ending in FY19. General fund appropriations will have real growth in them and personnel lines will also have real growth. In the personnel line, the department had approximately 2,650 people working. The back of the budget adjustment reduced authorized personnel hiring to 3,000 allowing for a 13% increase in personnel in the coming fiscal years. We've prioritized all direct health care delivery lines to include Medicaid, Children's Health Insurance, Developmentally Disabled, Choices for Independence and all county and state nursing homes to include the Veterans Home and Glencliff. The leadership team of the department will have the luxury of prioritizing how and where they want to grow given the real increase in human and financial resources. This budget is not as much as requested but given that the current budget had increased 17%, the growth rate was unsustainable. For guidance, the committee has protected direct healthcare and acknowledges the heavy extent to which the department is hemmed in by federal and state laws and regulations. Our back of the budget reductions allows the subject matter experts in the department to determine what must be done per existing laws and regulations and our clear legislative direction to protect direct healthcare investments. HB 1 increases the funding for county nursing homes from the Governor's budget to limit growth in the "county cap" to 2%. This current and future goal provides direct support for counties to limit their demands on their portion of the property tax. Had the Governor's proposal passed, Rockingham County, as an example, would have had to increase their share of the property tax by 7% in a one year jump. **Vote 12-9.**

Rep. Mary Jane Wallner for the **Minority** of Finance. The minority of the Finance Committee cannot support HB 1 as presented because of the level and breadth of cuts. There were cuts throughout the budget, including to the Department of Environmental Services, the abolishment of some teacher positions at the prisons, and the elimination of needed upgrades at various state parks. Facing significant cuts from their current budget, some commissioners acknowledged they cannot meet their statutory obligations with the resources allocated to them under their efficiency budget.

The minority finds that HB 1 underfunds adequacy education by \$90 million. HB 1 does not address the pandemic-related losses to school budgets which will have a direct impact on local property taxes. At a time when schools need the 2021 level funding, they will face a loss of millions of dollars. New Hampshire communities will see a decrease in education funding; Manchester will lose \$11.9 million, Claremont \$2 million and Berlin \$2 million.

HB 1 provides no funding to the Department of Transportation (DOT) to address the deficit in the Highway Fund and has left DOT with a vacancy level in staffing of 15%. The reduction in the equipment maintenance fund will cause delays in planned road and bridge repairs by about two years.

Four million was cut from the Department of Safety (DOS), resulting in the underfunding of over 50 positions which will likely cause delays in services, especially in the DMV. Constituents using other DOS agencies will find an increase in wait times and a delay in response times across all services due to cuts in almost every line item in the safety portion of HB 1. All of these cuts are compounded by huge lapses back to the general fund in 2021 due to COVID-19. This budget will leave the Department of Safety unable to fully staff its Forensic, CODIS, Toxicology Lab and unable to maintain its vehicle replacement plan.

HB 1 underfunds the Department of Health and Human Services (DHHS) in many areas. This budget fails to fund the gap in federal funding that is vital for family planning providers across the state who provide vital services such as STD testing and cancer screening that do not currently exist in traditionally underserved parts of the state.

The DHHS-Tobacco Prevention and Cessation Unit had requested and was denied in this budget an additional prioritized need of \$440,000 to fully implement an adolescent tobacco helpline to address this critical need. Without this additional \$440,000, DHHS will be unable to fully implement this program and meet the needs of addicted youth through cessation services. This additional funding is a drop in the bucket compared to the over \$214 million New Hampshire generated in tobacco tax revenue in 2020.

The youth rapid rehousing program that addresses teen homelessness is not funded in this budget. The purpose of this program is to support youth 18-24 who are experiencing homelessness by providing two years of rental assistance and supportive services to successfully maintain housing.

This budget directs DHHS to cut \$50 million in general funds; \$30 million in the first year and \$20 million in the second year in any area excluding a few services. At this time there is no way of knowing what services would be reduced since the Finance Committee handed this responsibility to the department. Also, since most general funds at DHHS are matched with federal funds, we stand to lose an additional \$50 million in federal matching funds.

In addition to any other required reductions, DHHS is directed to reduce their personnel budget by \$22.6 million, which represents 226 full-time positions. This budget also requires that at no time during the biennium shall DHHS exceed 3,000 full-time authorized positions, further restricting the department's ability to provide critical direct services to New Hampshire residents. Here we stand to lose up to an additional \$22.6 million in federal matching funds.

This budget fails to fund valuable public health services supported home visiting programs that help strengthen young families in New Hampshire. These services include individualized support, parenting education, and access to resources like primary care, WIC, and early intervention to reduce stress and improve family life. HB 1 dramatically underfunds protective preventive child care services for families who are under stress and involved with DCYF, helping to prevent abuse or neglect.

HB 1 does not fund the widely supported adult dental program that would require DHHS to provide critical adult dental care to residents under the Medicaid managed care program.

The minority finds that it cannot support HB 1 as amended by the Finance Committee due to the extensive underfunding of vital services, programs and positions throughout the state workforce.

HB 2-FN-A-LOCAL, relative to state fees, funds, revenues, and expenditures. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kenneth Weyler for the **Majority** of Finance. HB 1 contains all the spread sheets and line items which are appropriated for spending. However, there are tax changes and reorganizations that are part of the appropriating process. These details are delineated in HB 2, sometimes called the trailer bill. This time HB 2 had more reorganization than normal. We from Finance, asked the policy committee chairmen to review the appropriate sections. The Governor proposed combining the university system with the community college system. The timeline seemed too short, so we stretched it out. Previous budgets funded development money for a 25 bed psychiatric hospital, but in HB 2 it became a 60 bed hospital. We had no warning of such a change, so we will remove that for further study. A 60 page reorganization of the Department of Energy was in the bill. After review by the Science, Technology and Energy Committee, that went forward. We need to not only remember that this is one of our most important votes, but that we all need to support it for the good of our citizens.

A Graphic Services Fund created to better manage Administrative Services, and Payment and Procurement Fund established to pay costs of procurement card collections. Several tax reductions, in Business Profits Tax, Business EnterpriseTax, Rooms and Meals, and Interest and Dividends. Reduction in Carry Forward Tax Credit changed. Historical Horse Racing was added to increase revenue. Some sections eliminated as no longer needed. A major reorganization of the Public Utilities Commission and the Department of Energy were reviewed before inclusion in the bill.

Due to increased revenue projections from Ways and Means and the reduction of the Public School Infrastructure program we were able to fund much needed programs in the Department of Transportation. As you saw in HB 1

we had reduced the highway fund by over \$5 million. The extra revenue allowed us to put \$19 million back into the highway fund to support the Highway Block Grants, betterment, winter maintenance and provide money for fleet equipment. In the Department of Education (DOE) we were able to put \$19,836,000 into building aid and require schools to submit a 10 year plan to the state for building requirements. We also provided \$8,000,000 to accelerate payments for current liabilities DOE owes on outstanding school bonds. We will also reduce the SWEPT (State-Wide Education Property Tax) to be collected from cities and towns by \$100,000. This reduction to the local taxpayers will be reimbursed to the cities and towns from the state so all school districts will be made whole. We also funded dual and concurrent enrollment program at \$1,500,000 per year and transferred the management from DOE to the Community College System of New Hampshire. We also increased the charter school lease cap to \$50,000. Finally, several schools that began kindergarten in FY20/21 did not receive their start up grants so we allocated \$1,906,313. The Governor had proposed a plan for the merger of the University System and the Community College System with one Board of Trustees starting in July 2021. We believed this action needed to slow down a little and we are recommending a commission to bring back to the legislature by January 22 their plan for merging the two systems. If approved, it will be effective in July 23. We outlined numerous areas that they should look at as well as providing \$1.5 million to hire outside experts to assist them. We also approved, with the help of the Transportation Committee the definition of unmanned aircraft, and Fish and Game helped us sort through Wildlife Damage Control: damage by bears.

The legislature lent the Governor a large share of its powers under the state of emergency laws passed in 2002 with the image of 9/11 fresh in our minds. With this first use of those laws, it's become clear that the legislature made it easy for the Governor to declare an emergency and made it very difficult for the legislature to either be involved in crisis management policies, federal funding decisions, restriction of civil and constitutional rights, or in bringing the state of emergency to an appropriate end. The legislature gave up too much involvement and too much discretion and part of HB 2 addresses sharing power more appropriately to bring an emergency to a conclusion. We removed an authorization to build a 60-bed new forensic mental health hospital because the size grew from 25 to 60 and the funds being authorized appeared to circumvent standard capital budgeting processes. We removed \$1.5 million from a well-intended program to help senior citizen centers with barrier materials to mitigate virus spread because over 800 centers were eligible and the program overhead costs would make an evaluation and award program ineffective. Family planning programs were fully funded with a \$50,000 set-aside for new program awardees. This is intended to stimulate the full, fair and open competition as a restriction is added to prohibit abortion services from being provided at the same location as state funded family planning counseling. Opponents argue that it is impossible to separate abortion services from the seven existing centers offering family planning counseling due to costs. This argument does not recognize that the other seven centers have not been offering abortion and Pro-Choice advocates have often stated that "no family planning money is going to fund abortions." HB 2 helps that to be a true statement. The Department of Health and Human Services has been reluctant to provide alternatives to housing juveniles in the Sununu Youth Center in committed and detained statuses. The state spends about \$1 million a year per person to maintain a census of 10-16. With new restrictions on who can be housed at the Center, that \$13 million a year would go to a population expected to be less than half the current size. With a 60% recidivism rate, the current model is obviously broken and we are shutting it down in FY23. **Vote 12-9.** Rep. Mary Jane Wallner for the **Minority** of Finance. The minority of the Finance Committee cannot support HB 2 as presented. Included are over \$100 million in revenue cuts resulting from cuts to the Business Enterprise Tax, the Business Profits Tax, The Rooms and Meals Tax, and the Interest and Dividends Tax. The outcomes are dangerous reductions in essential services such as the elimination of water grants already awarded to communities throughout the state, likely causing an increase in local property tax burdens. Revenue sharing in the form of direct support to cities and towns across the state from the previous biennium is not continued. Various policies that have never had a public hearing are included. Specifically, HB 2 includes a very flawed creation of a new Department of Energy that expands government, guts the Public Utilities Commission, and is funded by having our citizens pay more in their electric, gas and water utility bills. It also includes the use of our limited public dollars to reimburse those who gambled their money in the Financial Resources Mortgage (FRM) Ponzi scheme. No state has ever used tax dollars to reimburse people for their own bad investments. HB 2 includes the language of HB 544 that prohibits teaching about "divisive concepts" such as unconscious bias, an ideological policy that should have no place in law, much less in a budget. HB 2 proposes a merger of the University System of New Hampshire and the Community College System of New Hampshire without any public hearing or input from the major stakeholders, including faculty, students, unions and administration. While the idea may have merit, the timeline proposed is unrealistic and could lead to serious unforeseen and unintended consequences.

Additionally, instead of using \$100 million to mitigate losses seen by school districts due to the pandemic, a late amendment was introduced to use that money for a one-time reduction of SWEPT (State-Wide Education Property Tax). This would only result in a very small tax reduction to property owners, while using that money to shore up stressed school budgets would benefit all children in all school districts throughout the state.

This budget unfunds any family planning health care clinic that offers abortion services by requiring that no state funds shall be awarded to any “reproductive health facility” unless the state funded family planning program project is physically and financially separate from a reproductive health facility as defined in RSA 132:37, I. In addition to severely restricting abortion service in the Granite State, language in HB 2 will also make receiving health care services for lower income families extremely difficult. Family planning health care clinics provide the vast majority of STD testing, breast exams and pap tests across the state. This budget puts at risk vital health services and basic care to some of our most vulnerable residents.

This budget only partially funds the implementation of the recommendations of a review conducted by Alvarez & Marsal to increase efficiencies and accountability within DHHS. In particular the report recommends bringing back to New Hampshire, and developing adequate care options, for 38 individual adults with developmental disabilities who are currently receiving services in Florida due to lack of appropriate facilities in New Hampshire. By bringing these individuals home, they would be near their families and existing support networks. This implementation also has the potential for cost savings by providing more appropriate care in-state.

A last minute policy addition to HB 2 dramatically alters the powers of the Governor relating to declaring a state of emergency. Similar policy proposals have been introduced and thoroughly addressed in policy committees. HB 2 is not the appropriate place for additions such as this.

The minority finds that it cannot support HB 2 as amended by the Finance Committee due to the significant underfunding of vital services, programs and positions throughout the state workforce as well as the inclusion of wide reaching and controversial matters that we think should have been worked out with public input in policy committees.

WEDNESDAY, APRIL 7 REGULAR CALENDAR - PART TWO

CHILDREN AND FAMILY LAW

HB 139, relative to the submission of evidence in divorce proceedings. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the **Majority** of Children and Family Law. This bill addresses the current problem of evidence submitted on the day of court, which is in violation of current court rules that are not always enforced. The bill allows for the opposing party to request a continuance if evidence was submitted 5 days prior to the hearing, allowing for preparation of a rebuttal. It also allows for a judge to declare evidence as de minimis and to record reasoning for not granting a continuance. **Vote 8-7.**

Rep. Debra Altschiller for the **Minority** of Children and Family Law. This bill is well-intentioned, but will undermine current NH Family Division rules which actually provide for submissions of evidence up to five days before a hearing, as set forth in the bill. The committee heard testimony from both the NH Judicial branch and from NH Legal Assistance that this bill would have the opposite effect than is intended. The testimony reinforced that current rules already provide the mechanisms necessary to exclude evidence that is not submitted in a timely fashion. The bill seeks to undermine the judicial rules process where there is already legislative representation and is potentially harmful to an already stressed court.

HB 142, relative to causes for divorce. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Debra DeSimone for the **Majority** of Children and Family Law. The current NH statute, reflected in section 458:7, is more than 20 years old and does not reflect societal changes such as same gender marriage and serious drug and alcohol addiction problems. This bill simply updates the law to encompass these issues. **Vote 8-7.**

Rep. Gaby Grossman for the **Minority** of Children and Family Law. This bill is attempting to revise fault-based grounds for divorce to include adultery for same-sex marriage and habitual alcohol and drug abuse. The Supreme Court of NH is currently addressing the issue of adultery in same-sex situations and a finding from the courts related to this matter is expected. The bill text lacks specific language related to alcohol and drug abuse Substance Use Disorder (SUD) treatment may not always be consecutive and recovery from SUD can be a fluid situation which, due to vague language in this legislation, may result in more problems for someone actively seeking treatment.

HB 161, relative to the calculation of child support. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Josh Yokela for the **Majority** of Children and Family Law. The majority believes that the calculation of child support is overdue for an update and this bill adopts the recommendations of the last child support study which is required by law to happen every four years. The amendment clarifies that the court can make adjustments to child support for the best interest of the child. The bill raises the self-support reserve so people are not put into homelessness by child support. It updates to the percentages in the child support calculation and adds a credit for shared parenting which causes most of the deviations from the current formula. This bill will smooth the process in the courts with a more predictable and just outcome. **Vote 8-7.**

Rep. Patrick Long for the **Minority** of Children and Family Law. The minority agrees that equal parenting time needs legislative consideration, however defining co-parenting as 30% or more overnights would create problems, as currently parents agree that time spent with their children is shared parenting. The minority also agrees that this bill would create additional conflict between the parents which is not in the best interest of the child/children involved.

HB 293, relative to the procedure for adoption of a minor child. **OUGHT TO PASS WITH AMENDMENT.** Rep. Cody Belanger for Children and Family Law. It is the opinion of the majority that this bill would streamline the process for families who are in the process of adopting a child. Permanency is one of the pinnacle points for a child to be successful and this bill would help families in what is a stressful time for everyone. **Vote 8-7.**

HB 494, relative to temporary relief and permanent restraining orders issued in a divorce proceeding. **OUGHT TO PASS.**

Rep. Debra DeSimone for Children and Family Law. This bill protects the important constitutional rights of involved parties. HB 494 fills a void in the first part of RSA 458:161: "with such conditions and limitations as the court deems just." This bill specifically exempts domestic violence orders because they represent compelling government interests. While such orders infringe on constitutional rights, they are narrowly tailored to protect victims from physical abuse and there is no less restrictive way to accomplish the purpose. The bill simply clears up a void in an area of the statute. Parties will no longer be able to engage in harassment, stalking, or any other prohibitive activities. Finally this bill is very easy for self-represented parties to understand and to find online with dozens of references and articles that explain it in layman's terms. **Vote 8-7.**

HB 495, relative to restraining orders issued in a parenting case. **OUGHT TO PASS.**

Rep. Debra DeSimone for Children and Family Law. This bill is similar to HB494 in that it protects the constitutional rights of parties involved. HB 495 fills a void in RSA 461-A:10 I, stating, "with such conditions and limitations as the court deems just." This bill specifically exempts domestic violence orders, because they represent compelling government interests. While such orders infringe on constitutional rights, they are narrowly tailored to protect victims from physical abuse and there is no less restrictive way to accomplish the purpose. The bill simply clears up a void in an area of the statute. Parties will no longer be able to engage in harassment, stalking, or any other prohibitive activities. Finally this bill is very easy for self-represented parties to understand and to find online with dozens of references and articles that explain it in laymen's terms. **Vote 8-7.**

COMMERCE AND CONSUMER AFFAIRS

HB 593-FN, requiring a food delivery service to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant. **OUGHT TO PASS WITH AMENDMENT.** Rep. John Hunt for Commerce and Consumer Affairs. This bill requires a food delivery service such as Grub Hub or Door Dash to enter into an agreement with a food service establishment or food retail store before offering delivery service from that restaurant. Many restaurants in New Hampshire have received complaints from consumers who have ordered food deliveries on the Internet relating to delivery and quality issues only to find that the restaurant has no arrangement or contract with the food delivery company and the restaurant is totally unaware of the actual food order. This bill would require a food delivery service to have a contract with a restaurant before the food service company advertises that they will deliver for the restaurant. The committee wanted to help New Hampshire restaurants but were reluctant to require a contract between two different business.

Because of the sense of urgency, the committee amendment will make the law effective upon signing, but also sunsets the legislation in 2 years so we may evaluate its impact. **Vote 18-1.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

CACR 8, relating to firearms. Providing that the legislature make no law restricting the right to own, carry, or use firearms or firearm accessories. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Burt for Criminal Justice and Public Safety. This bill invites the people of New Hampshire to speak and nothing more. It would allow the citizens of New Hampshire to decide for themselves if they want to continue to allow the legislature to have the power to pass legislation impacting their civil right to keep and bear arms. It asks the people of New Hampshire if they wish to maintain their sovereign right to decide for themselves what is and is not the lawful exercise of the right to keep and bear arms within the borders of their state. The committee heard from members of the public that the threat of being made a felon or having their property and self-defense rights put in peril every two years by legislators both here and in Washington D.C. was unacceptable. The majority agrees. The majority has confidence in the wisdom of the people of New Hampshire and believes that they should be heard. The majority concluded that to not support this amendment was to not trust the people to know what is best for themselves and would be antithetical to the principals of self-governance. **Vote 11-9.**

HB 123-FN, granting immunity from prosecution for prostitution for reporting a sexual assault. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Nicole Klein-Knight for Criminal Justice and Public Safety. HB123 seeks to grant immunity from prosecution for prostitution when reporting a sexual assault. It further protects victims when seeking medical assistance and other life-threatening emergency resources. The majority of the committee believes that getting medical or law enforcement assistance for sexual violence should not be contingent upon assisting law enforcement. **Vote 17-4.**

HB 125, relative to post-arrest photo distribution by law enforcement officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Bordenet for Criminal Justice and Public Safety. HB125 relative to post-arrest photo distribution by law enforcement officers. This bill would prohibit the posting of mugshots of suspects that have not been convicted. Some law enforcement departments are posting mugshots of anyone arrested. These images can follow a person's life leading to dire, long-term consequences. **Vote 19-2.**

HB 129, prohibiting the installation or use of electronic tracking software. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dave Testerman for the **Majority** of Criminal Justice and Public Safety. This bill merely codifies a commonsense rule: nobody should tamper with your personal electronic devices without your permission. Recently, smartphone manufacturers installed, but did not activate software that could be activated if a person tests positive for COVID-19, or for that point any reason the deem necessary. It uses Bluetooth software to sense other phones in the vicinity. The public health authorities could use the app to track a person under the guise of contact tracing. Those public health apps would then alert anyone whose smartphones had come near the infected person's phone in the prior 14 days. The American Civil Liberties Union has warned that using cellphone data to address the pandemic carries risks of «invasions of privacy, abuse, and stigmatization.» It could in effect electronically brand people who are known to have been exposed to the virus with a «Scarlet C» and alert all in their area to be aware. It could also be used to approve or deny access to facilities or public travel. This bill requires users to be notified and clearly opt-in to such invasive tactics. **Vote 11-9.**

Rep. Nicole Klein-Knight for the **Minority** of Criminal Justice and Public Safety. This bill takes away the personal obligation and accountability of the consumer to understand how to use their electronic devices; and opens the possibility of litigation to businesses that already have given consumer notices on privacy usage. The fiscal note puts the onus on the taxpayer to foot the bill on a privacy concern that should be the responsibility of the consumer.

HB 179-FN, relative to enhanced penalties based on prior convictions for driving under the influence of drugs or liquor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. As amended, this bill extends the term of imprisonment for a person convicted of negligent homicide or aggravated driving while intoxicated when the driver has previously been convicted of driving while intoxicated. Specifically, a person with one prior conviction of driving while intoxicated will have an extended term of imprisonment of not less than 10 years or more than 20 years. A person with two prior convictions of driving while intoxicated will have an extended term of imprisonment of not less than 15 years or more than 30 years. These enhanced penalties are specifically aimed at individuals who repeatedly engaged in dangerous behavior that ultimately cost someone their life. The majority of the committee believes that enhancing the penalty will deter repeat offenders from continuing to endanger the public. The amendment changed the title of the bill so this law will be known as Tyler Shaw's Law. Mr. Shaw's life was tragically cut short when a drunk driver, that had previously been convicted of driving while intoxicated on two separate occasions, killed him. **Vote 14-7.**

HB 195, adding display of a firearm as an exception to reckless conduct. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for the **Majority** of Criminal Justice and Public Safety. New Hampshire has been an open carry state long before it was a constitutional carry one. The testimony we heard during the public hearing opposing HB 195 is anytime a firearm is displayed or seen is a threat is in complete contrast to NH tradition and is why this bill needs to be passed. Additionally, the committee learned that most defensive uses of firearms do not involve any shots being fired. The mere display of a firearm is, in most cases, enough to warn off a criminal attacker. The committee learned that criminals are predators who often prey on the weak and vulnerable; but if they make the mistake of accosting a legally armed citizen, they will, in many cases flee. Because HB 195 allows an armed citizen to attempt to dissolve a threat against them peacefully is evident as to why this law is necessary. **Vote 11-10.**

Rep. Casey Conley for the **Minority** of Criminal Justice and Public Safety. Supporters of this bill might suggest someone faced with a reasonable threat who merely shows a weapon in self-defense could face criminal charges. That is not the case in New Hampshire and never has been. Existing statute, RSA 631:4, specifically authorizes the display of a weapon in self-defense, or to warn away someone who intends to harm them or

another person. Creating this exemption in the separate reckless conduct statute creates confusion where none exists today. In trying to fix a problem that does not exist, the bill creates an actual problem. The minority believes this bill is not needed and should be defeated.

HB 196, adding trespass as an exception to the charge of criminal threatening. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. HB 196 allows a person who responds to a person criminally trespassing pursuant to RSA 635:2 or [a] other threat which would be considered by a reasonable person as likely to cause property damage, serious bodily injury, or death to the person or to another by displaying a firearm or other means of self-defense with the intent to warn away the person criminally trespassing or making the threat shall not have committed a criminal act under this section. **Vote 11-10.**

Rep. Amy Bradley for the **Minority** of Criminal Justice and Public Safety. The minority disagree with the proposed addition to the criminal threatening statute for a person who displays a firearm to warn away a trespasser. This addition would Amend RSA 631:4 IV and make it comparable to Stand Your Ground. HB196 is dangerous and has serious repercussions for domestic violence victims and situations where the intent of display is not clear. The minority do not support the proposed amendment to RSA 631:4.

HB 200-FN, increasing the penalty for certain invasions of privacy. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for the **Majority** of Criminal Justice and Public Safety. HB 200 increases penalties for crimes pertaining to violation of privacy. There are three key provisions. One would make the act of capturing photographs, video or audio recordings of someone in a place they would expect privacy, a felony in second and subsequent offenses. Another provision would make it a felony to disseminate or publish without consent from all parties photographic or video materials showing consensual sexual activity. The third piece makes it a felony to enter one's property to view into a private residence for the purpose of sexual arousal. Raising penalties from misdemeanor to felony is not something the majority takes lightly. But the lasting effects of these crimes on victims, difficulties associated with removing such content from the Internet, and the potential for this type of behavior to escalate into violent crime warrant stiffer penalties. **Vote 15-5.**

Rep. Chris True for the **Minority** of Criminal Justice and Public Safety. The minority opposes the changes in this bill that increase the prohibited conduct from a misdemeanor to a felony. The conduct described in RSA 644:9 while disturbing does not include violence or extreme bodily harm to the victim. Some of the conduct described in RSA 644:9 could be described as annoying or juvenile. Current law provides prosecutors and sentencing judges with the ability to sentence offenders to up to a year in jail, large fines, and years of supervision by probation. The minority feels that is more than sufficient where punishment is due.

HB 307, relative to the state preemption of the regulation of firearms and ammunition. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. New Hampshire is NOT a home rule state. This means that local units of government only have the specific powers that are granted to them by the General Court and nothing more. Despite the fact that RSA 159:26 was enacted in 2003 and prohibits any local laws, ordinances or rules restricting the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies or knives in the state; certain cities, towns and school districts persist in illegally regulating firearms ownership, use, carry and possession. HB 307 will solve this problem by assigning financial penalties to those local units of government who violate the law, after a notice period allowing for removal of an offending local law or ordinance without financial penalty. Financial penalties, graduating in amount, from \$500 for a first offense to \$2500 for a third offense, only apply if, after a 90 day period in which an offending unit of government can repeal the illegal ordinance or rule refuses to do so. Citizens are entitled to a clear, easily understood set of laws that are consistent throughout the state. Anything other than that places law abiding gun owners in legal peril. **Vote 11-9.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. This unnecessary bill is a misguided attempt to address a non-existent problem. Current New Hampshire law already bars local jurisdictions from establishing and enforcing ordinances and regulations around firearms. This bill builds on an extreme policy that already bans communities from protecting their citizens and makes it even more extreme. This bill would not only prohibit the passage of any new local ordinances restricting firearms, it would nullify any existing ordinances now on the books. As the New Hampshire Municipal Association told the committee in its testimony opposing the bill, if someone wants to host a gun show and sell firearms in the town hall parking lot, or on the town common, the selectmen would have no ability to stop them. Moreover, hunting or target-shooting on town-owned athletic fields or in a town forest would be an absolute right. The bill would also negate existing prohibitions on firearms on campuses of New Hampshire's public universities and community colleges, which drew opposition from the University System of New Hampshire and the Community College System. The bill would also grant the right to people living outside a community who claim to be "aggrieved" by a local

ordinance restricting firearms to request rescission of the ordinance and would impose civil penalties of up to \$10,000 on local officials who refuse to comply. Being aggrieved is very different from demonstrating that a person has suffered a definite and concrete personal injury or that their rights were impaired or prejudiced. This is what is required when it comes to standing for bringing a lawsuit by Part II, Article 74 of the State Constitution. For these reasons, the minority recommends this bill be found Inexpedient to Legislate.

HB 334, relative to prohibitions on carrying a loaded firearm on an OHRV or snowmobile. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. Due to a clerical oversight, when Constitutional Carry (SB 12) was enacted In 2017, the General Court neglected to repeal the prohibition on carrying a loaded pistol or revolver on a snowmobile or ATV unless the gun carrier first obtained a Pistol / Revolver license pursuant to RSA 159:6. HB 334 is a simple clerical bill to make the firearms carry law for snowmobiles and ATVs consistent with the laws for cars and boats. New Hampshire will soon observe the fourth anniversary of being a Constitutional Carry state. When SB 12 became law many naysayers were predicting crime and violence. But none of that happened. New Hampshire is one of the safest places to live, work and raise a family. People who ride snowmobiles and ATVs should be able to freely exercise their Second Amendment rights just like those who drive cars, pickup trucks or boats. **Vote 11-10.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. This bill would allow any person who is not prohibited from owning a firearm to carry or transport a loaded pistol on a moving snowmobile or ATV. Many responsible firearms owners would never even consider carrying a loaded firearm on such a vehicle because of the high risk of an accidental discharge as a result of an accident, bump, or spill. Many of the states that allow pistols to be transported on these vehicles require them to be unloaded. This bill throws caution to the wind by allowing loaded pistols to be carried and transported on moving ATVs and snowmobiles—a practice that increases the risk of accidental discharge for operators, passengers, and others nearby. Ready access to a loaded firearm also increases the possibility that a minor spat between operators could turn into a violent and potentially deadly confrontation. This legislation would turn a growing and important recreational activity of vital importance to New Hampshire's tourism industry into yet another opportunity for tragedy.

HB 338-FN, relative to penalties for dog theft and tampering with a dog's radio collar. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. Most of the committee agreed that it would be an injustice to tag that young person or anyone with a first offense a Class A Felony (7 1/2 - 15 years). The committee felt no data was brought forth as to how often dog stealing is reported, nor any data regarding the previous increase penalty from a misdemeanor to Class B Felony over the past few years. The committee believed in keeping with criminal justice reform the offenses would be served by increasing penalties based on repeat or habitual offenders. **Vote 19-2.**

HB 347-FN, relative to driving with a suspended license. **OUGHT TO PASS.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. There are many instances where an out-of-state traffic offense conviction counts as a prior offense when convicted again in New Hampshire. Ironically, driving after revocation or suspension was not included in that category. This bill corrects that oversight. **Vote 14-7.**

HB 539, relative to records of communications common carriers. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Dave Testerman for the **Majority** of Criminal Justice and Public Safety. The law as currently written clearly violates the Fourth Amendment of U.S. Constitution regarding unwarranted searches because it allows authorities unwarranted access to records from common carriers. This bill will stop unwarranted governmental intrusion into citizens private or personal information by requiring a search warrant or a judicially-recognized exception to the warrant requirement before providing such information. **Vote 13-8.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. During testimony for this bill, the committee heard from the sponsor and two parties advocating for its passage. We did not hear from any telephone service carriers or from the New Hampshire Attorney General's Office, whose ability under the current statute to issue an order to carriers to turn over phone records would be eliminated by this bill. While the minority agrees that protecting individual privacy from state intrusion is an obligation under the New Hampshire Constitution, we felt that making such a significant change to the law without hearing from the affected parties would be premature and has the potential to lead to unintended consequences.

HB 546-FN, relative to 911 immunity for reporting that a person has been the victim of a violent crime. **OUGHT TO PASS.**

Rep. Amanda Bouldin for Criminal Justice and Public Safety. This is a Good Samaritan bill. It provides immunity from prosecution for drug possession for persons reporting a violent crime to the police. It pertains to the reporter who might possess drugs as well as to another crime victim. The bill encourages the reporting of violent crimes by a person who might otherwise fail to report for fear of prosecution. It is designed to save lives. **Vote 16-5.**

EDUCATION

CACR 3, relative to use of money raised by taxation for education. Providing that money raised by taxation may be applied for the use of religious educational institutions. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for the **Majority** of Education. This bill repeals the line in Article 83 of the New Hampshire Constitution which prohibits public funds from being directed to sectarian schools. Added in 1877, the line was a version of the so-called Blaine Amendment which numerous states adopted in the 19th century as a means to rebuff efforts by the Catholic Church to access funding support for its schools in the same manner that generically protestant public schools received public funding. Seen by many as examples of religious bigotry, the Blaine Amendments sought to diminish the power and influence of immigrants from predominantly Catholic countries. The landmark 2020 U.S. Supreme Court case *Espinoza vs. Montana* overturned the use of Blaine Amendments which proscribed public funding for sectarian schools. Given this new judicial precedent, existing Blaine Amendments such as New Hampshire's are essentially moot. Leaving such wording in the New Hampshire Constitution provides a faulty mechanism that could still be cited during future frivolous and costly litigation that would be doomed to failure due to the news realities created by *Espinoza vs. Montana*. **Vote 11-8.**

Rep. Mel Myler for the **Minority** of Education. The minority is opposed to this CACR because it removes the prohibition of the use of money raised by taxation for schools of any religious sect or denomination. The proposal violates the "no-aid" provision in the New Hampshire Constitution Article 6 which states, "[b]ut no person shall ever be compelled to pay towards the support of the schools of any sect or denomination." This section was passed June 2, 1784. For 237 years, this has been a standard that separated church and state regarding the education of our children. In 1802, Thomas Jefferson stated that by adopting the first amendment to the US Constitution, it had "built a wall of separation between church and state." If passed, CACR 3 will challenge this historic tenet of our state and nation. The minority has no problem with sectarian schools teaching their respective beliefs. However, we are concerned that sectarian schools are willing to accept public tax dollars without accepting any education regulations or anti-discrimination laws relating to student admissions and personal beliefs. Further, it violates the religious conscience of the taxpayer by coercing them to fund religious education. You will hear the argument that CACR 3 abolishes the "Blaine Amendment," that was rooted in anti-Catholic bias. "No-aid" clauses predated Maine's Republican Senator Blaine's attempt to amend the US Constitution in 1885 to stop public funds to support Catholic schools. Further, you will hear arguments that CACR 3 is relevant due to US Supreme Court cases in *Espinoza* (tax credit vouchers), *Trinity Lutheran* (public funds for playground equipment). These cases have narrow rulings. The "no-aid" clause in our state constitution ensures that public schools would be secular and therefore open to all. It protects the fundamental religious freedom principle that no citizen should be forced to fund someone else's religious activities or religious instruction. It is an important part of America's history of religious freedom. 47 states have adopted constitutional provisions that explicitly prohibit the government from funding religious activities and religious education.

