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HOUSE RECORD

Second Year of the 167th General Court

Calendar and Journal of the 2022 Session

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Friday, April 15, 2022

No. 15

Contains: Amendments; Bills Laid on Table; Committee Reports; Governor's Veto Message; House Bills Amended by Senate; House Deadlines; Meetings and Notices; Revised Fiscal Notes; and State House Visitation Schedule.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

In case you missed it last week, the next House session will be on Thursday, April 21st at 9:00 a.m. The House will also be in session on Thursday, May 5th, May 12th, and May 26th. Due to the number of bills, it is likely the House will be in session on Wednesday, May 4th as well.

As a reminder, each House member was given the opportunity to pick up a free antigen self-test kit at our last House session in your anteroom mailbox. Those left behind in mailboxes were mailed this week. Please consider using a test prior to attending our April 21 meeting. Additional tests will be distributed in mailboxes for pick up on April 21st, recommended for use prior to our next meeting(s) in the first week of May.

Members should not occupy another's assigned parking space around the State House or LOB. Assigned spaces around the State House and LOB are assigned to members with medical or other needs. Continued violations related to parking will not be taken lightly. Members additionally have no rights to park in spaces that the General Court does not control. Members who receive parking tickets from the City of Concord are responsible for paying those fines.

Among the principles of public service outlined in the introduction to the General Court Ethics Booklet is the "Principle of Conduct", that states, "Legislators shall treat each other, legislative employees, and the public with dignity and respect." It is imperative that everyone who exercises their right to enter the State House complex to express their opinions on issues before the legislature have the expectation that this is a professional, safe, and welcoming environment. Please do everything you can to always maintain professional decorum in all of your interactions.

After a delay due to unforeseen circumstances the past few years, the House will be celebrating Tartan Day at the beginning of session next week. Long a fixture in our sessions, this event celebrates Scottish heritage in New Hampshire and gives us an opportunity to "show our plaid." We look forward returning to this tradition and encourage you to wear your tartans.

Sherman A. Packard, Speaker of the House

NOTICE

There will NOT be a meeting of the chairs and vice chairs next week.

The next chairs and vice chairs meeting is scheduled for Thursday, 4/28, at 10AM in LOB Room 301 – 303.
Sherman A. Packard, Speaker of the House

NOTICE

There will be a Republican Caucus on **Thursday, April 21 at 8:00 a.m.** in Representatives Hall.
Rep. Jason Osborne, Majority Leader

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 20, 2022
 Wednesday, April 27, 2022
 Wednesday, May 04, 2022

AVAILABLE ON:

Friday, April 22, 2022
 Friday, April 29, 2022
 Friday, May 06, 2022

Paul C. Smith, Clerk of the House

2022 HOUSE DEADLINES

Thursday, April 21, 2022	Last day to act on Senate Bills going to a second committee
Thursday, April 28, 2022	Last day to report all Senate Bills
Thursday, May 5, 2022	Last day to act on all Senate Bills
Thursday, May 12, 2022	Last day to form committees of conference
Thursday, May 19, 2022	Last day to sign committee of conference reports (4:00 p.m.)
Thursday, May 26, 2022	Last day to act on committee of conference reports
Tuesday September 6, 2022	First day for incumbents running for re-election to file LSRs with complete information
Friday, September 16, 2022	Last day prior to the General Election for incumbents running for re-election to file LSRs with complete information
Friday, October 28, 2022	Last day to file 2022 Interim Study reports
Wednesday, November 9, 2022	First day for all Representatives to file LSRs with complete information
Tuesday, November 22, 2022 (12:00 p.m.)	Last day to file LSRs with complete information Ten day sign-off begins
Wednesday, December 28, 2022 (12:00 p.m.)	Last day to sign-off on all LSRs
Friday, January 20, 2023	Last day to introduce House Bills Last day to amend House Rules by majority vote

NOTICE

Please note that all streaming videos of standing committee meetings and joint committees can be found at the NH House of Representatives YouTube channel. The link to the YouTube channel:
www.youtube.com/c/NHHouseofRepresentativesCommitteeStreaming

GOVERNOR'S VETO MESSAGE REGARDING 319

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on February 23, 2022, I have vetoed House Bill 319, requiring students in the University and Community College System of New Hampshire to pass the United States Citizenship and Immigration Services civics naturalization test.

We all can agree that an education in civics is fundamental to our students. Last year I signed House Bill 320, which implements a similar civics competency exam for high school students. That requirement goes into effect in 2023 and will help continue the Granite State tradition of a citizenry actively engaged in self-government. As such, House Bill 319 would serve to address the lack of civics education only in out-of-state public post-secondary students.

House Bill 319 would also represent the first time the legislature has imposed a universal graduation requirement for students at our public colleges and universities. I am concerned that this would create a precedent for future legislatures to mandate extreme requirements.

There is no lesson more important than understanding our individual responsibility to uphold democracy. Nevertheless, I believe the legislature's passage of House Bill 320 already addresses the important concerns of an engaged citizenry and an understanding of the fundamentals of democracy without some of the challenges House Bill 319 may unintentionally create.

For the reasons stated above, I have vetoed House Bill 319.

Respectfully submitted,
 Christopher T. Sununu
 Governor

2022 HOUSE BILLS AMENDED BY THE SENATE

- HB 50**, apportioning state representative districts. (House Concurrs 3/10/22)
- HB 55**, (New Title) apportioning delegates to state party conventions, and relative to the form for declarations of candidacy for delegates to state party conventions. (House Concurrs 3/10/22)
- HB 84**, (New Title) declaring May 21, 2022 as Ona Judge Staines Day. (SJ 3/17/22)
- HB 95-FN**, relative to milk pasteurization. (House Concurrs 2/16/22)
- HB 102**, (Second New Title) establishing a commission to study worldwide combined reporting method for unitary businesses under the business profits tax, and relative to the treatment of water or sewerage disposal utilities under the business profits tax. (House Concurrs 3/31/22)
- HB 233-FN**, (New Title) establishing a committee to study the right of any infant born alive to medically appropriate and reasonable care and treatment. (House Non-Concurrs 3/10/22)
- HB 292**, relative to the absentee ballot application process. (SJ 1/5/22)
- HB 293**, relative to the procedure for adoption of a minor child. (SJ 1/5/22)
- HB 307**, relative to the state preemption of the regulation of firearms and ammunition. (SJ 1/5/22)
- HB 347-FN**, relative to driving with a suspended license. (SJ 1/5/22)
- HB 355**, relative to Keno. (SJ 3/24/22)
- HB 381-FN**, relative to laboratory testing. (SJ 1/5/22)
- HB 440**, (New Title) prohibiting the suspension of civil liberties during a state of emergency. (House Concurrs 3/10/22)
- HB 503**, (Second New Title) codifying the council on housing stability and relative to telehealth and medically assisted treatment for substance use disorder. (SJ 1/5/22)
- HB 549**, (New Title) relative to the system benefits charge and the energy efficiency and sustainable energy board. (House Concurrs 2/16/22)
- HB 591-FN**, (New Title) relative to certain liquor license fees. (SJ 3/24/22)
- HB 1038**, (New Title) naming a bridge in Londonderry in honor of Robert J. Prowse and a bridge in Portsmouth in honor of Staff Sergeant Jesse E. Sherrill. (SJ 3/31/22)
- HB 1040**, (New Title) establishing a commission to study revenue alternatives to the road toll for the funding of improvements to the state's highways and bridges and their resulting improvements to the environment. (SJ 3/31/22)
- HB 1063**, (New Title) relative to the technical changes to the administration of certain taxes by the department of revenue administration and relative to county redevelopment district bonds for an unincorporated place. (House Concurrs 3/31/22)
- HB 1160**, relative to obedience to signals at railroad crossings. (SJ 3/31/22)
- HB 1318-FN-L**, relative to penalties for employer noncompliance with retirement system requirements. (SJ 3/31/22)
- HB 1390**, relative to access to language translation services in telemedicine. (3/24/22)
- HB 1586-FN-A**, relative to a likeness of Wentworth Cheswill at the state house. (SJ 3/17/22)

BILLS LAID ON TABLE

- CACR 18**, relating to reproductive medical decisions. Providing that the state shall not infringe or unduly inconvenience the right of reproductive medical decisions. (Pending question: Inexpedient to Legislate)
- CACR 23**, the New Hampshire constitution. Providing that all references to persons in the New Hampshire constitution be gender-neutral. (Pending question: Inexpedient to Legislate)
- CACR 34**, relating to the use, sale, or cultivation of cannabis. Providing that the state shall make no law prohibiting the use, sale, or cultivation of cannabis for persons over 18 years of age. (Pending question: Inexpedient to Legislate)
- CACR 35**, relating to cannabis. Providing that all adults have the right to possess, use, and cultivate cannabis, subject to regulation by the legislature. (Pending question: Inexpedient to Legislate)
- HB 20-FN-A-L**, establishing the Richard "Dick" Hinch education freedom account program. (Pending question: Refer for Interim Study)
- HB 136**, requiring schools to update documents and software to include the option of identifying a student as non-binary. (Pending question: Inexpedient to Legislate)
- HB 147-FN**, relative to assault against an elderly person. (Pending question: Ought to Pass)
- HB 153**, establishing a committee to study universal Internet access for New Hampshire. (Pending question: Inexpedient to Legislate)
- HB 167-FN**, relative to net energy metering limits for customer generators and the purchase of output of limited electrical energy producers. (Pending question: Inexpedient to Legislate)
- HB 172**, establishing greenhouse as emission reduction goals for the state and establishing a climate action plan. (Pending question: Inexpedient to Legislate)

- HB 204**, proclaiming January 24 as “Granny D” day. (Pending question: Inexpedient to Legislate)
- HB 237-FN-A**, relative to the legalization and regulation of cannabis and making appropriations therefor. (No pending question)
- HB 255**, relative to limited liability for institutions of higher education and businesses. (Pending question: Majority committee amendment)
- HB 359**, creating a private cause of action for discrimination based on hairstyles relative to a person’s ethnicity. (Pending question: Inexpedient to Legislate)
- HB 362**, relative to domicile of students for voting purposes. (Pending question: Inexpedient to Legislate)
- HB 376**, establishing a committee to study applications of microgrids in electricity supply. (Pending question: Inexpedient to Legislate)
- HB 382**, establishing a commission to study the utility rate structure of demand charges. (Pending question: Inexpedient to Legislate)
- HB 394**, establishing a commission to study the short and long term impacts of pending national and regional carbon pricing mechanisms on New Hampshire’s residents, agriculture, wildlife and natural resources-based tourism sector, and commercial enterprises. Inexpedient to Legislate)
- HB 517-FN**, relative to the state minimum hourly rate. (Pending question: Inexpedient to Legislate)
- HB 531-FN-L**, relative to determining the qualifications of voters and establishing provisional voter registration and provisional ballots. (Pending question: Refer for Interim Study)
- HB 535**, relative to the qualified voter affidavit. (Pending question: Refer for Interim Study)
- HB 554**, relative to temporary absence from domicile for voting purposes. (Pending question: Refer for Interim Study)
- HB 607-FN**, establishing local education savings accounts for students. (Pending question: Majority committee amendment)
- HB 608-FN-A-L**, relative to the formula for determining funding for an adequate education. (Pending question: Inexpedient to Legislate)
- HB 611-FN**, abolishing fluoridation in water. (Pending question: Majority committee amendment)
- HB 620-FN-L**, requiring law enforcement agencies to gather and analyze certain demographic information. (Pending question: Inexpedient to Legislate)
- HB 622-FN**, protecting nascent human life as a reasonable and valid state interest. (Pending question: Majority committee amendment)
- HB 1007**, relative to qualifications for office. (Pending question: Inexpedient to Legislate)
- HB 1014**, allowing public meetings to be conducted virtually. (Pending question: Inexpedient to Legislate)
- HB 1031**, prohibiting law enforcement from encrypting public frequencies. (Pending question: Inexpedient to Legislate)
- HB 1033-FN-L**, prohibiting recipients of state or local grants or appropriations from using such funds for lobbying. (Pending question: Committee amendment)
- HB 1041-FN**, extending the public employee labor relations act to employees of the general court and relative to the duties of the joint committee on legislative facilities. (Pending question: Inexpedient to Legislate)
- HB 1064-FN**, requiring the use of hand-marked, durable paper ballots in elections. (Pending question: Inexpedient to Legislate)
- HB 1065-FN**, relative to the regulation of art therapists. (Pending question: Inexpedient to Legislate)
- HB 1072**, establishing a criminal penalty for denying an elected school district official access to any school district facilities, documents, or events. (Pending question: Majority committee amendment)
- HB 1076**, relative to illegal productivity quotas. (Pending question: Majority committee amendment)
- HB 1077**, repealing the prohibition on conversion therapy for minors. (Pending question: Majority committee amendment)
- HB 1087**, relative to zoning for single family housing lots. (Pending question: Inexpedient to Legislate)
- HB 1090**, relative to teaching on discrimination in the public schools. (Pending question: Inexpedient to Legislate)
- HB 1100-FN**, relative to changing the penalties for driving without a license. (Pending question: Inexpedient to Legislate)
- HB 1107**, establishing a committee to study the rental or lease of housing to a person who has a pet. (Pending question: Inexpedient to Legislate)
- HB 1116**, relative to renewable energy customer-generators accounts and credits. (Pending question: Inexpedient to Legislate)
- HB 1119**, relative to the regulation of single-use bags. (Pending question: Inexpedient to Legislate)
- HB 1159**, recognizing November 7 as Victims of Communism Memorial Day. (Pending question: Inexpedient to Legislate)
- HB 1175**, relative to recording interactions with public officials. (Pending question: Inexpedient to Legislate)
- HB 1177**, relative to permissible residential units in a residential zone. (Pending question: Ought to Pass)

HB 1180, relative to state recognition of biological sex. (Pending question: Ought to Pass)

HB 1197, relative to the definition of “party” for election purposes. (Pending question: Inexpedient to Legislate)

HB 1200, relative to notice of rent increases in residential rental property. (Pending question: Inexpedient to Legislate)

HB 1208, relative to driver education. (Pending question: Inexpedient to Legislate)

HB 1227, relative to the definition of prime wetland. (Pending question: Inexpedient to Legislate)

HB 1233, Prohibiting higher education institutions receiving state funds from requiring face masks and COVID-19 vaccinations for attendance. (Pending question: Refer for Interim Study)

HB 1250, requiring the public utilities commission to consider climate change in making rate-setting decisions. (Pending question: Inexpedient to Legislate)

HB 1251, prohibiting payment of subminimum wages. (Pending question: Inexpedient to Legislate)

HB 1264, establishing ranked-choice voting for state party primary elections and municipal elections. (Pending question: Floor amendment)

HB 1283, relative to liability as taxable income of education freedom account payments. (Pending question: Inexpedient to Legislate)

HB 1284, establishing a committee to study the effects of deportation of primary earners on family members who are United States citizens. (Pending question: Inexpedient to Legislate)

HB 1291, prohibiting discrimination against tenants holding certain vouchers for purposes of renting dwellings. (Pending question: Inexpedient to Legislate)

HB 1306-FN, relative to personal possession of marijuana. (Pending question: Refer for Interim Study)

HB 1332, excepting public universities and colleges from requirements under medical freedom in immunizations. (Pending question: Inexpedient to Legislate)

HB 1347, relative to licensing requirements for health care facilities that operate on a membership-based business model. (Pending question: Majority committee amendment)

HB 1348-FN, relative to the legalization of a certain amount of cannabis. (Pending question: Refer for Interim Study)

HB 1349-FN, decriminalizing the possession and use of psilocybin mushrooms. (Pending question: Inexpedient to Legislate)

HB 1355, requiring the scholarship organization to refer suspected cases of misuse of funds or fraud in the education freedom account program to the attorney general. (Pending question: Inexpedient to Legislate)

HB 1369, relative to COVID-19 health and safety policies at New Hampshire performing arts venues. (Pending question: Majority committee amendment)