HB 69, relative to the display of the national motto in schools. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This legislation is enabling that allows for school boards to provide a poster or framed copy of the motto of the United States "In God We Trust" for display in each school building in the district. This legislation allows for schools to accept non-public funds or in-kind contributions to implement this. The committee could not come to agreement on this bill, however, half the committee supported Ought to Pass.

Rep. Deborah Hobson

Statement in support of Inexpedient to Legislate: We suggest that by our public schools displaying the national motto of, "In God We Trust," it will result in many negative and unwanted consequences and therefore support an Inexpedient to Legislate motion. Our nation is going through a very divisive time. Do we need to display something that may create more acrimony and division in our public schools and charter schools? The bill's sponsors recognized this fact by including a section that deals with the possibility of legal action against the school. In paragraph II, the Attorney General's Office is required to "defend the display." No fiscal note accompanies this bill. A defense by the Attorney General's Office could require considerable expenditures which should be stated in a fiscal note. More importantly, the displaying of this motto without context or accompanying educational material and instruction could be intimidating, unwanted, and unwelcoming to many in our multicultural society who do not share the same religious beliefs associated with the motto. We represent all our constituents and must, in good conscience, recognize the multicultural communities we represent. Our public schools need to be an open and welcoming place for all children to foster unity and appreciation for all students, parents, and staff regardless of their religious, ethnic, or cultural backgrounds.

Rep. Linda Tanner

HB 71, relative to school district emergency special meetings. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for the **Majority** of Education. Current law states that for a special election, the judge will consider if the reason was covered in the previous school district's past election. This was done some years ago to prevent unnecessary special elections. This bill, as amended, makes it clear that a special election cannot be held for a collective bargaining agreement that failed at the previous school district meeting. No means no. It is not fair to the school district voters if they say no to a contract and a judge rules that a special election can be held, thus negating the wishes of the voters. Usually, a special election will be held in the fall, without much notice, and only a small number of voters will vote. The result will be a late property tax bill, coming right before Christmas. Another vote on a modified contract will be done the following March or April, and in most cases will pass, with retroactive pay increases. **Vote 11-9.**

Rep. Linda Tanner for the **Minority** of Education. This bill, as amended, takes away the discretion not only of the locally elected school board to request an emergency school meeting, but also sets restrictions on the judicial review process by the courts for approving an emergency meeting. Because the amended bill singles out just one area, collective bargaining agreements, it is an assault on the key of good faith bargaining in the collective bargaining process leaving school boards and the school staff without a contract agreement until the next year's meeting.

HB 140, relative to private rights of action regarding pupil safety. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for the **Majority** of Education. Prior to 2010, parents could sue if their child's school neglected their duty of care to protect students from bullying. This bill returns that power to parents and restores the penalty to make our anti-bullying laws more than a suggestion. There is a high burden of proof to demonstrate gross negligence or willful misconduct leading to demonstrated injury. The likely outcome from passage of this bill is school districts paying closer attention to RSA 193-F, not an influx of lawsuits. **Vote 12-8.**

Rep. David Luneau for the **Minority** of Education. When it comes to student safety, current law does not prevent a private right of action against a school district or chartered public school in the case of negligence. This bill is unnecessary and expands the cause of action by any person aggrieved by any violation of RSA 193-F, including technical violations when nobody was injured and when no bullying occurred, provided a school official committed that technical violation with "gross negligence" which is a term state law does not define. The bill also allows the plaintiff to recover attorney's fees for such technical and victimless violations, creating an incentive to sue school districts for harmless mistakes.

HB 182, relative to approval of coursework completed at other approved schools **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for the **Majority** of Education. This bill, as amended, allows a high school principal to grant credit towards graduation for similar courses and programs satisfactorily completed at other approved schools, mirroring the processes used for military families transferring into NH schools pursuant to RSA 110-D. This bill allows the principal to deny credit with reasonable justification, while honoring the competency-based academic focus of New Hampshire which affords students the opportunity to learn at their own skill level. The need for this bill is highlighted by a student who transferred from NY who had previously taken algebra in the 8th grade, and who achieved all standards and requirements but was denied credit at the receiving school because the course was completed prior to the 9th grade. **Vote 11-9.**

Rep. Linda Tanner for the **Minority** of Education. This bill disregards the statutory requirement of the local school district and elected school board to approve credits and competencies required for graduation from their schools. This bill requires the acceptance of programs and course work from other schools for local credit for graduation. The administrator is also required to provide a "reasonable justification" if credit is denied. Nothing in this bill gives guidance or clarity on "justifiable" reasons for denial. There are no directions as to whom this report shall be given nor is there transparency as to who the final authority will be to determine if the denial is based on reasonable justification. This is an unnecessary, vaguely worded bill that undermines the local responsibility and hard work New Hampshire public schools have done to develop curricula and competencies for graduation credits that reflect the values of their communities.

HB 278, relative to the use of unused district facilities by chartered public schools. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. Public charter schools operate with less than half the funding of traditional public schools and leasing of space is one of their primary expenses. With continued statewide enrollment declines, it is likely districts will have vacant, unused facilities and property. It seems logical that since unused buildings were built with taxpayer/public funds and designed specifically for classrooms, that these available properties should be first made available for other educational opportunities. This bill specifies that districts will make known their available space. Public charter schools will have the first

right of refusal for the purchase or lease of that space. The offering district will, however, have the option to sell or lease the property at fair market value for a term to be negotiated. Charter school children should have the same claim on suitable classroom space as all other public school children. **Vote 11-9.**

Rep. Patricia Cornell for the **Minority** of Education. This bill grants a right of first refusal on property that is not owned by the state, which is an illegal taking of property rights and an egregious overreach by state government. This bill takes local control of school buildings out of the hands of the local community. Districts that have empty buildings may already have plans for other use, such as a community center. Students attending a charter school may come from a wide catchment area; is the local municipality responsible for the possible costs of police, fire, local playing fields? Will this be a cost to local taxpayers? Local taxpayers should not be told they shall accept these schools and the possible additional tax burden. This bill would not apply to a city like Manchester, where ownership of any unused school building reverts to the city. The sponsors did not know if this ownership rule applied in any other localities. This bill is vaguely worded and no actual evidence was presented that this has been a problem.

HB 282, relative to a private school that is approved as a tuition program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill relates to towns that do not have all grade levels and therefore tuition students to other schools for those grades. The current statute limits the district to sending students to another public school or a non-sectarian private school. Last year's US Supreme Court ruling in the *Espinoza v. Montana Department of Revenue* case stated that if students could be sent to private schools it would be unconstitutional to exclude religious (sectarian) private schools. This amended bill removes the non-sectarian exclusion. It also includes the current practice of districts signing tuition agreements with multiple schools and giving parents the right to select among the approved schools for their child. **Vote 12-8.**

Rep. Linda Tanner for the **Minority** of Education. The current law, RSA 193:1, I(d), allows towns which do not offer public education in certain grades to enter into a contract with either another public school or a non-sectarian private school to fulfill their responsibility for providing education for their students. This bill seeks to remove the restriction for nonsectarian schools. The decision to stipulate nonsectarian private schools was based on Article 6 of New Hampshire's Constitution which speaks directly to education. Written in 1784, Article 6 states that religious schools may, "... [elect] their own teachers, and [contract] with them for their support. ... But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination." There is currently a case being heard in court dealing with this specific bill and this constitutional issue that will most likely go through an appeal process. This bill should not be considered at this time because of its potential influence on the judicial process.

HB 319, requiring students in the university and community college systems of New Hampshire to pass the United States Citizenship and Immigration Services civics naturalization test. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for the **Majority** of Education. This bill, as amended, seeks to address the well-documented and extremely troubling civics knowledge deficiency among college students in the Granite State. Requiring a score of 70% or better on the 128-question 2020 Naturalization Examination will ensure that every N.H. college graduate acquires and demonstrates awareness of basic civics fundamentals. This assessment is widely used to provide citizens with the broad base of knowledge crucial to engaged citizenship. Other states have already demonstrated the effectiveness of this test, most recently Florida and Missouri, which now have this exact statute in law. The NH House has passed HB 320, a similar measure requiring high school graduates to pass this assessment. Should HB 320 become law, then high school graduates who have already satisfied the requirement need not take it again in college. The test may be administered on-line at the convenience of the student, who may take it as many times as necessary to pass. Approving this measure would find favor with the many Granite Staters with significant concerns about civics ignorance, while also raising their confidence in and support for our state's post-secondary educational institutions. **Vote 12-8.**

Rep. Douglas Ley for the **Minority** of Education. This bill is well-intentioned, striving to promote familiarity and greater comprehension of civics amongst students graduating from post-secondary institutions. Unfortunately, the real impact of this proposal will be to trivialize civics and further reduce respect for and understanding of how government functions and the duties and responsibilities of citizenship. The bill mandates that students pass the 2020 Citizenship test, likely by taking an online version completely independent of or connected to any coursework. Whether the test would be proctored is unclear, especially since sponsors stated there would be no additional duties or costs upon the University or Community College systems. Thus, students will take an online test where ALL answers are already freely and widely available online and where the contents of the test are not connected at all to anything else they are learning in their classes. As any serious educator will attest, learning does not occur via regurgitation of answers already possessed by the student by a quick online search, especially if the material is not linked to any substantive coursework or material that students deem relevant and useful to their lives. This bill will not improve civics knowledge, but will trivialize it and make clear to students that we in NH do not value civics but simply view it as a hoop through which one must pass in order to graduate.

HB 321, requiring school districts to submit an annual report concerning gifted students. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Moffett for the **Majority** of Education. This bill, as amended, simply asks that school districts report to the New Hampshire Department of Education with regard to what, if anything, they do to identify and support gifted and talented students. “Gifted” is broadly defined in the measure, to better allow districts to enjoy local conversations as to what they feel constitutes a gifted student. These reports will go into a best practices folder, thus giving educators from all over the state a new resource to utilize while reviewing approaches and policies which have proven useful or effective at other schools. Research presented to the committee in past years confirmed that New Hampshire ranks among the worst of all the states in terms of programs or initiatives concerning gifted students. While this bill involves no policy mandate or spending requirement, this measure would raise awareness about better supporting a very under served population while facilitating important discussion that could lead to significant future action in this neglected area. **Vote 12-8.**

Rep. David Luneau for the **Minority** of Education. This bill requires schools to file an annual report with the Department of Education on policies, programs, and procedures directed to gifted and talented students. The basic idea is well-intentioned and the minority believes the bill can be improved by adding a provision to encourage student effort and growth. Studies show that to the extent young people believe they simply have a gift that makes them intelligent or talented, they may not put in the work necessary to sustain that talent. Moreover, the gifted label that many students still receive has unintended consequences that turn some children into students who are overly cautious and avoid challenges. The amendment adds to the bill a section to also require schools to file a report on policies, programs, and procedures that encourage student effort and growth.

HB 388, relative to changing a pupil’s school or assignment because of a manifest educational hardship. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for the **Majority** of Education. The bill relates to current law regarding local board approval of a student’s change of schools when in the best interests of the student or State Board of Education approval of a school change due to a student experiencing a manifest educational hardship. In both cases, the current law restricts the school assignment to another public school or public academy. The bill, as amended, allows parents to request transfer also to approved private schools (religious or non-religious). If that transfer is approved, the private school may charge tuition to the family or can enter into a tuition payment agreement with the resident school district. That is the same existing law for when the student transfers to an out-of-district public school, so the bill simply extends that provision to private schools. When there is a recognized educational hardship that impacts a student’s education, that student deserves the education option to meet their needs, regardless of whether a public or private school. **Vote 11-9.**

Rep. David Luneau for the **Minority** of Education. In 2020, state law with respect to changing a pupil’s school because of a manifest educational hardship, was overhauled. The new law followed several years of collaboration between key stakeholders and won strong bipartisan support. This bill, as introduced, tossed out all that work. This bill, as amended, restores the current policy but includes substantive changes that were not subject to a hearing. One of the proposed changes would give a parent/ guardian of a student who does not live in a school district or attend schools in that district the right to appeal decisions made by that district. A change such as this deserves a thorough hearing and public input. And the newly reformed policy deserves time to be rigorously evaluated.

HB 458-LOCAL, relative to provision of menstrual products for students in need. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alicia Lekas for the **Majority** of Education. This bill repeals RSA 189:16-a which mandates that menstrual hygiene products be placed in school bathrooms at the expense of the school districts. This is a clear violation of Part I, Article 28-a of the NH Constitution. The NH School Boards Association testified in favor of this bill because the school boards in NH also believe it is a 28-a violation. There is an argument that schools already provide toilet paper and this is an extension of that. The problem with this argument is that schools are not required by the state to do so. They choose to do so because it is a good idea. Similarly, even after this RSA is repealed, schools can continue to provide sanitary products in school bathrooms because it is a good idea. **Vote 11-9.**

Rep. Stephen Woodcock for the **Minority** of Education. On July 17, 2019, hardly a school year ago, Governor Sununu signed into law SB 142, the menstrual product bill known as the period poverty bill. It is called “period poverty” as it impacts primarily those young women in grades 7-12 that cannot afford the necessary female menstrual products. This financial limitation provided for many young women only one option – stay home from school during their period so that they wouldn’t become victims of embarrassment and increased stigmatization. The impact of period poverty in missing three days school per month for ten months equals almost six weeks per year of school absence, just because these poor young women were having their period, and couldn’t afford menstrual products. Imagine the loss of learning and academic remediation that would be required to help these young women catch up to their classmates. Economic insecurity is as real as food insecurity and is magnified post-COVID for those of limited means. However, in 2021, this divisive

and discriminating bill will undo gains of SB 142 and spread the academic distance between the haves and have-nots. Governor Sununu stated, “This legislation is about equality and dignity. SB142 will help ensure young women in New Hampshire public schools will have the freedom to learn without disruption and free of shame, or fear of stigma.” The minority on the House Education Committee agreed with Governor Sununu then and still agrees today. The majority recommendation blocks student academic success, especially to those of limited means.

HB 464, relative to the commission to study school funding. **OUGHT TO PASS WITH AMENDMENT.** Rep. Rick Ladd for Education. This bill, as amended, recognizes that the work of the commission to study school funding is complete. The final report from the commission was submitted to the House, Senate, Governor, and State Library in accordance with statute, “on or before January 10, 2021.” With the work of the commission now complete, this bill as amended simply repeals RSA 193-E:2-e, which authorized the formation and work of the commission. **Vote 18-2.**

ELECTION LAW

HB 77, requiring town and city clerks to provide daily notification to the secretary of state of any filings for elected office. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ross Berry for Election Law. This bill requires the town clerks to report candidate filings to the Secretary of State’s office daily via electronic medium. Currently clerks are required to forward, and they do via the US Postal Service, the candidate filing forms. The amendment clarifies that the filing is to occur on the day filings occur, not necessarily daily. A problem currently exists where, due to slow mail service, the Secretary of State’s office is not able to receive the original information in a timely manner to post online and this impacts candidate filings. This delay means that often the public is not aware that someone has or has not filed before the deadline and creates issues in making sure that each and every position for public office is filled. The majority of the committee believes this bill will improve the reporting of filings and thus improve the information for potential and official candidates. **Vote 14-6.**

HB 98, relative to the date of the state primary election. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Fenton Groen for the **Majority** of Election Law. This bill, as amended, proposes to move the date of the NH primary from the 2nd Tuesday in September to the 4th Tuesday in June and to move the first day of the filing period from the last Wednesday in May to the 4th Wednesday in April. New Hampshire’s Primary Election is one of the latest in the nation. The current primary date allows only 7 to 8 weeks between the primary date and the General Election. The majority of the committee believes that this simply does not allow enough time for the prevailing candidate – especially in statewide and federal races – to switch gears from a contested primary race, gain the full support of the members of his or her own party, raise the necessary financial support, present herself or himself to the NH voters and win their support. This bill would change the current time lapse of 7-8 weeks between the Primary and the General Election to 19-20 weeks. Currently, 31 states hold their primaries in June or earlier. 46 states hold their primaries before September. **Vote 11-9.** Rep. Paul Bergeron for the **Minority** of Election Law. The filing period proposed by this bill for a June State Primary Election is in conflict with the March Town Election calendar. This bill requires the Supervisors of the Checklist to hold a session for the change of registration of legal voters on the Tuesday before the first Wednesday in March. However, communities with town elections on the second Tuesday of March will have already closed their checklists. (In 2020 and 2021, checklists were closed following sessions on the last Saturday in February.) The bill also reduces the amount of time that a voter has to affiliate with or disaffiliate from a party prior to the start of the filing period. Currently, voters have until the day before the start of the filing period to change party affiliations. In this bill, the cut-off is set eight weeks prior to the start of the filing period. Due to the late release of the US Census redistricting population numbers, seven cities will need to hold special elections in the spring to amend ward lines in their city charters. A charter amendment process may take four months or longer once new ward lines have been proposed. This delay may impact the House’s ability to draw any state representative districts that use city ward lines prior to the start of the proposed filing period in March. Finally, the bill will reduce the time that third-party or independent candidates can collect nomination papers: that is, they will have from January 1 to June instead of January 1 to September. The House Election Law Committee has retained two bills proposing to move the date of the State Primary Election. This bill still needs work and is not ready for passage. The committee will have time to address the problems cited above when discussing the primary election process in the retained bills.

HB 223, relative to political party access to a list of absentee ballot requests. **OUGHT TO PASS.**

Rep. Joe Sweeney for Election Law. This bill authorizes political parties to request and subscribe to the absentee ballot request list issued by the Secretary of State. Currently, only candidates can request and subscribe to the absentee ballot request list. As a result, in order for the political parties to get access to that data a candidate must denote the party as their agent. It is foreseeable that a political party may not

have a statewide candidate on the ballot or may not have a candidate that is willing to work with them. The majority of the Election Law Committee believes that by allowing political parties to directly request their own subscriptions of the absentee ballot request lists it will be ensured that the respective political parties will always have access to this data throughout the entire political cycle. **Vote 11-9.**

HB 263, relative to campaign finance reform. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for the **Majority** of Election Law. This bill as amended, provides for campaign finance reform by repealing voluntary expenditure limits, increasing the expenditure and contribution reporting threshold for all political entities, and modifying the maximum contribution amount a person may contribute to candidate committees and political committees. The amendment keeps the categories of candidate and candidate committee in response to testimony that indicated that a change to this would create confusion. The limits on reporting requirements were changed to reflect the realities of current expenses and federal law governing campaign contributions. The majority of the Election Law Committee believes that a significant amount of time has passed since our last comprehensive campaign finance reform. Limits on contributions to a candidate or candidate committee were changed from \$5,000 to \$3,500. Very few candidates take advantage of the voluntary expenditure limit law and it is not well understood, so that category is eliminated in the bill. The limit on total contribution is changed to \$10,000, making the law consistent with the federal law for federal candidates. The majority believes this is an opportunity to update our campaign finance framework in the Granite State by removing some barriers on candidate fundraising and allowing our state-focused political organizations to operate at the same level that federal political organizations in our state are currently operating. **Vote 11-9.**

Rep. Russell Muirhead for the **Minority** of Election Law. The bill repeals voluntary campaign expenditure limits. It also increases the limit on contributions to political committees (other than committees of the candidate) to \$10,000 (from the current \$5,000 for candidates accepting voluntary limits and \$1000 for candidates not accepting limits). At the same time, this bill decreases the limit on individual donations to \$3,500 from the same \$5,000/\$1,000 caps that currently apply. The minority is concerned this would make campaigns for all offices more expensive and would invite bundling of donations to political committees. We do not believe that these changes to the campaign finance law should be made.

HB 285, relative to verification of voter checklists. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Katherine Prudhomme-O'Brien for the **Majority** of Election Law. This bill proposes to modify the procedure for maintenance of an accurate voter checklist. It codifies what should be a regular process of removing invalid voters on the list such as deceased voters, duplicate names and people who have moved. The bill does this by directing the Secretary of State to inform town or city election officials about incomplete and partial voter records received by the Division of Vital Records when a voter dies. This will enable local officials to investigate and further ascertain if those names should be removed from the local checklist. It also directs the Division of Motor Vehicles, when they receive an address change from a licensed driver, to inform the election officials in that community of both the previous address and new address to facilitate maintenance of the checklist. Finally, this bill also directs the Secretary of State to maintain records in accordance with United States Postal Service standardized address system, aiding in the accuracy of records throughout all databases and reducing duplications. The majority of the committee believes this will help maintain checklist records on a regular basis and avoid a lot of maintenance that occurs on election day. **Vote 11-9.**

Rep. Paul Bergeron for the **Minority** of Election Law. This bill requires the Secretary of State to notify city and town clerks of possible voter registration duplications and requires that the clerks conduct an undefined "investigation" to determine if an individual voted more than once in any election. City and town clerks do not have access to another community's voter history data. The Secretary of State would be able to 1) identify possible voter registration duplication, and 2) determine if that individual voted more than once in any election, but that is not what this bill proposes to do. The procedure proposed by the bill will come with a cost. It requires the voter registration database to list addresses in accordance with US Postal Service Pub. 28. That publication requires the use of Postal Service ZIP+4 and will necessitate changes to the database to provide ZIP+4 search-and-populate field capabilities. The bill also directs the Division of Motor Vehicles to notify city and town clerks of all address changes received for all NH citizens. This bill does not include a fiscal note estimating costs that will be incurred by the Secretary of State, the Department of Safety, or city and town clerks.

HB 291, relative to public inspection of absentee ballot lists. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for the **Majority** of Election Law. This bill requires town and city clerks to make absentee ballot voter lists available for public inspection. The majority of the House Election Law Committee believes that the public has a right to inspect absentee ballot voter lists after an election. This will not impact elections as the lists are to be available 60 days after the election. This bill also requires the Secretary of State to create a report on absentee ballot requests from the statewide voter registration database containing ag-

gregate data, such as the number of requests received that had a ballot sent to an address that was not the address on the checklist. Ensuring the integrity of our elections requires sunlight and this bill provides that sunlight. The majority believes that in light of the interests in absentee voting, how absentee voting is being utilized is useful information for everyone. **Vote 11-9.**

Rep. Heidi Hamer for the **Minority** of Election Law. This bill puts an additional burden on our already stressed town and city clerks by requiring them to maintain a list of names and addresses of voters, who have requested an absentee ballot up until 5 pm on the day before an election and make it available for public inspection. Furthermore, this bill would require the NH Secretary of State to compile a report showing common addresses where multiple ballots are sent both in-state and out of state. Our current law states this information may only be available for public inspection by a court order. This is to keep private names and addresses out of the public view. Absentee ballot requests contain sensitive information. Information that in the wrong hands can be used in nefarious ways. Ready access to absentee voter lists identifies those voters who were out of town on Election Day or disabled and possibly vulnerable.

HB 292, relative to the absentee ballot application process. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Fenton Groen for the **Majority** of Election Law. This bill establishes a voluntary procedure for the verification of certain mail-in absentee voter applications. It allows for the pre-verification of a returned absentee ballot when it has been mailed to a place other than the recorded domicile of the voter. To do so, the voter simply includes a copy of an photo identification or they have their signature notarized. If the returned ballot is not verified it simply goes through the regular Election Day verification process. The majority of the committee believes this is one small, but important, step in verifying the identity of a voter who chooses the absentee voting option. Voting is a high privilege, an act that directs the destiny of the state and country we love. It should be done with clear and verifiable evidence that the person voting is precisely who he or she says he or she is. The majority of the committee believes this voluntary process is a step towards increasing confidence in voting. **Vote 11-9.**

Rep. Connie Lane for the **Minority** of Election Law. This bill makes absentee voting more difficult by imposing photo-ID requirements or notarization of the voter's signature to avoid having the moderator compare the signature on the ballot to the one on the application. It is unclear what the moderator is to do after the signature comparison since under the ruling of the 2018 federal district court case, *Saucedo v. William Gardner*, the signature-matching process by moderators is fundamentally flawed and over-ruled the ability of the moderator to reject ballots based on mismatched signatures.

HB 326, requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request. **OUGHT TO PASS.**

Rep. Ross Berry for Election Law. Under current law, candidates on the ballot may obtain a list of absentee voter applicants from town and city clerks. This bill would make electronic lists of voters who have requested absentee ballots available to candidates that request them. It does not change any other aspect of law relative to absentee voting or who has access to the list. It also specifically authorizes town clerks to invoice for the payment, payment due in 7 days, which allows the electronic list to be released when available. This majority of the committee believes that this bill will in a small way modernize New Hampshire's election laws while not presenting a burden to its town clerks. **Vote 11-9.**

HB 391, increasing the threshold for reporting by political committees. **OUGHT TO PASS.**

Rep. Fenton Groen for Election Law. This bill proposes that the threshold for the itemized reporting requirement for political campaign contributions be increased from \$25 to \$100. The \$25 amount has been in place since 1984 and has been outdated by time and the cost of money. The purpose of reporting contributions is to disclose potential financial influence on elections. In light of current funding levels of elections the majority of the committee thinks that single or aggregate donations of \$100 or less do not represent undue influence by a donor. The change will encourage small donations awhile maintaining disclosure of amounts that may have an influence on candidates and /or their campaigns. **Vote 11-9.**

HB 523-FN, requiring a person who registers to vote without any identification to have his or her photo taken before his or her registration to vote is complete. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for the **Majority** of Election Law. This bill will restore some faith in our elections. Currently a person may walk into the polling location and register to vote on Election Day with no photo identification or proof of domicile. If a voter chooses to exercise this option, the poll worker will ask to take the voter's photograph. The voter then may decline the photograph if they cite a religious exemption; this is rarely used. The concept that someone may register to vote on Election Day without any ID or proof of domicile while leaving behind nothing more than a signature is troublesome to many citizens. It breeds distrust in our election process and creates an environment where people lose faith in our elections. By requiring newly registered voters who present no photo ID to have their photograph taken, we restore some faith in our elections and

do not create a real barrier to the ballot box. Furthermore, it is nearly impossible to go into a polling place without ever being on some camera somewhere. Thus, it is highly unlikely that voters choosing to exercise this option would be doing so in good faith. **Vote 11-9.**

Rep. Joan Hamblet for the **Minority** of Election Law. There are at least 3 groups of citizens who would be disenfranchised if this bill passes: 1. Some citizens subscribe to a religion that prohibits them from having a photo of themselves taken (RSA 659:13-b). Under this bill, they would not be allowed to vote. 2. Some citizens who reside in nursing homes do not have a recent form of photo identification. An administrator of the nursing home can verify their identity without a photo ID to allow them to register and vote (RSA 654:12, III). A requirement for photo identification is not reasonable or necessary. 3. A “confidential voter” can be allowed to vote if he or she presents a valid protective order (RSA 173-B:4) or evidence that he or she is a participant in the address confidentiality program (RSA 7:46). Such a voter might be prohibited from voting under this bill. In addition, our voting laws include layers of checks and balances in the specific duties of our local election officials, Supervisors of the Checklist, the Secretary of State and the Attorney General who document and verify the voters before, during and after our elections. This bill would wrongfully prevent legitimate voters from voting and would do nothing to make our elections safer.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 85, relative to using Atlantic Standard Time in New Hampshire. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kristina Schultz for the **Majority** of Executive Departments and Administration. This bill would switch New Hampshire to the Atlantic Time Zone, or you could consider it “daylight saving all year.” This change eliminates the inconvenient and dangerous clock changes in spring and fall, which have been shown to cause auto and work accidents, heart attacks, strokes and many other problems because of sleep disturbance. Yes, it will be darker on winter mornings, but afternoons will be lighter; winter days just aren’t long enough here to have sunlight all the time we’re out and about. Under the bill, this change would be triggered when Maine and Massachusetts also agree to make a permanent switch to Atlantic Standard Time, so that we would remain on the same time as our neighboring states. Massachusetts is the major actor in New England, with over 100,000 New Hampshire people commuting there every day. Passing this bill may encourage Massachusetts to adopt this change, to our benefit as well as theirs. **Vote 14-5.**

Rep. Sallie Fellows for the **Minority** of Executive Departments and Administration. The greatest concern of the minority of the committee is public safety. Switching to the Atlantic time zone means the sun would rise one hour later in the winter. In December and January this would be between 8:00 and 8:15 a.m.. Children would be waiting for the school bus in the dark of night. After a snow storm, darkness would make a treacherous morning commute more dangerous. Radio and TV broadcasters oppose this bill because prime time shows would run from 9 p.m. to midnight, Sunday night football would end after midnight, and they would lose revenue. The minority doesn’t accept claims that eliminating Daylight Saving Time has health benefits. Your risk of a heart attack is increased by high blood pressure, high cholesterol, and diabetes, not loss of one hour of sleep once a year.

HB 218, repealing RSA 321 regarding itinerant vendors. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for the **Majority** of Executive Departments and Administration. This bill as amended would eliminate the state license currently required for hawkers, peddlers, and itinerant vendors. The state license requires that a fee be paid and a bond provided. We heard testimony from the Deputy Secretary of State that in his memory his office has never done an investigation or had to make use of the bond. He also testified that no investigation is done on those applying. In fact, he said that even if the applicant checked the box indicating that they were a felon no investigation was done and they were still granted the license. The Deputy Secretary of State had no objection to eliminating these licenses. Municipalities already have the authority under statute to create ordinances or regulations for hawkers, peddlers, and itinerant vendors. These licenses provide no real protection to the people of New Hampshire. Many, if not most, of those are just trying to earn a living. It is not right to burden them for no real purpose. **Vote 10-9.**

Rep. Jeffrey Goley for the **Minority** of Executive Departments and Administration. This bill will remove the requirement that hawkers, peddlers, and itinerant vendors to obtain a license from the Secretary of State. The minority believes that individuals who engage in a temporary or transient business, which includes traveling from town to town selling goods, wares, and merchandise from a temporary place of business such as a hotel, motel, rooming house, tent, or vacant lot should continue to be licensed with the Secretary of State. With these businesses being transient and moving from town to town, it makes sense that they register with the Secretary of State rather than each individual town they do business in.

HB 273, relative to the 50th anniversary of the passage of the 26th amendment, granting the right to vote to 18-21 year olds and celebrating youth voting and office holding. **OUGHT TO PASS.**

Rep. John Sytek for Executive Departments and Administration. The last major expansion of the franchise – the right to vote and to hold office – occurred 50 years ago. That was the passage of the 26th amendment which granted that right to 18- to 21-year olds. Indeed, many in this chamber witnessed this history-making event. The committee felt that this bill commemorating the anniversary was fitting and appropriate. **Vote 18-0.**

HB 345, establishing a license for mushroom harvesters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sallie Fellows for the **Majority** of Executive Departments and Administration. This bill legalizes the sale of safe varieties of wild harvested mushrooms in restaurants and markets. The Food and Drug Administration Food Code explicitly prohibits the sale of wild harvested mushrooms unless an oversight agency establishes an approval process for licensed harvesters. Some wild mushrooms are poisonous. Licensing will ensure those sold in NH are safe. The Department of Health and Human Services (DHHS) will oversee training programs, testing and licensing of harvesters, and will specify the authorized varieties. Harvesters must have permission to take wild mushrooms from someone else's land. This bill doesn't apply to cultivated mushrooms or picking wild mushrooms for personal consumption. DHHS supports this bill and indicated they can absorb the operational cost. The amendment simply adds a definition of mushrooms. **Vote 12-7.**

Rep. Tony Lekas for the **Minority** of Executive Departments and Administration. This bill would license wild mushroom harvesters. Wild mushrooms have been harvested for sale in New Hampshire for many years. Up to now that has not caused enough trouble for there to have been a call for regulating the practice in our state. That would likely still be the case except that, unfortunately, the Department of Health and Human Services chose to adopt the 2017 Food and Drug Administration Food Code into New Hampshire rule and the legislature accepted that action. There are reasons that there are separate states. What is necessary and appropriate for one state may not be for another. We should end the practice of adopting standards without carefully considering if they are all really necessary for New Hampshire. We should not be licensing additional professions just to deal with an earlier error.

HB 417, relative to the powers of the governor during a renewal of a declared state of emergency. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Executive Departments and Administration. This bill, as amended, changes the emergency powers laws in three ways. First, it extends a declared emergency to 30 days, rather than 21, so that the common weather-related emergencies are not affected. Second, if a state of emergency is renewed, the legislature must meet to approve the extension and any executive orders issued during the emergency. If the legislature cannot meet, the state of emergency and the orders continue in force and are extended in 14-day increments until the legislature can meet. Thirdly, any gifts, grants or other funds obtained for emergency purposes must be accepted by the Governor and Council, rather than the governor alone, which requires Fiscal Committee involvement from amounts over \$100,000. These changes go into effect after the end of the current emergency, and so are prospective only. These changes address the most common concerns about the current emergency powers statute, which was updated after the terrorist attacks on September 11, 2001 and never used for an extended period of time until the COVID-19 outbreak. This emergency raised concerns about imposing too much responsibility on the governor alone, and so this bill presents a plan to share the responsibility and provide policy oversight. **Vote 16-2.**

Rep. Peter Schmidt for the **Minority** of Executive Departments and Administration. This bill seeks to address widespread objections to a number of aspects of the Governor's emergency order regime, which is currently in effect in New Hampshire. The minority of the ED&A Committee recognizes and shares many of the majority's concerns, and also supports a review and revision of the existing emergency statute. Nevertheless, the minority opposes passage of HB 417 at this time for the following reasons. First, the bill is entirely prospective; it cures none of the actual or supposed abuses of the Governor's authority at this time. Hence, it has no urgency and should not be substituted for a truly deliberative investigation of the deficiencies of the existing statute, nor of any instances of gubernatorial overreach. Second, instead of this bill, a blue ribbon committee should be empaneled, not to assess blame, but to lay the basis for a wisely revised statute to more perfectly protect the state and its citizens in the future. Third, the bill mistakenly conflates every living NH citizen's experience and expectations of a state of emergency with the fundamentally different duration and reality of this pandemic, which is, in addition, by no means fully understood or resolved. Further, the bill creates a legislative oversight and control structure which the minority believes would likely be in its own way in a typical emergency, in other words, unnecessary, and very likely to hamstring effective emergency management in the case of a future pandemic, or nuclear emergency, in other words, unworkable and counterproductive. For these reasons, this bill should be found Inexpedient to Legislate.

HB 544, relative to the propagation of divisive concepts. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Executive Departments and Administration. This bill is an anti-racism piece of legislation that would prohibit the teaching racist ideology to students and employees of state schools.

It would also bar mandatory racist ideology training to employees of state agencies and businesses who contract with the state to provide services to or on behalf of the state. The committee heard testimony that these trainings and teachings do currently occur in New Hampshire and seem to be becoming more of a trend both here and nationwide. The committee also heard testimony that the teaching and training of the concepts prohibited by this bill cause disharmony, resentment and hatred. The majority agrees. The bill does not prohibit teaching about racism and its negative effects throughout history on the people of New Hampshire and the United States. The majority believes teaching about actual history including institutional racism that has existed and the steps we have taken to eradicate it are important aspects of a proper education and a healthy and diverse workplace. The bill, simply put, prohibits teaching that one race is at fault in perpetuity for challenges and disadvantages faced by another race. The majority acknowledges that racism still exists and that we must always be on guard against it to challenge it whenever it rears its ugly head but the majority also believes in the inherent good of each individual Granite State citizen and in the greatness of this state and of the United States of America. Of all the nations on Earth, it is the United States that provides the most opportunity and legal protections to minorities of every race, creed and religion. **Vote 10-9.**

Rep. Sallie Fellows for the **Minority** of Executive Departments and Administration. In 2020 we all saw George Floyd die, Black Lives Matter demonstrations, and white supremacists' counter protests. Public interest led to an exponential growth in books, documentaries, zoom seminars, and courses about racism and bias. The function of this bill is to suppress teaching about racism and sexism. It does so by banning discussion of any "form of race or sex stereotyping." This prohibition applies to state and municipal governments, and all public schools, private schools and colleges receiving state funding. The ban also applies to the internal operations of businesses with state contracts, which would likely result in fewer bidders and higher costs for state projects. In this time of heightened awareness about racism, this bill will tarnish the image of New Hampshire as a great place to live and work. The minority believes it also violates the First Amendment's protection of free speech, which is why we oppose this bill.

HB 575, relative to licensure of applicants for cosmetology, esthetics, and manicuring through apprenticeship programs. **OUGHT TO PASS.**

Rep. Tony Lekas for Executive Departments and Administration. This bill would permit an applicant for a license as a cosmetologist, manicurist, or esthetician to complete the training requirement either in an apprenticeship program or a school. While current statute does permit an applicant to complete the training requirement through an apprenticeship it requires twice as many hours in an apprenticeship program than in a school. If this bill is adopted, the number of training hours would be the same for a school or apprenticeship program. The bill also makes it clear that the apprenticeship program must be one approved by the board. In current statute, approval is not required for apprenticeship programs for cosmetologists although it is required for manicurists and estheticians. In either case, the applicant must pass an examination conducted by the board. This would especially benefit those who must work and/or raise a family while training for a new career. It is often not possible for such people to put their lives on hold in order to attend a school full time. An apprenticeship program can offer more schedule flexibility and changing the hours required in such a program the same as those required in a school would reduce the burden on such people. Another potential benefit to an apprenticeship program is that the applicant is likely to receive more hands on practical training than in a school. **Vote 10-9.**

HB 606, exempting services provided without remuneration from license requirements for barbering, cosmetology, and esthetics. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Alliegro for the **Majority** of Executive Departments and Administration. Under current New Hampshire law, it is illegal to cut your daughter's hair or file your grandmother's fingernails. This bill remedies such regulatory overreach by stipulating that a person may provide barbering, cosmetology, or esthetics services without payment and not be in violation of the law. This bill does not affect licensure requirements for paid, professional service providers. Opponents warned that this change would put the public at risk from the unauthorized use of dangerous chemicals such as shampoo and hair coloring, or transmissible disease, but no evidence in support of this claim was presented during hearings or deliberation. It was also argued that selective law enforcement renders this bill unnecessary. It is not government's role to interfere with the highly personal acts mentioned in this summary. The adoption of HB 606 is a small step in restoring the inalienable right of caring for one another. **Vote 10-8.**

Rep. Jeffrey Goley for the **Minority** of Executive Departments and Administration. Supporters of this bill believe that under the current RSA a parent who cuts a child's hair or someone who helps a neighbor color their hair is breaking the law. But there is no documented evidence that this type of enforcement has ever been practiced. The bill as written would allow anyone to practice barbering, cosmetology, or esthetics provided they are is no remuneration. Testimony from professionals was that an untrained person doing these procedures may not be as conscientious about necessary sanitation or not trained in the possible dangers of chemicals involved and could subject the recipient to severe chemical burns or injuries. The minority believes this bill should be voted ITL as it is trying to solve a problem that does not exist.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 131, relative to reporting of health care associated infections. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary Woods for the **Majority** of Health, Human Services and Elderly Affairs. This bill is an update to the review process for residential care and health care facility licensing. First, two measures are being eliminated. This means these measures no longer must be reported as they have reached 90% -95% compliance over several years' review. Nevertheless, these measures will still be monitored during the usual, periodic site evaluation. Second, reporting rates of influenza vaccination will continue to enable awareness of the level of protection against outbreaks in these facilities. This is not a mandate to vaccinate. This is only a monitoring measure to increase awareness. Third is the insertion of the word "measures" in two other sections of the RSA to make it consistent with the wording already in RSA 151:33,II(b) and used by the Centers for Disease Control and Prevention, Centers for Medicare and Medicaid Services Hospital Inpatient Quality Reporting Program, and the National Quality Forum. These last-mentioned federal agencies are cited as providing referenced guidelines going forward but are not referenced as mandatory standards to be incorporated directly. **Vote 17-3.**

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. The minority opposes this bill. It changes statute to allow tracking and reporting of "measures" for infection control. The minority believes the term "measures" is too broad. It would allow the Department of Health and Human Services to require medical facilities to collect information on uptake rates of any immunizations for employees and patients. Currently, the only vaccination rates explicitly permitted by statute to be tracked and reported are influenza vaccination rates. Aware of the surveillance, employers will likely pressure individual employees to take any vaccinations of which rates are being monitored, even those for which there is no evidence of healthcare-associated outbreaks, such as Human Papillomavirus (HPV). Many healthcare workers, residents, and patients do not want to receive certain vaccines for different reasons, and this monitoring, and related pressure from employers and facility administrators, may drive some healthcare workers to leave the field. This bill also requires NH reporting protocols to conform with the protocols of federal agencies and gives control of the state's protocols to individuals or groups not elected by NH voters. There is no legislative oversight as to what can be required, thus the minority recommends that this bill be Inexpedient to Legislate.

HB 143, relative to an electronic prescription drug program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gary Merchant for the **Majority** of Health, Human Services and Elderly Affairs. There are two parts to this bill: 1. electronic prescribing of controlled substances and, 2. clinical alerts. The nation and the state face an ongoing opioid and substance abuse crisis. Written paper prescriptions for controlled substances provide a substantial opportunity to divert opioids and other controlled medications from pharmacy-shopping a via fake, written prescription created from stolen provider prescription pads or via altering amounts. In 2018, Congress passed the SUPPORT Act prohibiting providers from using paper prescriptions and required secure prescription of controlled substances to minimize diversion to address the nation's crisis. Federal law applies to controlled medications paid for by a Medicare Part D drug plan. This bill requires a prescriber to electronically prescribe all prescriptions for controlled substances regardless of the payment source, including cash, the typical payment used to pay for fake prescriptions. Recently, the company Practice Infusion paid \$145 million to resolve a criminal and civil investigation by the US Department of Justice related to an illegal arrangement with a major opioid manufacturer. Practice Fusion received payments from the manufacturer to create and implement Clinical Decision Support alerts used by providers. One alert included a recommendation to use an opioid therapy treatment option that included the opioid made by the manufacturer. This bill adds language to the Commercial Protection Act prohibiting such deceptive practice. **Vote 19-2.**

Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. Current law entitles patients to a paper prescription, making it possible to compare prices from more than one pharmacy. This bill would impose new mandates on medical providers and limit price transparency for patients, notably uninsured and under-insured people.

HB 163-FN, relative to cannabis use during pregnancy. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the **Majority** of Health, Human Services and Elderly Affairs. This bill directs the Department of Health and Human Services to create a poster and make information available at dispensaries regarding the use of cannabis while pregnant or lactating, accidental poisoning, and, use during adolescence. This parallels the information currently being made available in Colorado dispensaries. As cannabis has been made available for therapeutic use by the General Court, and not by the FDA, it becomes incumbent upon the General Court to provide consumers with information, just like the FDA provides package inserts for prescription drugs. We know from a June 2019 study in the Journal of the American Medical Association (JAMA) that the rate of pre-term birth among reported cannabis users was 12% vs. 6% in non-users. We also know from a June 2018 study in Obstetrics Gynecology that 69% of dispensaries in Colorado recommend

cannabis for first trimester morning sickness. Surgeon General Jerome Adams has expressed concern about subsequent learning disabilities, and about the risk of accidental poisoning, particularly with edibles. The Amendment 2021-0238h clarifies language as recommended by the therapeutic cannabis medical oversight board. **Vote 18-3.**

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. The minority does not support this bill. While it is important for patients to be informed of the benefits and risks of a medication, and in this case, the therapeutic use of cannabis, the responsibility of providing informed consent is already required of medical providers. It is unusual for risk counseling for a specific medication to be mandated by statute. The minority believes the nature of the discussion on cannabis use should be between the prescriber and the patient, and the bill allows government to micro-manage medical practice. Therefore the minority believes this bill should be inexpedient to legislate.

HB 185-FN, removing the work requirement of the New Hampshire granite advantage health care program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Schapiro for the **Majority** of Health, Human Services and Elderly Affairs. The work/community engagement requirement, a good faith compromise when it was enacted in 2018, was part of a five-year renewal of Expanded Medicaid, renamed the New Hampshire Granite Advantage Health Care Program. Since that time, the landscape has changed dramatically. In July of 2019, Governor Sununu delayed implementation of the work requirement due to difficulties contacting and signing up eligible Medicaid recipients. It would later be reported by the US Government Accountability Office that the unsuccessful attempt at implementation had cost a total of \$4.4 million, with \$187,000 in state funds and the rest in federal dollars. Later that month, a federal judge ruled that the Department of US Health and Human Services had misused its authority in approving the new requirement, halting any further attempts at implementation. Similar work requirements in Arkansas and Kentucky were also struck down. Now, in the midst of a pandemic, Covid 19 presents further ethical, practical, and public health impediments to implementation. The initial intent of this statute was never to deny people health care coverage, but rather to encourage self-reliance and independence. Nevertheless, it is now clear to the majority that this policy puts residents' health at risk, is legally questionable, administratively unworkable, and presents an enormous financial liability for the state of New Hampshire. **Vote 11-10.**

Rep. William Marsh for the **Minority** of Health, Human Services and Elderly Affairs. The minority appreciates the bipartisan coalition which passed SB 313 establishing the Granite Advantage Program. The minority recognizes that tweaks to programs may need to be made on a data-driven basis as programs are implemented, but does not agree that the repeal of the work requirement is supported by data, especially as this requirement is suspended due to the Covid-19 pandemic. The minority recognizes this bipartisan coalition no longer exists. Repeal of the work requirement opens the door to subsequent changes to the Medicaid Expansion Program based solely on changes in the political climate in New Hampshire. Various providers who might be inclined to create programs expecting stability in reimbursement through Medicaid Expansion for five years might well decide to forego capital investments without that stability. Given the need to expand programs addressing behavioral health, discouraging capital investments in healthcare is very much not in the interest of the state of New Hampshire. If the work requirement successfully allows 1% of participants (500) to lift themselves out of poverty, and those participants lose their eligibility for Medicaid Expansion due to their increased income, the minority believes that would validate the efficacy of the work requirement. For these reasons, the minority recommends this bill be found Inexpedient to Legislate.

HB 295, relative to initiating amendments and corrections to birth records. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gerri Cannon for the **Majority** of Health, Human Services and Elderly Affairs. RSA 5-C:87,V, enacted in 2005 to allow sex changes, didn't include how changes to birth records would be made. This bill as amended standardizes information required by the NH Vital Records office and city or town clerk's offices when sex change amendments to birth records are requested for NH born citizens. The bill reduces the time, effort and costs required to process applicant requests by requiring a licensed health care provider's notarized statement that in their professional opinion the individual's gender is male or female and can be reasonably expected to continue as such for the foreseeable future. The original birth certificate will be retained by the clerk and vital records offices and a new birth certificate with the gender changed to male or female will be issued to the requestor. **Vote 11-10.**

Rep. Mark Pearson for the **Minority** of Health, Human Services and Elderly Affairs. This bill seeks to erase the reality of biological sex from government records. The minority believes that sex is an objective fact of human life. The notion that sex is merely an arbitrary social construct is patently false, and the state of New Hampshire should not endorse that view by passing this bill. While transgender people have a legal right to live according to their identity and conscience, accurately listing a transgender person's biological sex on his or her birth certificate does not impose upon that right. The minority also notes with concern that a New Hampshire school board recently used a similar 2019 law, relative to driver's licenses, to justify integrating biological males and females in school athletics. The minority notes that denying the reality of biological

sex is increasingly leading to cruel impositions by the government on female athletes who do not share the beliefs of extreme gender activists. The minority believes that birth certificates should accurately note what they always have noted: facts, not feelings; real data, not self-perceptions. Prince Harry may have come to love America, his new home, and might even want to become our President one day, but his birth certificate correctly notes he was born in London, and is therefore constitutionally disqualified from being President, whatever his feelings on the matter. A healthy woman may perceive herself to be entitled to healthcare benefits from Medicare, but her birth certificate correctly says she's 59, not 65. A guy may wish his biological parents were two famous movie stars and would feel better about himself were their names listed on his birth certificate, but they are not his parents. Anyone may craft various instruments to reflect that with which they identify, but the birth certificate is correctly not one of those instruments. Usable data for individuals and groups are gleaned from birth certificates so they must be accurate with changes made only if the original certificate had factual errors. Birth certificates should reflect objective facts.

HB 381-FN, relative to laboratory testing. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the **Majority** of Health, Human Services and Elderly Affairs. This bill enables laboratories offering laboratory testing on a direct access basis to allow individuals to order their own lab tests at their own expense without a doctor's order. It specifically provides that insurers do not have to pay for testing done in this manner. This legislation is modeled after a similar working program in Arizona. NH citizens already have access to such testing at multiple sites across NH, however the tests are sent out of state which puts our NH labs at a competitive disadvantage. The argument that we should not allow patient-ordered lab tests is flawed, as no harm has come to the public from the existing sites. The majority is aware of instances where patients want particular tests but their doctors do not agree. Allowing patients to perform these tests at their own expense may well result in a more amicable resolution than having them confront their physicians. Further, many patients have health insurance with high deductibles and co-pays. Allowing them to get routine testing done without having to see a physician first may well enable them to obtain needed health care at a lower cost. **Vote 14-7.**

Rep. Jerry Knirk for the **Minority** of Health, Human Services and Elderly Affairs. The minority agrees that patients should be empowered and encouraged in managing their health care, but this bill is overly broad, allowing any test, not just routine maintenance tests, to be ordered by a patient. Results of laboratory tests need to be interpreted in the context of the patient's history and physical examination. Lab results are often not dichotomous, with a yes or no value. There are ranges of normal to be considered. Many tests have significant false positive or false negative rates requiring confirmation with the history and physical examination or with further testing. The results of many tests, especially serologic tests, are highly dependent upon the patient's stage of illness. Unnecessary tests will likely lead to a diagnostic cascade of further testing which is costly and may expose the patient to unnecessary risk. Patients may get a result which leads them to believe they have a disease which they do not have, leading to an increased sense of poor health and changes in their behavior due to a misdiagnosis. Regardless of the language in the bill, providers have a duty to deal with any abnormal result of which they become aware, even if they did not order the test. We should not endorse a practice which is bad medical practice just because others are doing it.

HB 503, establishing a New Hampshire commission on homelessness. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Marsh for the **Majority** of Health, Human Services and Elderly Affairs. The committee heard overwhelming testimony on the need to address the issue of homelessness in NH. The Department of Health and Human Services (DHHS) testified that a new commission would be duplicative of the Council on Housing Stability established by the Governor's executive order #22. By amendment, the committee expanded on the charge to the Council on Housing Stability by adding the specifics addressing homelessness in the underlying bill. Additional members, suggested in the underlying bill who not already on the council, were added. The committee thinks this will allow homelessness to be addressed without creating an additional commission.

Vote 19-2.

Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. This bill as amended would give a legislative stamp of approval to the council on housing stability, which was created by executive order during the state of emergency. The council addresses an array of topics that are not directly related to homelessness. This bill would increase the scope of the council's work and add more members. The council was not created under legislative authority and has never received legislative approval. The council's charter calls for it to plan for a "housing stability governance structure" and to "create housing stability for all citizens." Such plans, if implemented, will inevitably lend legitimacy to expanded government programs and interventionist policies.

HB 605-FN, relative to the therapeutic cannabis program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jerry Knirk for the **Majority** of Health, Human Services and Elderly Affairs. This bill has two parts. The first part adds opioid use disorder (OUD) as a standalone, qualifying condition for the use of therapeutic cannabis with very restrictive guard rails set by the Therapeutic Cannabis Medical Oversight Board (TCMOB). TCMOB is composed of the Chief Medical Officer of the Department to Health and Human Services (DHHS), a qualifying patient representative, a clinical representative from an alternative treatment center (ATC), and ten medical providers from various fields, charged with the task of advising the therapeutic cannabis program on medical issues, including qualifying conditions. The use of therapeutic cannabis in OUD is complicated. CBD has been shown to help with symptoms of craving and withdrawal, but THC stimulates reward centers so it can exacerbate OUD. TCMOB does not support the use of therapeutic cannabis for OUD except when used as part of a specialist-guided treatment program for OUD. By a 9-0 vote, TCMOB approved certification of a patient for the use of therapeutic cannabis only when certified by a board-certified addiction medicine or addiction psychiatry provider, who is actively treating the patient for OUD, to treat associated symptoms of craving and withdrawal. The second part of the bill allows patients visiting New Hampshire, who have qualified for the use of therapeutic cannabis in their home state or Canada (which has a nationwide therapeutic cannabis program), to purchase therapeutic cannabis at New Hampshire ATCs. There are many qualified patients from other states or Canada who stay in New Hampshire for extended times vacationing, at a second home or as students. It is illegal to bring cannabis across state or international borders. This bill will allow visiting qualifying patients to purchase therapeutic cannabis at a New Hampshire ATC. The therapeutic cannabis program will develop rules for the ATCs to assist them in verifying a visiting qualifying patient's registry identification card or its equivalent. **Vote 17-3.**

Rep. William Marsh for the **Minority** of Health, Human Services and Elderly Affairs. The minority agrees with the majority on all issues except whether we should allow therapeutic cannabis for opioid use disorder. The minority believes the medical literature does not support the use of cannabis for this indication and may in fact make opioid use disorder worse. The minority therefore believes the bill Ought to Pass with a different amendment which does not include opioid use disorder.

JUDICIARY

HB 135, requiring parties responsible for pollution of a drinking water supply to be financially responsible for certain consequences of that pollution. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for the **Majority** of Judiciary. This bill requires that parties found responsible by the Department of Environmental Services (DES) Commissioner for polluting a drinking water supply be held financially responsible for the costs of returning the impacted community to a state where safe water is available for consumption. It requires that the responsible party connect affected residences and businesses to commercial or municipal water, and pay those affected a monthly sum based on the average community water usage. The amended bill reduces this period of compensation from five to two years due to compliance concerns that were raised in testimony by DES. The bill preserves the right of appeal to the Waste Management Council and NH Supreme Court, and was seen by the majority of the committee as a fair means of giving impacted communities time to recover and transition following a contamination event. **Vote 12-9.**

Rep. Michael Sylvia for the **Minority** of Judiciary. While this bill seeks to provide citizens a remedy to drinking water contamination, it leaves much to be desired. It puts the Commissioner of the Department of Environmental Services in a position to determine if an entity is in violation. The remedies offered have holes which will delay those remedies in court battles. For instance, while a damaged party is awaiting a connection to a water supply, they will be provided "drinking water;" if the water is unsuitable for bathing, how much drinking water will be supplied and how long will a party be doing sponge baths? Another remedy calls for a "whole house filter," with no standard, a filter might be installed which is insufficient to properly remove a contaminant. A law with so many holes is worse than nothing; it provides a false sense of security while it ensures lawyers will not suffer excess unemployment.

HB 206, relative to collective bargaining agreement strategy discussions under the right-to-know law. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill would require the negotiating by public employers and the union representing the public employees to be done in open sessions. The main benefit would be to allow both the public taxpayer and union members to view, in real time, joint bargaining sessions. 22 states allow public employee collective bargaining negotiations as public meetings. We believe openness would speed, not slow, negotiations. Either way, the people, who pay all the costs of the negotiated agreements and the negotiations per se, could see just who is advocating for what and the alternatives offered by both sides. We believe this transparency will make our public officials more accountable to us and the same scrutiny could benefit union members in similar fashion. **Vote 11-10.**

Rep. Rebecca McBeath for the **Minority** of Judiciary. The minority of the Judiciary Committee believes rather than improving transparency this bill would reduce candor and increase posturing by both management

and labor during contract negotiation. Requiring all “meetings” regarding collective bargaining to be open to the public would stifle productive negotiations and drastically curb the ability of parties to reach a timely resolution of issues. The unintended consequences of this bill include prolonging the negotiation sessions, thereby increasing the costs to municipalities by increasing counsel and staff time on negotiations. Another issue significant to medium and smaller communities in New Hampshire is the potential of participants to inadvertently reveal confidential employment information to the point that the public could identify individual employees. Numerous groups including the NH Municipal Association and the NH School Boards Association presented testimony opposing this bill to the committee.

HB 227, relative to termination of tenancy at the expiration of the tenancy or lease term. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Edward Gordon for the **Majority** of Judiciary. This bill, as amended, adjusts the eviction process to allow a landlord to terminate a tenancy when a defined lease period expires without having to prove some other cause. The amendment provides that written notice that the lease will not be renewed must be given to the tenant at least 30 days prior to the end of the lease term. Tenants are still entitled to judicial process prior to any eviction and the landlord will still have to show cause for an eviction if there is no defined lease term or if the tenant is in hold over status. **Vote 12-9.**

Rep. Charlotte DiLorenzo for the **Minority** of Judiciary. The minority of the committee feel that this bill in effect negates the need for and use of lease agreements. The amended version of this bill requires the landlord to give the tenant a written notice 30 days in advance of the termination date and orders the tenant to vacate the apartment at the end of the lease term. This bill is essentially a no-fault eviction. The timing of this bill could not have been worse given that we have a housing crisis with rents out of reach for the average renter, and with a historically low vacancy rate. The New Hampshire Housing Finance Agency’s December 2020 Rental Market Report shows the median monthly gross rent for a 2-bedroom apartment to be \$1,413 with an average state wide vacancy rate of only 1.8%. This bill creates bad policy and will increase housing insecurity and homelessness for our low-and moderate-income families who rent.

HB 232, relative to nonpublic sessions under the right to know law. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for the **Majority** of Judiciary. This bill permits nonpublic sessions under RSA 91-A for consideration of the amount paid, offered, or accepted for the sale or lease of property. Nonpublic sessions would not be permitted for general discussions of whether to proceed with the sale or lease. This bill restricts nonpublic sessions to negotiations of price for property sale or acquisition. Discussions of purchases and sales would be held in public meetings. **Vote 11-10.**

Rep. Timothy Horrigan for the **Minority** of Judiciary. This bill was inspired by a recent real estate transaction where the City of Laconia agreed to buy an unused school building, a house, and a parking lot in the center of the city from the Roman Catholic Bishop of Manchester. The city and the diocese negotiated the sale in a somewhat unorthodox but perfectly legal fashion. The minority is not prepared to say whether this deal was a good one or not, but they note that the negotiated price is well in line with the value of other properties in downtown Laconia. The minority also recognized that it is a bad idea to make law based on one isolated incident, especially when it is unclear what, if anything, was problematic about that one incident.

HB 236, creating a statute of limitation on civil actions relative to damage caused by perfluoroalkyl and polyfluoroalkyl substances. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Paige for the **Majority** of Judiciary. This bill extends the statute of limitations to six years to bring civil actions for damages caused by perfluoroalkyl and polyfluoroalkyl, or “PFAS” chemicals. PFAS refers to a group of over 5,000 man-made chemicals used to make items such as non-stick coating and outdoor clothing. They have been found in numerous drinking water supplies of New Hampshire residents. Human exposure to these chemicals can cause significant negative health effects, including reproductive disorders and developmental effects to infants. However, the manifestation of these effects can take many years, even decades. Under the ordinary statute of limitations, three years, harm caused by the chemicals may manifest itself at a point in time beyond the typical statute of limitations and effectively foreclose a remedy through a civil action. This bill addresses this problem because it extends the statute of limitations to account for this latency effect known to be caused by PFAS. It was recommended Ought to Pass with bipartisan support. **Vote 11-10.**

Rep. Mark McLean for the **Minority** of Judiciary. This bill extends the statute of limitations for bringing forth a civil action related to damage caused by perfluoroalkyl and polyfluoroalkyl substances (PFAS) from three years from the date of reasonable discovery to six years. Three years has long been the standard in environmental cases, and because the clock doesn’t start until the discovery is made, the minority of the committee felt that it is more than enough time to bring forth a claim. The minority was also concerned that a special carve out for PFAS may begin the journey to a confusing patchwork of limitations in the future as more harmful substances are identified.

HB 368, relative to claims for medical monitoring. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark McLean for the **Majority** of Judiciary. This bill seeks to provide a right of action to seek medical monitoring in the event of significant exposure to toxins caused by the negligent activity of a defendant. Medical monitoring claims are relatively new to the legal landscape and have only really emerged in the last few decades. Nevertheless, our expanding understanding of the long-term negative health effects of toxin exposure has led to a sea change in legal thinking in this area, and courts in New England and across the country have increasingly allowed claims to proceed. With this in mind, this bill provides guidance and clarity relative to the rights and responsibilities of all parties involved in a monitoring claim. The committee was careful to base the legal standard on the growing body of case law in the area, including the *Hermens v. Textiles Coated Incorporated* case heard in Hillsborough Superior court, and the case of the residents of Bennington, *Vermont v. Saint-Gobain Performance Plastics Corporation*. The bill preserves the need to show negligence and causation on the part of the defendant, and the amendment further requires that the plaintiff demonstrate a significantly increased health risk from exposure that requires monitoring for which tests exist. The final amended bill holds negligent chemical users accountable, protects users who operate in good faith and compliance with the law, and provides a much-needed legal remedy for monitoring to those who are exposed. **Vote 13-7.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. The minority recognizes there are health risks associated with toxic exposure and it also recognizes there are boundaries around damage claims. The standard for damages has always been some actual damage; damage that could be assessed in some reasonable manner upon which claims can be adjudicated. Medical monitoring creates an entirely new standard where damages can be claimed for events that may never occur simply because people are put at increased risk of something that may or may not happen at some unspecified future time. Such a claim has no end time, no limit on the potential cost, and no reasonable way of evaluating the potential damages. Any money paid for potential, but never occurring, events reduces the money available for those who actually suffer the real damages of the exposure.

HB 384-FN, prohibiting the sharing of location data. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. This bill, as amended, prohibits any mobile application developer, telecommunications carrier, or other person from selling or permitting access to customer personal location data unless the customer expressly consents to that sale or access. The bill prohibits a provider from refusing to serve a customer, charging a customer a penalty, or offering a customer a discount if the customer does not consent to the use, disclosure, sale, or access. Nothing in this bill limits how your location data can be internally used by a service provider. The bill has broad exemptions for law enforcement, emergencies, and other legal processes. The majority believes where you are and where you have been are an important element of our privacy and that information should be protected just as much as your birth date. **Vote 16-4.**

Rep. Timothy Horrigan for the **Minority** of Judiciary. The minority of the Judiciary Committee agrees with the majority that online privacy is an important issue for Granite Staters. This bill is, however, a crude and inflexible attempt to solve an extraordinarily complicated problem which in any case could best be addressed, and is being addressed, on a federal level. This bill, if passed, would accomplish little if anything aside from denying Granite State residents, visitors, and businesses access to valuable online location-based services. It would also destroy jobs by driving high-tech firms to other states or countries and by crippling the growth of the new “gig economy.” Finally, this bill would impose fines which could literally run into the millions of dollars on businesses and individuals who inadvertently violate the vague provisions of this bill.

HB 402, relative to takings of property in a declared emergency. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for the **Majority** of Judiciary. This bill enhances the protections guaranteed by the New Hampshire Constitution by requiring a supermajority vote of the legislature prior to property takings under a state of emergency. By commanding that two thirds of the house and senate agree to the necessity of a taking, this policy upholds our duty to protect our citizens’ right to property as is found in Part I, Article 2 of the New Hampshire Constitution. As there is no known application of RSA 4:46 since its creation, this provision may never come to be used, but it stands as a strong support for the rights of the people of New Hampshire if there is ever a need. **Vote 11-10.**

Rep. Paul Berch for the **Minority** of Judiciary. The minority of the Judiciary Committee opposes this bill, which would create an unnecessary, impractical, and very expensive impediment to the state responding to a state of emergency. Under current law, if there is a required need for temporary taking of real or personal property, such taking must have the approval of the Governor and Executive Council. With minor exceptions, takings are limited in time and scope and do not include personal items used by individuals and families. This bill would add a requirement that the house and senate be convened and that any such taking be voted upon and agreed to by a supermajority in each chamber. An emergency is, by definition, an emergency. To

call the house and senate into session is a time-consuming, expensive, and complex effort. A suitable place may have to be found; required notice and participation of the public will need to be arranged; access by state representatives and senators who will have difficulty attending due to the emergency may have to be considered. There appears to be no claim that the present system, utilizing the Governor and Executive Council, has not worked to protect the rights of the public during a stated emergency or natural disaster. Absent that, creating an expensive and unnecessary level of regulation seems unwarranted.