HB 1376, relative to participation in the education freedom accounts program by students with disabilities. (Pending question: Inexpedient to Legislate)

HB 1396-FN, relative to the payment of child support. (Pending question: Inexpedient to Legislate)

HB 1400, prohibiting law enforcement from using the scent of marijuana as probable cause for a search. (Pending question: Inexpedient to Legislate)

HB 1409, relative to the age at which a minor may receive mental health treatment without parental consent. (Pending question: Majority committee amendment)

HB 1419-FN, relative to establishing a New Hampshire civilian climate corps advisory commission. (Pending question: Inexpedient to Legislate)

HB 1436-FN, relative to appeals of family court decisions. (Pending question: Inexpedient to Legislate)

HB 1443, proclaiming the first Monday of March as COVID-19 Victims and Survivors Memorial Day. (Pending question: Inexpedient to Legislate)

HB 1465-FN, relative to the appointment of counsel for juveniles. (Pending question: Committee amendment)

HB 1468-FN, relative to the legalization of cannabis. (Pending question: Inexpedient to Legislate)

HB 1473-FN, authorizing a forensic audit of the November 3, 2020 election results in Merrimack county for president, governor, and United States senate races. (Pending question: Refer for Interim Study)

HB 1477-FN, prohibiting abortions after detection of fetal heartbeat. (Pending question: Inexpedient to Legislate)

HB 1481, repealing the statute relative to medical freedom in immunizations. (Pending question: Inexpedient to Legislate)

HB 1484-FN, requiring a forensic audit of the 2020 election results. (Pending question: Inexpedient to Legislate)

HB 1506-FN, establishing a revolving clean energy accelerator fund in the department of energy. (Pending question: Inexpedient to Legislate)

HB 1509-FN, relative to termination of the FRM victims’ contribution recovery fund. (Pending question: Inexpedient to Legislate)

HB 1536-FN, relative to expanding Medicaid to include certain postpartum health care services. (Pending question: Refer for Interim Study)

HB 1555-FN, repealing the permit required for fires at campgrounds. (Pending question: Refer for Interim Study)

HB 1576-FN, repealing the law relative to certain discrimination in public workplaces and education. (Pending question: Inexpedient to Legislate)

HB 1578-FN, relative to including certain children and pregnant people in Medicaid and the children's health insurance program. (Pending question: Inexpedient to Legislate)

HB 1596-FN, relative to net energy metering limits for individual and business customers. (Pending question: Inexpedient to Legislate)

HB 1600, relative to the use of body cameras by law enforcement during an interview or interrogation. (Pending question: Refer for Interim Study)

HB 1601-FN, relative to funding of the NHsaves program. (Pending question: Inexpedient to Legislate)

HB 1607-FN, prohibiting unlawful discrimination in public and nonpublic schools. (Pending question: Inexpedient to Legislate)

HB 1621-FN, relative to reducing the rebates distributed by the energy efficiency fund. (Pending question: Inexpedient to Legislate)

HB 1628-FN, directing the department of energy to generate a report on the microgrid project currently in progress at the university of New Hampshire in collaboration with the regional utilities. (Pending question: Inexpedient to Legislate)

HB 1632-FN, relative to civil rights education in public elementary and secondary schools. (Pending question: Refer for Interim Study)

HB 1638, relative to grievances under the right to freedom from discrimination in public workplaces and education. (Pending question: Inexpedient to Legislate)

HB 1646, relative to representation on a cooperative school district board. (Pending question: Committee amendment)

HB 1651-FN, adding sexual reassignment to the definition of child abuse. (Pending question: Inexpedient to Legislate)

HB 1654-FN, relative to termination of pregnancy statistics. (Pending question: Refer for Interim Study)

HB 1656-FN-A-L, establishing a road usage registration fee and making an appropriation therefor. (Pending question: Inexpedient to Legislate)

HB 1669-FN, requiring the department of education to administer the education freedom account program. (Pending question: Inexpedient to Legislate)

HB 1670-L, relative to funds of the education freedom account program after termination of a student's participation and responsibilities of the scholarship organization. (Pending question: Inexpedient to Legislate)

HB 1674, relative to reproductive rights. (Pending question: Inexpedient to Legislate)

HR 18, urging Congress to remove the exception from the 13th Amendment: "except as a punishment for crime whereof the party shall have been duly convicted." (Pending question: Inexpedient to Legislate)

SB 44, establishing the New Hampshire workforce pathway program. (Pending question: Inexpedient to Legislate)

SB 69, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. (Pending question: Majority committee amendment)

SB 92-FN, relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks. (Pending question: Majority committee amendment)

THURSDAY, APRIL 21 CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 293-FN, (New Title) establishing a committee to clarify the intent of RSA 644:9 relative to violation of privacy. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Manny Espitia for Criminal Justice and Public Safety. This bill establishes a committee to clarify RSA 644:9 which is relative to violation of privacy. The RSA has had legislation to attempt to clarify the proper penalties for crimes against recording and violating people's privacy. We believe a holistic study committee will help see if we need to craft legislation to fix any issue with the law. **Vote 16-3.**

SB 303-FN, (Second New Title) relative to the reimbursement of sheriffs offices for prisoner custody and control. **OUGHT TO PASS.**

Rep. David Welch for Criminal Justice and Public Safety. This bill requires the Judicial Branch to reimburse the sheriff's office at the rate provided in the collective bargaining agreement applicable to per diem court security officers for court security and prisoner custody and control. In the 2021 session the obligation to pay sheriffs for prisoner custody and control shifted from the Department of Administrative Services to the Judicial Branch. Current law does not provide for reimbursement at the collective bargaining rate although the payments for court security are at the collective bargaining rate. This bill corrects that oversight. **Vote 21-0.**

SB 376-FN, (New Title) relative to creating a board to review police incidents involving citizens affected by mental health issues. **OUGHT TO PASS.**

Rep. John Burt for Criminal Justice and Public Safety. This bill will create a board to review police incidents involving citizens affected by mental health issues. The committee feels that this bill is needed and will benefit the citizens and law enforcement equally. **Vote 21-0.**

EDUCATION

SB 394-FN, relative to the definition of a child with a disability under special education laws. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. The issue of the provision of special education services to students at age 21 or 22 has become a more important issue with recent federal court decisions requiring states to comply with IDEA law specifying services to age 22. This amended bill changes our statute to specify “age 21 inclusive” which replicates the federal statute. The bill also adds a commission to study the fiscal impacts of this change and possible future changes allow the student to complete the semester or school year upon turning 22. The commission would also look at options for funding special education in the year in which the costs are incurred rather than the current following year funding. **Vote 19-0.**

ELECTION LAW

SB 328, relative to the date of the state primary election. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Sweeney for Election Law. This bill proposes that the primary date currently in September be changed to August. Following the Governor’s veto of an August primary bill last year, this legislation began in the other body with a June primary date, historically the House’s preferred date for a state primary as evidenced by our votes last year. Unfortunately, this bill was changed by the other body to have an August date, a policy that has already been vetoed and is expected to be vetoed again. While many members of the committee agree the primary date should change, the committee’s unanimous position is that September should not be changed to August. Considering the history of the bill, there did not seem to be any purpose in proposing an alternative date for consideration this session. **Vote 18-2.**

SB 348, relative to political expenditures and contributions. **OUGHT TO PASS.**

Rep. Peter Torosian for Election Law. The bipartisan majority found that this legislation clarifies and modifies RSA: 664:4 by adding a chart in section IV of the statute that graphically lists the maximum political contributions allowed during each phase of the election, and the amount allowed by each entity. It changes no rules on contributions but makes the amounts that can be donated by and to political entities, clearer. While the majority acknowledges this change is still not perfect, it is consistent with how our elections laws are codified now, and should help all parties better understand and adhere to political contribution limits. **Vote 20-0.**

SB 366-FN, requiring an audit of ballots cast in the 2022 primary and general election. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Katherine Prudhomme-O’Brien for Election Law. This bill as amended requires the Secretary of State to conduct a preliminary audit of the tabulation done in two voting districts by the AccuVote electronic ballot counting devices in the 2022 State Primary Election. If the process proves feasible, he shall expand the audit in the State General Election to four randomly selected voting districts. The public will be allowed to observe the audit. The voting districts chosen will be selected after the AccuVote memory cards are programmed for all voting districts and will be announced after noon on election day. Audit results will be announced before noon on the Friday after election day. This bipartisan bill aims to enhance voter confidence in New Hampshire elections. **Vote 20-0.**

SB 405-FN, relative to fines and penalties for election law violations. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Ross Berry for Election Law. As amended this bill adds penalties to certain election law crimes including intimidating election workers and/or removing and defacing political signs. The amendment corrected statutory references and resulting penalty provisions to be consistent with other penalties in statute. The amendment also added penalties for conduct by officials on election day that has already been approved by the House. **Vote 20-0.**

ENVIRONMENT AND AGRICULTURE

SB 379-FN, (New Title) establishing the solid waste management fund and grant program. **OUGHT TO PASS.**

Rep. Megan Murray for Environment and Agriculture. This bill establishes a solid waste management dedicated, non-lapsing fund to be administered by the Department of Environmental Services (DES) and authorizes DES to solicit federally available funds. This bill provides no initial appropriation or transfer of funds. **Vote 17-0.**

SB 380-FN, relative to solid waste rules and landfill containment tests. **OUGHT TO PASS.**

Rep. Sherry Dutzy for Environment and Agriculture. This bill is an act relative to solid waste rules and landfill containment tests. It adds duties to the Solid Waste Working Group (SWWG) relative to solid waste plans and

disposal sites. The bill gives SWWG the authority to review and make recommendations regarding municipal solid waste plans and implementing the prohibition of any landfill in the state from accepting waste from a municipality that does not have a solid waste management plan. It also allows SWWG to review and make recommendations regarding the development of a solid waste disposal site evaluation committee or better defining alternative site analysis in RSA 149-M:9. **Vote 13-0.**

SB 396-FN, relative to solid waste management. **OUGHT TO PASS.**

Rep. Howard Pearl for Environment and Agriculture. This bill allows NH Department of Environmental Services (DES) to contract with an independent hydrogeologist or engineer to provide technical information for a pending application under Chapter 149-M:9, and to bill those services to the applicant. DES requested this to help process applications they receive. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 223, relative to requirements for recovery houses. **OUGHT TO PASS.**

Rep. Jeffrey Goley for Executive Departments and Administration. Following implementation of RSA 153:10-d it was discovered that the requirement to have a minimum of 200 gross square feet per resident would be too restrictive and prevent approximately 25% of the existing facilities from obtaining the exemption for recovery houses. During the initial development of this language the 200 square feet per person was identified as an occupant load factor to be consistent with a typical residential load factor found in the state building and fire codes for residential occupancies. This typically is residential occupancies outside the definition of a single family home. The NARR standard requires 50 square feet per person in each sleeping room. This is consistent with the dormitory occupant loading found in the state building code. Rather than coming up with an arbitrary occupant load for NH recovery residences, this bill modifies the language to align with the NARR standard and the state building code for dorm style residential space. **Vote 13-1.**

SB 228, (New Title) relative to the regulation and practice of physician assistants. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill, requested by the Society of Physician Assistants, puts into statute current best practices by these individuals and is important to supporting PCP availability in rural NH areas. The bill neither changes the scope of practice nor is a path to independent practice. This bill puts rule making into statute, requires physician assistants to carry insurance and requires a collaboration agreement with one or more overseeing physician. NH Association for Justice is neutral on the bill but confirmed the consensus built in this bill in promoting mid-level health care. The NH Medical Society testified in support of this bill. **Vote 17-0.**

SB 230-FN, relative to the practice of body art. **REFER FOR INTERIM STUDY.**

Rep. Carol McGuire for Executive Departments and Administration. This bill would require establishments that provide body art services be licensed by the state, not just the practitioners. It would also create a new position within the OPLC to inspect these establishments. The issues raised by this change are similar to those raised by HB 1429, which created an establishment license for massage businesses: mainly the appropriateness of statewide regulation for a problem that is concentrated in a few large communities. HB 1429 is in interim study; the committee decided that this bill should join it. **Vote 18-0.**

SB 284, relative to the treatment of glaucoma. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill establishes a uniform statute allowing NH licensed optometrists who are certified by the American Board of Optometry (ABO) to treat glaucoma. Previous statute passed in 2002 prevents these optometrists who are certified by the ABO, NH licensed and recently relocated to NH, to treat glaucoma without 12 months of credential privilege involving review by an ophthalmologist. This review is impractical in rural areas and limits access to glaucoma treatment. This bill aligns current best practice into law. **Vote 17-0.**

SB 313, (New Title) relative to the authority of the office of professional licensure and certification to establish fees and establishing a committee to study and make recommendations relative to funding of the office of professional licensure and certification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended, simply deletes a number of statutory license fees that are in conflict with the OPLC's broad mandate to set fees to cover the cost of licensing and the other expenses necessary to operate the licensing agency. The study committee on funding was deleted and ED&A intends to add that topic to the broader study of OPLC operations in SB 330. **Vote 17-0.**

SB 356-FN, relative to medical benefits payments by state retirees. **OUGHT TO PASS.**

Rep. Tony Lekas for Executive Departments and Administration. Retired state employees in New Hampshire are eligible for retirement medical coverage. Prior to 2019, for Medicare eligible employees, the state provided Medicare supplemental coverage and a prescription drug plan, both funded by the state. After 2019 the coverage was transitioned to Medicare Advantage plans that provide both medical and drug coverage. This, as well as other changes, have reduced the cost of providing this coverage by over \$40 million per year. In order

to maintain these savings it is necessary that we administer the Retiree Health Plan in accordance with Medicare regulations. This bill makes changes in details related to retroactive enrollments, reinstatement, or terminations to align them with those regulations. This bill also makes changes that will reduce the cost to the state of administering the plan. **Vote 15-0.**

SB 363-FN, relative to service credit for certain group II retirement eligibility. **OUGHT TO PASS.**

Rep. John Sytek for Executive Departments and Administration. This bill is a step in the direction of fairness. In 2011, the legislature enacted a pension reform bill. This resulted in Group II participants who were not yet vested in years-of-service being required to work an additional five years to reach full retirement. This change effectively changed a benefit offered at the time of hire. It was felt that this was particularly unfair to those who were very close to vested status. This bill would permit affected members of Group II the ability to “buy time” so that they could either retire or continue in service on the basis as originally understood. There would be no cost to the NH retirement system since those exercising this option would bear the entire actuarial cost of this benefit. **Vote 12-1.**

SB 398, relative to building code and fire code enforcement. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill reconstitutes a moribund committee on code enforcement as the legislative liaison to the building code review board and the fire control board. The 2021 study committee on building code updates recommended more frequent contact between the legislature and these boards, which should smooth future adoptions of code updates. The committee amendment deletes a transition period for code updates, which is handled more comprehensively in a different bill. **Vote 14-0.**

SB 443-FN, relative to municipal authority regarding the state building code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for Executive Departments and Administration. This legislation came about from the Study Committee on Building Codes. One of the things discovered was that keeping track of local amendments has been difficult. This bill is very timely with a new set of codes being adopted by the state. This bill will assist both the building and trades people, and also the homeowner that does their own work. The amendment brings the fire code under this process as well as it is an integral part of the code universe. It also ensures that amendments to the codes cannot be enforced until they go through the approval process. **Vote 18-1.**

SB 460-FN, relative to salaries for employee positions approved by the joint committee on employee classification. **OUGHT TO PASS.**

Rep. Tony Lekas for Executive Departments and Administration. Over time the actual responsibilities of some state officers have changed and no longer correspond with their titles. This has been an issue in various departments but in the Department of Health and Human Services (DHHS) alone 80 job titles do not match the work. Cleaning this up has been an ongoing effort. This bill updates a number of these job titles. This bill also changes the salary ranges that apply to some of these jobs. Those changes have been approved by the Joint Committee on Employee Classification (JCEC) using data provided by an outside company that makes recommendations based on regional and national comparisons. There is a great deal of overlap between the salary ranges so this will not currently require raises for employees. In any case there is no fiscal impact because the departments are required to absorb any changes within their current budgets. **Vote 14-0.**