HB 440, relative to the protection of religious liberty. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for the **Majority** of Judiciary. This bill, as amended, clarifies that the General Court never intended that emergency powers granted to the governor would be used to suspend civil liberties. It amends the emergency powers statutes to expressly prohibit the suspension of civil liberties. This bill will provide an opportunity to challenge violations of constitutional protections and civil liberties. RSA 4:45 and 4:47 give the governor authority to act in a state of emergency, but those actions taken must do so while protecting the rights of the people of New Hampshire. **Vote 11-10.**

Rep. Cam Kenney for the **Minority** of Judiciary. This bill, as amended, would prohibit civil liberties from being suspended during a state of emergency. The bill is premature and reactionary to our current situation as it frequently refers to COVID-19. It defines civil liberties in a broad way that would open the door for confusion and probable litigation, where every logical decision made by the governor during a state of emergency that is backed by science, such as wearing a mask, could be incorrectly argued as stepping on someone's rights. It is important to note, the superior court decided the orders we have seen throughout COVID-19, such as wearing a mask, have been constitutional. Therefore, because civil liberties have not been ignored, the minority believes this bill is not needed and should be found Inexpedient to Legislate.

HB 542, relative to the applicability of a state of emergency declaration to a house of worship. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for the **Majority** of Judiciary. The amended version of this bill reinforces the foundational principles of religious freedom outlined in the 1st Amendment and in Part 1, Article 5 of the New Hampshire Constitution. It guarantees the free exercise of religion and the right of people to peaceably assemble, and it prohibits the powers activated in a state of emergency from forbidding in-person gatherings at houses of worship. It preserves the right of the government to require religious organizations to comply with neutral health and safety regulations, so long as any substantial burden is shown to be essential to further a compelling government interest and is the least restrictive means of furthering that interest. The committee heard testimony from faith leaders across the state who were unanimous in their belief that, during the state of emergency, churches were not seen as essential to the same degree as secular institutions such as hospitals and grocery stores. This subordinate position left houses of worship closed long after other essential institutions had opened, and prevented religious organizations from fulfilling their mission at a time when they were needed most. The sponsors felt that in an increasingly secular society it can be easy to lose sight of the important role religious institutions play in seeing people of faith through times of crisis. The majority of the committee believe that this bill recognizes that role, applies the lessons learned from the current state of emergency, and provides reasonable protections for religious exercise into the future. **Vote 11-10.**

Rep. Alexis Simpson for the **Minority** of Judiciary. The minority of the committee does not agree that we need a new law protecting religious freedoms. The free exercise of religion is protected by the United States Constitution and the New Hampshire Constitution. HB 542 attempts to elevate decisions by religious bodies above the health and safety interests of the public. In the current pandemic, we have seen numerous instances across the country where allowing large gatherings for worship and religious activities has led to outbreaks that stretch beyond those involved in religious activity. The emergency orders issued in New Hampshire have allowed religious communities to meet their needs with specific protocols that protect the larger community.

HB 561, relative to potential jurors excused from jury duty due to a lack of residency in the county of jury service. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Michael Sylvia for the **Majority** of Judiciary. This bill requires the clerk of the court to compile a list of the names of any persons who request to be excused from jury service for lack of residence in the county of jury service and transmit the names on the list to the secretary of state who shall publish the list on the secretary of state's website. This simple measure would allow supervisors of the checklist an aid in keeping the voter rolls current. **Vote 11-10.**

Rep. Cam Kenney for the **Minority** of Judiciary. This bill requires the clerk of the court to compile a list of names of individuals who request to be excused from jury service due to lack of residence in the county. Then, this bill would require the secretary of state to publish the list online. According to the prime sponsor, this list could then be a tool used to track voter fraud. Yet, the bill does not mention voting or elections in any respect. Therefore, due to the intent of the bill being unclear in the language, and it attempting to track voter fraud, an issue nonexistent in New Hampshire, the minority believe this bill should be found Inexpedient to Legislate.

HB 566, relative to sealing records in nonpublic session under the right-to-know law. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for the **Majority** of Judiciary. The majority of the Judiciary Committee believes that the minutes of non-public meetings regarding acquisition, sale, or lease of real or personal property should not be kept from the public after the sale is completed or fell through. However, public bodies are not going back to reverse the vote to keep those minutes from the public. Pursuant to this bill, as amended, such minutes would now be automatically available to the public after the close of the transaction. The majority believes this is a simple step to add more transparency to our government. The amendment was agreed to by the New Hampshire Municipal Association and Right-to-Know NH. **Vote 11-10.**

Rep. Timothy Horrigan for the **Minority** of Judiciary. This bill, as introduced would have required public bodies to review each and every set of sealed minutes at least once every year to see if they should be unsealed. The minority recognized that this would be a waste of time and effort. After few years, some bodies could end up with no time to do anything but continually debate unsealing their old sealed minutes. Many of those sealed minutes would never turn out be worth unsealing. The minority is also opposed to the bill as amended, which would require all unsealing motions to be debated in public session, even when it would be impossible to debate the merits of the motion without divulging details of the sealed material in the minutes in question. Also, both versions of the bill would make it effectively impossible to seal minutes of non-public meetings related to buying, selling, or leasing real estate, even when there might be a valid reason to seal those minutes.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 348, requiring a public employer to provide notice of a new or amended collective bargaining agreement. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services.

The bill would provide both union members and interested taxpayers the ability to review a tentative agreement prior to the Collective Bargaining Agreement (CBA) being ratified by their respective authorizing bodies by permitting a 30-day review period. While public sector CBAs are eventually put into the public domain for viewing, it is unfortunately an “after the fact” situation where it is too late for taxpayers or union members to have any solid input to provisions they may deem exceedingly onerous. **Vote 11-9.**

Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority opposes the ought to pass motion. We believe that a 30-day posting of a tentative agreement prior to ratification by the board of the employer and the members of the bargaining unit will be seriously disruptive to the collective bargaining process for public sector employers and employee organizations. It will require the parties to wait for those 30 days not knowing if the two sides will support ratification. There is no point in providing public access to a tentative agreement that may not have the support of the board and the employees. The public has an opportunity to review a ratified collective bargaining agreement for 30 days prior to being approved or rejected by a vote of the legislative body, usually at a town or school district meeting. This bill adds an additional 30 day waiting period to the timeline. We believe this adds unnecessary delay and potential confusion to the process.

HB 385-FN, relative to workers’ compensation for heart and lung disease in firefighters. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Soucy for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill, as amended, provides that the benefits stated in RSA 281-A:17(c) shall not continue beyond one month after a call, volunteer, or permanent firefighter reaches his or her 70th birthday. This is a change from age 65 to 70 years of age. Firefighters are working longer. This change would give those individuals that retire at 65 the same benefit of the prima facie presumption for Workers Compensation benefits of 5 years from the effective date of said firefighter’s retirement as stated in RSA 281-A:17(b). **Vote 13-7.**

Rep. Stephen Boyd for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill relates to workers compensation for firefighters. Currently, heart or lung disease is presumed to be occupationally related for firefighters while employed and after retirement up to age 65. This bill as amended would extend the presumption to an additional 5 years to age 70. While respectful of the dangers of the job, the minority believes this age limit will lead to more claims for workers’ compensation and increased insurance costs for municipalities, continued future age extensions will put taxpayers on the hook for even higher medical costs, even when a direct causal link cannot be proven. The minority believes this bill does not adequately address future expenditures. The fiscal note indicates that there will be an increase of indeterminable amount for state, county and local governments.

HB 448, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: Half of the committee members support an Ought to Pass motion. We believe that the NH Department of Labor will gain great benefit from a study comparing OSHA standards to the department's safety and health standards currently used for public sector employees. At the very least it will provide insight as to where improvements can be made in the department standards. It may further allow the legislature to make a fully informed decision in the next session whether to create a state OSHA plan for public sector workers. We believe that worker safety is a critically important issue for both private and public sector employers and employees.

Rep. Brian Sullivan

Statement in support of Inexpedient to Legislate: This bill would seek to establish a study to compare OSHA standards with NH standards of the Department of Labor for public sector employees. This bill raises concern for reasons of excessive costs to municipalities.

Rep. Gregg Hough

MUNICIPAL AND COUNTY GOVERNMENT

CACR 9, relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for the **Majority** of Municipal and County Government. This resolution offers to amend the New Hampshire Constitution by putting a two percent cap per year on property tax increases by municipalities. It would further limit tax increases to one percent for those property owners who are 67 years of age or older or who are permanently and totally disabled according to the Social Security Administration or the Veterans Administration. The offered amendment would allow the caps to be overridden by the voters in a particular community should they so choose. As this is a proposed amendment to the New Hampshire Constitution, passing this CACR would allow the citizens of New Hampshire to express their wishes with regard to these proposed caps. **Vote 10-9.**

Rep. Jim Maggiore for the **Minority** of Municipal and County Government. This resolution was introduced as a "conversation starter" for tax relief, especially for seniors. CACR 9 imposes a mandate on every municipality in New Hampshire and preserves that mandate within our state Constitution prohibiting raising property taxes more than 2% per year and not more than 1% for citizens 67 years of age and older and for veterans 100% disabled. The mandate against a municipality raising actual property taxes fails to consider that the Department of Revenue Administration sets actual municipal tax rates and that tax rates affect actual taxes. There is no means test included in the mandate for raising taxes on citizens over the age of 67. According to recent census statistics, more than 18% of residents in the state of New Hampshire are older than 65 years of age. How this demographic is further delineated by data, including but not limited to per capita income, household assets, or ability to pay a fair share of taxes, is not accounted for in this bill. This mandate puts potentially severe restrictions on every municipality in New Hampshire from responsibly managing their own operating budgets, school operating budgets, capital improvement schedules, collective bargaining agreements, warrant articles, bond payments, and more. While warrant articles can be combined with operating budgets and exceed the 2% increase in property taxes with an override vote, the bill fails to provide a process for local governing bodies or legislative bodies to decide which viable warrant articles must be included and excluded by the final override. The mandate fails to account for downshifting of fiscal responsibilities from the state to municipalities or changes in state/municipal revenue sharing, both of which affect municipal property taxes. A conversation about property taxes is a worthy exercise. That exercise should not be predicated by a constitutional mandate as proposed in this bill. For all of these reasons, the minority cannot support the motion of Ought to Pass.

HB 67-LOCAL, relative to warrant articles in official ballot town, school district, or village district meetings. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the **Majority** of Municipal and County Government. This bill addresses a recurring issue with petition warrant articles being amended at SB2 deliberative sessions. Oftentimes citizens will submit a petition article which addresses a particular issue only to have it amended at the deliberative session to either negate or otherwise make the intent of the warrant article ineffective. This bill amends RSA 40:13 to prohibit amendment of the warrant article such that its specific intent is altered. This bill ensures citizens are provided the opportunity to vote on the warrant article's intended purpose. **Vote 10-7.**

Rep. Jim Maggiore for the **Minority** of Municipal and County Government. This bill as amended seeks to amend NH RSA 40:13 IV to prohibit residents from amending the intent of petitioned warrant articles. The authority of town meeting voters to amend warrant articles has been recognized at least as far back as 1875 when the New Hampshire Supreme Court ruled in the case of *Pittsburg v. Danforth*, 56 N.H. 272, "No doubt the subject-matter being plainly referred to, may properly include authority to act upon minute specifications and particulars included and necessarily involved in that 'subject-matter,' and which need not be in particular

terms enumerated.” In other words, once the subject matter of the article is stated, the town meeting has authority to add to the article or delete from it “minute” details and “particular terms.” Depending upon the population of a community, as few as 10 residents can submit a petitioned warrant article. If HB 67 passes as amended, as few as 10 residents can submit a petitioned warrant article affecting the prudent management of a community without the recourse that has been available for nearly 150 years. The minority of the committee believe that residents will be disenfranchised if their rights to openly discuss and potentially amend petitioned warrant articles at town meeting is prohibited by law. It would be also be unjust to permit the legislature to enjoy the full prerogative to amend the intent of drafted legislation while the people who elected us are denied the same right in their own elections. Therefore, the minority are opposed to the Ought to Pass motion.

HB 183, prohibiting municipalities from requiring a license for a lemonade stand operated by a person under the age of 18. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for the **Majority** of Municipal and County Government. While RSA 31:102-a does give cities and towns the right to license and regulate hawkers and peddlers, the majority of the committee does not find any need for the state of NH to grant to a local government the authority to control and regulate a child’s lemonade stand. New Hampshire is a Dillon’s rule state and thus NH defines what powers it will grant to local government. HB183 clearly states that a city or town MAY NOT claim that the RSA gives them the authority to demand licensing and regulations from some kids setting up a lemonade stand on their front lawn. The committee amendment simply changes ‘a lemonade stand’ to ‘a soft drink stand.’ The purpose of the committee amendment is to allow children to sell a more varied group of drinks. **Vote 10-9.**

Rep. Marjorie Porter for the **Minority** of Municipal and County Government. Although well-intentioned, the minority finds this bill unnecessary. There are no instances in New Hampshire where a town has closed down a child’s front-yard lemonade stand for lack of a license. In addition, there may be unintended consequences if it were to pass. What would then prevent a nefarious adult, wishing to avoid paying a license fee, from hiring a 17 year-old to operate his lemonade booth at the town fair? The bill prohibits a municipality from regulating a child’s lemonade stand. If a child were to set up a stand in a dangerous spot, would the police or other town official then be prohibited from moving it? And finally, why only lemonade? What about bake sales? Things are working fine the way they are. The minority sees no reason for the government to interfere.

HB 243, relative to the form of municipal budgets. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for the **Majority** of Municipal and County Government. This bill is relative to the form of municipal budgets and it requires municipal, district, and administrative unit budgets to use full line item detail in industry standard spreadsheet format. This tool will allow constituents to expand their knowledge of budgets and make it easy to follow year after year. Having an active spreadsheet will allow board members to see the impact of increases and deductions to line items. **Vote 10-9.**

Rep. Julie Gilman for the **Minority** of Municipal and County Government. This bill seeks to amend municipal budget law but conflicts with current budget and transparency RSAs. If approved, it will affect the dates of finalization and the understanding of the budget presented at town meeting. The requirement for posting “live” electronic budget spreadsheets allows for format errors, manipulation of data, and the misunderstanding and/or misinformation of which version is the official and accurate record. Access to public records, such as a line by line version of a budget, is already covered by RSA 91-A. A well-administered, managed and educated governing body already practices the transparency this bill seeks to impose. This bill is yet another instance of attempting state micro-management. Further, similar bills previously submitted cite the same local instance of transparency errors that can be solved through better education of administration and/or for constituents at the polling place. These local problems should have been solved since the committee first saw a version of this bill. For these reasons the minority finds this bill unnecessary and recommend it be found inexpedient to legislate.

HB 266-FN-LOCAL, relative to enforcement of immigration laws and the prohibition of sanctuary policies. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the **Majority** of Municipal and County Government. The majority agreed that The New Hampshire Sanctuary Act, which requires that state and local government entities comply with federal immigration detainer requests, is reasonable. The bill also makes sense in that it also prohibits state and local government entities from adopting policies that prohibit, restrict, or discourage the enforcement of federal immigration laws. While immigration is a federal matter and under the US Constitution Supremacy Clause, federal law is supreme over state law, and state and local governments must assist and cooperate in the enforcement of immigration law. State and local law enforcement are force multipliers for assisting in enforcing federal law, including immigration: US Immigration and Customs Enforcement (ICE) has roughly

20,000 personnel nationwide while there are hundreds of thousands of state and local police. This bill does not require law enforcement officials in NH to enforce immigration law, nor does it authorize state or local law enforcement on their own inquiry to arrest someone based on immigration status. The first Circuit Court of Appeals which governs NH, has never determined that honoring or complying with detainers is unconstitutional. Neither the fourth amendment nor the NH Constitution limits seizures to crimes; all they require is that they be reasonable. For a federal government official to issue a detainer, they must have probable cause to believe that person is in the country unlawfully. Therefore, NH law enforcement would be able to comply with properly made detainer requests as required by HB 266. Local communities are not served by policies that require law enforcement to ignore or even potentially obstruct certain areas of the law. Local communities are part of the US and immigration law is their law too. All communities in NH should be welcoming, but residents of NH communities should also welcome living in communities where law is respected and upheld as opposed to selective enforcement based on political agendas. **Vote 10-9.**

Rep. Jim Maggiore for the **Minority** of Municipal and County Government. The intent of this bill is to compel state and local police to comply with federal immigration detainer requests, as well as to prohibit state and local governments from adopting their own immigration policies. This bill exposes municipalities to the real possibility of violating three amendments to the US Constitution: the fourth amendment, citing unreasonable search and seizure and arbitrary arrest; the tenth amendment, citing balance of power between federal and state government; and the fourteenth amendment, citing equal protection under the law. If this bill were to pass, state and local law enforcement agencies would be required to honor federal immigration detainer requests, effectively stripping local officials of their autonomy and forcing them to prioritize federal law. Detainers are not arrest warrants. Persons held without probable cause or arrested due to possible racial profiling expose the local agency and municipality to potentially costly legal liability. This bill prohibits a municipality from enforcing a policy in violation of 8 U.S.C. section 1373 and prohibits actions that are illegal under that federal statute. Municipalities are already required to comply with federal law. There is no need for a state law compelling compliance. In addition to significant legal liability, this bill would put upward financial pressure on legal and police budgets, possibly creating a violation of Part 1, Article 28-a of the NH Constitution prohibiting unfunded mandates. The fiscal note is silent as to additional budget requirements. Local officials who are responsible for ensuring the safety and well-being of their residents are best positioned to adopt policies that serve that goal. Local officials and local police understand that effective policing requires the cooperation and trust of every member of the community. When state and local officials are viewed as an arm of federal immigration enforcement efforts, it undermines that trust. This bill strips local control, exposes municipalities to potentially cost litigation, puts upward pressure on budgets, begets racial profiling, and undermines police/community relations. Prudent immigration laws are important. Punishing criminals is important. But this bill is rife with issues that would have negative impacts on local communities throughout NH. The minority of the committee and the 388 people who registered in opposition to this bill believe HB 266 is a bad bill for NH.

HB 332, relative to deadlines for consideration of developments of regional impact by planning boards. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The intent of this bill is to give reasonable consideration to developments of regional impact by clarifying the date upon which planning boards begin formal consideration of plats relating to developments of regional impact.

Rep. Everett McBride

Statement in support of Inexpedient to Legislate: This bill as presented attempts to amend RSA 676:4, I (c)(1), Planning and Zoning: Board's Procedures on Plats, by extending the time for which the board shall act if the board has declared regional impact. The regional impact statute (NH RSA 36:57-58) provides "timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality." Under current law the window of time can be very tight for all parties to gain the full and complete input once the statutory 65-day time clock begins on those cases where regional impact has been declared. HB 332 as presented makes specific reference to "commencement of a public hearing held pursuant to RSA 36:57." In fact, RSA 36:57 establishes the requirement to notify the affected parties prior to the public hearing and the required time frame for issuing those notices, but not the specific timing for the public hearing itself. The timing for the public hearing already exists within RSA 676:4. Therefore an amendment to HB 332 is suggested to accomplish the original intent. At the time of the vote, the committee did not have an amendment.

Rep. Jim Maggiore

HB 374, relative to the official ballot referendum form of town meetings. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for the **Majority** of Municipal and County Government. This bill restores the original method of adopting the official ballot referendum form of meeting (SB 2) by removing the question from the

warrant to be acted upon at the traditional town meeting and placing it on the official ballot. This provides for all day voting at polls on town election day or by absentee ballot upon request. Moreover, this bill eliminates the control of a small group of citizens present at an annual meeting to decide whether or not to adopt the SB 2 system. Additionally, this bill also protects against disenfranchising voters such as the elderly, disabled, deployed military, business travelers, shift workers, and families with child care needs who cannot attend the traditional meeting to vote on SB 2 adoption. Lastly, by placing the question to adopt SB 2 back onto the official ballot, this bill restores the same process to adopt or to rescind SB 2. **Vote 10-9.**

Rep. Marjorie Porter for the **Minority** of Municipal and County Government. Towns that govern themselves using the traditional town meeting form of government discuss and vote at that meeting when major decisions need to be made, such as forming a budget committee or building a new fire station. Changing its form of government from traditional town meeting to the official ballot form, known as SB2, is just such a major decision. It is right that it should be discussed and voted on at the town meeting. HB 374 changes that process, taking the vote on this most important decision away from the traditional meeting and putting it on the official ballot instead. The minority believes this mixing of forms of government makes no sense, and that deciding to change a form of government should be made using the form currently in place.

HB 439, relative to the powers of city councils. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Everett McBride for the **Majority** of Municipal and County Government. This bill limits the authority of city councils to make bylaws and ordinances to those by which they are specifically empowered by state statute. In accordance with this bill, city councils may not make new laws simply because they believe it is for the community's well being. **Vote 10-9.**

Rep. Jim Maggiore for the **Minority** of Municipal and County Government. This bill would amend NH RSA 47:17 XV by removing the ability of city councils to make bylaws and regulations "which may seem for the well-being of the city." The power granted to city councils to make such bylaws and regulations for the "well-being" of their specific communities has existed in law since at least 1846. The phrase at issue is a manifestation of what is known as the "police power" which the NH Supreme Court has said gives municipalities authority to promote "such varied interests as public health, safety, morals, comfort, the protection of prosperity, and the general welfare," and it ensures that cities have the flexibility to manage emergent problems at the local level without the need for legislative action on all such problems. If the RSA is amended as proposed, all manner of problems that arise at the local level in our cities will require legislative remedies and would need to comport with legislative timelines. This would significantly multiply the workload of the legislature, focus legislative efforts on singular issues rather than on the greatest good for the residents our great state, and strip locally elected officials of the responsibilities to represent their constituents. Another unresolved question about this bill is whether existing ordinances approved at the local level would be rendered null if this bill passes. Article 1 of the New Hampshire State Constitution says, in part, "Therefore, all government of right originates from the people, is founded in consent, and instituted for the general good." The elected governing bodies of our cities must retain the right to manage the "general good" of their communities as expressed in the NH Constitution and "well-being" as expressed in statute. The minority of the committee believe this bill should be found Inexpedient to Legislate.

HB 484, relative to budget committee recommendations on warrant articles. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Everett McBride for the **Majority** of Municipal and County Government. This bill clarifies that a budget committee or an advisory budget committee shall only provide a printed recommendation on the town, school district or village district warrant next to a warrant article, submitted by the governing body or by petition, that includes an appropriation or an expenditure. The duties and authorities of a budget committee pursuant to RSA 32:16 are to prepare the budget, conduct public budget hearings, and forward copies of final budget and recommendations on special warrant articles. Special warrant articles are defined as any article in the warrant which proposes an appropriation (RSA 32:3). Expenditures are included in this bill since expenditures are monetary figures coming directly from a past appropriation. This bill provides needed clarification in RSA 32 that the inclusion of recommendations by a budget committee on non-monetary articles is not authorized, delineating the separation of authorities between a governing body and a budget committee. Thus, this bill properly ensures recommendations on matters of governance and policy rest solely with a governing body in accordance with NH statute. **Vote 10-9.**

Rep. Jim Maggiore for the **Minority** of Municipal and County Government. The purpose of a municipal budget committee is to assist voters in the prudent appropriations of public funds. This responsibility includes a requirement that any warrant article with an appropriation include a notation whether or not the warrant article is recommended by the municipal budget committee (RSA 32:5, V (a)). RSA 32 does not prohibit a municipal budget committee from making recommendations on non-monetary warrant articles on the official warrant. HB 484 would prohibit the municipal budget committee from providing their recommendations on non-budgetary warrant articles even if those articles could have a budgetary impact in future years. The mi-

nority of the committee believe that prohibiting a simple vote tally on a warrant article will deprive residents of the insight they expect from their elected representative. The minority on the committee oppose the Ought to Pass motion and hope municipal budget committees will retain the ability to convey important information about current and future appropriations in a simple and clear manner.

HB 560, relative to the election of Rockingham county officials. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for the **Majority** of Municipal and County Government. This bill changes the term length in Rockingham County from two years to four years for the offices of sheriff, county attorney, county treasurer, register of deeds, and register of probate. There are arguments that this will make Rockingham County the sole county whose office term lengths differ from other counties in the state and may cause confusion as to the correct term lengths and thus should not be permitted. Should this be the case then the different term length for county commissioners in Carroll, Cheshire, Sullivan, Belknap, Rockingham, Merrimack and Coos counties with 4-2-2 terms for the three commissioners which differ from the remaining counties should not have been permitted either. There are arguments that the two year term is a New Hampshire tradition which permits removal of an undesirable office holder via frequent elections. The majority argues that while the two year term does permit eventual removal of marginal office holders, there are other means which can be used to more effectively achieve this. Further the portions of the two year term required to either become proficient in the position or campaign to retain the position reduces the efficiency and productivity of the office holder. The benefit of this change is the overall improvement of the efficiency and productivity of the office holder through the reduction of the time spent campaigning to retain the office held. This bill follows the example of differing county commissioner term lengths utilized in many counties to preserve the corporate knowledge used to administer the county. **Vote 11-8.**

Rep. Marjorie Porter for the **Minority** of Municipal and County Government. Although several counties elect one commissioner for a four-year term on a rotating basis, the minority knows of no other county or state-wide officials elected for more than two years, and for good reason. New Hampshire has no provision for recall of a bad official. Under the current two-year system, if an elected official goes rogue, performs poorly, or in other ways proves to be unworthy of the public trust, the voters can vote them out within a relatively short period. If four-year terms are allowed, a bad official can do a lot of damage before the voters have a say again.

SCIENCE, TECHNOLOGY AND ENERGY

HB 315, relative to the aggregation of electric customers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Vose for Science, Technology and Energy. NH needs a dependable electricity delivery system. It also needs the freedom to innovate in order to modernize its grid. This bill provides both the consumer protections that guarantee a stable and reliable grid while keeping open the pathways to new and more forward-thinking power delivery systems. This bill modifies an existing law that permits the bundling of the electricity demand of many customers into a single bulk purchase. This capability, known as community aggregation, can lower costs by taking advantage of smaller unit charges as quantity goes up – like buying paper towels in bulk at a discount store. Changes made to the existing statute in 2019 added new provisions to augment community aggregation to permit grid modernizations, such as time of use and demand response capability, which transform community aggregation into a new service called community power. These 2019 changes unintentionally created roadblocks to rulemaking for this new capability because it did not protect non-aggregation consumers from potential added costs. This bill restores those protections. The bill, as filed, somewhat hampered community power innovations and the amendment restored the balance between essential consumer protections and a pathway to a modernized grid. **Vote 18-0.**

HB 351, relative to the system benefits charge. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill returns the authority for increases in the systems benefit charge (SBC) to the legislature, either by passage of legislation or by approval of the fiscal committee of the General Court. The SBC is one of several state-mandated surcharges added to electricity bills to pay for energy efficiency programs. An example of what can happen without legislative approval is the current 3-year Energy Efficiency Plan under review by the Public Utilities Commission (PUC). The majority does not dispute the value of energy efficiency but feels approval to raise the yearly surcharge from \$62 million to nearly \$280 million over a three-year span is the duty of the legislative body, which has a fiduciary responsibility to taxpayers, particularly during the current pandemic crisis. The majority believes the legislative body is well-equipped to review and approve any such requests from state agencies where the merits can be discussed and recommended. **Vote 11-9.**

Rep. Kat McGhee for the **Minority** of Science, Technology and Energy. This bill creates bureaucracy by taking the authority granted by the legislature to the Public Utilities Commission (PUC) for rate-setting of the System Benefits Charge (SBC) and moving it back to the House for approval. The bill says “prior approval by

either the passage of legislation...or authorization by the House Fiscal Committee” is required before making changes to the SBC. So this bill upsets the natural rate-setting schedule between the PUC and the utilities by adding a potential need to pass a bill before a new rate can be adopted. The PUC’s thorough, evidence-based proceedings are designed to keep schedule delays to a minimum. The language of this bill serves to undermine the intent of the SBC, which is to fund energy efficiency programs, creating uncertainty for everyone. This bill also supplies language that could derail the pending 3-year Energy Efficiency Plan, set to fund the 2021-2023 NHSaves. The recently completed Triennium Energy Efficiency Plan (TEEP) was estimated through PUC evidence to generate \$619 million in net benefits to the NH economy. Over the lifetime of the measures put in place by the TEEP, residents would derive \$1.3 billion in energy cost savings and up to 4,673 FTE jobs would be created. The minority remains in favor of funding for energy efficiency and the pending 3-year energy efficiency plan and its resulting economic stimulus in a recovering COVID-19 economy.

HB 373, relative to state participation in low carbon fuel standards programs. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeanine Notter for the **Majority** of Science, Technology and Energy. In 2012, the New Hampshire General Court passed a law requiring the state to seek legislative approval before entering any program that would implement a low carbon fuel standard or any cap and trade scheme for transportation fuels but allowed the Department of Environmental Services (DES) to continue to participate in the development of such plans. Those plans resulted in the Transportation Climate Initiative (TCI), a major back door gas and diesel tax increase that would tie future gas tax hikes to an unelected board. TCI is the Regional Greenhouse Gas Initiative (RGGI) for vehicles. This participation through the end of 2020 has cost the state nearly \$50,000 and utilized 811 staff hours that could have been spent giving better services to our residents and employers. After Governor Sununu made clear that New Hampshire would not participate in TCI, DES still spent 21 staff hours on the project in 2020. This bill, as amended, would require DES to get specific approval from the Governor in order to keep tabs on the TCI, so that we can ensure that valuable taxpayer resources are maximized, and not wasted. **Vote 11-10.**

Rep. Roderick Pimentel for the **Minority** of Science, Technology and Energy. The minority disagrees with the Ought to Pass recommendation of the majority. The authors of HB373 are asking us to pass legislation that the minority believes will prevent DES from doing its job. Legislators and the Executive Branch rely on unbiased professional information from all state agencies. Whether intended or not, the minority is concerned that HB 373 will function as a gag rule. It seems to prevent the Department of Environmental Services (DES) from contacting and conversing with regional and national colleagues about the problems and solutions related to increased carbon in our atmosphere. The minority hopes to defeat this bill so that agencies will not be discouraged from working together for the betterment of our state.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HR 9, supporting the principles of federalism. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Binford for the **Majority** of State-Federal Relations and Veterans Affairs. A House Resolution for New Hampshire’s commitment to all citizen’s unalienable rights and all constitutional civil authority for the State of New Hampshire. We here in New Hampshire have a long history recognizing our citizens and our unalienable rights, let us resolve to continue this just tradition. This resolution supports and recognizes both state and federal authority and the relationship between the two with the powers not delegated to the united states by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people. **Vote 11-10.**

Rep. Lawrence Welkowitz for the **Minority** of State-Federal Relations and Veterans Affairs. The Constitution of the United States makes clear the separation of powers between the states and the Federal Government. As members of a state government, we continue to work hard for the interests of our state. We do not deem it necessary to pass a resolution in support of the principles of federalism since these matters are to be resolved elsewhere. Blindly supporting “principles of federalism” neglects the importance of both state and federal powers. There are times when national policy and actions are of the utmost importance, as in times of war and other crises. It also neglects to acknowledge amendments that followed the Civil War (13th, 14th, and 15th amendments) which freed the slaves and provided voting rights for Blacks. For all these reasons including appealing to the lost cause, the minority recommends this resolution be found Inexpedient to Legislate.

TRANSPORTATION

HB 224, relative to tinted windows on motor vehicles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Gregory Hill for the **Majority** of Transportation. The majority of the committee understands that the amendment would recognize the level of window tinting on the two windows either side of the driver, that

is allowed by national standards directly from the manufacturer, to be equal to the level of window tinting that could be put on any NH car by after-market installers. The amount of light transference would be 70%. After passage, NH cars with tinting would be able to drive the same NH roads that out-of-state cars with that same level of tinting can currently drive legally in NH. The majority of the committee finds no disagreement with the benefits that window tinting provides to the motoring public which includes protection of the suns UVA rays which are a leading cause of skin cancer, the reduction in sun and headlight glare, the lowering of cabin temperatures for animals and occupants, and less uv damage to the interior components including seat belts. The majority heard the testimony of State Police who feel the tinting would be more dangerous performing traffic stops. Thus far, no research or studies have been provided to show increased risk to officers even though 46 other states already allow tinting of the same or greater darkness. For these reasons we find that HB 224 Ought To Pass. **Vote 12-7.**

Rep. George Sykes for the **Minority** of Transportation. This bill is the annual attempt to remove the prohibition on aftermarket window tint on driver and passenger side vehicle windows. The minority has concerns with the bill, particularly if aftermarket tint is applied to a vehicle that already has manufactured tint. Darker tint can obscure a driver's face and prevent eye contact between a driver and cyclists, pedestrians, and other drivers that could result in an accident. Finally, NH State Police and law enforcement were clear in their opposition to the bill due to their concerns when approaching a vehicle during a traffic stop when you are unable to see inside a vehicle, stating that tinted windows lead to a high risk traffic stop.

HB 251-FN, requiring children under the age of 2 years to be restrained in a motor vehicle. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Donovan Fenton for the **Majority** of Transportation. This bill will require children to be properly restrained in a rear facing car seat until the age of two. The American Academy of Pediatrics has expanded their car seat recommendations to keep children rear facing for as long as possible. The majority supports Ought to Pass With Amendment on this bill because the experts were behind it. This bill will help close an identified gap in child passenger safety law in New Hampshire. A rear facing car seat cradles the child's entire body. During a crash the forces are spread throughout the body instead of thrusting the child's head, neck and spine violently forward. It only takes a quarter of an inch of stretch for a child's spinal cord to rupture. Vehicular crashes are the top cause of deaths for children between the ages of one and thirteen. NH Chiefs of Police, AAA, the Office of Highway Safety, NHADA, Drivers Educators Association, Concord Pediatric Hospital and Children's Hospital at Dartmouth Hitchcock all have endorsed this bill. **Vote 13-6.**

Rep. Judy Aron for the **Minority** of Transportation. This bill mandates that children under the age of 2 years old must be restrained in a vehicle in a rear facing car seat. The minority felt that we already have sufficient laws regarding use of restraint systems for children in vehicles (RSA 265:107a). We believe in safety, but we also believe in parental rights and a parent's right to choose appropriate child restraint systems along with the advice of their pediatrician. Some kids get car sick in rear facing car seats, or cannot fit properly in them for months before their 2nd birthday. There has been no problem with kids under the age of 2 dying or becoming injured as a result of not using rear facing car seats in NH. Current US Department of Transportation guidelines show overlap between rear facing car seat use for 1-3 year olds, forward facing seats for 18 months to 7 year olds, and booster seat use for children 4-12 year olds. We should not have an inflexible state mandate on rear facing car seat usage. We should instead continue to allow parents, along with their pediatricians advice, to decide which restraints work best, since their number one priority and concern is their child's safety and well being.

HB 260-FN, relative to number plates for motor vehicles. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Judy Aron for the **Majority** of Transportation. The amendment, which replaces the original bill, updates the current statute (RSA:261:75 II) to require that antique, custom, and street rod vehicles, as defined in our statutes, be allowed to display only one rear license plate. Current plate requirements will remain in effect for all other vehicles. This change is a compromise for those automobile owners who have expressed the problem two plates pose with regard to esthetics, investment value, and technical issues for their vintage or special vehicle(s). There is minimal impact on tolling revenue for New Hampshire. **Vote 10-9.**

Rep. George Sykes for the **Minority** of Transportation. The concern is that multiple state agencies, including the Department of Safety, the Highway Safety Bureau, the NH Police Chief's Association, the NH Department of Transportation, and the NH Division of Motor Vehicles all testified in opposition to the original bill and did not update their testimony based upon this amendment. Further, we received no testimony as to the new fiscal impact, no testimony on how many vehicles are involved, and how this change would affect public safety agencies being able to identify vehicles for an AMBER Alert.

HB 279, relative to the maximum allowable vehicle gross weight for a combination of truck-tractor and single semi-trailer with 4 or more axles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judy Aron for Transportation. As amended this bill increases the maximum gross weight allowed on any truck/trailer combination that carries raw forestry products, such as unprocessed logs and wood chips loaded

on the log landing. This bill is a big benefit for the forest product industry because the tandem drive axle weight limit being requested in this bill is consistent with our neighboring states and other truck configuration axle limits. This bill is supported by the Department of Safety, the Timberland Owners Association, NH Farm Bureau, and the NH Motor Transport Association. The forest harvesting industry has spent a significant amount of time and resources trying to comply with the current statute and this change will allow them to continue to operate safely without being subjected to onerous regulations. **Vote 13-6.**

WAYS AND MEANS

CACR 1, relative to taxes. Providing that an income tax on earned personal income shall be prohibited. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Patrick Abrami for the **Majority** of Ways and Means. This constitutional amendment concurrent resolution (CACR) prohibits the adoption of a tax on earned personal income in New Hampshire. The majority felt that it was important that this CACR be passed by the legislature, so that the question of whether this state should ever be allowed to enact an income tax be brought before all of the voters of the state. A similar CACR was passed a decade ago and the people did weigh-in on this topic, but the vote did fall short of the two thirds required for the constitution to be changed. The majority feels that it is important to ask the voters to once again weigh-in on this question. **Vote 13-10.**

Rep. Richard Ames for the **Minority** of Ways and Means. This proposed categorical prohibition on one ill-defined object of taxation – does “earned personal income” include, for example, the earned income of a sole proprietor or the salaries of business employees that are both currently taxed under our business profits tax and our business enterprise tax? – would forever bind future legislatures and governors regardless of fiscal and socio-economic circumstances that cannot now be foreseen. Three existing provisions of the New Hampshire Constitution are sufficient to ensure, without amendment, fairness and responsibility in taxation. First, Part I, Article 12, establishes that “[e]very member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection,” and the Supreme Court in *Rollins v. City of Dover* declared that “taxes must be not merely proportional, but in due proportion, so that each individual’s just share, and no more, shall fall on him.” Second, Part II, Article 5, grants the legislature authority “to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and residents within” the state. Our New Hampshire Supreme Court has affirmed that these two constitutional provisions “establish equality and justice as the basis of all constitutional taxation.” The third constitutional provision, Part II, Article 6, authorizes the legislature to “classify” property for purposes of taxation, a provision that conveys to the legislature, in the words of a 2008 Supreme Court decision, “broad power to declare property to be taxable or non-taxable based upon a classification of the property’s kind of use, but not based upon a classification of the property’s owners.” These existing constitutional limits on taxation set sound, sufficient, and enforceable standards for all New Hampshire taxes. The poorly defined categorical prohibition proposed by CACR 1 does not belong in our constitution. It should be rejected.

CACR 2, relative to taxes. Providing that any broad-based sales tax shall be prohibited. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Alan Bershtein for the **Majority** of Ways and Means. Passage of this constitutional amendment concurrent resolution (CACR) would afford New Hampshire voters the opportunity to decide for themselves on Election Day if New Hampshire should prohibit the adoption of any broad-based sales tax that was not in effect as of January 1, 2021. A majority of the committee affirmed their belief that voters should have a voice as to whether a broad-based sales tax is appropriate for the Granite State. The absence of a broad-based sales tax enables New Hampshire businesses, and the families they support, to enjoy an important competitive advantage over neighboring states. This CACR would allow voters to decide at the ballot box if this vital element of the New Hampshire advantage should be enshrined in our state’s constitution. **Vote 13-10.**

Rep. Richard Ames for the **Minority** of Ways and Means. This constitutional amendment concurrent resolution (CACR) would prohibit adoption of “any broad-based sales tax not in effect as of January 1, 2021.” But there is ambiguity in this proposed prohibition. What exactly is a “broad-based sales tax?” A 2017 Tax Foundation report suggested, for example, that the typical state sales tax with exemptions for groceries or services or clothing is not “broad-based” so would not be covered by the CACR prohibition. Do we really want to foster litigation over such a threshold issue? Do we really want such a poorly defined categorical prohibition to forever bind future legislatures and governors regardless of fiscal and socio-economic circumstances that cannot now be foreseen? Three existing provisions of the New Hampshire Constitution are sufficient to ensure, without amendment, fairness and responsibility in taxation. First, Part I, Article 12, establishes that “[e]very member of the community has a right to be protected by it, in the enjoyment of his life, liberty, and property; he is therefore bound to contribute his share in the expense of such protection,” and the Supreme Court in *Rollins v. City of Dover* declared that “taxes must be not merely proportional, but in due proportion,

so that each individual's just share, and no more, shall fall on him." Second, Part II, Article 5, grants the legislature authority "to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and residents within" the state. Our New Hampshire Supreme Court has affirmed that these two constitutional provisions "establish equality and justice as the basis of all constitutional taxation." The third constitutional provision, Part II, Article 6, authorizes the legislature to "classify" property for purposes of taxation, a provision that conveys to the legislature, in the words of a 2008 Supreme Court decision, "broad power to declare property to be taxable or non-taxable based upon a classification of the property's kind of use, but not based upon a classification of the property's owners." These existing constitutional limits on taxation set sound, sufficient, and enforceable standards for all New Hampshire taxes. The poorly defined categorical prohibition proposed by this CACR does not belong in our constitution. It should be rejected.

HB 15-FN, relative to including under the meals and rooms tax facilitators of Internet transactions of motor vehicle rentals and facilitators of Internet transactions of room occupancies. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tim Baxter for the **Majority** of Ways and Means. The underlying bill intended to apply the existing tax law fairly to any business operating within New Hampshire. This bill levels the playing field between internet-based facilitators of both car and room rentals with traditional car rental establishments and traditional hotel type facilities when it comes to the meals and rooms tax under RSA 78-A. This bill strives to close this language and apply the tax fairly to all operators within New Hampshire. As written, some stakeholders and members of the committee were concerned that this legislation closes this gap too aggressively and traps commissions and compensation for services rendered by travel agents during the transaction; this is not the intended application of the meals and rooms tax and would effectively create a new tax on services rendered by travel agents. The existing meals and rooms tax, as defined in RSA 78-A, specifically applies to the rent of a unit or the gross rental receipts of a unit. To avoid creating a new tax on travel agent services, the amendment provided by the committee enhances the definition of "gross rental receipts" by excluding amounts paid by an operator to a travel agent as commission or compensation for the travel agent's services. This amended bill addresses the enforcement of only existing taxes on operators within New Hampshire. It does not expand existing taxes to include travel agencies' services, commissions, vacation packages, and other potential salable items. Most of the committee took into consideration and dismissed, on fairness grounds, the testimony from those with a vested interest in preventing tax parity between traditional brick and mortar businesses and the more current internet facilitator platforms. The Department of Revenue Administration has examined the language of this amendment carefully and has no objections to the committee's amendment. This legislation, as amended, now fairly applies the existing meals and rooms taxes to all operators within New Hampshire. **Vote 22-2.**

Rep. Thomas Schamberg for the **Minority** of Ways and Means. The minority believes this bill should be found Inexpedient to Legislate based upon significant testimony in opposition. These testimonials submitted by Net Choice, The Internet Association, Tech Net, Turo, and ALEC imply by amending the meals and room tax to include online platforms within the definitions of "gross rental receipts," "operator," "the consideration received," and the "rental agreement" will increase regulatory and tax burdens. Net Choice testified that this bill "creates a new tax on services provided by online travel companies for researching, comparing, and booking rooms for travelers and for New Hampshire residents who share their cars and trucks." The Internet Association agreed, explaining that this bill "imposes a new tax on online travel companies (OTCs) and includes peer-to-peer car sharing on digital platforms under the definition of taxable motor vehicle rentals in the state meals and rooms tax." Tech Net testified that this bill "would create additional financial burdens for innovative platforms [currently] providing a boost to New Hampshire's travel and tourism." Tech Net highlighted that this bill "seeks to treat these platforms the same way as companies that own and operate vehicle fleets, rental desks and offices throughout the state." Turo, a peer-to-peer car sharing platform, testified "HB 15 creates a new tax on New Hampshire citizens who choose to share their car under the definitions of 'gross rental receipts' and 'rental agreements'." ALEC shared opposition to this bill stating "HB 15, is a net tax increase that would levy the state meals and rooms tax collected by online room facilitators because tax liabilities would be calculated to include services unrelated to the furnishing of hotel rooms." Based upon testimony submitted, the minority feels that this bill is anti-tourism, anti-entrepreneurial, and anti-innovation for small business creation.

WEDNESDAY, APRIL 7

REGULAR CALENDAR - PART THREE

COMMERCE AND CONSUMER AFFAIRS

HB 62-FN, relative to continued in-network access to certain health care providers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jeffrey Greeson for the **Majority** of Commerce and Consumer Affairs. This bill requires access by a covered person to a provider in the insurer's provider directory at in-network rates for the duration of the

contract for health care services. The majority of the committee recommends this bill be found Inexpedient to Legislate because it would be extremely difficult to implement considering that plans and provider contracts start at various times throughout the year and not at any one time. Also, there is already a statutory requirement allowing the Insurance Commissioner to grant up to 60 days of continued coverage for patients and carriers to find alternative providers. **Vote 10-9.**

Rep. Joyce Weston for the **Minority** of Commerce and Consumer Affairs. This is simply a truth in advertising issue. If an insurer includes a provider in its published directory, which a prospective insured then used in selecting their health plan, the insurer must maintain access to that provider until the renewal date. Exceptions are made if a provider loses their license or unilaterally terminates participation. The intent of the bill is to protect those patients with rare diseases about which few doctors have experience from losing access to the doctor who has value to them. The amendment replaces language requiring a 60-day extension of access to a provider with a reference to the current law authorizing the Insurance Commission to grant an extension of up to 60 days.

HB 165, relative to noncompete agreements for certain mental health professionals. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey Greeson for the **Majority** of Commerce and Consumer Affairs. The purpose of this bill is to mandate that certain non-compete provisions in employment contracts for pastoral psychotherapists, clinical social workers, clinical mental health counselors, and marriage and family therapists licensed by the Board of Mental Health Practice and psychologists licensed by the Board of Psychologists, are not enforceable. The majority of the committee has recommended that this bill be found Inexpedient To Legislate because the testimony provided during the hearing seemed to pertain only to employees that did not read the agreement before signing and became dissatisfied with the terms after the fact. There was no evidence that this issue needs government intervention in a business contract. The assumption is that therapist is compensated in some manner for agreeing to the clause in the contract. **Vote 10-9.**

Rep. Anita Burroughs for the **Minority** of Commerce and Consumer Affairs. The minority believes that the use non-compete agreements only serves to exacerbate the shortage of mental health professionals in New Hampshire. There is currently a severe shortage of such professionals in the state, with some reports estimating that only 45% of the Granite State's need for such professionals is being met (Kaiser Foundation). A non-compete agreement needs to be reasonable to be enforceable. NH has moved towards deeming non compete provisions to be void and unenforceable as they pertain to low earning workers. States across the country are also moving away from accepting non-compete agreements. Additionally, non-compete agreements can be disruptive to community mental health services and may disrupt the therapeutic relationship should a provider leave a mental health practice and be forced to leave the area.

HB 336, establishing a condominium dispute resolution board. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Potucek for the **Majority** of Commerce and Consumer Affairs. This bill establishes a condominium resolution board to resolve matters involving condominium associations and unit owners. The majority does not agree that this bill is necessary, nor is it required to mediate disputes within condominium associations, as alternative means are already available. This bill would also require additional state funding for its operation. Although it is modeled on the Manufactured Housing Board, it really is not applicable since in a mobile home park the home owner owns the mobile home and park fees are exempt from review. Condominium owners, on the other hand, only own their unit interior space and not the exterior of the building. Condominium fees are not exempt from the jurisdiction of the board in the bill and the majority of the issues or complaints are with the elected board, and not a single owner, as with manufactured housing parks. **Vote 11-7.**

Rep. Constance Van Houten for the **Minority** of Commerce and Consumer Affairs. The minority of the Commerce and Consumer Affairs Committee supports the establishment of a Condominium Dispute Resolution Board. Modeled on the Board of Manufactured Housing established by the legislature in 1994, the Condominium Dispute Resolution Board would seek to resolve matters involving condominium associations and unit owners. The bill establishes board membership and specifics relating to meetings, jurisdiction, procedure, and decision making. The bill provides an avenue for dispute resolution that can be less costly and less onerous than a superior court case.

HB 358, relative to the installation of solar energy systems in condominiums. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Terry for the **Majority** of Commerce and Consumer Affairs. This bill represents an unwarranted intrusion into the affairs of a voluntary association of condominium owners for which there is no compelling government interest. This bill's intent is to effectively make the government a stakeholder in an association in which it has no membership. It does so by requiring a specific mandatory minimum by which a particular policy must be determined. The issue here is not solar energy systems. Rather, the issue is by whose authority shall a condominium association govern itself and by what rules? Government has no legal basis to impose itself in what is strictly an internal matter that is reserved to those who choose to enter such housing arrangements. **Vote 12-6.**

Rep. Constance Van Houten for the **Minority** of Commerce and Consumer Affairs. This bill applies only to condominium instruments and bylaws that are adopted or revised after its effective date. It prohibits new or revised condominium instruments and bylaws from requiring more than a simple majority vote to consent to the installation and use of solar photovoltaic energy systems. The bill enables new associations and associations that change their documents or bylaws, often by a two-thirds majority, to allow condominium unit owners access to solar and its benefits and cost savings with a majority vote.

HB 403, relative to the sale of alcoholic beverages in refillable containers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeffrey Greeson for the **Majority** of Commerce and Consumer Affairs. The purpose of this bill is to allow the sale of alcoholic beverages in misbranded refillable containers at the direction of the buyer. Growlers are typically 64 ounce glass or ceramic containers filled in breweries or brew pubs for consumption off premises. The issue is that some brewers will fill only growlers with their beer logo and refused to fill a growler branded by another brewer. During the hearing, a representative from the Liquor Commission stated that a beverage manufacturer is allowed to fill whatever “suitable container” they are willing to fill. By request of the sponsor, the bill is recommended Inexpedient To Legislate. **Vote 17-1.**

Rep. Max Abramson for the **Minority** of Commerce and Consumer Affairs. The Commerce and Consumer Affairs Committee was assured that we don’t need this law to ensure that you can bring your own growler to any brewer, but liquor laws don’t operate the way other laws do. In many cases, the General Court must operate to preempt future regulations by the next Governor’s appointees to prevent possible misinterpretation of legislative intent. While the statute probably isn’t necessary to protect the right of Granite Staters to bring their own growler into a brewer, the minority felt that this bill wouldn’t do any harm either.

HB 449, relative to the repair of home appliances. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Max Abramson for the **Majority** of Commerce and Consumer Affairs. This bill requires home appliance manufacturers to make available to appliance owners and repair providers certain repair-related documentation, parts, and tools. The failure to do so would be a violation of the consumer protection act. The majority initially appreciated the need for consumers to bring older appliances to independent repair shops. Both environmental and economic benefits were touted by proponents, and members of the committee expressed elation at the possibility of saving money on the overall life of manufactured goods. However, no other state has passed legislation similar to this bill, and the majority saw why upon further review. Manufacturers would be compelled to supply “documentation, parts, and tools, inclusive of any updates to information or embedded software.” Some manufacturers, for safety or other reasons, need to sell consumers a closed box that can only be serviced at shops that are certified by the manufacturer. To be as compact as possible, appliances have to be built in such a way that only their own technicians can diagnose, update firmware, repair, refurbish, or replace parts. Because there is currently a lot of innovation going on in these fields, the majority concluded that the state should not throw a wrench into the repair infrastructure. **Vote 10-8.**

Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. This is a scaled-back version of bills the Commerce and Consumer Affairs Committee has heard in the past. It’s fairly narrow and would allow the owner of an appliance to have the ability to choose to repair it or hire a repair person of choice. It would require home appliance manufacturers to make available certain repair-related documentation, parts and tools. This is a good consumer protection bill and would open up competition and provide a fair market for repairs. Why should the owner of a home appliance be forced to use an authorized repair shop when there are many smart people who can fix or obtain the training necessary to fix the expensive appliances now sold? The “blue sheets” showed that 25 people registered in support of the bill and 12 registered in opposition. The minority believes lobbyists did not provide a good explanation for why the manufacturers oppose this re-worked bill.

HB 450, relative to motor vehicle insurance policy minimums. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Paul Terry for the **Majority** of Commerce and Consumer Affairs. This bill would raise the minimum amount required for motor vehicle liability insurance. The bill appears to seek a reasonable increase in minimum motor vehicle insurance limits. Through testimony the committee found that New Hampshire ranks right in the middle of the other states and that it has been rare that any state has changed their limits recently. These are only the minimum limits and consumers should be advised by their insurance agents to get the coverage that they need rather than just getting the cheapest policy. There was compelling testimony that in fact the likely effect of enacting this bill would discourage our lowest income drivers from obtaining or keeping auto insurance because the increased minimum coverage requirements would result in higher premiums for them. At a time when scores of our state’s residents are struggling to find or retain gainful employment, and gasoline prices are rising dramatically, this is not the time to mandate an additional increase to the cost of driving. **Vote 14-4.**

Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. Currently, the NH auto insurance minimum limits are \$25,000 for bodily injury per person/\$50,000 for bodily injury per accident/\$25,000

property damage to others. According to the Insurance Department, these limits have not changed in at least the 40 years of records they could review! Of course, the problem lies in what those limits would cover 40 years ago and what they cover now. Medical costs have risen tremendously. The cost of vehicles has changed dramatically, as well. Most accidents are smaller, but with costs rising so greatly, too many automobile crashes are “totals,” meaning they use up the minimum limits very quickly. The minority believes an increase in the minimum coverage is warranted after all these years, so that if a driver is at fault in an accident, the insurance limits would more adequately pay the damages. It would also affect the uninsured/under insured motorists rates that all insured drivers are absorbing in increased rates.

HB 475, prohibiting the production of a drivers’ license or nondrivers’ picture identification card as a condition of conducting certain business. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Christopher Herbert for the **Majority** of Commerce and Consumer Affairs. This bill prohibits businesses from requiring the production of a driver’s license or non-driver’s picture identification card as a condition of conducting certain transactions. A bipartisan majority of the Commerce and Consumer Affairs Committee found this prohibition to be an unworkable and unenforceable intrusion into legitimate business dealings, such as those involving car or apartment rentals. **Vote 16-1.**

Rep. Max Abramson for the **Minority** of Commerce and Consumer Affairs. The minority felt that the need to protect privacy was already well established by the recent passage of an amendment to the New Hampshire Constitution’s Bill of Rights, Article 2-b. The adoption of this article was an indication by the voters that their own personal information had value and should be protected. None of the businesses that raised concerns about this bill had a problem if it were amended to ensure that they could make a copy of a driver’s license. As identity theft has become a growing problem, the minority concluded that those businesses taking a copy of your driver’s license should have a policy in place to prevent your home address, medical information, photo, and other information from becoming unlawfully obtained.

HB 553, prohibiting renewal of certain consumer contracts without express written notice to consumers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joseph Depalma IV for the **Majority** of Commerce and Consumer Affairs. This bill makes it a violation of the Consumer Protection Act for a contract for services to include an automatic renewal provision that does not require written acceptance of the additional term of service by the consumer. The majority of the committee believes that contracts are normally assumed to renew automatically. This bill would create a number of issues for businesses across New Hampshire and for the consumers of our state. **Vote 10-9.**

Rep. Joyce Weston for the **Minority** of Commerce and Consumer Affairs. This bill falls under the Consumer Protection Act. It would prohibit companies from automatically renewing contracts for services without written notice to the consumer no less than 30 days before the contract expiration date. This protection would prevent the surprise of an unwanted credit card charge for a magazine subscription, gym membership, or other service. The opportunity to opt-in can then be chosen.

HB 618, relative to the sale and distribution of polystyrene food service products. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Max Abramson for the **Majority** of Commerce and Consumer Affairs. This bill prohibits the sale or distribution of polystyrene foam in food service businesses beginning on January 1, 2022. While the majority of the committee agreed that growing land fills are a problem, we saw that far more good could be accomplished by letting consumers choose to bring reusable cups and containers where possible or even shopping at stores that use recycled containers. New Hampshire is forced to operate a more libertarian state government than we might otherwise choose simply because most of our state’s businesses and population lie within a short drive of Vermont, Maine, and Massachusetts. Because of this, restrictions on business merely tend to drive shoppers, business activity, jobs, and revenue to neighboring states. Worse, members of the committee were concerned that more of our nation’s forests would need to be felled to produce the paper for paper cups, sleeves, and other food containers to replace polystyrene. Members of the committee asked for more evidence that food in polystyrene containers leaked chemicals that cause harm, but heard only a few statements and reference to a single study. For this reason, the majority recognizes the need to leave action up to consumers. **Vote 10-9.**

Rep. Anita Burroughs for the **Minority** of Commerce and Consumer Affairs. Nothing that consumers use for a few minutes of convenience should be allowed to pollute our planet for hundreds of years, yet polystyrene continues to be used extensively in New Hampshire when there are eco-friendly and cost-effective alternatives. Polystyrene’s light weight makes it easy for wind and water to carry it into our oceans and rivers. It crumbles easily and is often mistaken by birds, fish and animals for food. It is difficult to recycle and has not been ruled out as a carcinogen. The material begins to breakdown with the addition of hot foods; plastic fibers been having been found in everything from drinking water to salt. Maine, Maryland, numerous cities in the US and nearly 60 nations have enacted or are in the process of passing similar prohibitions on polystyrene. Given the overwhelming evidence that this material is posing serious dangers to our environment in our state, legislation is needed for New Hampshire businesses to migrate to reusable materials that are recyclable and which will not do harm to our rivers, oceans and to wildlife.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 66, relative to the use of deadly force by a law enforcement officer. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Scott Wallace for the **Majority** of Criminal Justice and Public Safety. This bill seeks to remove the authority for a law enforcement officer to use deadly force when effecting an arrest by the repeal of RSA 627:5 VIII. The committee listened to many stakeholders on this bill, including representatives of the law enforcement community, and the general public. After careful consideration and debate the majority of the Criminal Justice and Public Safety committee concluded that this bill should be found inexpedient to legislate due to the fact that a fleeing felon simply attempting to evade arrest is distinctly different from an individual in the same set of circumstances using or attempting to use a deadly weapon to evade his or her arrest. Furthermore law enforcement officers need to be able to exercise the use of deadly force not only to protect themselves but also to protect victims of violent crimes during the arrest process. Domestic violence crimes are prime examples of such circumstances. **Vote 14-7.**

Rep. Linda Harriott-Gathright for the **Minority** of Criminal Justice and Public Safety. The laws are already in place to prevent the escape of a suspect, believed to be a threat to the officer and/or the public. What's disturbing is it's based on the officer's feelings. They have the option to use deadly force or not, too. The minority believes that deadly force is never the first option for our public safety officers, for they are trained as well to use other areas of the body and should never be used to take a life, however, but to retain. The minority believes that de-escalation training, proper training of areas of the body to halt a suspect without killing them should be used by all of NH officers, not just a few.

HB 138-FN, allowing prisoners serving life sentences to be eligible for parole after 25 years. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jennifer Rhodes for the **Majority** of Criminal Justice and Public Safety. Although this bill is well intended, with the exception of someone who is convicted of murder while serving a sentence in a correctional facility, this bill makes all criminals eligible for parole after serving 25 years which includes first degree murder. Therefore, if an inmate is currently serving a life sentence for gruesomely murdering a child, after 25 years that child murderer would be eligible for parole. The universal application of this bill would result in unintended consequences when New Hampshire already has existing procedure available under the law to commute sentences or granting pardons. **Vote 12-8.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. This bill would make inmates sentenced to life in prison without parole eligible for a parole hearing after 18 years of their sentence for a second degree murder conviction or after 25 years for first degree murder. What the bill does not do is allow inmates to re-litigate their conviction or to be paroled without meeting 100% of the requirements and conditions of the parole board. It would simply provide an opportunity for a hearing and nothing more. Parole requirements for any inmate in this situation will remain unchanged and will continue to be set a very high bar. Prisoners who murder again while serving their sentence and inmates sentenced to the death penalty for capital murder before the bill's effective date are excluded. The minority believes that incarceration for life with the subsequent loss of freedom is the most sobering and fearsome power the state can impose. The possibility of hearing after serving 18-25 years of a life sentence provides inmates with an incentive to change who otherwise would have no incentive to rehabilitate. It would also create a safer environment for our corrections officers.

HB 507, prohibiting no-knock warrants. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary Hopper for the **Majority** of Criminal Justice and Public Safety. This bill would have stopped the use of no knock warrants by law enforcement. We heard testimony from NH Law Enforcement that the use of no knock warrants is a necessary tool that is used to apprehend dangerous criminals and are only used with the consent of a judge. The testimony we heard in favor of HB507 seemed to be based, in a large part, on out of state problems. **Vote 11-9.**

Rep. Amanda Bouldin for the **Minority** of Criminal Justice and Public Safety. No-knock warrants currently allow police to initiate a raid on a property without first announcing themselves. Current police policy is to announce immediately after gaining entry; this bill would require police to instead announce immediately before gaining entry. This is a small but impactful change. The bipartisan minority of the committee agreed that while no-knock warrants might be a useful tool in some aspects, the dangers they present for bystanders and police outweigh any benefits. Also taken into consideration was the possibility that no-knock warrants might at times be served at a wrong address or a prior address now occupied by persons not sought by police, and the dangers inherent to such a small oversight. However, a primary concern of the minority was the relationship between New Hampshire's Castle Doctrine, stand your ground laws, and the possibility that a suspect might open fire on police, momentarily believing him or herself to be the victim of a criminal home invasion. The committee heard testimony about a case in Texas in which a suspect was served with a no-knock warrant and the suspect shot and killed a police officer. Capital murder charges were dropped

because the suspect claimed self-defense due to the police not announcing themselves immediately prior to entry. Requiring that police announce immediately before, instead of immediately after, gaining entry would prevent an argument of self-defense in the event that an officer is shot.

HB 511-FN, relative to the penalties for possession of certain controlled drugs. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Chris True for the **Majority** of Criminal Justice and Public Safety. This bill would make the first 4 convictions for the possession of 4 grams or less of drugs such as heroin, fentanyl, and LSD a misdemeanor offense. The committee heard testimony that in NH, non-violent drug users who are arrested for possession go to drug court and not to jail. The majority of the committee finds that this bill does not have anything to do with helping drug addicts with their recovery efforts. The committee heard testimony that four grams of fentanyl would make at least 400 doses and four grams of LSD could produce at least 20,000 doses. The committee finds that this amount of illegal drugs clearly show intent to sell and the committee does not support changing our laws to allow a significant drug dealer to be repeatedly charged with a class B misdemeanor and thus only being assessed a fine without any penalty of jail time. **Vote 12-7.**

Rep. Casey Conley for the **Minority** of Criminal Justice and Public Safety. HB 511 would make possession of up to four grams of schedule I, II, III and IV drugs a misdemeanor, rather than a felony. It also would make possession of quantities that exceed that level misdemeanors for the first four offenses. The majority asserts this bill would aid drug traffickers. That is not the case. Existing drug laws give prosecutors wide discretion when considering charges against a drug offender. Charges are based on evidence found by police, including evidence of trafficking, not just the quantity of drugs involved. That standard would not change. This bill represents a sincere effort to rethink how New Hampshire responds to possession-level drug offenses. It recognizes that there are few occasions in life where a felony charge is anything but a Scarlett letter, and that New Hampshire remains mired in a serious drug use epidemic. This bill is broadly similar to HB 615, which passed the House once and is currently in a second House committee. As such, the minority recommend recommitting HB 511 to the House Criminal Justice and Public Safety Committee for further review.

HB 557, relative to the authority of state and county correctional facilities to discipline inmates using close or solitary confinement. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott Wallace for the **Majority** of Criminal Justice and Public Safety. This bill as written and introduced seeks to repeal the authority of the Department of Corrections to use close and solitary confinement in both the state prison system and county jails. According to testimony provided by the bills prime sponsor, the prohibition is “in name only” and the legislative intent does not actually prohibit the practice, rather the use of the phrase “close or solitary confinement.” The committee heard from many stakeholders and, based upon that testimony, the state prison and county jails do not wish to be prevented from the use of close and or solitary confinement as it is a needed tool for discipline, protection of the accused in certain pretrial cases, and health care situations especially during a pandemic. **Vote 11-10.**

Rep. Amanda Bouldin for the **Minority** of Criminal Justice and Public Safety. This bill would repeal archaic language which permits the use of solitary confinement to punish prisoners who refuse to work. The Department of Corrections testified that they no longer use solitary confinement to punish prisoners and that they support updating the language to reflect current policies. There was no testimony in opposition to the bill.

HB 612-FN, relative to the penalty for overtaking a school bus. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Burt for the **Majority** of Criminal Justice and Public Safety. The majority feels current laws work. This bill would strip the courts availability to suspend or not suspend the persons driver’s license by removing the word may with shall. The majority feels the amount of the fines in HB 612 would be excessive. **Vote 12-9.**

Rep. Casey Conley for the **Minority** of Criminal Justice and Public Safety. HB 612 would increase penalties for illegally passing a school bus when it is displaying flashing red lights. Specifically, the bill would increase fines for first and subsequent offenses, and require a 30-day license suspension for second and subsequent offenses. Passing a school bus stopped to pick up or drop off children is extremely dangerous and puts children at risk of serious injury or death. The number of second-offense infractions for passing a school bus is relatively low in our state. But the committee heard testimony that enforcement of these infractions is challenging, and that the number of incidents far exceeds the number of citations issued. N.H. State Police also suggested stiffer penalties, particularly loss of one’s license, would lead to positive changes in motorist behavior. The minority believes this is good policy and should be passed.