FISH AND GAME AND MARINE RESOURCES

SB 260, relative to search and rescue teams activated by fish and game. **OUGHT TO PASS.**

Rep. Timothy Lang for Fish and Game and Marine Resources. This is an indemnification bill, that indemnifies any search and rescue team and team member that is called out by the Department of Fish and Game to assist in an emergency situation such as a search for hikers and hunters. **Vote 15-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 229, relative to pharmacist administration of vaccines. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Leah Cushman for Health, Human Services and Elderly Affairs. This bill clarifies the requirements for pharmacists, pharmacy interns, licensed advanced pharmacy technicians, and now certified pharmacy technicians to administer vaccinations. It requires that they undergo training which includes hands-on injection technique and the recognition and treatment of emergency reactions to vaccinations, and that they be certified in basic cardiopulmonary resuscitation. **Vote 19-0.**

SB 275, relative to the opioid abatement trust fund. **OUGHT TO PASS.**

Rep. Dennis Acton for Health, Human Services and Elderly Affairs. This bill makes adjustments to the law regulating the Opioid Abatement Trust Fund as requested by the advisory commission. The bill changes a reference to the 2010 census in the original bill to read “disbursement from the fund shall be based on the most recent decennial census.” Based on consensus of the advisory commission and unanimous agreement

from the committee, this bill also adds two new duties to the commission: “Support evidence-based prevention programs and services, including efforts to promote healthy, drug-free lifestyles, reduce isolation, build skills and confidence, and facilitate community-based prevention efforts,” and, “Support for public school programs and services for students with OUD and any co-occurring SUD/MH issues or who have been affected by OUD and any co-occurring SUD/MH issues within their family.” These new duties will join an existing list of fourteen in the law. The Senate amended the bill to add a representative of the New Hampshire School Administrators Association to the Opioid Abatement Advisory Commission. This was supported by the advisory commission. Lastly, this bill requires the Department of Health and Human Services to include available measures of success and corresponding data of programs funded in their annual report. These measures will assist in tracking progress and results. **Vote 21-0.**

SB 279, establishing a study committee on harm reduction and overdose prevention programs. **OUGHT TO PASS.**

Rep. Frances Nutter-Upham for Health, Human Services and Elderly Affairs. Harm reduction and overdose prevention programs (OPPs) are evidence-based programs that exist in ten countries around the world. Research has demonstrated that these programs decrease the use of emergency medical services, reduce public drug use, and reduce overdose deaths. These programs also help reduce the spread of HIV and hepatitis C. The report of this committee will be due on or before November 1, 2022. **Vote 19-1.**

SB 289, relative to glucagon administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The bill amends RSA 200:40-b to allow emergency use by a school nurse or school employee, with parent permission, to administer the nasal spray version of glucagon to treat hypoglycemia (low blood sugar) in addition to the injectable version of the drug. The injectable version of the glucagon has been allowed for several years and this bill allows the use of a newer, simpler and easier version. The bill includes a provision in HB 143 passed last year to collect the format of a prescription used by a pharmacist to dispense a controlled medication as an opioid. This provision in HB 143 was attached to RSA 318-B:33. However, HB2 moved RSA 318-B:33 to RSA 126-A:91 so this provision needed to be correctly reassigned to RSA 126-A:91. **Vote 18-0.**

SB 391, relative to the operation of a state forensic psychiatric hospital. **OUGHT TO PASS.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill requires that the new forensic psychiatric hospital will be run by the State of New Hampshire, not a private entity. The Department of Health of Human Services (DHHS) may contract with a private medical organization for the provision of clinical services. This is the model currently in use at the New Hampshire Hospital, and it is currently the policy of DHHS, but this bill puts the policy into statute. **Vote 20-0.**

SB 414-FN-A, (New Title) relative to the definition of Alzheimer’s disease and related disorders. **OUGHT TO PASS.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. This bill broadens the definition of Alzheimer’s Disease and Related Disorders (ADRD) in RSA 161-F:66 to include individuals who have not received a formal diagnosis but who have significant dementia symptoms which interfere with activities of daily living. Meeting this definition is necessary to be eligible for respite services under RSA 166-F:67. Family caregivers suffer greatly caring for their loved one(s) at home. The respite program is in place to support family caregivers, therefore supporting care in the less costly home setting rather than in institutions. Clinical diagnosis of Alzheimer’s or related dementias can be difficult and is often delayed due to stigma, patient and family denial, problems accessing the appropriate specialists, and cost barriers to obtaining care. This bill will improve our respite program by increasing eligibility. **Vote 21-0.**

SB 423-FN, relative to a closed loop referral system in the department of health and human services. **OUGHT TO PASS.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. This bill establishes privacy and security for a closed loop referral system established by a private entity under contract with the Department of Health and Human Services. The bill strikes a great balance between the necessary sharing of highly sensitive information and the honoring of privacy rights of individuals. Privacy rights were overwhelmingly voted into the New Hampshire Constitution recently, and this bill honors the will of the citizenry. In sum, this bill puts the individual in charge of who gets to see his or her medical information. **Vote 21-0.**

SB 439-FN, relative to the brain and spinal cord injury advisory council and community-based support program. **OUGHT TO PASS.**

Rep. Beth Folsom for Health, Human Services and Elderly Affairs. Since its formation, the council has positions of voting members that have never been filled. In spite of the difficulty to achieve a quorum, this hard-working group of individuals has been performing the duties assigned by the legislature. They have also identified and streamlined the actual needs of their community. This bill will eliminate unneeded voting members and will repeal certain duties that have been found to be unnecessary. **Vote 18-0.**

PUBLIC WORKS AND HIGHWAYS

SB 201, relative to naming a bridge in the town of Rumney and a bridge in the town of Center Harbor. **OUGHT TO PASS.**

Rep. Bill Boyd for Public Works and Highways. The Public Works & Highway Committee voted unanimously to support this naming bill on behalf of two distinguished NH citizens. In the Town of Rumney the Main Street Bridge, which goes over the Baker River, will be renamed the “Joseph Gearty Memorial Bridge” to pay tribute to Trooper Joseph Gearty who was killed in the line of duty on November 29, 1988. Trooper Gearty, along with Trooper Gary Parker who has already been memorialized, was transporting a prisoner when a tractor-trailer, traveling in the opposite direction, lost the load of wood which fell onto the patrol car on Route 25 near the Wentworth/Warren town line. Trooper Gearty and Trooper Parker along with the prisoner died in the accident. In the Town of Center Harbor, the Winona Road Bridge will be renamed the “David Reilly Bridge” after David Reilly, a native of Somerville, Massachusetts. David served for many years on the Board of Directors for the Battleship Massachusetts and the Battleship Cove in Fall River, Massachusetts, in honor of his father, Joseph, who had served on the battleship during World War Two. Most importantly, from a young age, David and his family vacationed in the Lakes Region of New Hampshire, and maintained ties to the area. Consequently, he developed a deep love for Center Harbor. He eventually retired in Center Harbor, and immersed himself into the community. Dave became a devoted friend to the community, volunteering time with many local organizations, contributing to the preservation of the natural beauty and historical aspects of the region. He took a prominent leadership role in rehabilitating and preserving Center Harbor’s 1843 Town House. **Vote 22-0.**

SB 378-FN, relative to the disposal of highway or turnpike funded real estate. **REFER FOR INTERIM STUDY.**

Rep. John Cloutier for Public Works and Highways. This bill would create an exception for the disposal of Highway or Turnpike funded real estate under fair market value for the preservation of public interest. While the majority believes the bill is well-intended, it is concerned that its language, as now written, needs to be clarified so as to protect the state’s interest. **Vote 18-3.**

TRANSPORTATION

SB 417-FN, establishing an electric school bus pilot program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Steven Smith for Transportation. This bill creates an electric school bus pilot program utilizing only federal funds and an allocation from the New Hampshire Volkswagen Mitigation trust. Buses are required to be properly equipped for winter. Qualified proposals for the pilot program will be required to report on a variety of metrics including financial costs and benefits. The program will be administered by the Department of Environmental Services and coordinated with the Department of Energy who will monitor several metrics including the ability of excess battery power to aid grid stabilization and impact to electric rates. The committee amendment expands one category of those eligible to submit proposals from only electric distribution utilities to any investor owned utility. **Vote 15-0.**

THURSDAY, APRIL 21 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

SB 458-FN, relative to the Sununu youth services center and operation of a replacement secure facility. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Cody Belanger for the **Majority** of Children and Family Law. This bill as amended would allow for a six-bed facility to be constructed that is secure for juvenile offenders who otherwise would be charged as adults. This bill also prevents low-level offenders from being locked in a secure facility when they would do better in the community otherwise. **Vote 13-1.**

Rep. Josh Yokela for the **Minority** of Children and Family Law. The majority amendment placed HB 254 language into the bill so now this bill has the same issues that the bill had, while the minority amendment creates a plan for Sununu Youth Services Center (SYSC) closure without the problems of HB 254.

CRIMINAL JUSTICE AND PUBLIC SAFETY

SB 291, establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jennifer Rhodes for the **Majority** of Criminal Justice and Public Safety. This bill would have established a study committee to study the issue of unmarried cohabitants, and domestic partners. Under existing law in NH, common law marriages are not prohibited. Individual's choosing not to become married is not a conundrum. Currently, NH has mechanisms in the law to protect persons choosing to share a household without choosing to become married, including statutes regarding any children born from the relationship. In the event a couple is uncomfortable with becoming legally married they have the right to keep all of their assets separate. There are not any laws that makes a couple share financial assets, a home, or a car, just to name a few, even if they are legally married. A married couple has the same vulnerabilities to have a bank account liquidated when they share financial accounts. Additionally, there are home ownership options to help secure a person's vested interest in a home investment and everybody has the right to have a last will and testament prepared as well. **Vote 12-8.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. Property rights are among our most sacred and important rights. However, there are grey areas in our state laws when it comes to the division of property when relationships end between unmarried cohabitants and domestic partnerships. This lack of clarity can result in the loss of property should one of the parties exiting a relationship take advantage of another. With living arrangements outside of marriage now common among people of all ages, especially among younger people, the minority believes this is an issue worthy of additional information gathering and further study. The minority opposes the inexpedient to legislate recommendation so the legislature can be allowed to do an important part of our work.

SB 306-FN, relative to the penalties for various motor vehicle violations. **OUGHT TO PASS.**

Rep. John Bordenet for Criminal Justice and Public Safety. This bill would enhance the penalties for various vehicle violations involving the use of a mobile electronic device while driving. While it is already against the law to operate these devices while driving, this bill elevates the penalties if they commit another moving violation. The committee heard a story where a woman received serious, life-threatening injuries when hit by a driver that was texting. The driver was sentenced to 60 days in jail; that penalty seems too light. **Vote 16-4.**

SB 401-FN, (Third New Title) making appropriations to the department of transportation for local highway aid and to the body-worn and dashboard camera fund and permitting the department of transportation to operate dash cameras in fleet vehicles. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety committee after having heard testimony from various witnesses concluded that this bill Ought to Pass. This bill will deliver much needed funds to the cities and towns of the state for use in repairing bridges and roads that have been determined to be in urgent need of repair. The bill also appropriates funds for body worn cameras for police departments and dash cams for the Department of Transportation (DOT). While there was some concern over citizen privacy with regard to the DOT dash cam data, the bill does call for the destruction of the data after 36 hours barring it being necessary for use as evidence in an accident or for training purposes. Testimony from the DOT indicated that the scope and resolution of the video would be very limited. The majority of the committee also recognized that the public has a limited expectation of privacy while traveling on public ways within the state and this proposed limited use of cameras by the DOT would not violate that. **Vote 19-2.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. On November 6, 2018, 409,325 or 81% of NH voters passed CACR 16. A “yes” vote supported this amendment to provide that individuals have a right to live free from governmental intrusion in private or personal information. SB 401-FN attacks CACR 16 by allowing another government agency to download video from Department of Transportation (DOT) dash cams before the DOT would have to delete the tape. The DOT testified that another government agency could download a portion or all of the tapes and use them as they please before the three day deadline when the tape shall be deleted. NH voters were very clear with the passage of CACR 16. They do not want governmental intrusion in private or personal information as the new RSA 236:130, III subparagraph (g) would cause if SB 401 is passed and signed into law.

SB 456-FN-A, establishing a law enforcement conduct review committee in the police standards and training council and making an appropriation therefor. **REFER FOR INTERIM STUDY.**

Rep. David Welch for Criminal Justice and Public Safety. The House previously passed HB 1682-FN-A which is word for word the same bill as SB 456-FN-A with the exception of the amount to be appropriated and the addition of the definition of the term administrative suspension. The House Finance committee had reduced the amount to read \$175,000 reflecting the actual anticipated cost of this bill. The committee voted Interim Study to avoid duplication of effort. **Vote 21-0.**

EDUCATION

SB 381-FN-A, establishing an office of the advocate for special education. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill establishes the independent Office of Advocate for Special Education. Key is that this is an independent office. The Department of Education does their best, but parent issues too often are not resolved. After years of testimony from parents of children with disabilities, some in tears, relaying their stories of trying to get services for their child, it is clear that steps need to be taken. We cannot continue to let these children be denied services, and too often that is the case. We need to address the system issues if these children are to become independent adults. The office will receive complaints and have the ability to investigate the issues. An annual report from the advocate will be provided to the Governor, House, and Senate with advice for improving services to families. It is time for action for these families. **Vote 10-9.**

Rep. Sue Mullen for the **Minority** of Education. The minority of House Education recognizes the need to examine parent concerns regarding the efficacy of the special education process in NH. However, this bill establishes the Office of the Advocate for Special Education, at the expense of \$500,000, before the LBA Audit Division has been given adequate time to conduct the performance audit requested by the HB 581 study committee charged with offering suggestions for improvement. This bill does nothing to enhance the dispute resolution process that is already in place at the Department of Education. Our committee heard much testimony regarding the lack of staff and chronically under-filled positions that inhibit the department’s attempts to respond to parents and schools. If established, the Advocate for Special Education would be able to accept complaints, but would have no authority to intervene or order changes in existing policies or procedures. The minority believes the already established Office of the Child Advocate may be in a better economic and staffing position to offer families/guardians the support they need. Due to the number of issues raised and questions that could not be answered, the minority believes the bill is best suited for Interim Study.