EDUCATION

HB 203, establishing a committee to study school meal programs in New Hampshire’s public schools and non-sectarian schools that accept public funds. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. James Allard for the **Majority** of Education. A letter submitted to the committee from the Department of Education (DOE) states that the Office of Nutrition Programs and Services regularly reviews policies and standards that are currently in federal and state law. If specific issues arise, the DOE has the authority and opportunity to establish a committee or task force to discuss those issues. Policies have reverted to emergency measures during the pandemic so this is really not the proper time to establish this committee. **Vote 12-8.**

Rep. Sue Mullen for the **Minority** of Education. The Education Committee has received bills dealing with student food services each of the past several years. While we have been able to deal with them independently, each investigation has led to additional questions regarding federal, state, and local regulations. The minority of the committee feels that the time has come to study what is currently happening in NH schools to assure that coordinated best practices are in place throughout the state and that no child goes hungry.

ELECTION LAW

CACR 4, relative to redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Fenton Groen for the **Majority** of Election Law. This proposed constitutional amendment would establish an Independent Redistricting Commission. If adopted the change to the constitution would not specify the details relating to such a commission leaving the membership and process subject to control by the legislature. This process would not erase the realities of a political process that is controlled by the majority party at the time. While some states have adopted commissions, there is no evidence that the process and results have been bipartisan such that it created different outcomes or eliminated accusations of partisanship. In some states that have adopted redistricting commissions in their constitution, the redistricting is limited to districts for federal elections. New Hampshire has the largest state legislative body in the United States. This makes our legislature the most representative group, “commissioned of the people” if you will, to perform this constitutional responsibility. The majority of the committee believes that a constitutional amendment does not end the debate on partisanship and will insulate the persons who do the redistricting from the will of the voting NH citizenry. **Vote 11-8.**

Rep. Connie Lane for the **Minority** of Election Law. This proposal to amend New Hampshire’s Constitution directs that, decennially, an independent redistricting commission shall make an apportionment of representatives and establish the boundaries of electoral districts for state and federal elections. The redistricting plan developed by the commission is to be submitted to and approved by the legislature. Currently, 21 U.S. states have some form of non-partisan or bipartisan redistricting commission. There is broad, bipartisan support for states to create independent redistricting commissions to draw district lines. At least 60% of Democrats, Republicans, and unaffiliated voters support the creation of these commissions (ALG Research, Campaign Legal Center, Jan. 25, 2019). This proposal does not bind future legislatures to any commission’s proposal, but it does offer a fairer and more open redistricting process. While the minority believes that the New Hampshire constitution already allows for such a process, expressly integrating the idea into the Constitution is advantageous for two reasons: every voter will have the chance to weigh in on the proposal and, if such an idea is adopted, it will be protected for posterity.

HB 61, relative to absentee voting and allowing for partial processing of absentee ballots prior to election day. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Fenton Groen for the **Majority** of Election Law. This bill allows for no-excuse absentee voting and for the partial pre-processing of absentee ballots. The majority of the committee believes this bill is unconstitutional and not necessary. As enacted, our constitution provided for in person voting only. Over time, by amendment, it has been modified such that voter attest to a cause, or excuse, as a basis for voting absentee. The majority of the committee believes no excuse absentee voting is a violation of the constitution. The right to vote granted by citizenship is a privilege of our national community that directs the destiny of each state and of our country. While the NH Constitution allows voting absentee in certain circumstances, the majority believes it should be done with assurances that the person voting is precisely who they represent themselves to be. Absentee voting by its nature does not allow direct assurance that the voter is correctly casting a ballot. The bill also proposes to allow pre-processing of the absentee ballots. While this process was helpful for processing the record high absentee balloting of the November 2020 general election, the number of ballots cast were unique to that election. The pre-processing was difficult for observers and challengers to follow and the time savings it created have not been necessary in the past and are not expected to be needed in the future. **Vote 11-8.**

Rep. Heidi Hamer for the **Minority** of Election Law. This bill would allow for no excuse absentee voting and partial pre-processing of the returned absentee ballots. As seen in this past November’s election, NH had the greatest number of absentee ballots ever requested and returned, as well as its highest ever voter turnout. This process makes voting easier and reduces the lines at polling locations on Election Day. Due to the high volume of absentee ballots returned to the town and city clerk’s offices, there is a need to do pre-processing

of these absentee ballots prior to election day. This bill allows for pre-processing, opening the outer envelope, examining the affidavit and announcing the voter's name and noting it on the checklist. This occurs with the moderator and at least 3 other election officers, with members of the general public observing. Without this ability to pre-process absentee ballots, election results could be delayed for days.

HB 105, relative to political contributions made by limited liability companies. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This bill proposes that political contributions made by a limited liability company (LLC) be allocated to the company's membership and the total amount contributed tracked by each member. The state of New Hampshire does not track or list the membership of registered LLCs and therefore this proposed change would not be enforceable. In numerous United States Supreme Court decisions campaign contributions have been seen as an act of free speech, protected under the First Amendment of the United States Constitution. As a result, the majority of the Election Law Committee believes that it is unenforceable and unconstitutional to place a revision to campaign finance rules for LLC's that would dilute an organization's political autonomy and expression as currently allowed. **Vote 11-9.**

HB 428, relative to the procedures for apportioning electoral districts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter Torosian for the **Majority** of Election Law. Provisions of our State Constitution and laws provide for the responsibility to perform the reapportionment of electoral districts after the decennial census, commonly referred to as redistricting. This bill proposes specific procedures for the process relating to maps, public hearings and the preliminary and final plans. This session our NH House has already established a legislative committee that is comprised of 8 Republicans and 7 Democrats. The Special Committee on Redistricting is very evenly staffed and tasked with following all requirements under the NH Constitution and US Constitution. This committee will utilize all pertinent data from the US Census to determine any electoral district changes that may be required due to population demographic changes. The majority believes that legislation to dictate a committee process is inappropriate. For example, this bill provides for things such as a who should testify and what information they should provide, what time of day hearings should be held, technology requirements, and what reports should exist and contain. Such requirements create problems with free speech. For example, what if the identified individuals don't want to testify or don't want to address the issues specified? It is also unclear as to what impact this would have on the schedule, especially in light of the announced delay of data to US States by the US Census Bureau. Further, the majority would like to point out that many of the procedures in this proposed legislation would likely be implemented in some fashion. **Vote 11-9.**

Rep. Gerald Ward for the **Minority** of Election Law. This bill calls for a high degree of openness, transparency, and public interaction in the process of apportioning electoral districts. By requiring the legislative committee charged with establishing districts to perform several specific steps following a careful time line, the bill ensures that the public will be made aware of the process and will have manifold opportunities to testify and react to any proposals set forth by the committee. The bill retains the legislature's determinative role in the process, while requiring that redistricting be conducted in the fair and just manner that our citizens expect and deserve.

HB 465-FN, relative to permissible campaign contributions by business organizations and labor unions. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for Election Law. This bill proposes to modify the current prohibition on labor unions making direct political contributions by allowing them to contribute through political committees that operate independently of such organizations. The concept raises issues of free speech and what entities have been recognized as having such rights. The bill seeks to equalize unions with corporations for the purposes of contributions to political committees with contributions being made through a separate fund consisting of voluntary contributions from individuals who are employees, officers, shareholders, directors, partners, or members of the labor unions or groups of labor unions. The majority was concerned that, if passed, the legislation would create unequal treatment of entities that are recognized as being able to contribute to political causes, and that the concept of voluntary contributions by union members was troubling. **Vote 11-9.**

HB 468, relative to the definition of political advocacy organization. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Sweeney for the **Majority** of Election Law. This bill modifies the definition of political advocacy organization for purposes of political expenditure and contribution laws. It seeks to decrease the expenditure reporting limit from \$5,000 to \$2,500 which is contrary to the direction of costs and expenditures in campaigns. It requires the registration of any entity that purchases campaign material costing more than \$2,500 that is distributed in the 60 day period before an election in which a candidate or measure is mentioned, regardless of whether there is a specific reference to a vote. The majority of the Election Law Committee believes that there are significant issues of organization and enforceability with this proposed legislation. The types of free speech that would be covered is too broad; for example, it was agreed that a voter's guide would be covered.

The reduction from \$5,000 to \$2,500 in spending as the reporting threshold is a significant change that could hurt smaller advocacy groups that may not have a formal organization in a position to comply with the legislation. Finally the enforceability issues led the majority of the committee to agree that the bill was not a benefit to our campaign structure. **Vote 11-9.**

Rep. Connie Lane for the **Minority** of Election Law. NH election law requires that independent political organizations involved in NH elections, but not associated with a candidate, must register with and report their activities to the Secretary of State. The committee received compelling testimony and evidence of a recurring problem where, within 60 days of recent elections, some unregistered organizations sent out mailings which clearly identified candidates for office. These mailings clearly challenged candidates and political positions. Previously, some of these organizations have avoided registration by claiming that their materials were related to political “issues” rather than to individual “political candidates.” The bill closes this loophole. The bill requires an organization that pays for distribution of a communication, within 60 days of an election, that refers to a candidate or to the success or defeat of a measure, and costs \$2,500.00 or more, to register and report as required for other political organizations. This bill does not limit free speech, it only discloses who is speaking.

HB 489, prohibiting certain political contributions. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill proposes to prohibit a political committee from contributing to another political committee if the value or amount is over \$10,000. While the sole sponsor indicated issues with state and federal campaigns, no direct issues in NH were pointed out and it was not clear that some of what was an alleged concern would be avoided. It also appeared from the testimony that this bill might have been anticipatory for speculative future races by current elected officials. The majority of the committee felt that this was not the best way to legislate campaign finance and would result in unnecessary regulation. **Vote 11-9.**

HB 491, relative to over voted ballots. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Peter Torosian for the **Majority** of Election Law. This bill proposes that, in federal elections, ballot counting machines would have to reject ballots that were detected to have more votes than are allowed for any office on the ballot and the ballot be returned to the voter for a possible correction. The majority finds this legislation problematic for both constitutional and practical reasons. There was no presentation on the cost and ability to program our counting machines to do this. This process is proposed for federal office ballots only, so in elections that do not include federal offices, the over voted ballot would not go back to the voter for correction. Ballots are rejected now, usually because of feed or fold issues, and voters are instructed to try again. No one else examines or touches the ballot. There is no way to know that the ballot was rejected for over voting unless it is examined by an election official, destroying the sanctity of the privacy of a vote. This process would not apply to our hand count voting stations as there would not be, nor should there be, an examination of the ballot so voters who over voted in those communities would not have a chance to correct. All voters have an opportunity prior to any election to obtain a sample ballot either in person or from municipalities website if that is available. Ballots have detailed instructions indicating the number of choices that can be selected for each elected positions and instructions are posted at each voting station. **Vote 11-9.**

Rep. Connie Lane for the **Minority** of Election Law. During years when a federal office is on the ballot, this bill would allow ballots rejected for “over voting” by a machine to be returned to the voter for possible correction before the ballot is counted. Often, it is a stray mark on the ballot that causes the rejection of the ballot by the machine, not an error by the voter. This bill would ensure that as many ballots as possible are included in the final count by the moderator and would address the problem where voters are mistakenly disenfranchised by the machine reading stray marks. This bill does not create a special class of voters.

HB 516-FN, allowing voters to vote by absentee ballot. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Maureen Mooney for the **Majority** of Election Law. This bill shifts absentee voting from an “excuse” requirement to a “vote-by-mail” process. Under this bill, a voter could vote in any election by absentee ballot with no excuse required. The majority believes that this is unnecessary for many reasons. First, Part 1, Article 11 of the NH Constitution states that voting shall take place “at the time of the biennial or state elections, or of the primary elections therefor, or of city elections, or of town elections by official ballot,” and directs the legislature to provide a procedure for absentee voting for voters who have specific excuses for not voting in person. This bill is unconstitutional because it contradicts the plain language of the constitution. As a matter of policy and fairness, such a fundamental transformation of our electoral system should be done directly, if at all, through a constitutional amendment, which requires broader support. Voting by mail as proposed in this bill defeats most, if not all, of the provisions to ensure election integrity including presenting identification and placing the ballot in the counting machine. This bill has the potential to open the door to fraud, identity theft, the circumvention of voter identification requirements, delayed election results, increased paperwork

processing burdens on municipal employees, and potentially inconsistent treatment of spoiled absentee ballots, to name but a few. Voting together, in person, as a community, is a cherished civic tradition. New Hampshire honors that tradition with turnout rates among the highest in the nation. This bill would significantly change the Election Day process. After a year of pandemic-induced isolation and social disruption, the majority can see no reason to perpetuate that with “vote-by-mail.” **Vote 11-9.**

Rep. Russell Muirhead for the **Minority** of Election Law. The minority of the committee supports allowing eligible New Hampshire voters to request an absentee ballot without also requiring them to provide an excuse for doing so. This change would benefit workers who cannot predict their schedules. It is consistent with Article 1 Section 11 of the N.H. State Constitution, which sets minimum standards for providing absentee ballots (absence, disability) but does not limit the conditions under which absentee ballots are made available. Since current absentee ballots are secure, there is no need to include additional security measures in this bill.

HB 538, relative to domicile residency, voter registration, and investigation of voter verification letters, and relative to the terms “resident,” “inhabitant,” “residence,” and “residency.” **INEXPEDIENT TO LEGISLATE.** Rep. Barbara Griffin for Election Law. This bill proposes to make modifications in definitions relating to domicile, residence, and inhabitant. It also modifies forms and procedures for voter registration and removes the requirement for post election registration inquiries and review by the Secretary of State. In general it returns statutory language to its form prior to 2018. The majority of the committee support the reasonable provisions that are in statute now. Those provisions require voters to be domiciled on a permanent basis at the time of voting, require production of a verifiable proof of domicile when registering, and require production of proof of domicile subsequent to voting if not available at the time of same day registration. The majority of the committee also recognized that the statutes which this bill proposes to modify are currently in litigation and believe that more prudent course is to wait for conclusion of that judicial process before modifying the proposed sections of law. **Vote 11-9.**

ENVIRONMENT AND AGRICULTURE

HB 177, prohibiting the siting of a landfill near a state park. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Kevin Verville for the **Majority** of Environment and Agriculture. This bill would prohibit the siting of a landfill within two miles of a state park. The committee received a significant amount of testimony relating to the proposed project in Dalton, NH. The majority felt the bill violates land owners rights, has equal protections issues, and is using the legislative process as a means to stop a project near Forest Lake State Park. This is a local zoning issue and should not receive special treatment via RSA. This bill does nothing to protect surface, groundwater, private property, or business owners. This issue should be addressed by local zoning, and Department of Environmental Services siting rules. **Vote 10-9.**

Rep. Andrew Bouldin for the **Minority** of Environment and Agriculture. This bill as amended would prohibit the siting of new solid waste landfills within two miles of state parks. We heard many concerns about a landfill being considered within a quarter mile of Forest Lake State Park and the impact that it would have on the attractiveness of the park to visitors. The minority of the committee believes that all state parks should be protected from solid waste landfills. State parks are a critical part of NH tourism infrastructure and are funded only by visitor fees. As such, a nearby landfill could result in the eventual closure of a state park due to a drop in visitors.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

CACR 7, relating to the governor. Providing that there be a lieutenant governor who shall assume the duties of the governor if the governor is incapacitated. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Schmidt for Executive Departments and Administration. This constitutional amendment concurrent resolution establishes the office of lieutenant governor and changes succession provisions in the event a governor is unable to perform the duties of the office. Instead, believing that the vision of the framers of the New Hampshire constitution has proven itself over the centuries, the strong majority of the committee chooses to retain the structure laid down by the framers regarding the office of the chief executive, and how, in the case of incapacitation, that officer is to be replaced. Just as, being wary of gubernatorial overreach, our founders checked the authority of the chief executive through a powersharing executive council, they also established no lieutenant governor, and turned to the legislature, calling upon the senate president to replace the governor in case of incapacitation. This had, and still has, the virtue of being extremely thrifty. This arrangement has functioned beautifully over two centuries, and the committee majority sees no compelling reason to abandon it for a potentially pricey growth in state government. Additionally, the proposed implementation of this new office was ill-defined and of questionable workability. **Vote 16-3.**

HB 209-FN, relative to the licensure and regulation of music therapists. **INEXPEDIENT TO LEGISLATE.** Rep. Carol McGuire for Executive Departments and Administration. This bill would license music therapists. From the hearing, we learned that music therapists (40 of them!) work in New Hampshire now. Their issue is that their clients must pay out of pocket as Medicaid and most private insurance carriers will not pay for services from unlicensed professionals. The committee was disappointed to learn that the scope of practice dispute with speech-language pathologists has not been resolved, and they are still opposed to this bill. In essence, this bill sets up a way for music therapists to show their private certification, pay the fee, and get a license they can use to get insurance reimbursement. **Vote 10-9.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 221, making the state vaccine registry an opt-in program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lucy Weber for the **Majority** of Health, Human Services and Elderly Affairs. Currently, the state vaccine registry is operated on an opt-out basis; that is, any person not wanting their data included in the registry may refuse. This bill would make the registry an opt-in program; wherein all data would be excluded from the registry unless the person specifically requests to be included. All members of the committee support the individual in retaining control over their health care data. The majority believe that the current program properly balances the need for accurate health care data to inform decision-making and health care policy with the right of the individual to control their health care data. We heard testimony that when vaccines are administered, patients are informed of their right to opt out of the reporting to the registry via the informed consent form. Because every individual who desires not to be included in the registry already has the right to be excluded, the majority believe that including all others in the registry is permissible and will advance our knowledge of vaccination over time. **Vote 14-7.**

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. This bill would align current rules with Article 2b of the NH State Constitution, supported by over 80% of NH voters in 2018, which states “An individual’s right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.” This bill requires written consent in order for an individual’s private vaccination information, including refusals, to be entered into a government database known as the NHIIS, or vaccine registry. Currently, rules requires all vaccination encounters, including refusals, to be entered into the registry unless an individual opts out. There is nothing in statute requiring individuals to be informed of their right to opt out, and the Department of Health and Human Services has failed to reveal the procedure for opting out, while admitting the information in the registry will be used to target those who decline vaccination. The minority believes that the right of individuals to maintain privacy from government is essential, and that covert data collection is wrong. The vaccine registry has been in statute since 1998 but was never created due to mismanagement. The state has been without a vaccine registry from its birth to this very day, yet it boasts some of the highest vaccination rates in the country. There is no evidence that simply requiring consent for data collection would have any negative effects on the people of NH. Failure to ensure an opt-in process will result in the harm of intentionally capturing citizens’ private health information without their consent or knowledge. The minority believes the current process is repugnant to the NH Bill of Rights and must be changed. Therefore the minority recommends Ought to Pass on this bill.

HB 290, relative to policies required for health facilities and special health care service licenses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jerry Knirk for the **Majority** of Health, Human Services and Elderly Affairs. Currently, licensed health care facilities must provide services to all persons regardless of the source of payment. This bill would exempt licensed health care facilities who provide services exclusively to people who pay directly for the service (with no reimbursement or third party involvement) from that requirement. The majority of the committee feel that skimming off the higher-paying patients will adversely affect our critical access hospitals which need to remain solvent to be available in the communities to provide essential services such as maternity and emergency services. **Vote 18-3.**

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. This bill would help drive down healthcare prices for consumers by reducing administrative costs for medical facilities that accept only direct payment. This model of payment also provides for price transparency to the consumer, and offers an affordable option for under-insured medical consumers, including those who are uninsured but not eligible for medicaid and those with high insurance deductibles. This bill would expand the benefits of free-market healthcare enjoyed by primary care physicians who utilize the direct primary care model to certain medical facilities. The minority therefore recommends this bill ought to pass.

HB 506, relative to equal access to places of public accommodation. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Gary Woods for the **Majority** of Health, Human Services and Elderly Affairs. The majority agrees that discrimination is not acceptable and can have harmful consequences. The first two sentences in this bill

are in existing RSA and address psychological discrimination, whereas the last sentence added by this bill includes situations of potential direct physical harm. Where there is potential for direct physical harm, the balance between the individual and the public good comes into play. Current restrictions brought to bear during the pandemic are, indeed, an inconvenience (which we all bear to some degree) but are not a method of discrimination in the classic use of the term. It is to these inconveniences which are borne more by some than others that efforts need be direct. Enacted, this bill would allow a “Typhoid Mary” to have unfettered access to restaurants, hotels, malls, football stadiums, etc. Although the bill’s intent is to allay the inconvenience experienced and which might be accomplished in the short term, it would expose not only the inconvenienced but also the general public to grave harm. Therefore, the majority believes efforts need to be directed differently. **Vote 15-6.**

Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. This bill requires equal access to public accommodations for persons who have declined medical treatments or use of medical devices. In the era of COVID-19, there is increasing tendency to marginalize and discriminate against people who decline medical treatments or devices, such as vaccination or face coverings. Bodily autonomy is a right in need of increasing protection. The public may decline medical treatments and devices for many reasons, including medical contraindication and religious beliefs. With increasing pressure from government and media to force businesses to require customers to use medical devices, those who decline are subjected to hardship by having limited places to meet their family’s most basic needs, such as purchasing groceries and household items. Allowing the development of a two-tiered society in which those who decline a medical intervention are discriminated against and unable to participate is contrary to the ethics of equality and self-determination.

HB 601-FN, relative to the privacy of personal information retained by a health or social service agency and prohibiting the sharing of such information between such agencies. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for the **Majority** of Health, Human Services and Elderly Affairs. This bill was filed in response to the award of a sole-source, Department of Health and Human Services contract to add a closed loop referral platform, utilizing blanket consents to refer clients to various social service agencies. Federal CARES Act money was the funding source. Because of the CARES Act funding, the contract was issued on a no-bid basis, without approval from the Executive Council. Significant concern was expressed at the public hearing about the procurement of this contract about whether the information entered into the system would be done knowingly and voluntarily on the part of the individuals involved, and about the security of individual’s private information once the data was entered. While committee members shared those concerns, the bill as originally drafted was so broad that it would have prohibited ongoing efforts to streamline in an appropriate way existing applications for benefits or services. Various amendments were drafted, including one that delayed use of the proposed system. The majority was concerned this action might run afoul either of the contracts clause of the US Constitution or of the prohibition on retrospective laws in the NH Constitution. Complicating matters is the fact that CARES Act funding was used for the contract, and the Governor’s right to expend Cares Act funds free of legislative oversight has been upheld by a NH court. **Vote 14-5.**

Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. The “Closed Loop Referral” system will create a single database of social services recipients that can be searched by a network of providers, using a one-time blanket consent form that allows the Department of Health and Human Services to share personal information with current providers and any providers that may be added in the future. As such, it threatens to compromise the private health information of New Hampshire’s most vulnerable residents. Authorized under the Emergency Orders, the contract was never authorized by the legislature and was not approved by the Executive Council. In order for the legislature to exercise proper oversight, this bill (with a proposed amendment) would have paused implementation of the Closed Loop Referral system until proper legislative oversight of privacy considerations could be exercised. In 2018, over 80% of New Hampshire’s voters approved a constitutional amendment that demands, “An individual’s right to live free from governmental intrusion in private or personal information is natural, essential, and inherent.” The legislature has a responsibility to uphold the privacy of our citizens, as required by our state Constitution.

JUDICIARY

CACR 6, relating to the retirement age of judges. Providing that the retirement age of judges be increased. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark McLean for the **Majority** of Judiciary. This bill looks to amend the New Hampshire Constitution by increasing the mandatory age at which a judge must retire from 70 to 75. While the committee recognized that life expectancy has increased since this provision was first enacted in the 18th century, it also understood that competence due to age is not the only reason for this provision. Extending the age of retirement might impede turnover and inhibit the introduction of fresh perspectives to the bench. Since there is no shortage of candidates for the bench, the majority of the committee felt that there was no demonstrated need compelling enough to merit a constitutional change at this time. **Vote 17-4.**

Rep. Rebecca McBeath for the **Minority** of Judiciary. The minority of the committee supports the raising of the constitutionally prescribed age limit of 70 years old on judges appointed to serve the NH judicial branch. Raising the age limit of judges serving will allow for the consideration of greater diversity in judicial appointments by allowing candidates to join the judiciary if law is their second career as well as encourage appointment of seasoned attorneys that are not choosing a judicial appointment as a career. In addition, the minority believes that the 70-year age cap on judges is arbitrary, as productive contributory professional abilities do not adhere to this 237-year-old standard.

HB 160, relative to notice of rent increases in certain residential rental property. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Joe Alexander for the **Majority** of Judiciary. The majority of the Judiciary Committee believes that this bill is a step towards rent control. This bill would extend the amount of time required for landlords to notice to tenants an increase in rent from 30 days to 60 days for a 5% increase and from 30 days to 90 days for an 8% increase. Landlords have been under unprecedented stress during the pandemic and housing crisis in this state. The majority of the Judiciary Committee believes that further regulation on the time and manner in which rent is raised will further place burdens on the property rights of landlords and do little to solve the housing shortage in New Hampshire. **Vote 11-10.**

Rep. Cam Kenney for the **Minority** of Judiciary. In New Hampshire, there is undoubtedly a housing crisis that puts many Granite Staters in stressful situations where affordable housing is hard to find. This bill aims to alleviate some of this stress by requiring landlords to give at least 60 days notice if the rent increase exceeds 5%, or at least 90 days notice if the rent increase exceeds 8%. To be clear, this is in no way rent control, as a landlord could increase rent however they see fit. But this bill would ensure that people have adequate time to either secure funds when rent increases are egregious or find a new place to live. The minority believes we should pass this bill and begin to ease the housing burdens that face many individuals across New Hampshire.

HB 216, relative to public notice of and access to meetings under the right to know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for the **Majority** of Judiciary. The majority of the Judiciary Committee believes that this bill needs a lot of work. While the majority sympathizes that increased access of the public to meetings is preferable, the bill as currently drafted leaves a lot of questions. First, electronic participation requires an immense amount more work for the secretaries, staff, and the clerks of committees. Second, this bill is a local control issue. What may partially work for members of this body may not work for members of local bodies, and these questions should be answered on the local level. Third, there is a question of whether or not the public may have the ability to vote electronically in cases of a school or town deliberative session. Remote voting has been seen time and again to result in more questions than answers. The majority believes that although remote meetings have been a great temporary solution to allowing public access, there have also been significant strains on the current infrastructure. **Vote 11-10.**

Rep. Alexis Simpson for the **Minority** of Judiciary. The minority of the committee recommends this bill Ought to Pass with Amendment in response to overwhelming support by the public for remote access to public meetings. The bill provides direction for public notice and access to remote meetings, and meetings with an option for remote attendance, under the Right to Know Law. The amendment changes the original bill to state clearly that if there is a physical meeting location, there is not a requirement to have a remote option. It gives the authority to decide whether a meeting is remote to the public body, not to an individual member of the body. The amendment also addresses potential Right to Know issues with online chat functions.

HB 288-FN, eliminating the housing appeals board. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Rebecca McBeath for the **Majority** of Judiciary. The majority of the Judiciary Committee agrees that the legislature should not eliminate the newly established Housing Appeals Board with its first meeting set for April 2021. Similar to the long-standing Bureau of Tax and Land Appeals, the Housing Appeals Board will allow for more efficient review of housing related appeals, cutting down on expenses for appellants and municipalities. There was broad support for the Housing Appeals Board at the hearing, including the Business and Industry Association and the NH Association of Realtors, where testifiers noted that it is expected to offer efficiency while preserving local control. **Vote 15-6.**

Rep. Michael Sylvia for the **Minority** of Judiciary. This bill would repeal the Housing Appeals Board. The minority believe the board to be unnecessary, and a potential for the concentration of authority susceptible to influence from large corporate developers.

HB 430, repealing the prohibition on entering or remaining on a public way or sidewalk adjacent to a reproductive health care facility. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Alexis Simpson for the **Majority** of Judiciary. This bill would repeal the law passed in 2014 that authorized flexible, non-arbitrary, "buffer zones" around reproductive health care facilities to provide for patient

safety. The current law allows flexibility for communities to tailor a zone according to local factors and public safety needs. New Hampshire's buffer zone law was carefully crafted to balance the first amendment right to free speech with patient safety. No one should face violence, harassment, or threats when accessing safe, legal health care, and this law provides a small corridor for privacy. A bipartisan majority of the committee believes that the current law allowing health care centers to establish buffer zones that suit their local situations should remain in place. **Vote 11-10.**

Rep. Mark McLean for the **Minority** of Judiciary. This bill repeals RSA 132:37-40, which allows for the creation of a "buffer zone" around reproductive health care facilities. This law was enacted several years ago amid safety concerns around abortion clinics, and has long been seen as problematic by free speech advocates. In 2014, the US Supreme Court struck down the Massachusetts buffer zone law upon which this law is based, and the call for a repeal of its New Hampshire counterpart has followed ever since. The minority of the committee expressed the belief that existing criminal threatening laws are adequate to address security concerns at reproductive health care facilities, and noted that no facility has ever implemented the law's provisions in spite of the urgent need expressed by its supporters. The minority therefore felt that the constitutional concerns, coupled with the lack of implementation, warranted a recommendation of Inexpedient to Legislate.

HB 434, prohibiting the use of public funds for abortions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Marjorie Smith for the **Majority** of Judiciary. This bill prohibits the use of public funds for the purpose of performing or assisting in an abortion which is not necessary to save the life of the mother. This bill also prohibits school-based health clinics from distributing drugs classified by the FDA as emergency contraception. The reality is that no public funds are being used in New Hampshire to perform abortions. State insurance does not cover abortion care and the Hyde Amendment bans the use of federal insurance for abortion. This bill seeks to prevent something that is not happening. It potentially eliminates the full range of reproductive health care options from being taught to medical students and physicians. It would prevent NH's public colleges and universities from providing all options to students including information about or referrals for abortion care. **Vote 11-10.**

Rep. Kimberly Rice for the **Minority** of Judiciary. The minority understands that tens of thousands of NH citizens find abortion totally immoral and want no part in it. The use of tax dollars makes every citizen a participant in that use. Since money is fungible, any tax money given to abortion providers pays, at least in part, for abortion itself. Similarly, when our schools or other institutions refer to abortion, our tax dollars support abortion. Since the NH Constitution explicitly says that there is no substitute for, nothing that can compensate for, our conscience rights, we believe any government money for or in support of abortion violates the conscience rights of our citizens and should, therefore, be totally stopped.

HB 550, relative to the nonpayment of rent during the state of emergency. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Sylvia for the **Majority** of Judiciary. The majority know affordable housing to be a serious problem which would be made worse with this unnecessary legislation. This bill seeks to delay evictions during the current state of emergency for which numerous sources of aid have already been provided. **Vote 11-10.**

Rep. Mark Paige for the **Minority** of Judiciary. This bill provides both additional time for tenants to secure rental assistance and an efficient process for courts to resolve non-payment of rent disputes that have arisen during the state of emergency related to the COVID-19 pandemic. The bill will help provide relief in this pandemic for both New Hampshire residents potentially facing evictions and landlords seeking unpaid rent. The goals of this bill are even more likely to be achieved because of the increased amount of rental assistance provided in the federal COVID relief bill passed by Congress in March of 2021.

HB 578-FN, relative to standards for mental health courts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Edward Gordon for the **Majority** of Judiciary. This bill directs the Chief Justice of the Supreme Court to produce a report establishing standards for mental health courts in New Hampshire. While the bill is well intended, the majority of the Judiciary Committee believes it is unnecessary and flawed in its approach to the issue. First, the court system can establish standards for its mental health courts at any time without instruction from the legislature. Second, the bill makes no provision for funding the report or for providing resources to operate the mental health courts. Finally, the legislature should not be telling the head of another branch of government how to administer his or her branch of government. It would be like the courts telling the Speaker of the House how to administer legislative committees. **Vote 11-10.**

Rep. Paul Berch for the **Minority** of Judiciary. This bill would require the Chief Justice of the Supreme Court to create standards necessary to implement a statewide mental health court system. This bill is based upon the recommendations of the Commission to Study Expansion of NH's Mental Health Courts, established by SB 51. Unlike drug courts, there are no national "best practices" standards for mental health courts. Our current mental health courts are supervised by the judicial branch and to have them devise standards for

New Hampshire appeared to the Commission and to the minority of the Judiciary Committee to be most appropriate. They have the experience and the knowledge. The minority notes that the judicial branch has fully participated in both the Commission and before the Judiciary Committee in support of this bill and has voiced no objection to being directed by the legislature to develop these standards. This bill is a product of welcome cooperation between these two branches of government in support of a widely accepted wish to improve and expand our mental health courts. The minority of Judiciary Committee recommends that such cooperation be rewarded and that the Inexpedient to Legislate recommendation be defeated, so that an Ought to Pass motion may be considered.

HCR 3, declaring that the Claremont case's mandates that the legislative and executive branches define an adequate education, determine its cost, fund its entire cost with state taxes, and ensure its delivery through accountability, are not binding on the legislative and executive branches. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Marjorie Smith for the **Majority** of Judiciary. This concurrent resolution proposed that the NH Supreme Court mandates concerning adequate education are not binding on the legislative and executive branches. The committee was sympathetic to the sponsor's concerns about the lengthy struggles to answer the challenges of the Claremont decisions. However, the inherent powers of the separate branches have been in the US and NH Constitutions from their inception. Marbury vs. Madison, decided in 1803, when many of the founding fathers were still alive, established the principle of judicial review. The courts then and now have the power to review the actions of the other two branches of government. A House Concurrent Resolution is not the appropriate tool with which to address the problems identified by the sponsor. A constitutional amendment might be appropriate, as would legislation that answers the challenges raised by the court in the Claremont decisions, but a House Concurrent Resolution does nothing to resolve the matter. **Vote 13-7.**

Rep. Kurt Wuelper for the **Minority** of Judiciary. The minority believes the House should defend its authority as a separate branch of government from judicial branch edicts. We believe that allowing the courts to direct another branch's actions, effectively makes the Judicial branch the ruler of our state. We believe the findings of this resolution clearly explain how the court got the Claremont decision wrong in terms of the constitution and the entire history of our state and concludes that the "duty" declared and demanded by the court was, therefore, not binding on the legislative or executive branches. We believe that allowing the courts to establish duties for the legislative and executive branches reduce them, and the people they serve, to the role of subjects of the ruling judicial branch and find that result intolerable. We ask you to support this bill and freedom of the legislative branch.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 107, relative to the minimum hourly rate. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Leonard Turcotte for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill establishes a minimum wage in New Hampshire of \$22.50 per hour for non-tipped employees and \$10.12 per hour for tipped employees. The majority of the committee, including members that want to increase the minimum wage, felt that this was too significant of an increase without step increases to be viable for New Hampshire employers. **Vote 19-1.**

Rep. Janice Schmidt for the **Minority** of Labor, Industrial and Rehabilitative Services. We know now who our most essential workers are, and these are the very people who work in public and private service for wages that don't come close to paying for food, clothing, shelter, and health care. Failing to ensure for them a living wage is tantamount to taxpayers subsidizing employers' failure to prioritize their workers, since it is up to us to make up the difference with social services. Thus \$22.50 per hour is a reasonable goal for the future of minimum wage, and it is better sooner than later.

HB 113, relative to payment for earned but unused vacation or personal time. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Warden for the **Majority** of Labor, Industrial and Rehabilitative Services. Current state law leaves it up to employers regarding how to treat vacation time and PTO (paid time off) with regards to their own individual business models and policies. We believe that is the right approach. The committee heard from business and trade groups that opposed the legislation as being too far-reaching and rigid. Enterprises of varying sizes need flexibility in determining policies, benefits and relationships between employee and employer that work best for their situations. **Vote 11-9.**

Rep. Michael Cahill for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority regrets that an amendment addressing legitimate concerns of business while adding protection of earned wages for employees leaving in good standing or under circumstances beyond their control, was denied a vote in committee. It is hoped that through a floor amendment, the body will vote to prevent the unfair forfeiture of unused vacation wages going forward.

HB 563, establishing a committee to study a living wage and the utilization of public assistance among low wage workers and their families in New Hampshire. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. William Infantine for the **Majority** of Labor, Industrial and Rehabilitative Services. The majority of the committee felt that the information being requested in the study committee was already available from annual reports being produced by the Massachusetts Institute of Technology (MIT). MIT produces a report for each county in each state outlining what they calculate as a living wage, poverty wage, and the minimum wage. They calculate the expenses for the major living items such as food, rent, and transportation to name a few. Their study further calculates the required income by number of adults, number of adults working, and number of children in the household. This is a very complex and complete report and something the NH Department of Labor or Department of Employment Securities would not be able to duplicate in a short period of time especially by town as the sponsors would like. Given the time constraints of the two departments during the Covid-19 pandemic, the majority believes that the information looking to be compiled in the study committee is already available. **Vote 11-9.**

Rep. Donald Bouchard for the **Minority** of Labor, Industrial and Rehabilitative Services. The minority of the committee opposes the Inexpedient to Legislate recommendation. This bill will set up a study committee to study the disparities within the State of New Hampshire and the level of living wages necessary to satisfy workers' and families' basic needs. In the interest of transparency, this bill will also study the effect of how much it costs NH taxpayers to provide basic needs when businesses pay their workers far less than a living wage. This bill will satisfy that essential question, "How many of these workers are dependent on safety-net programs to supplement their income so they can meet their basic needs?" We as taxpayers need to know how much corporate welfare is costing us.

LEGISLATIVE ADMINISTRATION

CACR 5, relative to the New Hampshire general court. Providing that the provision for compensation of legislators is removed. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bob Greene for the **Majority** of Legislative Administration. The New Hampshire House of Representatives enjoys a unique and envied position today among the world's legislative bodies. From its inception, it has been comprised of citizen-legislators as our Founding Fathers intended. While our current pay rate discourages aspiring career politicians, the large number of representatives, with a tremendous variety of life experiences, run for office on remarkably modest campaign budgets. Decoupling legislative pay from the New Hampshire Constitution would begin the process of stripping away our cherished institution of its uniqueness for no good reason. The majority of the committee feels this action would put the New Hampshire legislature on a path towards fewer, but lifetime, salaried professional legislators. In other words, to be like many other state legislatures. Like other states, it would create a very high barrier for entry to serve in public office, only open to those with top-notch fundraising skills or the highest levels of socioeconomic status with pockets deep enough to self-fund their campaigns and, in the process, would undermine the diversity of participation we currently possess. The majority asks for your support for the Inexpedient to Legislate motion to preserve a system of governance that has served the Granite State very well since 1776. **Vote 9-6.**

Rep. Douglas Ley for the **Minority** of Legislative Administration. This proposal to amend the state constitution would simply remove the language specifying that legislators shall receive \$200 per biennium as compensation. Language regarding mileage payments would remain. The amendment does not replace the \$200 biennial salary with any salary whatsoever, leaving that to the legislative process. Legislative salaries could then be specified in statute, as is that of the Governor. The minority of the committee believes this to be a sensible proposal. The \$200 salary is an anachronism, something we often like to point out to others as a quaint proof of Yankee frugality. The reality is that the low salary skews the membership of the NH House towards those who are older and retired, or those with independent sources of wealth and work requirements that are flexible. Younger citizens who are working and raising families are under-represented in the NH House, largely due to the heavy workload and the virtually volunteer status. This may be a citizen legislature but our membership has not reflected the citizenry at large. Therefore, the minority believe this to be a useful proposal to bring before the voters to let them decide.

HB 156, relative to posting legislative amendments on the New Hampshire legislative website. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Bob Greene for the **Majority** of Legislative Administration. The committee heard testimony from the House Clerk that this issue is already being addressed internally and is rapidly undergoing significant web development. Once completed, the ability to post legislative amendments online will see marked improvements in timeliness and transparency, benefiting legislators and constituents alike. Additionally, it is important to note that our internal processes normally are not codified in statute. **Vote 8-7.**

Rep. Sherry Frost for the **Minority** of Legislative Administration. Despite the House Clerk's assertion that new website formats are in the pipeline, the minority of the committee believes that this bill should pass.

This measure would increase transparency for the public, which would allow for people to be more informed while testifying. Putting this measure into statute, rather than leaving it as a rule, ensures continuity for the public.

MUNICIPAL AND COUNTY GOVERNMENT

HB 341, relative to permissible residential units in a residential zone. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Tripp for the **Majority** of Municipal and County Government. This bill amends RSA 674:16 to increase the number of housing units permitted in single-family residential zones to four units. This change does not require adoption by the town or city and is not optional. As a state mandate it overrides local zoning permitting undesired growth within the municipality which will require additional infrastructure development in support of the new housing. The additional sewer, water, road, and school infrastructure necessary will result in higher property taxes. This is an unfunded state mandate. **Vote 10-9.**

Rep. Ivy Vann for the **Minority** of Municipal and County Government. The minority felt that the necessity of increasing housing availability in the state and the overwhelming public support for this bill made it a bill which should have been supported. While we are aware of the issues connected with state preemption of local zoning issues, the dire straits of the housing in NH make this an issue which is appropriately dealt with at the state level.

HB 392, relative to the membership of local land use boards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard Tripp for the **Majority** of Municipal and County Government. This bill would amend RSA 673:1 by first deleting the requirement that members of the planning board shall be residents of the municipality, and then by adding a new paragraph requiring that voting members, including ex officio members of any local land use board, shall be residents of the municipality. This results in three changes, the first being that ex officio members are now explicitly required to be residents of the municipality, the second being that non-voting alternate members are not required to be residents, and the last being that RSA 673:1 now duplicates the board residency requirements found in RSA 673:3 and RSA 673:4. This bill clearly creates more problems than it solves. **Vote 15-4.**

Rep. Susan Treleaven for the **Minority** of Municipal and County Government. The minority believes that employees of cities and towns who serve on local land use boards yet reside in a different town should have a vote on that board. The employee(s) may have different knowledge about uses than an elected member who resides in said city or town.

HB 467, relative to current use tax rate eligibility. **INEXPEDIENT TO LEGISLATE.**

Rep. Everett McBride for Municipal and County Government. The bill is relative to current use tax rate eligibility. This bill provides that land used to harbor non-native, non-domesticated animals shall not be eligible for current use assessment under RSA 79-A. The bill would overly restrict the hunting use of open space land. **Vote 17-2.**

HB 512, relative to emergency housing assistance. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Tony Piemonte for the **Majority** of Municipal and County Government. This bill is relative to emergency housing assistance, and although well-intended, could potentially put the applicants at risk. This bill prohibits a municipality from requiring a housing code inspection as a condition of emergency housing assistance. This takes away the protection provided by the code inspection and could consequently expose applicants to a potentially dangerous situations. **Vote 10-9.**

Rep. Laurel Stavis for the **Minority** of Municipal and County Government. Under NH RSA 165, New Hampshire towns and cities must provide assistance to those who are "poor and unable to support [themselves]." This bill ensures that municipalities meet their obligations under this law by prohibiting them from conditioning emergency assistance on a building inspection. The minority of the committee believes that withholding such assistance, based on whether or not a living space has been inspected, is counter to the spirit of RSA 165 and, further, places the burden of initiating such inspections on persons who lack the authority or resources to conduct them. This is an all too often utilized loophole that allows communities to withhold emergency assistance to those in dire need, and it should be eliminated.

HB 588, relative to building codes for tiny houses. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tony Piemonte for the **Majority** of Municipal and County Government. The tiny house phenomenon was highly publicized as a low cost, smaller form of traveling, much like the recreational campers at one quarter the size (412 square feet). With the idea that tiny homes would be on foundations in a permanent manner, (tiny house parks), the majority of the committee opposed and agreed that tiny homes should be addressed at the local level. The New Hampshire Municipal Association also opposed and felt that very few people would have interest in this as a housing solution. **Vote 10-9.**

Rep. Jim Maggiore for the **Minority** of Municipal and County Government. The tiny homes bill is the product of a bi-partisan study committee that began in 2018. This bill is intended to offer people across the demographic spectrum an alternative for affordable, economical, ecologically responsible, and safe housing. Vital issues about certifying the structures, inspections, taxation, transportation, sanitation, water, and more were all addressed in the bill and in the amendment. There was strong support with 45 in favor and only 8 opposed on the remote sign-in sheet. The majority did not offer any reasoned arguments against passing this small measure of relief for NH residents. Affordable housing is a critical issue in New Hampshire and as such the minority of the committee oppose the Inexpedient to Legislate motion on this bill.

HB 616-FN, relative to review of planning board decisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Marjorie Porter for the **Majority** of Municipal and County Government. This bill would require a bond equal to the assessed value of the property be posted by anyone appealing to the court an approval of a residential or commercial site plan. It also requires the cost to file such an appeal be \$1,700. Citizens have a right to file an appeal. The majority believes this puts an undue financial burden on persons wishing to exercise that right. The sponsor was not present to explain the need for this bill or to answer questions. **Vote 11-8.**

Rep. Tony Piemonte for the **Minority** of Municipal and County Government. This bill requires a bond to be posted in certain appeals of zoning decisions. Successful passage of this legislation would serve to indemnify and hold harmless the person or persons in whose favor the zoning decision was rendered from carrying costs and attorneys fees that may be incurred. Attorney fees would be withdrawn from the posted bond.

RESOURCES, RECREATION AND DEVELOPMENT

HB 158, relative to the definition of prime wetland. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Andrew Renzullo for the **Majority** of Resources, Recreation and Development. Wetlands designated as “prime” are the gold standard of wetlands. Because of their size, unspoiled character, fragile condition, and other relevant factors they are considered as being substantially significant. They are the premier wetlands in NH. In 2011, SB 19 was enacted that tightened up the regulations as to what characteristics made a wetland “prime.” Among these objective requirements were that a prime wetland must be contiguous, at least two acres in size, and have a width of at least 50 feet at its narrowest point, plus meet four of the primary wetlands functions. Any wetland missing any one of these requirements, while still being considered a wetland, could not be designated a “prime” wetland. This bill would allow a lesser width (less than 50 ft) if it can be demonstrated that its narrower portions provide a significant contribution (a subjective determination) to the primary wetland functions of the prime wetland. This cheapens the designation of prime wetlands as it suddenly allows sub-prime wetlands, or even streams (which are not wetlands) to connect prime wetlands that do not meet the size requirements of the statute. In his testimony the sponsor made much of the bill itself not defining the size of the buffer zone (non-wet land) which is required to protect the Prime Wetland, suggesting that there would be no buffer setback. Not so, as the local buffer setback requirements in the local wetland ordinance setbacks would apply. The New Hampshire Timber Owners Association opposed the bill stating, “...portions of a wetland less than 50 feet wide could be eligible for designation (e.g., inlets/outlets to, or depressions adjacent to, a bog or swamp). Once designated, the regulatory /permitting requirements for any activity (including forest management) become a lot more complex and costly (e.g., abutter notification, Conservation Commission review, wetland assessments, etc.). Because this law remains a problem for landowners seeking to conduct forest management projects on properties with prime wetlands, the NHTOA opposes it. Currently there are 32 N.H. towns with prime wetlands, and in some communities, if the inlets and outlets were to become designated, large parcels of land would be “land locked” behind this regulation.” The NH Association of Natural Resource Scientists, an organization of wetland scientists, soil scientists, biologists, foresters, surveyors, ecologists, state and municipal employees and citizens who work to promote the science of New Hampshire’s wetlands and soils, opposed the bill, along with the NH Homebuilders Association and The NH Association General Contractors. And finally, on July 29th, 2019, Governor Sununu vetoed the predecessor to this bill. The Governor stated that “New Hampshire currently has sound and responsible protections for wetlands and our environment. This bill adds additional and unnecessary regulations to those laws and does not properly account for property owners who could be negatively affected by them. Any change to the definition of prime wetland should allow for sufficient protection for individual property rights before moving forward.” There are many sections in DES statutes dealing with prime wetlands. The majority believes that expansion of the prime wetlands designation proposed by this bill will have a deleterious effect on land owners who will be subject to stringent permitting requirements on usable land presently not under such requirements. **Vote 11-10.**

Rep. Chuck Grassie for the **Minority** of Resources, Recreation and Development. Prime wetlands are those few wetlands which a municipality has asked to be so designated by the state “because of their size, unspoiled character, fragile condition or other relevant factors making them of substantial significance.” Nomination by the

town follows a thorough study and a vote by the town. A wetland permit application for a prime wetland receives a higher level of review by the state. Several years ago the statutes defining prime wetlands were changed so they eliminated some of the most important parts of the wetland, the narrower portions that might connect two wetland systems or be an integral part of their water supply and wildlife habitat. This bill corrects this by allowing these significant but narrower portions to be included in the delineated prime wetland as they should be. These areas must meet the same requirement that they “provide significant contribution to the primary wetland functions of the prime wetland.” The bill provides for exemptions for man-made structures such as drainage ditches and berms, work conducted by the Department of Transportation within highway right-of-ways, does not require any set buffers, and would not impact forest management activities on adjoining uplands. The bill also provides that a “municipality shall consider any potential adverse effects on the landowner from including any narrower portion.” Any designation as a prime wetland shall require landowner and abutter notice, a vote by the local land use board, receive a full public hearing, and a vote by the local legislative body. Finally, the EPA has stated that “wetlands’ highly developed root systems hold the soil in place and filter pollutants, naturally improving water quality (including water that is eventually used for drinking).”

HB 229, defining “wake boat.” **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Michael Gunski for the **Majority** of Resources, Recreation and Development. This bill looks to single out a specific style of boat used in recreational water sports for definition, so that future legislation to restrict the crafts usage can be brought forward. The majority of the committee believes this bill is unnecessary and is the wrong approach to resolve user conflicts on New Hampshire’s waterways. We heard testimony referencing data from the Wake Boat Commission that recreational boating contributes over one billion dollars annually to the NH economy, and that water sports, such as wake surfing, are an increasingly popular family activity that is accessible to all age groups. With more families looking to the NH waters for their enjoyment, it is understandable that differences will arise on how the waters are used, and how one’s activity can impact another. Rather than defining a style of boat, the majority believes it is the boat operator’s behavior that is at issue. The way to address problems on the waterways is through education and enforcement of current laws. Local marinas, NH Marine Patrol, and the Water Sports Industry Association are working together to promote the “Wake Responsibly” campaign to educate all boaters – no matter what type of boat they are using - on best practices for staying safe, protecting our environment, and being courteous to others while participating in wake sports. The committee believes these educational efforts should be given an opportunity before considering legislation that takes us down a path of regulations and restrictions. **Vote 13-8.**

Rep. Suzanne Gottling for the **Minority** of Resources, Recreation and Development. The minority feels that the definition presented in this bill reduces confusion when discussing watercraft which take on ballast/weight from 1000 to 4000 pounds in order to produce a wake high enough to allow surfing. Most testimony against the bill focused on an issue not encompassed by this legislation. Testimony in favor cited the need to have consistent language for all stakeholders to use in educational activities or future legislation. The final report of the wake boat commission emphasized that there must be a balance between users of NH’s water bodies. Defining one of those users is an important step in establishing that balance.

SCIENCE, TECHNOLOGY AND ENERGY

HB 80, relative to expenditures from the energy efficiency fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeanine Notter for the **Majority** of Science, Technology and Energy. The Regional Greenhouse Gas Initiative (RGGI) taxes carbon emissions. It collects hundreds of millions of dollars annually and distributes most of those funds to participating states according to how much energy they use. Currently, about \$5 million of RGGI-sourced funds are rebated each year to NH residential ratepayers and another \$12 million to commercial and industrial customers. This bill would take away the residential rebate and provide it to fund energy efficiency projects. Some testified in committee that the amount rebated was not a significant amount, about enough to buy an LED light bulb or a cup of coffee. While the majority supports energy efficiency, we are not in favor of redistribution of wealth, regardless of the amount. The majority also cannot support having residential customers subsidize business, which amounts to corporate welfare. **Vote 11-10.**

Rep. John Mann for the **Minority** of Science, Technology and Energy. This bill rededicates about \$5 million per year, currently distributed as spare change to electric bill payers, to fund utility-run energy efficiency programs that yield durable reductions in energy costs for everyone. With 40% of NH residences heating with oil and the state importing about 135 million gallons of heating oil annually, there is plenty of savings to be had, and energy efficiency work is good work, offering good new jobs worth doing. Moreover, the accumulating retained savings in the NH economy due to efficiency will continually grow faster, benefiting the economy as a whole; a benefit to all of us. We believe this bill should be supported.

HB 119-FN, relative to legislative approval of the New Hampshire general court for increases in the systems benefit charge. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jose Cambrils for the **Majority** of Science, Technology and Energy. This bill attempts to remove legislative oversight of the systems benefits charge (SBC), which every NH ratepayer pays. The majority finds that legislative approval of SBC is needed to provide transparency and accountability to the voting public. The SBC funds most of the state's energy efficiency activity, as implemented through the NHSaves program, which the state's utilities administer. It currently provides \$62 million. A plan currently under review by the Public Utilities Commission would increase that funding to \$87 million in 2021, with expected additional increases in 2022 and 2023. These large increases demonstrate the need for the legislature to review and approve such proposed hikes in ratepayer costs. **Vote 11-9.**

Rep. Jacqueline Chretien for the **Minority** of Science, Technology and Energy. This bill clarifies that the Public Utilities Commission (PUC) is empowered by the legislature to set utility rates, including the systems benefits charge (SBC). Testimony stated that the calculation of the SBC is complex, requiring deep and specialized knowledge of electric utilities and that the timely application of this expertise requires more speed and flexibility than the legislative process can supply. These conditions confirm the appropriate nature of delegating rate-setting, including the SBC, to the expertise of the PUC. The New Hampshire Constitution explicitly grants the legislature the ability to confer such authority to designated state entities for the reasons already stated.

HB 168-FN, requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jeanine Notter for the **Majority** of Science, Technology and Energy. This bill would force New Hampshire consumers to follow California's Low Emissions Vehicle (LEV)/ Zero Emissions Vehicle (ZEV) standards. It also makes an appropriation to the Department of Environmental Services to fund an additional position. Passing a ZEV mandate is not what creates a viable ZEV or LEV marketplace. Legislation such as this has not changed consumers' buying habits in neighboring states. Maine has 1.2% registered electric vehicles. Rhode Island has 1.4%, while NH stands at 1.0% without a mandate. During the hearing, the majority questioned the process that goes into the making of an electric vehicle battery: Where and how are the raw materials, like lithium and cobalt, mined? Aren't fossils fuels used in the process to get the raw materials from the mine, to the factory, to the automobile sales lot? How much do these batteries weigh and how are they disposed of when they are no longer in service? These questions aside, the free-market economy works. If there is a demand for more LEV/ ZEV vehicles, the market will respond. We received testimony that auto makers are spending billions in research and development to sell more electric vehicles. **Vote 12-9.**

Rep. Rebecca McWilliams for the **Minority** of Science, Technology and Energy. American automotive manufacturers are moving away from combustion engines. General Motors has committed to eliminate gasoline and diesel light-duty cars and SUVs by 2035. Ford will begin producing an electric F-150 in 2022, and will only sell electric cars in Europe by 2030. Adopting Section 177 of the Federal Clean Air Act is necessary in order for NH to catch up to following the automotive emissions standards of the rest of the Northeast. This bill would enable NH auto dealers to carry Zero Emissions Vehicles (ZEVs) and Low Emissions Vehicles (LEVs) on their lots in the same manner as the rest of the Northeast states. This bill would provide the same purchasing options for color, make, model, and features that buyers find in ME, VT, MA, RI, NY, and CT. Right now, if a NH car buyer wishes to test drive and/ or purchase a ZEV or LEV, they must call ahead to their local dealer to arrange a swap with an out-of-state dealership. Or, a NH buyer can choose to take their business to a dealership out of state to test drive and/ or purchase a ZEV or LEV. Although there is a penalty clause in the bill for failing to meet the required number of autos on dealer lots, since the adoption of Section 177 more than ten years ago, no other states have ever fined a dealership or manufacturer under this clause.

HB 371, relative to proceedings of the public utilities commission on rates and charges. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill would require that all proceedings of the Public Utilities Commission to be adjudicative in nature. Currently, some proceedings are handled less formally, such as annual adjustments to line extension policies, qualified capital adjustment charges, water infrastructure and conservation adjustments, and minor tariff changes including those for late fees, meter testing, rate case expenses, and temporary to permanent rate recoupments, among others. Changing these matters to full adjudicative proceedings would add time and cost, possibly requiring new staff. With a pending reorganization of parts of the commission into the new Department of Energy, the majority felt this bill's changes were best left for the future. **Vote 11-10.**

Rep. Kat McGhee for the **Minority** of Science, Technology and Energy. Public hearing testimony indicated that the Office of the Consumer Advocate sought this bill to address a recent change in Public Utilities Commission (PUC) proceedings that moved away from the traditional boundaries of adjudicative proceedings and rulemaking, towards a new, quasi-legislative procedure. The Consumer Advocate argued that this new flavor

of proceeding should be rebuffed by clarifying in statute language that legislative actions are not among the types of procedures administered by the PUC. Although the minority agrees with the need for the requested changes we did not agree with the recommendation of Inexpedient to Legislate.

HB 396, relative to credits for certain energy production not issued renewable energy certificates. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Troy Merner for the **Majority** of Science, Technology and Energy. This bill would require the Public Utilities Commission to report its estimate of total yearly production for customer cited sources that are not net-metered, but are not issued renewable energy certificates (REC) and removes the credit to the electrical provider. This practice is known as REC sweeping and eliminating it would increase electricity costs. **Vote 11-9.**

Rep. Lee Oxenham for the **Minority** of Science, Technology and Energy. This bill puts an end to what the minority considers to be an unconstitutional practice known as “REC sweeping,” that authorizes the electric utilities to seize - without any compensation - the private property of NH businesses and residents. “REC sweeping” allows the monopoly electric utilities to effectively take title to the renewable energy in which others invest and use it to meet their obligations under the Renewable Portfolio Standard (RPS). In the case of a business, this deprives the original investors of their right to market their businesses as powered by renewable energy, or even to claim they use the renewable energy they produce. Any firm doing so is vulnerable to Federal Trade Commission (FTC) enforcement action. The utilities’ un-compensated seizure of unregistered renewable energy attributes, i.e. their use of other people’s property to meet their RPS obligations, constitutes an unconstitutional “taking.” An un-compensated taking of private property without the owner’s consent is theft and constitutes a violation of the takings clauses in both the US and NH Constitutions. No other state permits this. To add insult to injury, this practice has helped “wreck” NH’s renewable energy certificate (REC) market, diminishing the utilities’ need to make alternative compliance payments – the only source of funding for the Renewable Energy Fund.

HB 407, relative to the purchase of output of limited electrical energy producers in intrastate commerce and including qualifying storage system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nick White for the **Majority** of Science, Technology and Energy. This bill is substantially equivalent to HB 1262, which was rejected last session to allow for needed revisions. The revisions incorporated into this version of the bill did clarify the issue regarding whether a seller of renewable energy could also be eligible for net metering credits, but the revisions provided no consumer protections. The bill requires these sales to go through competitive electricity suppliers or community aggregators, neither of which are regulated by the Public Utilities Commission. Without consolidated billing, producers and consumers would have no protections regarding late bill payments, payment defaults, and application of credits. Third party billing by non-regulated suppliers can lead to increased costs, customer confusion, and inaccurate billing. **Vote 11-10.**

Rep. Kat McGhee for the **Minority** of Science, Technology and Energy. This bill includes all the requested improvements that caused the prior version of the bill to be Referred for Interim Study last session. Specifically, definitions were added to ensure a clear understanding of how limited electric energy producers (LEEP) would participate in electric markets, expressly prohibiting the ability of those who are net metering from qualifying as limited electric energy producers. This bill also clarifies that those who participate in the Federal Energy Regulatory Commission (FERC) wholesale electric energy market are prohibited from seeking status as a LEEP qualified seller in the state of New Hampshire. The bill adds “qualified storage facilities” to the required statutes where they are currently lacking necessary references to acknowledge the role of qualified electric storage facilities as load reducers. These changes to the interim study bill satisfy every objection to the former bill language and should be given a vote. This bill supports local, renewable energy markets and aids our recovering economy.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 112, establishing a committee to study the effects of deportation of primary earners on family members who are United States citizens. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brodie Deshaies for the **Majority** of State-Federal Relations and Veterans Affairs. This study is redundant and does not effectively utilize tax payers’ dollars. Statistics on the effects of deporting primary earners are already collected by non-profits across the nation. Any non-profit could do so in NH. Additionally, the policy issue of immigration falls under federal jurisdiction. Per the U.S. Constitution, the federal government is responsible for all immigration enforcement matters, and customs enforcement is established under federal law and delegated as such in the U.S. Constitution. Everyday immigration matters, such as application processing, are handled by U.S. Citizenship and Immigration Services (USCIS). Customs and border protection is another important aspect, guarding not only the U.S. border, but a broad swath of land within it, plus other points of entry such as air and seaports. This study will have no effect on NH and it will just lead back to the federal government having to take action upon public and private studies that have already been conducted. **Vote 11-10.**

Rep. Amanda Toll for the **Minority** of State-Federal Relations and Veterans Affairs. The minority recommends that this bill OUGHT TO PASS. This study committee will provide the much-needed current data on the economic impact on communities in NH of deportation of primary breadwinners. NH communities are experiencing a workforce shortage, and the vibrancy and vitality of communities are being reduced, while human potential is being underutilized, due to deportations. This study would give us a basis to find appropriate solutions to sustain communities' economic growth. Additionally, this study will help us to further understand the humanitarian impact of deportation on our immigrant communities.

HB 580, requiring the approval of the governor before the New Hampshire National Guard can be deployed overseas. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Brodie Deshaies for the **Majority** of State-Federal Relations and Veterans Affairs. This bill is contrary to how our federal and state government regulates the National Guard and its mobilization for duty. In 1986, the US Congress passed the Montgomery Amendment, which prohibited state governors from, "withholding [their] consent to a National Guard unit's active duty outside the country because of an objection to the site, purpose or schedule of the duty." The US Supreme Court unanimously upheld this federal statute in the 1990 case, *Perprich v. Department of Defense*. In 2006, Congress passed the 2007 National Defense Authorization Act, which gave the President the authority to mobilize National Guard units within the United States without the consent of state governors. These laws and the cited Supreme Court precedent show us that the federal government has the authority to deploy National Guard units, as long as such powers are mandated by the Constitution or Congress and even if it is against a governor's or state's desire. Additionally, there is a fear that this legislation could cause New Hampshire to lose federal funding for our National Guard. In title 32 of the federal code, in section 108, it states: "If, within a time fixed by the President, a State fails to comply with a requirement of this title, or a regulation prescribed under this title, the National Guard of that State is barred, in whole or in part, as the President may prescribe, from receiving money or any other aid, benefit, or privilege authorized by law." This means if we mandate that New Hampshire's governor withhold our National Guard units, doing so against federal code, then we could lose federal funding. Therefore, this legislation contradicts the federal government's authority over the National Guard and could very well risk our procurement of federal funding for the New Hampshire National Guard. **Vote 20-1.**

Rep. Tony Labranche for the **Minority** of State-Federal Relations and Veterans Affairs. The purpose of the National Guard, as the name implies, is to guard our nation, our homeland, and our people. The job of the National Guard was not intended to fight in foreign interventions and endless wars. It is for that reason that we must curb federal encroachment and that the National Guard should only be deployed with the governor's consent. That is what this bill does. It's time to bring our troops home.

HCR 1, relative to urging Congress to practice fiscal restraint and applying to Congress for a Constitutional Convention for such purpose. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Leavitt for the **Majority** of State-Federal Relations and Veterans Affairs. The majority believes that any objective weighing of these conventions comes down heavily on the side of "risk and hazards." Especially heavily does it come down so when the amendments are claimed to be necessary to get the constitution to do what it was written to do i.e., constrain the federal government. This benefit will obviously not be added to a Constitution whose problem is that the federal government is ignoring it. Yet, the proponents want us to put our very Constitution at risk, in order to fix a fault that is not the Constitution. Any such proposal needs to have weighed the risks and hazards of such a convention, over against its potential for benefits, particularly, for such benefits as the convention proponents promise. **Vote 19-2.**

Rep. Tony Labranche for the **Minority** of State-Federal Relations and Veterans Affairs. This concurrent resolution calls for a convention of the states to propose amendments to the United States Constitution for term limits and fiscal restraint. With a ballooning federal debt, it is time for a change.

TRANSPORTATION

HB 300, relative to driver education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura Telerski for the **Majority** of Transportation. This bill would allow a waiver for drivers' education to be issued if a parent or "responsible adult" with a valid NH license has taught a teen to drive equivalent to an approved driver education course. The majority find serious flaws in the bill which raise public safety concerns. With no definition of "responsible adult" one may assume an 18-year-old would qualify as the instructor. Likewise, the bill does not specify what "proof" must be submitted that is equivalent to the 30 hours in a classroom, 10 hours behind the wheel, and 6 hours of driving observation with a trained and certified instructor, in addition to 40 additional hours of practice driving, that is currently required in the approved course. Dedicated DMV personnel would be needed to implement such a program and review every waiver which would have an undetermined fiscal impact on the department. A review of the driver education program to determine how to allow greater access is ongoing and the majority believes the recommendations from that review are important before making such a significant change to teen licensing. **Vote 13-6.**

Rep. Judy Aron for the **Minority** of Transportation. This bill authorizes a waiver of the driver education requirement if a parent, guardian, or other responsible adult, provides equivalent classroom and behind the wheel training. The Minority trusts that parents and guardians are responsible adults who are perfectly capable of teaching their teenager to drive and prepare them for their NH drivers test. A person aged 16-18 is required to take a drivers written and road test in NH order to obtain a youth operator license. Passing that written and driving test would serve as proof that the preparation was satisfactory. With Drivers Education classes costing \$700 or more, this legislation would help students from lower income families get their drivers licenses before their 18th birthday. This would allow these kids quicker access to driving which may help them get to and from after school jobs. Additionally, some of these drivers education classes do not fit into families schedules. If parents or guardians are able to teach the equivalent training, they would be able to do it according to their own time schedules, allowing for family scheduling flexibility. Parents who wish to teach their children to drive should have that option and this bill affords them that option. The only other alternative for these kids who cannot afford classes, or are unable to attend driver training classes, would be to wait until their 18th birthday to take the NH drivers test and obtain their license to drive.