SB 420-FN-A-LOCAL, establishing an extraordinary need grant for schools. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This legislation provides within the school funding formula, need-based grant funds based upon equalized property valuation per student. Over the next two fiscal years, these grant allocations will provide some relief to community residents and taxpayers while helping to support instruction and necessary student learning. Amending language also requires a recipient district to provide a plan to the Department of Education outlining how the district intends to improve educational achievement of students. The accountability plan is similar to the process developed and recommended in the 2018 Education Funding Study Committee Report. In addition, amending language modifies special education differentiated aid provided in the adequacy funding formula. Currently, the adequacy formula provides each district \$2,037 for each student who has an Individual Education Plan (IEP). There are 13 special education disability categories under federal law, of which certain student populations with disabilities such as traumatic brain injury (TBI), autism, deaf-blindness, hearing impairment, along with other conditions, that require additional funding to adequately meet state achievement standards and IEP expectations set by parents, educators, and specialists. As currently provided in statute, handicapping conditions proposed in category A will continue to receive an additional weighted value of 0.54 of base adequacy at \$2,037 per child. The remaining 10 handicapping conditions will receive a weighted value of 0.89 or \$3,367 per child. Differentiated aid is considered part of the state’s constitutional requirement necessary to provide

all children the opportunity for an adequate education. Every eligible student with an IEP deserves the same opportunity and support regardless of community wealth or poverty. Of New Hampshire's K-12 student population (slightly more than 166,200), approximately 30,000+ students have an IEP; the committee unanimously recognizes this very important need. **Vote 19-0.**

ELECTION LAW

SB 242, relative to the disqualification of certain persons from performing the duties of an election official. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Peter Torosian for the **Majority** of Election Law. This bill as amended makes a change to election officials' duties at the polling place when that person is a candidate on the ballot. The bill provides that the election official who is on the ballot shall not be allowed to remain in the area designated for the counting of votes within the guardrail during the counting of votes for an office for which he or she is a candidate. Additionally, the bill specifically provides that the effected official who cannot go in the area where votes are being tabulated, may be assigned to other duties by the moderator. This issue is one that comes before the committee nearly every session because of the perceived advantage to a candidate who can be at the polls all day. The majority finds this change is a step towards leveling the rules for all candidates. It ensures that an individual on the ballot will not be involved in the counting process, but will still be able to perform, delegate, or appoint a sworn assistant to complete their tasks. **Vote 11-9.**

Rep. Paul Bergeron for the **Minority** of Election Law. This bill attempts to address the appearance of conflict presented when certain election officials (including moderators and selectmen) perform election day duties for elections in which they also appear on the ballot for another office. It proposes to do so by disqualifying said officials from remaining inside the guardrail during the counting of votes. This bill is in conflict with Part 2, Article 32, of the NH Constitution which provides that elections shall be "governed by a moderator, who shall, in the presence of the selectmen (whose duty it shall be to attend)... receive the votes of all the inhabitants of such towns and wards..." Existing statutes require that the moderator assist in processing absentee ballots, oversee the counting of write-ins, rule on challenges of a person's right to vote, and sign closing paperwork and ballot box seals. By banning these election officials from "the area designated for the handling of marked ballots and for the counting of votes within the guardrail," the bill essentially bans these election officials from the polling place. Existing law which prohibits election officials who appear on a ballot from handling marked ballots sufficiently protects the integrity of elections while allowing certain election officials to fulfill the election responsibilities that they were elected to perform and are required to perform by the NH Constitution.

SB 365, relative to absentee ballot outer envelopes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Wayne MacDonald for the **Majority** of Election Law. This bill proposes to eliminate the requirement that absentee ballots be inserted into outer envelopes, unless such ballots were mailed to the town or city clerk. The bill would have also allowed the clerks to open the outer envelopes prior to election day which would give the clerk the opportunity to attach the application and potentially allow applicants time to cure defects. During the hearing on this legislation, concern was expressed that visually impaired voters would possibly be disenfranchised. That would be because there is an additional affidavit that must accompany their ballot and which must be completed and signed by the person who assisted them. That affidavit is an additional piece of paper in the outer envelope and it could get lost if the envelope was opened prior to election day. An agreement entered into between the State of NH and several groups representing visually impaired individuals (those experiencing "print disabilities") on October 1, 2021, specifically required the State of NH to accommodate the visually impaired, which this bill could undermine. Further, any preprocessing of absentee ballots raises questions of ballot security in terms of how such preprocessed ballots are stored. Depending on when an absentee ballot was returned, all voters would not get an equal opportunity to cure the defects of their ballot. **Vote 11-9.**

Rep. Paul Bergeron for the **Minority** of Election Law. Completed absentee ballots submitted by voters to their town or city clerks (other than those submitted by overseas voters) are enclosed in a signed, affidavit envelope which are then sealed within a larger return envelope. This bill would add space on the affidavit envelope for the voter to include his or her address, which is not required at the present time. Currently, when a town or city clerk receives an absentee ballot from a voter, the clerk is required to attach the voter's absentee ballot request form to the outer return envelope in preparation for delivering the absentee ballots to the polls on election day. Under the provisions of this bill, the clerk would be authorized to remove the affidavit envelope from the outer envelope and attach the absentee ballot request form directly onto the affidavit envelope. Similarly, if a voter hand-delivers his or her completed absentee ballot to the clerk, the voter can simply submit the ballot in the affidavit envelope. There is no requirement that the voter insert the affidavit envelope into another larger envelope before handing the sealed ballot to the clerk. As the prime sponsor of this bill noted, as long as the ballot stays in the sealed affidavit envelope, there is no reason for the outer envelope, and taking the affidavit envelope out of the return-mail envelope will save election officials considerable time doing so at the polls on election day.

SB 418-FN, relative to verification of voter affidavits. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for the **Majority** of Election Law. As amended, this bill attempts to close one of New Hampshire's most glaring election integrity shortfalls which is that New Hampshire does not currently require a voter registering on election day to present any form of identification (ID) and may instead sign an affidavit. This means that any person can walk into any polling location in the state and be handed a ballot in exchange for signing some pieces of paper referred to as affidavits. This system breeds distrust in the election process and results in lower voter turnout. In the 2020 election, a total of 4,244 affidavits were completed by voters and of those, 733 were completed by voters who had no ID. This bill as amended requires anyone registering to vote on election day present an ID or they must vote using an Affidavit Ballot. That voter must then produce proper identification within the next seven days, or their ballot will be removed and their vote subtracted from the total. While much concern was raised about the impact this might have on creating a general election ballot for overseas voters, the bill was amended to a time frame that the Secretary of State testified could accommodate the generation of those ballots in a timely fashion. This process would not go into effect until the next election cycle. In support of the goal of qualified voters casting ballots in our elections, the majority of the committee recommends Ought To Pass as Amended **Vote 11-9**.

Rep. Connie Lane for the **Minority** of Election Law. This bill establishes "affidavit balloting," also known as "provisional" or "challenge" ballots in the name of election integrity, despite no evidence of any abuse of the system existing under our current laws. The bill removes the ability of a voter without photo identification to sign an affidavit at the voting place swearing to the voter's address and identity. In addition to being a thinly veiled voter suppression effort, the bill is riddled with serious flaws, including a question as to whether it violates NH Constitution Part II, Article 32, by adding or subtracting votes after the tally is made by the moderator on election night. A second major flaw is that provisional ballots are not secret – they are assigned a number linking them to the voter. The moderator and other voting officials will be able to see the provisional ballot linked to a voter. Furthermore, this bill directly conflicts with RSA 656:16, which provides that there shall be no impression or mark to distinguish one general election ballot from another. The affidavit ballot is marked by the moderator. Next, the bill endangers NH's compliance with the National Voter Registration Act, which would require an overhaul of our entire voting system with an estimated cost of \$6.5 million. In cities and towns with many new voters, the impact on the voting system will be severe – requiring additional staff and training for election workers. On top of all of this, the time frames in the bill will make it exceedingly difficult, if not impossible, to comply with the Uniformed and Overseas Citizens Absentee Voting Act that requires ballots to go out to service members and their families 45 days prior to the election.

SB 425-FN, relative to the establishment of an election information portal. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ross Berry for the **Majority** of Election Law. This bill would implement an \$11,500,000 website/portal for online voter registration, absentee ballot application, and other common changes that already easily occur in New Hampshire. The majority of the committee determined that it was a very expensive solution in search of a problem. The bill proposes a large committee made up of state departments collaborate on the project, which is envisioned to ultimately encompass much more than elections. It also proposes a system to be implemented not earlier than January 2023. Members of the committee expressed concerns over the committee composition and the lack of oversight of the process. Furthermore, the new portal would incorporate voters personal consumer data into the program as a way of verifying a voter's eligibility. This creates privacy concerns for the majority which did not feel as though such information should be handled by the state in any way. While the end product would create some benefits in the election system, the cost, questions and lack of scope in the direction of the bill caused the majority of the committee to recommend Inexpedient to Legislate. **Vote 11-9**.

Rep. Paul Bergeron for the **Minority** of Election Law. This bill authorizes the Secretary of State to develop an online voter information portal which citizens may use to request an absentee ballot and request changes of name, address and party affiliation. Changes must still be approved by the supervisors of the checklist before taking effect. The Secretary of State is further authorized to consult with the Department of Information Technology, the Department of Safety, Division of Motor vehicles, city and town clerks, and supervisors of the checklist. More than 40 states currently offer some form of online voter information portal. The Secretary of State is in the process of obtaining and developing specifications and technical requirements for a new voter registration system. Developing an online voter information portal in conjunction with the development of a new statewide voter registration system would be more efficient and economical than in developing the portal separately and at a later date.

SB 427-FN, modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Wayne MacDonald for the **Majority** of Election Law. This bill proposes to expand the basis under which someone could vote by absentee ballot. It offers the additional language to the statute by adding the catego-

ry of “illness or other medical condition.” This language is very vague and open-ended. Absentee voting is an important and necessary part of the election process, but it also adds additional work for municipal election workers and, as the volume of absentee ballots increases, there is greater risk of error and inaccuracy. The large volume of absentee ballots was definitely a contributing factor that led to the well-known Windham controversy in the 2020 election. Had the volume of absentee ballots not been as high, it is far less likely that a folding machine would have been used. Additionally, the provision for absentee voting is provided for in Part 1, Article 11 of our NH Constitution. It was specifically amended to allow absentee voting for those “who by reason of physical disability are unable to vote in person.” The majority of the committee believes the expansion proposed by this bill goes beyond the constitutional allowance. The current provisions under which absentee voting can take place have worked well and this legislation is unnecessary. **Vote 11-9.**

Rep. Connie Lane for the **Minority** of Election Law. This bill modifies the absentee voter registration process, absentee ballot application, and absentee ballot voting process by adding an additional reason for exercising the right to vote by absentee ballot, that you cannot vote in person for reason of illness or other medical condition. It recognizes that illness and medical conditions are not disabilities, but can prevent someone from voting in person. The minority feels that it is important to clarify to voters that illness and medical conditions are legitimate reasons for not voting in person.

ENVIRONMENT AND AGRICULTURE

SB 267-FN-A, establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. While the Department of Agriculture, Markets, and Food has been working on problem of upland invasive species on an ad hoc basis, the lack of a formal program limits the scope of what they can do. This bill establishes a formal upland invasive species program, establishes a coordinator position for the program, and delineates the coordinator’s qualifications and responsibilities. The bill also sets up the basis for cooperation between the program, state agencies, and municipalities. To pay for program activities, the bill creates a non-lapsing fund that can accept state and federal money, grants, gifts, and donations. The bill also requests an initial appropriation of \$150,000. **Vote 17-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB 438-FN-LOCAL, (New Title) establishing state procurement policies intended to promote the use of American materials. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for the **Majority** of Executive Departments and Administration. This bill establishes the requirement, as well as waiver and fraud processes, for the use of American made steel products in all public works projects where the state administers the contract and the contract involves at least \$1,000,000 state dollars. Granite Staters would be surprised to find that NH does not use American made steel products in its state construction projects. In the NH House we promote our support for small businesses and there are several steel fabricators in NH that testified in support of this bill stating that it would help them gain a level playing field versus foreign competitors. Furthermore, there were no opponents appearing before the committee. The committee amendment removes one of four waivers that consider availability, quality, public interest and cost; the 25% cap on project cost for domestic vs foreign steel was felt to be excessive. A request for waiver includes cost, administrative burden and delay that would be imposed if the provision were not waived. **Vote 13-5.**

Rep. Matthew Santonastaso for the **Minority** of Executive Departments and Administration. This bill is classic case of special interest protectionism for steel producers. This will require the state to procure structural steel for construction from domestic producers in projects over 1 million dollars, which will force taxpayers to subsidize local businesses and will increase the cost of government. The rationale for this is that since Canada subsidizes their steel industry with electric power and medical benefits, and China and other countries subsidize their steel industries, we need to level the playing field. Leveling the playing field in this case is equally as arbitrary as building special greenhouses and lighting for banana growing to level the playing field with Florida’s banana growers. The arguments for the benefits of protectionism have been defeated again and again for centuries. There is no debate among economists, who agree that protectionism is harmful in that its costs outweigh the benefits and that it impedes economic growth. The only reason protectionism ever gets introduced into the law is for the benefit of a few. The principle of “Concentrated benefits and diffuse costs” provides that the individual cost to each tax payer is so low that it is not worth the effort to fight the new law but the benefit is so high for the steel producers that it is worth the effort to fight for the law. It was no surprise that testimony was only received from steel producers and not from taxpayers. The multiplier effect argument that the producers used to argue their case is unsound because it ignores that if the additional cost for domestic steel is left with the taxpayers, they will either spend or invest it. Both these cases would also have a multiplier effect. We shouldn’t forget the principle of the seen and unseen. The steel industry is the

seen and it is true that policies of this type will benefit that special interest but at a unseen costs are huge, i.e. by artificially propping up steel, other industries will fail due to increased labor costs, but no one will be able to point the finger that it was caused by this particular law making the negative effect unseen. That leads one to remember that labor is always a scarce resource. Especially today labor is so scarce that its crazy to argue we need this to protect jobs. This idea that we need to stop money from leaving the country or that we need to be keeping the money local is a completely backwards way of thinking and a misconception of what money even is. We should understand that money is a unit of account and not real and that goods are real. So if a country wants to under price their goods we should actually be excited to take advantage of the situation. We should allow Canada to subsidize our public work projects and thank them for the favor. The damage of protectionist policies have been shown by countless examples in history. In the 1980's, Brazil attempted to protect its computer industry by creating strong protectionist policies. These completely destroyed Brazil's microprocessor industry. The thought that we weaken our national security by buying goods from other nations is also invalid. Free trade among nations is precisely what prevents conflict. We should reject this idea completely. Is American steel such a bad product that it requires protectionism to survive?

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SB 403-FN-A, re-establishing the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program. **MAJORITY: OUGHT TO PASS. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Dennis Acton for the **Majority** of Health, Human Services and Elderly Affairs. This bill reestablishes the Special Supplemental Nutrition Program for Women, Infants and Children (known as WIC) Farmers Market Nutrition Program. The program enables thousands of low income NH children enrolled in the program to obtain a one-time \$30 credit per child to purchase fresh, locally grown fruits and vegetables at local farmers markets around the state. The amount of the credit is partially funded by federal grants and would require an appropriation of \$300,000 at the state level to provide this benefit and to operate the program. Among the numerous benefits of this legislation include the ability to educate low income families on the availability of nutritious, locally grown produce, to develop healthy eating habits within a population that has struggled with obtaining nutritious food, and to help expand the market for our local farmers while lessening the need to ship produce thousands of miles. This bill is a small but very meaningful way to develop local food production and help citizens develop healthy eating habits that will benefit them for a lifetime. **Vote 14-7.**

Rep. Erica Layon for the **Minority** of Health, Human Services and Elderly Affairs. The minority believes that there are likely better and more New Hampshire- specific ways to get locally grown vegetables on the plates of young children and their mothers. Giving a \$30 credit for produce at farmers markets doesn't address our greater issue of imperfect food not reaching our hungry residents. Further, committee members expressed concern that our farmers may end up having trouble redeeming the Women, Infants, and Children (WIC) funds based upon experience with paper WIC systems in the past. With Interim Study, this summer could provide a working lab to move food wasted today for non-health reasons onto tables and to find the roadblocks or fast lanes of the current system to address in legislation in the next session.

SB 407-FN, relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jerry Knirk for the **Majority** of Health, Human Services and Elderly Affairs. Currently the state provides Medicaid coverage to pregnant woman for only 60 days postpartum. The American Rescue Plan Act included a provision allowing the states the option to extend Medicaid coverage for up to 12 months postpartum. This bill will extend Medicaid postpartum coverage to 12 months in New Hampshire. The US has the highest rate of maternal mortality in the developed countries and our rate is increasing. Sixty-six percent of pregnancy-related deaths are preventable and 24% of the pregnancy-related deaths occur between 6 weeks and one year postpartum. Heart disease and stroke are the leading causes of death in new mothers. It is far more cost-effective to prevent heart disease and stroke than to treat them. If mothers have access to preventive and supportive postpartum care, they are less likely to have emergency health needs which lead to more uncompensated care at our community hospitals. Depressive symptoms are also prevalent in the postpartum period. Mothers struggling with postpartum depression or other postpartum medical problems are less able to return to work and care for their infant. Extension of insurance coverage has been demonstrated to decrease postpartum maternal death. The return on investment of this program will be very high. **Vote 17-4.**

Rep. Jim Kofalt for the **Minority** of Health, Human Services and Elderly Affairs. Today, nearly half of all births are paid for by Medicaid in a program where a woman must qualify once for coverage and is then covered through 60 days after birth. This bill would expand Medicaid postpartum care benefits from the current 60 days to a full year, using an optional federal program created under the American Rescue Plan Act of 2021. Unfortunately, the federal program is slated to expire after five years. Although the state's annual costs are estimated at between \$200,000 and \$1 million per year initially, those costs will expand substantially in 2027

when the federal program expires. This bill does not include any sunset provision, so unless the legislature repeals it before March of 2027, New Hampshire taxpayers will be responsible for paying 100% of additional costs incurred for coverage under this bill. In addition, there is no subsequent means-testing for benefits that would be available under this bill following an initial determination of eligibility. This creates a situation in which the state may be obligated to provide Medicaid benefits to someone whose subsequent increase in income might have otherwise precluded them from receiving public benefits.

SB 416-FN, relative to behavioral health assessment and treatment for children in out-of-home placements. **WITHOUT RECOMMENDATION**

SB 430-FN-A, relative to health and human services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Beth Folsom for Health, Human Services and Elderly Affairs. This bill is presented on behalf of the Department of Health and Human Services (DHHS). After removing parts that needed to be re-addressed, addressed by a different committee, or deemed unnecessary, what remains addresses the removal of the names of facilities no longer in operation, clarifying “Kinship” in foster care and adoption proceedings allowing for more home placements for children in familiar settings, staffing titles and definitions, and streamlining background checks for possible employees at alternative treatment centers (ATCs). It also sets up a pilot program for developmentally disabled adults in the 18-21 years of age gap in services, puts into place funding mechanisms for approved Opioid Treatment Programs, lessens requirements in lead blood testing, and gives allowances for DHHS to be able to participate in possible court cases involving people who are receiving services. Also included are sections regarding the Child Protection Act, Medicaid qualifications for payment of authorized family caregivers, federal family planning money, payback requirements for fraudulent receipt of Medicaid funds, and reporting requirements on transfer or discharge of patients in residential care. **Vote 19-1.**

SB 444-FN, relative to childhood adverse experiences treatment and prevention. **OUGHT TO PASS.**

Rep. Joe Schapiro for Health, Human Services and Elderly Affairs. Increasingly, we understand that early adverse childhood experiences (ACEs) can negatively impact brain development, emotional wellbeing, education achievement and future economic productivity. Following recommendations outlined in a 2019 legislative study committee on ACEs and closely aligned with the 2019 NH 10-Year Mental Health Plan, SB 444 seeks to increase our state’s capacity for dealing with the mental health and family support needs of children, ages birth-through-6 and their families. Specifically, it will create a pilot program for young children and their families within the current Medicaid Systems of Care program, it will strengthen the network of Family Resource Centers, and it will assist in state-wide training of mental health clinicians in Child Parent Psychotherapy (CPP), an evidence-based early intervention program. While we know that early trauma can lead to lifelong suffering and dysfunction, we also know that early prevention, diagnosis, support and treatment, can mitigate challenges and build resilience in children and families alike. Prevention and early intervention is a cost-effective way of assisting children and families before deficits multiply and cause cascading inter-generational problems. **Vote 15-6.**

SB 459-FN, relative to a health care facility workplace violence prevention program. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Lucy Weber for the **Majority** of Health, Human Services and Elderly Affairs. This bill addresses the increasing problem of violence in health care workplaces. It is the product of the Committee to Study Workplace Safety in Healthcare Settings, and is the result of significant collaboration by legislators and stakeholders. The bill has four sections. The first section establishes the Workplace Violence Prevention Program, focused on hospitals and urgent care centers--the facilities at highest risk. Each facility is required to develop and implement a workplace violence prevention program, including training in de-escalation, reporting requirements, victim support, and risk assessment. The second section creates the NH Health Care Workplace Safety Commission. Although this commission is larger than usual, as it is composed of representatives of all the hospitals and many urgent care centers, the new commission is modeled on the NH Health Care Quality and Safety Commission, which addresses patient care issues, and serves as a forum where the various institutions can share best practices and learn from each other’s experiences to ensure the best patient care. This new commission serves a similar function with respect to workplace safety, and the size reflects the wishes of the stakeholders. The third section changes the name of the NH Health Care Quality and Safety Commission to the NH Health Care and Patient Safety Commission to clarify the different missions of the two commissions. Finally, the last section allows law enforcement to make warrantless misdemeanor arrests at health care facilities when, through actual or threatened violence, there is interference with the provision of medically necessary health care services. The majority believes this provision is necessary in medical settings because the victim of an assault may be ethically required to continue to treat the patient who assaulted them, and an arrest will allow law enforcement to provide needed protection to the victim while treatment continues. **Vote 12-9.**

Rep. Erica Layon for the **Minority** of Health, Human Services and Elderly Affairs. The minority of the committee is concerned about several aspects of this bill. Most concerning is the expansion of warrantless arrests in health care settings, especially given the lack of definition of “medically necessary health care services” or how to deal with a patient fighting back against a service the provider – but not patient– deems medically

necessary. There is also the concern that hospitals and ambulatory surgery centers identified the problem, but this legislation is directed at hospitals and urgent care centers. With hospital-affiliated urgent care centers covered by hospital efforts, the minority is concerned that the burden on small urgent care facilities may be anti-competitive. Lastly, the minority is concerned that including harassment and intimidation in the same definition as physical violence with injury could draw attention away from the more severe cases of workplace violence.

PUBLIC WORKS AND HIGHWAYS

SB 278-FN, relative to funding for the Piscataqua River turning basin project in the port authority project. **OUGHT TO PASS.**

Rep. Daniel Eaton for Public Works and Highways. This bill will allow the use of \$251,143 rebate from the Army Corp. of Engineers from the Rye Harbor project to be repurposed to complete the Piscataqua River turning basin project for the Pease Development Authority. This is the final project of the Northeast Waterway Commerce obstacle and is invaluable to augment modern day commerce and the supply chain at the Pease Development Authority Division of Ports and Harbors. The project will be completed in April 2022 and the funds need to be available as soon as possible. **Vote 21-0.**

SB 346-FN-A, requiring the department of environmental services to conduct feasibility and impact studies for the construction of a pier on Hampton Beach. **OUGHT TO PASS.**

Rep. Michael Edgar for Public Works and Highways. The Hampton Beach Area Commission will study the feasibility and impacts of constructing and maintaining a pier directly South of Boar's Head in the town of Hampton. The pier would provide handicapped access for an experience not currently available on the New Hampshire seacoast. The pier could become a major attraction on the seacoast. It could help meet a goal of the Division of Parks and Recreation of having year round attractions. **Vote 14-6.**

SPECIAL COMMITTEE ON REDISTRICTING

SB 240, apportioning state senate districts. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Carol McGuire for the **Majority** of Special Committee on Redistricting. This bill revises the State Senate districts to meet the latest census data. These districts meet all constitutional and legal requirements, being contiguous and not splitting any town or ward. The populations are essentially equal, differing less than eight percent. The Senate has approved these districts, and the majority of the committee, after verifying their appropriateness, sees no reason to change them. **Vote 8-7.**

Rep. Lucy Weber for the **Minority** of Special Committee on Redistricting. The minority has many concerns with the majority proposed Senate districts. The map splits counties unnecessarily. It fails to keep communities of interest together, such as school districts, fire and EMS catchment areas, utilities, and public health districts. We heard again and again from the public that they wanted the most compact and the most competitive districts possible. This map fails to meet those goals, and a simple look at the map clearly shows what the minority believes are the gerrymandering of districts. The map increases Republican margins in 15 districts, making those districts less competitive. In the Democratic districts, voters have been packed in so that the partisan lean is significantly greater than that of the Republican districts. Turning to specific districts, District 5 packs as many Democratic voters into the district as possible. The Upper Connecticut Valley as well as Plymouth are very distinct areas, and the only justification for connecting them is partisanship. District 8 now stretches from the Manchester/Concord suburb of Dunbarton all the way to the Vermont border. The problems with District 9 are obvious at a glance. District 9 stretches from the small Connecticut River town of Hinsdale in a single line of towns a distance of some 70 miles all the way to just outside of Manchester, with its major population concentrated well to the east. District 10 has traditionally been entirely in Cheshire County, but now includes the Hillsborough towns of Peterborough and Hancock, while parts of Cheshire County have been allotted to four different Senatorial districts. District 12 contains three wards of Nashua, and stretches all the way to Rindge in Cheshire County. The City of Manchester has been split between three different Senatorial Districts—Districts 16, 18 and 20. District 16 now splits Manchester Ward 1 from Wards 2 and 12, and pairs Ward 1 with Candia, Goffstown, Hooksett and Raymond, to the detriment of all of them. District 23 now stretches the length of Rockingham County from Chester to Seabrook, again including towns with very different interests. If we are truly concerned with election integrity, we should ensure that elections are competitive, and are not predetermined by the drawing of non-competitive districts.

SB 241, apportioning executive council districts. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Leonard Turcotte for the **Majority** of Special Committee on Redistricting. This bill updates the Executive Councilor districts based on the population data provided in the latest federal census. The proposed districts distribute NH's population to five Executive Councilor districts with a deviation slightly above one percent.

Regarding the current Executive Councilor map, there has been a common complaint that District 2 stretches from the Vermont border to the NH seacoast. That district no longer exists. While not a requirement, all existing executive councilors remain in their current district. The Senate has approved these districts and no legal basis has been heard to warrant modification by the committee. **Vote 8-7.**

Rep. Paul Bergeron for the **Minority** of Special Committee on Redistricting. This bill as amended would establish five Executive Council districts that are constructed to keep as many counties together as practicable. In this proposal, seven of the state's ten counties remain whole within council districts. District 1, for example, incorporates five entire counties: Coos, Carroll, Grafton, Belknap, and Sullivan counties, whereas in SB241, District 1 would include some or all of the towns in seven different counties. District 2, which currently slithers across the width of the state from Hinsdale and Charlestown in the west, to Somersworth and Dover in the east, would become a much more compact district under this amendment and encompass Merrimack and Strafford counties and the northwestern part of Rockingham. District 3 remains similar to the existing district, though three towns are moved to balance population shifts. District 4 becomes more compact. The only town that would not share a border with Manchester is Derry. District 5 would encompass the entirety of Cheshire County and the vast majority of Hillsborough County, including Nashua. In contrast, the minority believes that SB241, as amended by the Senate, splits nine of ten counties and creates three gerrymandered (non-compact) districts: districts 1, 2 and 5. All districts proposed in Amendment 2022-1543h were deemed "relatively competitive...with a slight lean towards Republicans" by The Map-a-Thon Citizen Mapping Project's Mapping and Technical Team.

TRANSPORTATION

SB 442-FN, relative to the suspension of a vehicle registration as a result of evading toll collection systems. **ought to pass.**

Rep. Ted Gorski for Transportation. This bill allows the Director of the Division of Motor Vehicles (DMV) to suspend an owner's vehicle registration privileges until any unpaid tolls and administrative fees are paid. In addition, this bill prevents an owner from transferring ownership of a vehicle until any unpaid tolls are fees are paid. In testimony, the New Hampshire Department of Transportation (DOT) stated that 33,000 New Hampshire plates have evaded paying unpaid tolls last year as compared to approximately 50,000 plates the year before. These figures demonstrate lost revenue to the state. This bill is an attempt to close loopholes on toll evaders. **Vote 15-0.**

COMMITTEE MEETINGS

FRIDAY, APRIL 15

ADMINISTRATIVE RULES (RSA 541-A:2), Room 306-308, LOB

9:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 302-304, LOB

1:00 p.m. Subcommittee Work Session on **SB 282**, relative to the board of acupuncture licensing and relative to the qualifications for licensure as an acupuncturist.

FISCAL COMMITTEE (RSA 14:30-a), Room 210-211, LOB

10:00 a.m. Regular meeting.

OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 21-V:10), Room 100, SH

8:00 a.m. Regular meeting.

MONDAY, APRIL 18

COMMISSION TO EVALUATE THE EFFECTIVENESS AND FUTURE OF THE NEW HAMPSHIRE GRANITE ADVANTAGE HEALTH CARE PROGRAM (RSA 126-AA:4), Room 210-211, LOB

10:00 a.m. Regular meeting.

CURRENT USE BOARD (RSA 79-A:3), Dept. of Revenue Admin. Training Room 109 Pleasant Street Concord, NH 03301

10:00 a.m. Regular meeting.

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a), Dolloff Building 117 Pleasant Street Concord, NH

2:00 p.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 302-304, LOB

10:00 a.m. **SB 53**, relative to confidentiality of department of revenue administration records.

- 10:30 a.m. **SB 220**, relative to establishing a committee to study licensure of mental health professionals.
 11:15 a.m. **SB 221**, relative to the internal organization of the department of corrections.
 1:00 p.m. **SB 218**, declaring October 13 as Metastatic Breast Cancer Awareness Day.
 1:00 p.m. **SB 219**, declaring the month of September as kinship care awareness month.
 Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

FINANCE - DIVISION III, Room 212, LOB

- 10:00 a.m. Division Work Session on **SB 412-FN-A**, making an appropriation to the department of health and human services for nursing home reimbursement rates; **SB 422-FN**, establishing an adult dental benefit under the state Medicaid program.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301-303, LOB

- 10:00 a.m. Executive Session on **SB 239-FN**, relative to noncompliance with municipal audit requirements; **SB 245**, establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters; **SB 246**, relative to qualified private communities; **SB 249**, prohibiting planning and zoning ordinances that prohibit short-term rentals; **SB 251**, relative to the advisory board of a tax increment financing district; **SB 273-A**, relative to broadband infrastructure funding; **SB 312**, relative to adjusted assessments of taxable property; **SB 317-L**, reducing the interest rate for abatements of paid property taxes; **SB 329**, establishing a commission to study barriers to housing development in New Hampshire, including workforce and middle-income housing; **SB 334-L**, establishing a committee to study property blight in New Hampshire cities and towns; **SB 400-FN**, relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a), New Hampshire Veterans Home, Tarr South Conference Room, 139 Winter Street, Tilton, NH 03276

- 9:00 a.m. Regular meeting.

TUESDAY, APRIL 19

CHILDREN AND FAMILY LAW, Room 201-203, LOB

- 10:00 a.m. Executive Session on **SB 144-FN**, relative to child care scholarships; **SB 326-FN**, relative to developing a plan to create the office of early childhood; **SB 336**, relative to family mediator interns; **SB 431-FN**, relative to child support in cases with equal or approximately equal parenting schedules; **SB 457**, establishing a committee to study nonprofit organizations contracting with the department of health and human services for children's services.
 Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

EDUCATION, Room 205-207, LOB

- 10:00 a.m. Public hearing on non-germane Amendment #2022-0734h to SB 236, establishing a committee to study New Hampshire teacher shortages and recruitment incentives. The amendment establishes a committee to study New Hampshire teacher shortages and recruitment incentives and also provides that teachers of grades 7-12 shall be considered secondary school teachers for purposes of teacher loan forgiveness programs. Copies of the amendment are available in the Sergeant-at-Arms office, Room 318, State House.
- 10:30 a.m. Public hearing on non-germane Amendment #2022-1431h to SB 352, relative to substitute teacher criminal history records check. The amendment permits substitute teachers who have undergone a criminal records check to work within the same school administrative unit without undergoing an additional records check and also requires parents to be notified if a student's records are released under certain circumstances. Copies of the amendment are available in the Sergeant-at-Arms office, Room 318, State House.
- 11:00 a.m. Executive Session on **SB 233-FN**, relative to water bottle filling stations in schools; **SB 236**, establishing a committee to study New Hampshire teacher shortages and recruitment incentives; **SB 350**, relative to rulemaking by the state board of education on educational personnel applicant checks and licensing standards; **SB 352**, relative to substitute teacher criminal history records check; **SB 386**, relative to the determination of state adequate education grants and chartered public school tuition amounts.
 Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 301-303, LOB

- 1:00 p.m. Subcommittee Work Session on **SB 367**, relative to the regulatory status of advanced recycling and manufacturing facilities.
- 2:00 p.m. Continued Public Hearing on **SB 368-FN**, relative to the unlicensed sale of live animals and establishing the agricultural hearings officer revolving fund.
Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
- 2:10 p.m. Full Committee Work Session on **SB 368-FN**, relative to the unlicensed sale of live animals and establishing the agricultural hearings officer revolving fund.
Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 302-304, LOB

- 9:00 a.m. Subcommittee Work Session on **SB 277-FN**, relative to emergency or temporary health care licenses.
- 10:00 a.m. **SB 274**, relative to governmental construction contracts.
- 10:45 a.m. **SB 333**, relative to licensure of case management service providers.
- 11:30 a.m. **SB 225**, relative to the bond required of applicants for auctioneer licenses.
- 1:00 p.m. **SB 226-FN**, establishing a recruitment and retention program for state employment.
- 1:45 p.m. **SB 382**, relative to licensure requirements for telehealth services and relative to licensure of physicians and physicians assistants through reciprocity agreements.
Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
- 2:30 p.m. Public hearing on nongermane amendment #2022-1424h to SB 330-FN, establishing a committee to study and make recommendations relative to the office of professional licensure and certification and the licensure of professions under boards, councils, and commissions within the office; relative to the boxing and wrestling commission; and relative to the expiration of terms of the board of foresters members. The amendment establishes a committee to study and make recommendations relative to the office of professional licensure and certification, and the licensure of professions under boards, councils, and commissions within the office. The amendment also relocates the boxing and wrestling commission under the office of professional licensure and amends the provision for expiration of terms of the members of the board of foresters. Copies of the amendment are available in the Sergeant-at-Arms Office, Room 318, State House.