HB 328, relative to the application process for drivers' licenses and relative to privacy of motor vehicle records. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew Pitaro for the **Majority** of Transportation. The majority found both aims of this bill unnecessary. As currently chaptered RSA 260:14, III denotes that certain entities can obtain motor vehicle records for use in official business. The statute goes on to compel that the listed entities are restricted from transferring or making those records available to other entities. The bill attempts to specifically exempt the United States Immigration and Customs Enforcement and the United States Customs and Border Protection from being able to obtain motor vehicle records and imposes exorbitant penalties for perceived violations. No examples concerning the mishandling of motor vehicle records and no instances of unwarranted incursions from federal agencies were presented during public testimony. The majority concludes that the proper safeguards are already in place that prevent the misuse of motor vehicle records. The second aim of this bill is to add to the list of permissible documents that can be provided when applying for a drivers' license. In addition to the department of motor vehicles requiring drivers' license applicants to provide reasonable proof of NH residency, the requirement to provide proof of identification can currently come in the form of a US passport, an armed services or US government ID, or a NH photo ID. This bill would add an unwieldy and worrisome combination of other documents that could be submitted in lieu of proper identification, including unverifiable documents obtained from other countries. Listing anything additional to the identification requirement in RSA 263:5-d immediately raises innumerable and baffling questions concerning the ability of the dmv to confidently identify applicants, and also diminishes NH sovereignty regarding the issuance of state drivers' licenses. **Vote 10-9.**

Rep. George Sykes for the **Minority** of Transportation. This bill was a bill to set up provisions to test and license undocumented persons for driving privileges. The minority believes that testing the more than 14,000 undocumented persons as to their ability to drive safely is of paramount importance. Nearly 300 people signed in support of the bill. Only 22 opposed. We heard strong testimony from Police Chiefs in support of this bill. The American Friends Service Committee, the ACLU, as well as churches and immigrant's rights groups also supported the bill. The bill improves public safety and provides for expanded social and economic justice. Passage of the bill would allow many more people to register their automobiles, and purchase insurance too.

HB 352, relative to operation of recreational vehicles on state highways. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ted Gorski for the **Majority** of Transportation. This bill requires the Commissioner of the Department of Safety to adopt rules relative to the safe operation of recreational vehicles on state highways. This bill may require certification training of drivers of these vehicles. This bill offers no concrete guidelines from the legislature, and relies solely on the commissioner for the adoption of any rules on this topic. **Vote 10-9.**

Rep. Laura Telerski for the **Minority** of Transportation. Currently there are no restrictions, road tests, or qualifications for a person driving a recreational vehicle (RV or oversize camper) in the state. This bill would authorize the Department of Safety to establish rules, such as an endorsement similar to a motorcycle or CDL license to ensure the safe operation of these vehicles on our roadways. The minority believes minor corrections are needed with the bill and the Department of Motor Vehicles testified they were willing to work with the committee to correct the issues. The minority would have supported a motion of retain to work on the bill, but without that motion, we oppose the inexpedient to legislate motion in the hopes to advance this bill further and address the safety issues it addresses.

HB 386, relative to the operation of certain watercraft on Wachipauka Pond. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Matthew Pitaro for the **Majority** of Transportation. The majority believes that this bill, which would prohibit the use of petroleum-powered power boats and watercraft on Wachipauka Pond in Warren, does not benefit the community at large but would actually have the effect of disenfranchising New Hampshire citizens from utilizing its own beautiful water resources. **Vote 10-9.**

Rep. George Sykes for the **Minority** of Transportation. House Bill 386 was a bill to make access to Wachipauka Pond available to handicapped individuals by allowing their ability to use the lowest rated electric trolling motor on that pond. The use of boat motors in ponds of less than 10 acres, and less than 10 feet in depth are typically prohibited. However, Wachipauka Pond is nearly 25 acres in size and averages 10 feet in depth. There are approximately 20 ponds that are called out in legislation to change the terms of use for recreational purposes. This bill added a single pond to the list of exceptions and would have allowed handicapped persons to have greater access to a state resource.

HB 587-FN, relative to indicating citizenship or legal residency on drivers' licenses and nondrivers' identification cards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura Telerski for the **Majority** of Transportation. This bill would require "citizenship or legal residency" to be clearly indicated on drivers' licenses, essentially creating two classes of drivers. A driver's license indicates a person has safely passed testing and can legally drive as determined by the Division of Motor Vehicles. Currently, there are almost 29,000 permanent residents in New Hampshire who are not citizens and hold a license or non-driver ID card either as green card holders, international students, or their families. These people work here, raise their families here, and contribute to our economy and tax base. Adding such a marker opens up the possibility of profiling and discrimination in the many places a license is presented, such as going to a bank, getting medical care, a traffic stop, renting a car, or making a purchase. The majority has determined there is no compelling reason for this bill and it will in fact bring increased scrutiny to persons who are positive contributors to our state. **Vote 10-9.**

Rep. Matthew Pitaro for the **Minority** of Transportation. It is the belief of the minority that adding a security marking indicating citizenship or legal residency on the back of the drivers license would go further in identification of individuals eligibility to participate in certain functions within civic society. While the minority understands that drivers licenses were originally created for motor vehicle purposes, it also recognizes they are used today as identification for practically everything in our daily lives. This added information merely helps guarantee accuracy and fairness for all.

NOTICE ON COMMITTEE TESTIMONY

Those wishing to testify or register their position on legislation before House committees, can register online at <http://gencourt.state.nh.us/house/committees/remotetestimony/default.aspx>, additional instructions for sending testimony is included on the instruction page. Those wishing to watch committee proceedings but not participate are encouraged to log in to the NH House YouTube channel at https://www.youtube.com/channel/UCxqjz56akoWRL_5vyaQDtvQ and view the meetings.

COMMITTEE MEETINGS FRIDAY, APRIL 2

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2)

- 8:00 a.m. Organizational/Regular meeting.
Committee members will receive secure Zoom invitations by e-mail.
Members of the public may attend using the following links:
1. To join the webinar: <https://zoom.us/j/98804402386>
 2. Or Telephone: Dial (for higher quality, dial a number based on your current location): 1 929 436 2866
 3. Webinar ID: [988 0440 2386](https://zoom.us/j/98804402386)
- The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: LBA_CBOC@leg.state.nh.us.

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

- 9:00 a.m. Organizational/Regular meeting.
Committee members will receive secure Zoom invitations via email.
Members of the public may attend using the following links:
1. To join the webinar: <https://zoom.us/j/98364878895>
 2. Or Telephone: Dial (for higher quality, dial a number based on your current location): 1 301 715 8592
 3. Webinar ID: [983 6487 8895](https://zoom.us/j/98364878895)
- The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: LBA_LRCPUC@leg.state.nh.us

MONDAY, APRIL 5**COMMISSION ON HOLOCAUST AND GENOCIDE EDUCATION (RSA 193-E:2-f)**

3:00 p.m. Regular meeting.

Commission members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. To join the webinar: <https://zoom.us/j/95205080907>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-929-205-6099 or 1-301-715-8592 or 1-312-626-6799 or 1-669-900-6833 or 1-253-215-8782 or 1-346-248-7799
3. Or iPhone one-tap: US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833
4. Webinar ID: [952 0508 0907](https://zoom.us/j/95205080907)
5. To view/listen to this meeting on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

NEW HAMPSHIRE RECOVERY MONUMENT COMMISSION (RSA 4:9-p)

11:00 a.m. Regular meeting.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83047171087>

1. Or iPhone one-tap: US: +16465588656,,83047171087# or +13017158592,,83047171087#
2. Or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799
3. Webinar ID: 830 4717 1087
4. International numbers available: <https://us02web.zoom.us/j/83047171087>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: David.Watters@leg.state.nh.us or call (603) 969-9224.

TUESDAY, APRIL 6**NEW HAMPSHIRE DRUG OVERDOSE FATALITY REVIEW COMMISSION (RSA 126-BB:1)**

4:00 p.m. Regular meeting.

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join:

<https://nh-dhhs.zoom.us/j/98204583327?pwd=bERMNGhZT1JhQWxQOEtFTU1XS2owdz09>

1. Passcode: 643824
2. Or One tap mobile:
+13017158592,,98204583327#,,, *643824# US (Washington DC)
+13126266799,,98204583327#,,, *643824# US (Chicago)
3. Or join by phone: Dial (for higher quality, dial a number based on your current location): US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128
4. Webinar ID: 982 0458 3327
5. Passcode: 643824
6. International numbers available: <https://nh-dhhs.zoom.us/j/98204583327>

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

5:00 p.m. Regular meeting.

This meeting will take place via phone/zoom conference. Please call Paul Lloyd at (603) 715-5579 for the conference call information.

THURSDAY, APRIL 8**STATE HEALTH ASSESSMENT AND STATE HEALTH IMPROVEMENT PLAN ADVISORY COUNCIL (RSA 126-A:82)**

3:00 p.m. Community Engagement Subcommittee meeting.

Subcommittee members and members of the public may attend using the following links:

1. Link to join Zoom Webinar:
<https://jsi.zoom.us/j/92062339627?pwd=ZzlSVjdMU2FjZnJ0QW5aMjFDQ3p1dz09>
2. Dial: +1 646 558 8656 (US Toll), Meeting ID: 920 6233 9627,
3. Passcode: 941967

The following email will be monitored throughout the meeting by someone who can assist with and alert the subcommittee to any technical issues: katie_robert@jsi.com.

FRIDAY, APRIL 9

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

10:00 a.m. Data Subcommittee meeting.

Subcommittee members and members of the public may attend using the following links:

1. Link to join Zoom Webinar:
<https://unh.zoom.us/j/91087571819?pwd=d004c1hiL0dHZmFhUW05dmdYYkNydz09>
2. Password: 242590
3. Dial: +1 312 626 6799 (US Toll)
4. Meeting ID: 910 8757 1819
5. International numbers available: <https://unh.zoom.us/u/acIBHU7OMv>
6. Or iPhone one-tap: 13126266799,91087571819# or 16468769923,91087571819#

The following email will be monitored throughout the meeting by someone who can assist with and alert the subcommittee to any technical issues: jennifer.horgan@leg.state.nh.us.

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

9:00 a.m. Regular meeting.

Please click the link below to join the webinar:

<https://nh-dhhs.zoom.us/j/92283090623?pwd=bWxweS92Q25rU0VxKzRjanpRNzM2dz09>

1. Passcode: 407932
2. Or iPhone one-tap :
US: +13126266799,,92283090623#,,,,*407932# or
+16465588656,,92283090623#,,,,*407932#
3. Or Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or
+1 669 900 9128 or +1 253 215 8782
4. Webinar ID: 922 8309 0623
5. Passcode: 407932
6. International numbers available: <https://nh-dhhs.zoom.us/u/acpaqnTcbb>

MONDAY, APRIL 12

FINANCE - DIVISION III

9:30 a.m. Discussion on options for a secure psychiatric hospital.

Committee members have received secure Zoom links.

Members of the public may attend using the following links:

1. To join the webinar: <https://www.zoom.us/j/93701004543>
2. Or Telephone: 1-929-205-6099
3. Webinar ID: [937 0100 4543](https://www.zoom.us/j/93701004543)

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: LBA_Fiscal@leg.state.nh.us.

FRIDAY, APRIL 16

ADMINISTRATIVE RULES (RSA 541-A:2)

9:00 a.m. Regular meeting.

This meeting will take place as a Zoom webinar.

Committee and staff members will receive secure Zoom invitations by e-mail.

Members of the public and state agency personnel may attend using one of the following alternatives:

1. Join the webinar: <https://zoom.us/j/99054565866>
2. iPhone one-tap: US: +13017158592,,99054565866# or +13126266799,,99054565866#

3. Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833
 4. Webinar ID: 990 5456 5866
 5. International numbers available: <https://zoom.us/u/abansboGB>
- The following e-mail address will be monitored throughout the meeting by JLCAR staff who can assist with and alert the JLCAR to any technical issues: cheryl.walsh@leg.state.nh.us or call 603-271-6647.

COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a)

8:30 a.m. Regular meeting.

This meeting will take place by remote conference. To listen in please follow the instructions below:

1. Dial the call in number: 1-562-247-8422
2. Enter the Meeting ID (Access Code): 298-235-630 If prompted for an additional ID, please press #

The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: Amy.E.Rousseau@DES.NH.gov. You may also call Amy Rousseau at 603-848-1372.

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

12:00 p.m. Regular meeting.

Committee members and members of the public may attend using the following links:

1. To join the webinar:
<https://us02web.zoom.us/j/83850841643?pwd=ako0Ym54amJ1U044dzRpOHQ2QzNOU09>
2. Or Telephone: Dial: +1 312 626 6799 US (Chicago), +1 646 558 8656 US (New York), +1 301 715 8592 US (Washington DC)
3. Or iPhone one-tap: +13126266799,,83850841643#,,, *585095# US (Chicago)
+16465588656,,83850841643#,,, *585095# US (New York)
4. Webinar ID: 838 5084 1643
5. Passcode: 585095

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: jennifer.horgan@leg.state.nh.us.

FISCAL COMMITTEE (RSA 14:30-a)

10:00 a.m. Regular meeting.

Committee members will receive secure Zoom invitations by e-mail.

Members of the public and state agency personnel may attend using one of the following alternatives:

1. Join the webinar: <https://zoom.us/j/93479421129>
2. iPhone one-tap : US: +13017158592,,93479421129# or +13126266799,,93479421129#
3. Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 929 436 2866 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833
4. Webinar ID: 934 7942 1129
5. International numbers available: <https://zoom.us/u/adHo3nxdGQ>

The following e-mail address will be monitored throughout the meeting by staff who can assist with and alert the committee of any technical issues: LBA_Fiscal@leg.state.nh.us.

STATE HEALTH ASSESSMENT AND STATE HEALTH IMPROVEMENT PLAN ADVISORY COUNCIL (RSA 126-A:82), Room 000, REMOTE

8:30 a.m. Community Engagement Subcommittee meeting.

Subcommittee members and members of the public may attend using the following links:

1. Link to join Zoom Webinar:
<https://jsi.zoom.us/j/92062339627?pwd=ZzlSVjdMU2FjZnJlJ0QW5aMjFDQ3p1dz09>
2. Dial: +1 646 558 8656 (US Toll), Meeting ID: 920 6233 9627
3. Passcode: 941967

The following email will be monitored throughout the meeting by someone who can assist with and alert the subcommittee to any technical issues: katie_robert@jsi.com.

9:30 a.m. Regular meeting.

Council members and members of the public may attend using the following links:

1. Link to join Zoom Webinar:
<https://unh.zoom.us/j/92947346000?pwd=UUM4Y0VzWIN5c0kwSHJwMWRWUXRYUT09&from=addon>
 2. Password: 013515
 3. Dial: +1 312 626 6799 (US Toll),
 4. Meeting ID: 929 4734 6000,
 5. International numbers available: <https://unh.zoom.us/j/92947346000>
 6. Or iPhone one-tap: 13126266799,92947346000# or 16468769923,92947346000#
- The following email will be monitored throughout the meeting by someone who can assist with and alert the council to any technical issues: ciera.hunter@unh.edu.

THURSDAY, APRIL 22

COMMISSION ON THE INTERDISCIPLINARY PRIMARY CARE WORKFORCE (RSA 126-T)

2:00 p.m. Regular meeting.

Members of the public may attend using the following links:

1. Link to join Zoom meeting:
<https://nh-dhhs.zoom.us/j/96557227653?pwd=dW10TmPySzEwOENINW1BeTJDWHNkUT09>
2. Mobile phone one-tap: +13017158592,,96557227653#,,, *580714# US (Washington DC)
+13126266799,,96557227653#,,, *580714# US (Chicago)
3. Or by telephone: Dial (for higher quality, dial a number based on your current location): +1 312 626 6799, +1 646 558 8656, +1 301 715 8592, +1 346 248 7799, +1 669 900 9128, or +1 253 215 8782
4. Meeting ID: 965 5722 7653
5. Passcode: 580714

The following phone # and email address will be monitored throughout the meeting, should participants have technical difficulties: 603-271-5934 Email: Alisa.Druzba@dhhs.nh.gov

FRIDAY, APRIL 23

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13)

10:00 a.m. Regular meeting.

Please click the link below to join the webinar:

<https://nh-dhhs.zoom.us/j/94466123067?pwd=QlFsbnA5OXVncWFCOEhraXhGZDJ5dz09>

1. Passcode: 425282
2. Or iPhone one-tap: US: +13017158592, 94466123067#,*425282# or +13126266799, 94466123067#,*425282#
3. Or Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128
4. Webinar ID: 944 6612 3067
5. Passcode: 425282
6. International numbers available: <https://nh-dhhs.zoom.us/j/94466123067>
7. For any technical assistance or problems, Kathleen Capron will be our contact and may be reached at either (603) 271-9445 or Kathleen.Capron@dhhs.nh.gov.

LONG-TERM SEACOAST COMMISSION ON DRINKING WATER (RSA 485-F:6)

2:00 p.m. Regular meeting.

This meeting will take place by remote conference. To participate in the meeting, please use the following instructions:

Video access is available at:

<https://nhgov.webex.com/nhgov/j.php?MTID=m69c3342ee43d41523cf08f7daa3ec3b4>

1. Meeting number (access code): 160 725 1382
2. Meeting password: water
3. Join by phone: +1-415-655-0001
4. The following phone number will also be monitored during the meeting: 603-677-2478

MONDAY, APRIL 26

COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a)

1:00 p.m. Health Subcommittee meeting.

This meeting will take place by remote conference. To listen in please follow the instructions below:

1. Dial the call in number: 1-415-655-0060
2. Enter the Meeting ID (Access Code): 917-475-748
3. If prompted for an additional ID, please press #

The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: Amy.E.Rousseau@DES.NH.gov. You may also call Amy Rousseau at 603-848-1372.

COMMITTEE TO STUDY EXOTIC AQUATIC WEEDS AND EXOTIC AQUATIC SPECIES OF WILD-LIFE IN THE STATE OF NEW HAMPSHIRE (RSA 487:30)

11:00 a.m. Regular meeting.

Please join the meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/915903597>

1. You can also dial in using your phone.
(For supported devices, tap a one-touch number below to join instantly.)
2. United States: +1 (872) 240-3212
3. One-touch: <tel:+18722403212,,915903597#>
4. Access Code: 915-903-597

The following email will be monitored to assist with and notify the committee of any technical errors: amy.smagula@des.nh.gov. The following phone number will also be monitored 603-419-9325.

COUNTY-STATE FINANCE COMMISSION (RSA 28-B:1)

2:30 p.m. Regular meeting.

Please click the link below to join the webinar:

<https://nh-dhhs.zoom.us/j/93097219976?pwd=Rmx2bUEyeVowMEFDdUdpQkM1cmxOQT09>

1. Passcode: 512612
2. Or One tap mobile: US: +13126266799,,93097219976#,,, *512612# or +16465588656,,93097219976#,,, *512612#
3. Or Telephone: Dial (for higher quality, dial a number based on your current location):
US: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782
4. Webinar ID: 930 9721 9976
5. Passcode: 512612
6. International numbers available: <https://nh-dhhs.zoom.us/u/azE4lz9SV>

TUESDAY, APRIL 27

COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a)

3:00 p.m. Subcommittee meeting.

This meeting will take place by remote conference. To listen in please follow the instructions below:

1. Dial the call in number: 1-914-614-3221
2. Enter the Meeting ID (Access Code): 359-259-546

If prompted for an additional ID, please press #

The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: Amy.E.Rousseau@DES.NH.gov. You may also call Amy Rousseau at 603-848-1372.

OFFICIAL NOTICES

The Rockingham County Executive Committee will meet on **Friday, May 7, 2021 at 9:30 a.m.** The meeting will be held remotely by audio/video conference. The purpose of the meeting is to conduct the third quarter budget review.

To join the meeting follow the instructions below:

1. Dial one of the following call in numbers:

1-929-205-6099

888-788-0099 (US Toll Free)

833-548-0276 (US Toll Free)

833-548-0282 (US Toll Free)

877-853-5247 (US Toll Free)

2. Enter the Meeting ID: 571-325-5541#
3. Note: Participant IDs will not be provided for this meeting, simply press # to continue
4. Enter the Meeting Password: 312900#

The following email address will be monitored throughout the meeting by someone who can alert the committee to any issues: rbernier@co.rockingham.nh.us. The meeting will be adjourned if the public cannot access the meeting. Executive Committee Members will be emailed the link to access the meeting electronically. Please contact Cheryl Hurley, Delegation Coordinator, at delegation@co.rockingham.nh.us or 603-679-9369 if you have any questions.

Rep. David A. Welch, Clerk
Rockingham County Executive Committee

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB10, HB20, HB95, HB103, HB121, HB188, HB209, HB222, HB346, HB425, HB497, HB498, HB590, HB591, HB592, HB593, HB594, HB595, HB601, HB610, HB611, HB615, HB619, HB620, HB623, HB624, HB625, HB626, HB627, SB59, SB66, SB92, SB104.

Paul C. Smith, Clerk of the House

MEMBERS' NOTICES

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

The Children's Caucus next zoom meeting will be on **Monday April 5th, 12:15 - 1:00**.

Lara Quiroga, M.Ed. Director of Strategic Initiatives for Children and rebecca Woitkowski from New Futures Kids Count will be attending to discuss Primary Prevention Services including Community Collaborations and how these programs are impacted by proposed budget cuts and current legislation.

All are invited to attend.

Please join by using the following Zoom link.

Join Zoom Meeting <https://zoom.us/j/94803654155?pwd=V0hmZUFYYU9tYjd3ZFM0ZkltU2lYdz09>

Meeting ID: 948 0365 4155

Passcode: 670881

Rep. Patty Cornell

The Veterans Interest Caucus will host a one-hour information briefing led by MG Mikolaities, The Adjutant General, on **Friday, April 16th at 11:30 am**. We'll host a Zoom Conference to cover Veterans Services and how to access them, the Veterans Cemetery, and other Community Based Military programs. Please pencil it into your calendar. If you are not on the VIC email list already, please email jess.edwards@leg.state.nh.us to ensure you get the Zoom information.

Rep. Jess Edwards

PUBLIC HEALTH MEASURES & EMERGENCY MEDICAL RESPONSE CAPACITY

General Court of NH – House session at the NH Sportsplex

April 7th, 8th & 9th, 2021

68 Technology Dr, Bedford, NH 03110

(603) 641-1313

MEMBERSHIP and ARRIVALS:

- In order to mitigate traffic backups, and delays in distributing materials, please do your best to follow this schedule of arrival times.

7:30 – Doors Open

7:40 – Manchester & Nashua Delegations

7:50 – Hillsborough County

8:00 – Rockingham County

8:10 – Merrimack County

8:20 – Cheshire, Sullivan & Belknap Counties

8:30 – Grafton & Strafford Counties

8:40 – Coos & Carroll Counties

- As the Members arrive at the NH Sportsplex, the vehicles will be directed to Republican and Democratic designated parking areas that will be closest to their designated entrances to the complex.
- If legislator lots reach maximum capacity, overflow parking will be available at 10 Iron Horse Dr. in Bedford with shuttle service to and from the venue. The event venue is also accessible by a short walk through a tree line area between properties.
- Separate entrances on opposite side of the building will be used by Republican and Democratic. Both entrances are ADA accessible with ramps.
- Attendees are to not congregate in the parking lot, cars, or entrances to building. Physical distancing of at least 6 feet should be maintained including outside the facility.
- Attendees should wear their face mask upon exiting their vehicles in the event that they are unexpectedly unable to maintain 6 feet distancing, including while outside of the NH Sportsplex facility.
- All attendees are to screen themselves prior arrival at the NH Sportsplex for fever, symptoms of COVID-19, and additional risk factors. See questions below for screening:
 - Do you have any symptoms of COVID-19 or fever of 100.4 degrees Fahrenheit or higher? The symptoms of COVID-19 can include:
 - Fever, or feeling feverish;
 - Respiratory symptoms such as runny nose, nasal congestion, sore throat, cough, or shortness of breath;
 - General body symptoms such as muscle aches, chills, and severe fatigue;
 - Gastrointestinal symptoms such as nausea, vomiting, or diarrhea, and
 - Changes in a person's sense of taste or smell
 - Have you had close contact with someone who is suspected or confirmed to have
 - COVID-19 in the prior 14 days?
 - Have you traveled in the prior 14 days outside of the United States or by cruise ship?
- Any Non-Member with a positive answer to any of the above questions are not to attend the House session. Any Member with a positive answer to the above questions are recommended not to attend the session.
- Members of the General Court staff and signage will direct the parking of the vehicles and Members to the correct entrance.
- As the Members proceed through the designated entrances of the Sportsplex, they will each receive an individual bag, the contents of which will include:
 - Bottle of hand sanitizer
 - (3) disposable facemasks
 - (1) biohazard or paper waste disposal bag
 - Bottle(s) of water
 - Additional bottles of water will be available & Members may bring their own.
 - Voting device will be giving to each member by their caucus staff
 - Mileage documents/paperwork/etc.
- The General Court has obtained a quantity of N-95 masks for Member use during sessions. These will be made available to Members but will not be distributed in their bags. Members should request an N-95 mask, if they choose, at the time they pick up their other materials. The CDC currently advises the wearing of well-fitted double layer face masks.
- Staff will provide box lunches at the same time the members receive their bags to eliminate the need for members to leave their seats except for restroom breaks. Members may bring their own food. Members who did not pre-order a lunch are advised not to take a lunch.
- Staff will be present to remove discarded lunch items from the Members at their individual seats to reduce movements of the Members around the chamber.
- EXPECTED ATTENDANCE: 400 members and staff

PROTOCOLS WITHIN COMPLEX:

- Overall, this session is designed to have minimal touchpoint surfaces and designed for the Members to remain primarily at their seats.
- Members may stand, stretch and walk in the area immediately around their seat.
- Seats will be spaced at least 10 feet apart providing ample spacing to maintain physical distancing.
- All General Court staff, media, and any non-Members in attendance are required to wear face masks.
- Members are recommended to wear face masks.
 - The Center for Disease Control and Prevention updated recommendations about masks on February 10th, 2021. The CDC recommends that people wear masks in public settings, at events and gatherings, and anywhere they will be around other people, and to choose masks that have two or more layers of washable, breathable fabric, completely cover your nose and mouth, fit snugly against the sides of your face and don't have gaps, and have a nose wire to prevent air from leaking out of the top of the mask.
 - Additional information regarding masks is available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>
 - The CDC recognizes that some persons are exempt from mask recommendations when a person with certain disabilities or underlying health conditions who cannot wear a mask or cannot safely wear a mask, for reasons to the disability or condition. In the event that a person cannot safely wear a mask, the CDC advises consideration of adaptations and alternatives of which persons can discuss with their healthcare provider.
 - Face shields will be available to members who cannot wear a mask due to medical reasons.
 - Additional information is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html#mask-adaptations-alternatives>
- There are bathroom facilities inside the main entrance of the facility for mask wearing attendees and separate bathrooms in Building One, immediate adjacent to a section of the Sportsplex designated for non-mask wearing Members. Both sets of bathrooms are ADA-compliant. A cleaning schedule will be followed for all restroom facilities. Disinfecting wipes will be available in restrooms for on-demand sanitizing of touchpoints by users.
- There shall be no loitering or congregating in the entryways to the facilities and bathroom areas. Physical distancing shall be maintained at all times. The Sargent at Arms staff will monitor the entryways, gallery areas, and outside the entrances to the bathroom facilities to ensure physical distancing and limiting an excess number of attendees within these areas of the chamber at any given time that would exceed the areas' capacity to allow for physical distancing.
- Hand sanitizer pump bottles and sanitizing wipes will be on a table at all the bathroom areas.
- Members are welcome to use bathroom facilities whenever they deem appropriate in order to avoid crowding. Members walking back to their seat during a recorded vote are permitted to use their voting device while not in their seat.
- To ensure access to microphones in a timely fashion, stationary microphones will be placed strategically throughout the seating areas. Microphones will be labeled so Members may identify the location where they are speaking. Sanitizing wipes will be stationed at each stationary microphone for use between speakers.
- Dedicated personnel for each section of the chamber will also have microphones on handheld poles brought to the Members at their individual seats to minimize the movement of Members throughout the seating area. If a stationary mic is not convenient or necessary, members may wave over a microphone runner to their seat. Microphones will be disinfected after each use.
- There will be a section for Members who choose to not wear masks and a separate section for Members who are unable for reasons of disability or health conditions to wear masks. There will be maximum allowable spacing between sections of mask-wearing Members, non-mask wearing Members by choice, and non-mask wearing members for reasons of underlying disability and health conditions. Members in the non-masked by choice section will be required to wear a mask at anytime they are not at their own seat.
- Sargent at Arms staff will be working throughout the facility to encourage continued use of PPE and minimizing the amount of time Members are out of their designated seating area, and preventing non-masked Members from entering the masked seating area.

- Masks may be removed for the purpose of eating or drinking. Members may eat lunch in their cars to avoid being unmasked at lunch time. Members are discouraged from congregating at lunch time and shall maintain physical distancing.
- The HVAC system of the NH Sportsplex will be set to provide the best possible ventilation and fresh outdoor airflow. Large inflow of fresh air with intakes from the roof of the facility will be set to flow with fresh air into the facility with ventilation ducts on either side and length of the facility. The entryways and large garage door immediately adjacent to the non-mask wearing sections of Members will be opened, allowing for continual airflow to exit the facility maximally away from the HVAC intake on the roof and opposite end of the facility and away from the section for mask-wearing Members.

EVENT STAFF:

- ALL session staff, i.e. GCNH staff and contractors, will submit to temperature screening & questions the morning of the event before being allowed to work inside of the NH Sportsplex.
- ALL law enforcement, security, fire, and EMS personnel working the event will have temperature screening and questions the morning of the event.
- ALL GCNH staff & contractors shall wear face masks throughout the entire event.

MEDICAL RESPONSE:

- Bedford Fire Department personnel will have their normal shift compliment.
- Area medical facilities: Catholic Medical Center/ Elliot Hospital/Southern NH Medical Center.
- Medical care room will be set-up with appropriate medical equipment as well as stretchers and wheel-chairs for movement of Members, as needed.
- AMR will have (2) paramedics assigned to the event.

ADDITIONAL CONSIDERATIONS:

- Security will be provided by House Sargent at Arms and GCNH – Protective Services for the interior of the facility.
- Additional Agencies involved with event planning or in communication with GCNH: NH DHHS, NH State Police, Town of Bedford Police, NH Information & Analysis Center, NH HSEM, Bedford Fire Dept., NH State Fire Marshalls Office, AMR ambulance service.
- LED Message Board roadside signs as well as staff members will assist in navigating the NH House members to the event site & parking lot areas.
- Should there be any additional Americans with Disabilities Act (ADA) requests for accommodations at specific to attendance at the event venue, these should be submitted to the General Court's ADA representative in advance of the session. Requests can be emailed to Jennifer.Becker@leg.state.nh.us.

PUBLIC AND PRESS ACCESS

- The session will be livestreamed and members of the public and press are encouraged to utilize the stream to observe the meeting. The link to the streaming video will be posted on the General Court website on the day of the events.
- In the event a member of the public or press wishes to be present at the meeting, they shall enter through a designated entrance to the left of the main entrance and proceed directly to a mezzanine on the second floor of the entrance area that overlooks the field area.
- The capacity of the mezzanine will be limited to no more than 30 people and will be monitored by staff and security. Attendees in this area must maintain physical distancing at all times.
- No member of the public or press shall have access to members on the field level.
- Members of the public and press should park in the designated off-site parking to maximize parking for House members.
- Off-site parking will be available at 10 Iron Horse Dr. in Bedford, NH. A shuttle will provide transportation to and from the event site. The event site is a short walk through a tree line boundary area from the off-site parking area. If on foot, press and public should proceed to the front of the main NH Sportsplex building and enter in the designated entrance.