FINANCE - DIVISION II, Room 209, LOB

- 10:00 a.m. Division Work Session on **SB 402-FN**, relative to financial assistance for municipalities affected by disasters; **SB 409**, relative to disaster relief loans.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 201-203, LOB

- 9:30 a.m. **SB 335**, relative to collaborative pharmacy practice agreements.
- 10:15 a.m. **SB 408-FN**, directing the department of health and human services to make adjustments to the facility fee reimbursement schedule for freestanding birthing centers.
- 11:00 a.m. **SB 419-FN**, establishing a commission to study the delivery of public health services in New Hampshire through regional public health networks.
- 11:45 a.m. **SB 337-FN**, relative to emergency medical and trauma services data sharing to the purposes of analysis.
- 1:15 p.m. **SB 288**, establishing a committee to study the listing of immunizations for children.
- 2:00 p.m. **SB 390**, relative to telemedicine and telehealth.
Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

SCIENCE, TECHNOLOGY AND ENERGY, Room 306-308, LOB

- 9:00 a.m. Executive Session on **SB 263**, establishing the New Hampshire youth environmental education and conservation council; **SB 265**, relative to the aggregation of electric customers by counties; **SB 271**, relative to the Burgess BioPower facility; **SB 321**, relative to the purchase of output of limited electrical energy producers in intrastate commerce and including qualifying storage systems; **SB 448-FN**, relative to energy reduction by state agencies; **SB 395**, relative to the broadband matching grant initiative; **SB 429-FN**, relative to the site evaluation committee; **SB 262**, relative to customer generators of electric energy.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 206-208, LOB

- 10:00 a.m. **SB 360**, relative to national guard educational benefits.
Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

WEDNESDAY, APRIL 20

COMMERCE AND CONSUMER AFFAIRS, Room 302-304, LOB

- 10:00 a.m. Subcommittee Work Session on **SB 272**, establishing a committee to study the oversight and operation of the public deposit investment pool; **SB 285**, relative to discount medical plan organizations.
- 1:00 p.m. Executive Session on **SB 121**, relative to a state-based health exchange; **SB 160-FN**, relative to multiple employer welfare arrangements; **SB 202-FN**, prohibiting the sale of cosmetic products tested on animals; **SB 204**, relative to the definition of “covered claim” for purposes of the New Hampshire insurance guaranty association act; **SB 205**, relative to the insurance department administration fund; **SB 206**, relative to consumer guaranty contracts; **SB 207**, relative to administrative fee credit for insurance company external review; **SB 208**, relative to life insurance; **SB 210**, relative to the sale of manufactured housing parks; **SB 212-FN**, relative to liquor manufacturers; **SB 272**, establishing a committee to study the oversight and operation of the public deposit investment pool; **SB 285**, relative to discount medical plan organizations; **SB 286-FN**, establishing an association health plan pilot program; **SB 287**, relative to balance billing for certain health care services; **SB 319-FN**, relative to vaccination status and wellness incentives; **SB 324-FN**, relative to the resolution of disputes for condominium unit owners, homeowners’ association unit owners, and tenant owned manufactured housing parks; **SB 340-FN**, relative to the direct to consumer shipment of alcohol to New Hampshire residents; **SB 354**, relative to insurance adjuster licensing, insurance producer licensing fees, and the sale of credit life and credit accident and health insurance policies by banks; **SB 355-FN**, requiring online marketplaces to disclose certain information to consumers; **SB 373**, relative to coverage for certain mental illnesses; **SB 385-FN**, relative to financial exploitation of vulnerable adults.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 301-303, LOB

- 10:00 a.m. Executive Session on **SB 209**, relative to electronic wage payments; **SB 276**, relative to the reporting requirements for the regenerative manufacturing workforce development program; **SB 345**, relative to youth employment; **SB 377-FN**, relative to the eligibility of certain injuries of state troopers for workers’ compensation.

NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R:2), Room B119 121 South Fruit Street Concord, NH

- 1:00 p.m. Subcommittee meeting.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305-307, LOB

- 9:00 a.m. Exotic Aquatic Weeds and Animal Species Committee Presentation.
- 9:45 a.m. **SB 452-FN**, relative to lead in drinking water in schools and licensed child care facilities.
- 10:45 a.m. Executive Session on **SB 257**, enabling municipalities to incorporate sewage disposal systems as part of their stormwater utility; **SB 258-FN-L**, relative to the graves of African Americans alive during the period of American enslavement; **SB 305**, relative to the operation of personal water craft in marked channels from Hampton Falls to Hampton Harbor.
Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

THURSDAY, APRIL 21

HOME EDUCATION ADVISORY COUNCIL (RSA 193-A:10), Granite State Building Room 101 25 Hall Street Concord, NH 03301

- 3:30 p.m. Regular meeting. Zoom Access:
For the general public wishing to join the meeting, the following can be used: <https://us02web.zoom.us/j/86908506528?pwd=MGtWMTVmdkoybDMyNkpTLzhSblM2QT09>
Meeting ID: 869 0850 6528
Passcode: 218386
For questions in regard to zoom, the public may contact: Timothy Carney at homeeducation@doe.nh.gov or 603-271-2436.

FRIDAY, APRIL 22

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

- 12:00 p.m. Regular meeting.

GOVERNOR'S COMMISSION ON ALCOHOL AND DRUG ABUSE PREVENTION, TREATMENT, AND RECOVERY (RSA 12-J:1), Fox Chapel 105 Pleasant Street Main Bldg. Concord, NH 03301

9:30 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

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

9:00 a.m. Regular meeting. Join Zoom Meeting

<https://us06web.zoom.us/j/86109629014?pwd=TXBmZWJBb2JJVVEs0bjVsamVwZ1pQQT09>

Meeting ID: 861 0962 9014

Passcode: 872878

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

9:00 a.m. Regular meeting. <https://register.gotowebinar.com/register/944991081080221199>

SPECIAL COMMITTEE ON REDISTRICTING, Room 201-203, LOB

10:00 a.m. **SB 200**, relative to the election of district commissioners in Haverhill.

10:30 a.m. Public hearing on proposed non-germane Amendment #2022-1523h to SB200, relative to the election of district commissioners in Haverhill. The amendment establishes new United States House of Representative districts in accordance with the latest federal decennial census. Copies of the amendment are available in the Sergeant-at-Arms office, Room 318, State House and on the General Court website.

Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

MONDAY, APRIL 25**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 302-304, LOB**

10:30 a.m. **SB 224**, recognizing the second Thursday in October as children's environmental health day.

10:45 a.m. Public hearing on proposed Amendment #2022-1506h to SB 224, relative to nonresident electrician license reciprocity. The amendment requires that an electrician seeking nonresident license reciprocity must hold an active and valid electrical license in good standing from another state. Copies of the amendment are available in the Sergeant-at-Arms Office, Room 318, State House.

11:15 a.m. **SB 450**, relative to the prescription drug affordability board.

Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R:2), Room B119 121 South Fruit Street Concord, NH

10:00 a.m. Regular meeting.

Fred Brown Building Room 288 129 Pleasant Street Concord, NH

12:30 p.m. Subcommittee meeting.

NEW HAMPSHIRE PRESCRIPTION DRUG AFFORDABILITY BOARD (RSA 126-BB:2), Brown Building Auditorium, Health and Human Services, 129 Pleasant St. Concord NH 03301

1:00 p.m. Regular meeting. Please see Board the website for additional information regarding this meeting:

<https://www.dhhs.nh.gov/ombp/medicaid/nhpdab/index.htm>

STATE COMMISSION ON AGING (RSA 19-P:1), NH Employment Security 45 South Fruit Street Concord, NH

10:00 a.m. Regular meeting. Remote access via Zoom:

<https://us02web.zoom.us/j/87430173115?pwd=bUFER3I5emt3NGVueDBYYW9SZThLUT09>

By Phone: +1 (929) 205-6099 using Meeting ID: 874 3017 3115 and Passcode: 295220

Questions? Please contact Rebecca Sky at Rebecca.Sky@nh.gov or 603-271-0527 or 603-848-4204.

Main Topic: Workforce Development

TUESDAY, APRIL 26**FINANCE, Room 210-211, LOB**

10:00 a.m. Executive Session on **SB 227-FN**, relative to death benefits for first responders who die from suicide; **SB 409**, relative to disaster relief loans; **SB 371-FN-A**, making an appropriation to the lead paint hazard remediation fund; **SB 422-FN**, establishing an adult dental benefit under the state Medicaid program.

NEW HAMPSHIRE DRUG OVERDOSE FATALITY REVIEW COMMISSION (RSA 126-BB:1), DHHS Brown Auditorium, 129 Pleasant St., Concord, NH 03301

4:00 p.m. Regular meeting.

Join Zoom Meeting:

<https://nh-dhhs.zoom.us/j/3031726939?pwd=ckNDcmNyM1VJdGtsWWIDd2hCWlJVUT09>

Meeting ID: 303 172 6939 Passcode: 810055

THURSDAY, APRIL 28**COMMISSION ON THE INTERDISCIPLINARY PRIMARY CARE WORKFORCE (RSA 126-T), Division of Public Health Services Rooms 110-111 29 Hazen Drive Concord, NH**

2:00 p.m. Regular meeting.

Join Zoom Meeting

<https://nh-dhhs.zoom.us/j/92890253816?pwd=NlhqNCtJemxWQlZXVUFDK0NFU1JYdz09>

Meeting ID: 928 9025 3816 Passcode: 579160

Find your local number: <https://nh-dhhs.zoom.us/u/abLxgbSLiU>

The following email address will be monitored throughout the meeting, should participants have technical difficulties: Alisa.Druzba@dhhs.nh.gov

MONDAY, MAY 9**COMMISSION TO STUDY GRANDFAMILIES IN NEW HAMPSHIRE (RSA 170-G:17-b), Room 100, SH**

1:00 p.m. Regular meeting.

FRIDAY, MAY 13**COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a), Room 000, REMOTE**

10:00 a.m. Regular meeting.

This meeting will take place by remote conference. To listen in please follow the instructions below:

Please register for HB 737 Commission Meeting on May 13, 2022 10:00 AM EST at:

<https://attendee.gotowebinar.com/rt/5746796955811836429>

After registering, you will receive a confirmation email containing information about joining the webinar. You also may join the meeting by phone:

Call in Number: 1 (415) 930-5321 Access Code: 613-661-216 Webinar ID: 754-269-779

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 THE INCIDENCE OF POST-TRAUMATIC STRESS DISORDER IN FIRST RESPONDERS AND WHETHER SUCH DISORDER SHOULD BE COVERED UNDER WORKERS' COMPENSATION (RSA 281-A:17-d), NH Fire Academy 98 Smokey Bear Blvd Classroom 2 Concord, NH 03301

10:00 a.m. Regular meeting.

LONG-TERM SEACOAST COMMISSION ON DRINKING WATER (RSA 485-F:6), NHDES Portsmouth Regional Office Room A Pease International Tradeport 222 International Dr., Suite 175, Portsmouth, NH 03801

2:00 p.m. Regular meeting.

FRIDAY, MAY 20**LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1), Room 206-208, LOB**

10:00 a.m. Regular meeting.

NEW HAMPSHIRE RARE DISEASE ADVISORY COUNCIL (RSA 126-A:79), DHHS Health Training Room 3rd Floor 29 Hazen Drive Concord, NH 03301

3:00 p.m. Regular meeting. Join Zoom Meeting
<https://nh-dhhs.zoom.us/j/3947758509?pwd=ekp1cjBacVRrTXA2dG1MSW1YL1NYZz09>
 Meeting ID: 394 775 8509 Passcode: MCH

OVERSIGHT COMMISSION ON CHILDREN'S SERVICES (RSA 21-V:10), Room 100, SH

8:00 a.m. Regular meeting.

MONDAY, MAY 23**CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201-203, LOB**

10:15 a.m. Regular meeting.

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

9:30 a.m. Regular meeting.

NEW HAMPSHIRE PRESCRIPTION DRUG AFFORDABILITY BOARD (RSA 126-BB:2), Brown Building Auditorium, Health and Human Services, 129 Pleasant St., Concord, NH 03301

10:00 a.m. Regular meeting. Please see Board the website for additional information regarding this meeting:
<https://www.dhhs.nh.gov/ombp/medicaid/nhpdab/index.htm>

OFFICIAL NOTICES

The **Rockingham** County Executive Committee will meet on **Friday, May 6, 2022, at 9:30 a.m.**, in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood, NH. The purpose of the meeting is to conduct the third quarter budget review and vote to recommend Salaries and Benefits for Elected Officials for the next term of office commencing January, 2023, to the full County Convention.

Rep. David A. Welch, Clerk

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.

On **April 15, 2022, from 12:15-12:50 pm**, the Bipartisan Disability Caucus will be meeting on Zoom to discuss issues and legislation affecting the disability community. Audrey Gerkin from the Council for Youth with Chronic Conditions will be presenting a brief virtual presentation. All are welcome. If you have any questions, please reach out to Representative Gaby Grossman.

Zoom Meeting ID: 766 5279 4076 Passcode: caucus

Rep. Gaby Grossman

On **Saturday, April 16, 2022**, the New Hampshire Fish and Game Department invites all legislators, staff, and their families to Discover Wild New Hampshire Day, a fun opportunity to explore the wildlife and outdoor resources of our great state. From educational exhibits on the environment to live animals, hands-on sporting activities, kids' crafts, great food, and the latest hunting and fishing gear, there is something for the whole family to enjoy. The event runs from 10:00 am to 3:00 pm. For more information, please visit our website at: <https://www.wildlife.state.nh.us/events/dwnh.html> or contact Nicola Whitley, Chief of Public Affairs, at Nicola.L.Whitley@wildlife.nh.gov or 271-3211.

Rep. Tim Lang

Walmart cordially invites all legislators and staff to their annual legislative lunch in the State House cafeteria on **Thursday, May 5** during the session lunch break.

Rep. Steven Smith

In recognition of your support, the New Hampshire Law Enforcement Officers Memorial Association cordially invites you to attend the 30th Annual New Hampshire Fallen Law Enforcement Officers Memorial Ceremony, to honor the Law Enforcement Officers throughout the state of New Hampshire who have made the ultimate sacrifice and died in the line of duty while protecting the citizens of the state. The ceremony will be held on **Friday, May 20, 2022**, beginning promptly at **10:00 a.m.**, at the Memorial site in front of the Legislative Office Building. The ceremony will proceed rain or shine. Please do not hesitate to contact Colonel Kevin Jordan at the New Hampshire Fish and Game Department at 603-271-3128 should you have any questions.
Speaker Packard

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB102, HB103, HB347, HB355, HB591, HB611, HB620, HB624, HB1064, HB1130, HB1228, HB1235, HB1237, HB1288, HB1318, HB1423, HB1456, HB 1469, HB1496, HB1521, HB1526, HB1531, HB1535, HB1540, HB1547, HB1586, HB1587, HB1598, HB1604, HB1608, HB1621, HB1622, HB1628, HB1629, HB1632, HB1635, HB1642, HB1647, HB1661, HB1665, HB1677, HB1681, HB1682, SB59, SB92, SB160, SB202, SB267, SB278, SB294, SB301, SB303, SB324, SB326, SB340, SB355, SB363, SB366, SB383, SB385, SB400, SB401, SB402, SB405, SB407, SB418, SB422, SB423, SB427, SB429, SB430, SB435, SB438, SB452, SB460.

Paul C. Smith, Clerk of the House

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitor Center offers the following schedule of schools and other groups visiting the State House. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule books for the school year and subject to changes.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

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

DATE	TIME	GROUP	#/GRADE
April 15	9:00	Epsom Central School	42/4
April 15	9:30/10:45	Barnstead Elementary School	80/4
April 18	9:45/11:00	Thornton's Ferry School – Merrimack	90/4
April 18	2:00	Around the Dome GSA tour	25/adults
April 19	9:30	Maple St. Magnet School – Rochester	42/4&5
April 19	10:00/11:30	Newmarket Elementary School	75/4
April 19	10:30	Christa McAuliffe School – Concord	50/4
April 20	10:00/11:15	Hampstead Central School	100/4
April 21	9:30/11:00	Garrison School – Dover	100/4
April 21	9:00/11:30	John Fuller Elementary – No. Conway	70/4
April 21	12:00	Wediko School	6/HS
April 22	9:00	Chichester Central School	25/4
April 22	10:30	Portsmouth Christian Academy	44/4
April 22	10:00/11:00	Woodman Park School – Dover	100/4
April 25	1:00	OLLI Around the State House tour	30/Srs
April 26	2:00	The Birches at Concord	10/Srs
April 27	9:00	UNH Cooperative Extension – 4H	40
April 28	9:30	Capital Christian School – Concord	15/k-8
April 29	10:00	Grantham Village School	48/4
May 2	9:00/10:15	Hudson Memorial School	60/8
May 3	9:30	The Well School – Peterborough	16/4
May 3	10:30	Milton Elementary School	42/4

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>#/GRADE</i>
May 4	10:00	Swasey Central School – Brentwood	49/4
May 5	10:00	Trinity Christian School – Keene	10/4
May 5	10:00	Piermont Village School	23/3-6
May 6	10:00	The Founders Academy	50/MS
May 9	10:00	Henry Moore School – Candia	30/4
May 10	10:00/12:00	Bernice A. Ray School – Hanover	84/4
May 11	10:00	Greenland Central School	48/4
May 11	10:00	Mt. St. Mary Academy – Manchester	26/4&5
May 12	9:45	St. Charles School – Rochester	17/4
May 12	10:15 *2 tours	Moharimet School- Madbury	75/4
May 13	10:00/11:00	Rindge Memorial School	55/4
May 13	9:15	Nottingham School	46/4
May 13	1:00	Bowman Place at Olde Bedford	12/Srs
May 16	10:30	Jaffrey Grade School	38/4
May 16	9:30	Conway Elementary School	35/4
May 17	9:30	Gonic Elementary School	40/4
May 17	9:45	Maple Ave. Elementary School – Claremont	50/4
May 18	9:00	St. Francis of Assisi School – Litchfield	50/4
May 18	10:00	Village Questers Group	20/adults
May 18	10:00/11:00	Epping Elementary School	80/4
May 19	9:00	New Found Regional HS	25/HS
May 19	9:45/10:45	Inter-Lakes Elementary School – Meredith	75/4

AMENDMENTS
(LISTED IN NUMERICAL ORDER)

Amendment to SB 229
(2022-1334h)

Proposed by the Committee on Health, Human Services and Elderly Affairs – c

Amend RSA 430:58, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) Invite the participation of state and federal agencies, municipalities, universities, the general public, or others in helping to manage, educate, and raise awareness of invasive species.

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

1 Pharmacist Administration of Vaccines. Amend RSA 318:16-b to read as follows:

A pharmacist, pharmacy intern, ~~or~~ licensed advanced pharmacy technician, **or certified pharmacy technician**, under the supervision of an on-site immunizing pharmacist may administer influenza and a COVID-19 vaccine, if available, to the general public. A pharmacist, pharmacy intern, or licensed advanced pharmacy technician, under the supervision of an on-site immunizing pharmacist may administer haemophilus influenza, hepatitis A, hepatitis B, hepatitis A and B, human papillomavirus, meningococcal, pneumococcal, tetanus and diphtheria, varicella, zoster, MMR (measles, mumps, and rubella), and Tdap (tetanus, diphtheria and pertussis) vaccines, which have been approved by the Food and Drug Administration, to individuals 18 years of age or older as ordered by an immunizing pharmacist. The pharmacist, pharmacy intern, ~~or~~ licensed advanced pharmacy technician, **or certified pharmacy technician** shall:

I. Hold a current license to practice as a pharmacist, be registered as a pharmacy intern under RSA 318:15-b in New Hampshire, or be licensed as a licensed advanced pharmacy technician under RSA 318:15-c, **or be a certified pharmacy technician and registered with the board pursuant to RSA 318:15-a.**

II. Possess at least \$1,000,000 of professional liability insurance coverage.

III. In order to administer vaccines, have completed training specific to administration of the respective vaccines that includes programs approved by the Accreditation Council for Pharmacy Education (ACPE) or curriculum-based programs from an ACPE-accredited college of pharmacy or state or local health department programs or programs recognized by the board. **This training shall include hands-on injection technique and the recognition and treatment of emergency reactions to vaccinations.**

IV. Have a current certificate in basic cardiopulmonary resuscitation.

~~IV~~V. Provide to the board evidence of compliance with paragraphs I-~~III~~ **IV.**

~~V~~VI. Provide notice to the primary care provider, when designated by the patient, of the administration of any vaccine.

~~VI~~VII. Record the vaccination in the state vaccine registry in accordance with RSA 141-C:20-f and/or when required by state and federal law and maintain a record of the vaccination as required by state and federal law.

[VH]VIII. Submit reports of any adverse reactions following vaccination to the Centers for Disease Control (CDC) Vaccine Adverse Event Reporting System (VAERS).

IX. Review the vaccine registry or other vaccination records before administering the vaccination.

- 2 Repeal. RSA 318:16-f, relative to pharmacy technician administration of COVID-19 vaccines, is repealed.
3 Effective Date. This act shall take effect 90 days after its passage.

2022-1334h

AMENDED ANALYSIS

This bill amends the requirements for the administration of vaccines and permits certified pharmacy technicians to administer vaccines.

**Amendment to SB 241
(2022-1543h)**

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

Amend the bill by replacing section 1 with the following:

1 Councilor Districts. RSA 662:2 is repealed and reenacted to read as follows:

662:2 Councilor Districts. The state is divided into 5 districts for the choosing of councilors, each of which may elect one councilor. The districts shall be constituted as follows:

I. Councilor district number 1 is constituted of the counties of Belknap, Carroll, Coos, Grafton, and Sullivan.

II. Councilor district number 2 is constituted of the county of Strafford, the towns of Allenstown, Andover, Boscaawen, Bow, Bradford, Canterbury, Chichester, Danbury, Deerfield, Dunbarton, Epsom, Henniker, Hill, Hopkinton, Loudon, Newbury, New London, Northfield, Northwood, Nottingham, Pembroke, Pittsfield, Salisbury, Sutton, Warner, Webster, and Wilmot and the cities of Concord and Franklin.

III. Councilor district number 3 is constituted of the towns of Atkinson, Brentwood, Candia, Chester, Danville, East Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton, Hampton Falls, Hudson, Kensington, Kingston, New Castle, Newfields, Newington, Newmarket, Newton, North Hampton, Pelham, Plaistow, Raymond, Rye, Salem, Sandown, Seabrook, South Hampton, Stratham, and Windham, and the city of Portsmouth.

IV. Councilor district number 4 is constituted of the towns of Auburn, Bedford, Derry, Goffstown, Hooksett, Litchfield, Londonderry, Merrimack, and the city of Manchester.

V. Councilor district number 5 is constituted of the county of Cheshire, the towns of Amherst, Antrim, Bennington, Brookline, Deering, Frankestown, Greenfield, Greenville, Hancock, Hillsborough, Hollis, Lyndeborough, Mason, Milford, Mont Vernon, New Boston, New Ipswich, Peterborough, Sharon, Temple, Weare, Wilton, and Windsor, and the city of Nashua.

**Amendment to SB 242
(2022-1353h)**

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

Amend the bill by replacing section 2 with the following:

2 Election Procedure; Counting of Votes; Disqualification of Officials. Amend RSA 659:58 to read as follows:

659:58 Disqualification of Officials. Any election official~~[, other than the moderator,]~~ who is also a candidate for office, ***other than a position of an election official***, shall not be allowed to remain ***in the area designated for the counting of votes*** within the guardrail during the counting of votes for an office for which he is a candidate. Such official shall disqualify himself from election duties relating to the tabulation of votes; and the moderator shall appoint an assistant who shall take the same oath as, serve in the same capacity as, and have all the powers of the election official who is disqualified until such official may properly return. ***The moderator may assign any election official disqualified pursuant to this section to other duties not related to the tabulation of votes.***

**Amendment to SB 267-FN-A
(2022-1441h)**

Proposed by the Committee on Environment and Agriculture- r

Amend RSA 430:58, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) Invite the participation of state and federal agencies, municipalities, universities, the general public, or others in helping to manage, educate, and raise awareness of invasive species.

**Amendment to SB 289
(2022-1336h)**

Proposed by the Committee on Health, Human Services and Elderly Affairs - c

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

AN ACT relative to glucagon administration and relative to the dispenser report under the controlled drug prescription health and safety program.

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

1 Glucagon Administration. Amend the section heading of RSA 200:40-b to read as follows:
200:40-b Glucagon [Injections] **Administration.**

2 New Subparagraph; Controlled Drug Prescription Health and Safety Program; Dispenser Report. Amend RSA 126-A:91, VI by inserting after subparagraph (o) the following new subparagraph:

(p) The format of the prescription: electronic, faxed, written, oral, or other.

3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

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

2022-1336h

AMENDED ANALYSIS

This bill changes a statutory reference from glucagon injections to glucagon administration. This bill also adds a requirement to the dispenser report under the controlled drug prescription health and safety program.

**Amendment to SB 293-FN
(2022-1348h)**

Proposed by the Committee on Criminal Justice and Public Safety – c

Amend RSA 430:58, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) Invite the participation of state and federal agencies, municipalities, universities, the general public, or others in helping to manage, educate, and raise awareness of invasive species.

Amend section 2 of the bill by replacing paragraph I with the following:

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

(a) Two members of the senate, who shall be from the committee with jurisdiction over judiciary matters, appointed by the president of the senate.

(b) One member of the house of representatives, appointed by the speaker of the house of representatives.

**Amendment to SB 313
(2022-1385h)**

Proposed by the Committee on Executive Departments and Administration– c

Amend RSA 430:58, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) Invite the participation of state and federal agencies, municipalities, universities, the general public, or others in helping to manage, educate, and raise awareness of invasive species.

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

AN ACT relative to the authority of the office of professional licensure and certification to establish fees.

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

1 Acupuncture; Fees. Amend RSA 328-G:9, II(d) to read as follows:

(d) Has paid the [~~\$110~~] license fee and filed the application established by the board.

2 Alcohol and Other Drug Use Professionals; Fees. Amend RSA 330-C:8, I to read as follows:

I. The board shall charge licensed alcohol and drug counselors, licensed clinical supervisors, and certified recovery support workers a [~~\$110~~] fee for the issuance of an initial license or certificate, and [~~\$110~~] **a fee** for the renewal of a license or certificate under this chapter. [~~The fee for a master licensed alcohol and drug counselor shall be \$240 and the renewal fee shall be \$240.~~] All licenses shall be renewed biennially on or before June 30 upon payment of the license renewal fee. In addition the board shall establish by rule fees for license and certificate applications, late renewal, and reinstatement of all licenses and certifications authorized by this chapter.

3 Body Art; License Required; Fees. Amend RSA 314-A:2, II to read as follows:

II. **There shall be a fee for an initial license and a renewal license.** The procedure and timeframe for license renewals shall be as described in RSA 310-A:1-h.

4 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall receive a license from the board as a chiropractor permitted to practice in New Hampshire. [~~The fee for an initial license and for a license renewal shall be \$300.~~] **Each applicant who qualifies under this chapter shall pay a fee for an initial license and a license renewal. The initial license and license renewals shall be valid for the terms established under RSA 310-A:1-h.**

5 Chiropractic; Renewal. Amend RSA 316-A:20, II to read as follows:

II. Each applicant for renewal shall submit satisfactory evidence that the applicant has completed at least 20 hours of continuing education approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of chiropractic examiners, or

any state-chartered chiropractic school or college, within one year prior to the date of renewal. ***In the event of failure to comply with the provisions of this section, the applicant shall appear before the board to show cause why the license should not be suspended.***

6 Electrologists; Fees. Amend RSA 314:10, I to read as follows:

I. ~~[The fee for an initial biennial license and for renewal of the biennial license issued under this chapter shall be \$110.]~~ The executive director shall establish by rule a schedule of fees for ***initial and renewal licenses***, applications, examinations, and license replacement.

7 Embalmers and Funeral Directors; Fees. Amend RSA 325:12-a to read as follows:

325:12-a Fees. ~~[The fee for an initial 2-year license and for renewal of a license issued under this chapter shall be: \$110 for embalmers and \$300 for funeral directors.]~~ The board shall establish fees for ***initial and renewal licenses***, examination of applicants, for apprentices, for funeral home inspections, and for transcribing and transferring records and other services.

8 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:6, I(a) to read as follows:

(a) Submits the required application form and ~~[\$110]~~ licensing fee.

9 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:7 to read as follows:

328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last day of the birth month of the licensee in the even-numbered year, upon approval of the executive director of the renewal application and submission of the required ~~[\$110]~~ renewal fee.

10 Nursing Home Administrators; Qualifications for Admission to Examination. Amend the introductory paragraph RSA 151-A:5 to read as follows:

The board shall admit to examination for licensure as a nursing home administrator any candidate who pays a ~~[\$300]~~ licensing fee and submits evidence of good moral character and suitability prescribed by the board and evidence that the candidate is at least 21 years old and has completed preliminary education satisfactory to the board; provided:

11 Ophthalmic Dispensing; Application and Registration Fees. Amend RSA 327-A:7 to read as follows:

327-A:7 Application and Registration Fees. Every application for a certificate of registration for ophthalmic dispensing shall be accompanied by a non-refundable registration fee ~~[of \$110]~~. Upon approval of the application by the executive director, the applicant shall be issued a certificate of registration for ophthalmic dispensing, which shall be renewed biennially on or before June 30 upon payment of the renewal fee. ~~[The fee for renewal of any certificate of registration shall be \$110.]~~

12 Optometry; Licenses; Qualification. Amend RSA 327:6 to read as follows:

327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall practice optometry without a license. The board shall not issue a license to any applicant until the person has passed an examination approved by the board, and has presented satisfactory evidence in the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral character, has completed a minimum of 2 years at a college of arts and sciences and has graduated from a school or college of optometry approved by the board, maintaining a minimum of 4 years in optometric training. Persons who submit an application which demonstrates that they meet the eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A, and pay the ~~[\$300]~~ licensing fee, shall be licensed by the board.

13 Optometry; Contact Lens Prescriptions to be Provided to Patient. Amend RSA 327:25-a, IV to read as follows:

IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail of contact lenses to individuals within the state unless such business is registered with a permit issued by the board of pharmacy if the out-of-state business is a pharmacy, or by the board of registration in optometry if the out-of-state business is not a pharmacy.

(b) The board of pharmacy or the board of registration in optometry shall issue a permit to such out-of-state business if the business discloses and provides proof:

(1) That the business is in compliance with all applicable laws and rules in the state in which the business is located;

(2) Of the operating locations and the names and titles of all principal corporate officers;

(3) That the business complies with all lawful directions and requests for information from the board of pharmacy and the board of registration in optometry of all states in which it conducts business; ~~[and]~~

(4) That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of contact lenses; ***and***

(5) That the business has paid the established fee.

~~[(c) The board of pharmacy or the board of registration in optometry shall assess the following registration fees for out-of-state contact lens sale companies:-~~

~~(1) \$300 for the initial registration-~~

~~(2) \$150 for an annual registration renewal.]~~

14 Podiatry; Licenses. Amend RSA 315:8, I to read as follows:

I. The board shall issue a license to applicants who have submitted a complete application, paid a ~~[\$300]~~ license fee, achieved a satisfactory examination score, and satisfied all other criteria of competence and professional character required by this chapter.

15 Psychologists; Establishment of Fees. Amend RSA 329-B:12, I to read as follows:

I. ~~[The fee for an initial license shall be \$300.]~~ ***There shall be a fee for an initial license.*** The license shall be renewed biennially on or before June 30 upon payment of a ~~[\$300]~~ renewal fee.

16 Reflexologists; Structural Integrators; and Asian Bodywork Therapists; Practitioner License Issuance. Amend RSA 328-H:8, I(c) to read as follows:

(c) Makes payment of the ~~[\$110]~~ license fee;

17 Reflexologists, Structural Integrators, and Asian Bodyworks. Amend RSA 328-H:9, II to read as follows:

II. All licenses issued pursuant to this chapter shall be renewed biennially on or before June 30 upon approval by the executive director of the renewal application and submission of the required ~~[\$110]~~ renewal fee.

18 Court Reporters; Term of License. Amend RSA 310-A:173 to read as follows:

310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be every 2 years. All licenses issued by the board shall expire on the last day of the month of the licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall notify every licensee of the date of the expiration of the license and the amount of the fee that shall be required for its renewal for 2 years ~~[such amount to be not less than \$200]~~. Such notice shall be mailed at least one month in advance of the date of expiration. Renewal may be effected at any time during the month of expiration by the payment of the fee established by the board and submission of evidence satisfactory to the board showing fulfillment of continuing education requirements. If a licensee fails to renew such license within the 12 months after the date of expiration, it shall become null and void and the licensee shall be required to reapply for licensure. The board, pursuant to rules adopted under RSA 310-A:171, shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

19 Septic System Evaluators; Fees. Amend RSA 310-A:208, I and II to read as follows:

I. Application for licensure ~~[the fee for which shall not exceed \$150 for the initial 2-year license]~~.

II. Renewal for license holders ~~[the fee for which shall not exceed \$150 for the 2-year renewal]~~.

20 Certification of Heating Equipment Installers. Amend RSA 153:16-b, II and III to read as follows:

II. The mechanical licensing board with the approval of the ~~[commissioner]~~ ***executive director of the office of professional licensing and certification*** shall adopt rules, pursuant to RSA 541-A, relative to the establishment of minimum education and training standards for voluntarily certified heating equipment installers and heating equipment service personnel.

III. The mechanical licensing board with the approval of the ~~[commissioner]~~ ***executive director of the office of professional licensing and certification*** shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees collected shall be deposited in the ~~[general fund]~~ ***office of professional licensure and certification fund established in RSA 310-A:1-e.***

21 State Board of Fire Control; Rulemaking. Amend the introductory paragraph of RSA 153:28, I to read as follows:

I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the ~~[state fire marshal]~~ ***office of professional licensure and certification*** and with the approval of the ~~[commissioner of safety]~~ ***executive director of the office of professional licensure and certification***, shall adopt rules, pursuant to under RSA 541-A, necessary for the proper implementation of the licensure requirements established in this subdivision, which shall include the following:

22 State Board of Fire Control; Rulemaking. Amend RSA 153:28, II-V to read as follows:

II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the ~~[state fire marshal]~~ ***office of professional licensure and certification*** and with the approval of the ~~[commissioner of safety]~~ ***executive director of the office of professional licensure and certification***, shall establish application fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified copies and reports, for inspections done pursuant to this subdivision, for letters of verification requested by individuals or jurisdictions relating to licensure and certification, and for transcribing and transferring records and other services. The fee for examination by third parties shall be separate from the fees established by the board. Fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board budgeted for the biennium in which they will apply. Fees collected shall be deposited in the ~~[general fund]~~ ***office of professional licensure and certification fund established in RSA 310-A:1-e.***

III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the ~~[state fire marshal]~~ ***office of professional licensure and certification***

and with the approval of the ~~[commissioner of safety]~~ **executive director of the office of professional licensure and certification**, shall adopt technical standards for fuel gas fitting and plumbing by rule under RSA 541-A. The board shall use applicable codes as adopted by the state of New Hampshire.

IV. The ~~[state fire marshal]~~ **office of professional licensure and certification** shall assist and support the board in administering and enforcing the provisions of this subdivision.

V. The board, **through the office of professional licensure and certification**, may enter into reciprocity agreements which shall permit the licensing of fuel gas fitters and plumbers from states which have a mutual mechanical licensing reciprocity agreement with this state, for all mechanical licenses listed in paragraph I(a) provided the board determines that the requirements for licensure in that state are equivalent to, or greater than, those established by this subdivision.

23 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, I to read as follows:

I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive director of the office of professional licensure and certification**, shall establish, through rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure shall be prescribed by the board. This may include an outside organization approved by the board.

24 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, IV to read as follows:

IV. ~~[The licensee shall have in his or her possession a current biennial license issued by the board.]~~ The license **issued** shall be available for inspection on request. The board shall issue a license suitable to be carried by the individual licensee.

25 State Board of Fire Control; Mechanical Licenses. Amend RSA 153:29-a, III to read as follows:

III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive director of the office of professional licensure and certification**, shall adopt rules, pursuant to RSA 541-A, relative to the application and renewal procedure and any eligibility requirements in addition to those in this subdivision for a fuel gas fitter license or plumber for business entities issued pursuant to this section.

26 State Board of Fire Control; Appeals From Board Decisions. RSA 153:33 is repealed and reenacted to read as follows:

153:33 Appeals From Board Decisions. Any person affected by a final decision of the board may appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a, within 30 days of the date of the final order.

27 New Hampshire Building Code; Appeals of Decisions. Amend the section heading in RSA 155-A:11-a and RSA 155-A:11-a, I to read as follows:

155-A:11-a Appeal of Decisions ~~[of the Electricians' Board and the Board of Home Inspectors].~~

I. The board shall hear appeals of final decisions of the board established under RSA 319-C:4 ~~[and]~~, the board established under RSA 310-A:186, **and the board established under RSA 153:27-a.**

28 State Board of Fire Control; Inspectors. Amend RSA 153:34, I and II to read as follows:

I. The ~~[state fire marshal]~~ **office of professional licensure and certification** with the approval of the board and the ~~[commissioner of safety]~~ **executive director of the office of professional licensure and certification** shall have the authority to appoint such inspectors as are necessary to insure compliance throughout the state with practices consistent with the public safety and welfare. Any person so employed shall be under the administration and supervisory direction of the ~~[state fire marshal]~~ **office of professional licensure and certification.**

II. An inspector appointed under this subdivision shall have the authority to enter any premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed, work regulated under this subdivision for the purpose of making such inspection as is necessary to carry out his or her duties under this subdivision. If consent for such inspection is denied or not reasonably obtainable, the ~~[state fire marshal]~~ **executive director of the office of professional licensure and certification**, or his or her designee, may obtain an administrative inspection warrant under RSA 595-B.

29 State Board of Fire Control; Voluntary Certification of Water Treatment Technicians. Amend RSA 153:38, IV and V to read as follows:

IV. The board may issue certification without examination to those water treatment technicians who provide adequate documentation of having operated in the capacity of a water treatment technician for a period of at least one year prior to January 1, ~~[2004]~~ **2024** and who pay the required fees.

V. The board, with the approval of the ~~[commissioner]~~ **executive director of the office of professional licensure and certification**, shall adopt rules pursuant to RSA 541-A to implement the certification requirements established in this section, including the application procedure and any eligibility requirements in

addition to those in this section for certification as a certified water treatment technician or water treatment trainee, the renewal of certification and reinstatement of certification, and to establish the fees for certification of water treatment technicians and water treatment trainees.

30 Repeal. RSA 310-A:1-h, I, relative to certain professions administered by the office of professional licensure and certification, is repealed.

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

2022-1385h

AMENDED ANALYSIS

This bill clarifies that the executive director of the office of professional licensure and certification has authority to establish fees on behalf of certain boards, commissions, and councils administered by the office of professional licensure and certification.

**Floor Amendment to SB 346
(2022-1445h)**

Offered by Rep. Diane Pauer

Amend the bill by replacing section 3 with the following:

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

**Amendment to SB 366-FN
(2022-1408h)**

Proposed by the Committee on Election Law – c

Amend the bill by replacing section 1 with the following:

1 Audit Authorized. The secretary of state is hereby authorized to conduct an audit of the AccuVote electronic ballot counting devices used in the 2022 state primary and general elections.

Amend the bill by replacing section 3 with the following:

3 Preliminary Audit; State Primary Election. The secretary of state shall conduct an audit of all AccuVote devices used in at least 2 voting districts in the 2022 state primary election. The devices need not be selected at random. The intent of this audit is to identify problems with process to be used in the state general election audit. If the secretary of state is unable to resolve problems detected during the audit of the primary election, he or she may elect to forego the general election audit. If the secretary of state decides to forego the general election audit, he or she shall communicate his or her decision to the senate president, the speaker of the house of representatives, the chairperson of the senate election law and municipal affairs committee, and the chairperson of the house election law committee within 10 days from the date of the primary election.

Amend the bill by replacing section 4 with the following:

4 State General Election Audit; 2022.

I. The secretary of state shall randomly select not less than 4 voting districts that used AccuVote devices at the 2022 state general election to be audited. The secretary of state may divide districts into groups for the selection based on criteria such as the estimated number of election day ballots to be processed. The selection of districts to be audited shall be non-public and made at least 2 weeks prior to the general election, after the AccuVote memory cards have been programmed.

II. The secretary of state shall not announce which districts have been selected to be audited until at least 12:00 p.m. on election day.

III. The audit team shall consist of at least 2 individuals appointed by the secretary of state. One such individual shall have been trained by the secretary of state in the audit process and the use of audit equipment. The other individual, if not trained by the secretary of state in the audit process and the use of audit equipment, shall be an elected election official. The audit team shall scan all of the ballots which were cast and processed by the AccuVote machines in the selected districts.

IV. The audit shall be open to the public but no one except audit team members shall be allowed to touch any ballot or any of the audit equipment.

V. Results from the scanning of the ballots shall be announced by the audit team at the conclusion of the district audit.

VI. A random sample of not less than 5 percent of the ballots scanned shall be selected and the images of the ballots selected shall be compared with the voters' choices recorded for the ballot. Any differences identified during the comparison shall be documented.

VII. The secretary of state shall make the results of the audits available prior to 12:00 p.m. on the Friday after the election. The secretary shall also report the results to the ballot law commission, and the chairs of the house of representatives and senate standing committees with jurisdiction over election law.

**Amendment to SB 394-FN
(2022-1538h)**

Proposed by the Committee on Education- c

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

AN ACT relative to the definition of a child with a disability under special education laws and establishing a commission to study special education eligibility.

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

1 Special Education; Definition; Child with a Disability. Amend RSA 186-C:2, I to read as follows:

I. "Child with a disability" means any person [~~3 years of age or older but less than 21 years of age~~] **between the ages of 3 and 21, inclusive**, who has been identified and evaluated by a school district according to rules adopted by the state board of education and determined to have an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, an emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, acquired brain injury, another health impairment, a specific learning disability, deaf-blindness, multiple disabilities, or a child at least 3 years of age but less than 10 years of age, experiencing developmental delays, who because of such impairment, needs special education or special education and related services. "Child with a disability" shall include a [~~child~~] **person between the ages of 18 [to] and 21 inclusive**, who was identified as a child with a disability and received services in accordance with an individualized education program but who left school prior to his or her incarceration, or was identified as a child with a disability but did not have an individualized education program in his or her last educational institution.

2 New Section; Study of Special Education Eligibility. Amend RSA 186-C by inserting after section 21 the following new section:

186-C:21-a Commission on Special Education Eligibility.

I. There is established a commission to study how extending New Hampshire's special education student eligibility through age 21 affects overall public education spending and implications for enrollment eligibility for all other students.

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

- (a) One member of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be nominated by the minority leader.
- (c) The commissioner of education, or designee.
- (d) The department of education, director of education analytics and resources.
- (e) The executive director of the New Hampshire School Boards Association, or designee.
- (f) The director of the New Hampshire Special Education Administrators Association, or designee.
- (g) One school administrator, appointed by the New Hampshire School Administrators Association.
- (h) One director of a developmental disabilities services region, appointed by the commissioner of health and human services.
- (i) The executive director of Parent Information Center.
- (j) The executive director of the Disability Rights Center, or designee.

III. The commission shall study:

(a) Fiscal implications of amending RSA 186-C:2, I defining "child with a disability" to include "a child receiving services in accordance with an individualized education program who turns age 21, shall continue to receive services until the end of the school year, through age 21 and to the end of the school year in which a student turns 22 years of age."

(b) Defining "end of the school year" for qualifying students in district-run programs, year round programs, and extended school year programs, and what end of year applies to reaching the end of eligibility.

(c) Suggesting options for assigning estimated additional costs of extending special education beyond age 21 in the scenarios above.

(d) If the Medicaid to Schools program eligibility extends to students beyond age 21.

(e) How districts will be reimbursed for qualifying Medicaid to Schools services in the year in which the student reaches age 21, beyond the student's 21st year of age.

(f) Whether or not local districts offering special education to students to age 22 also need to provide and fund an education to students beyond their 21st year of age if they haven't graduated high school, as described in RSA 186-C:2.

(g) Potential fiscal impact on differentiated aid payments to education freedom account students with identified disabilities who have not completed high school.

(h) Determining how state special education cost sharing under RSA 186-C:18, on special education state aid, can be accelerated into the school year in which expenses are incurred, and the cost-benefit of doing so.

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

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

VI. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house committees with jurisdiction over education, the senate clerk, the house clerk, the state board of education, the governor, and the state library. A preliminary report shall be submitted on or before January 1, 2023. A final report shall be submitted on or before November 1, 2023.

3 Prospective Repeal. RSA 186-C:21-a, relative to the commission on special education eligibility, is repealed.
4 Effective Date.

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

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

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

2022-1538h

AMENDED ANALYSIS

This bill modifies the definition of “child with a disability” to include persons up to 21 years of age. The bill also establishes a commission to study special education eligibility.

Amendment to SB 398

(2022-1329h)

Proposed by the Committee on Executive Departments and Administration- c

Amend RSA 430:58, I(h) as inserted by section 1 of the bill by replacing it with the following:

(h) Invite the participation of state and federal agencies, municipalities, universities, the general public, or others in helping to manage, educate, and raise awareness of invasive species.

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

AN ACT relative to the advisory committee to study the state building and fire codes.

Amend the bill by replacing all after section 1 with the following:

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

2022-1329h

AMENDED ANALYSIS

This bill replaces the joint committee on code enforcement with the advisory committee on state building and fire codes.

Amendment to SB 405-FN

(2022-1512h)

Proposed by the Committee on Election Law - c

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

AN ACT relative to fines and penalties for election law violations and relative to consequences resulting from election official misconduct.

Amend RSA 664:21, VIII(a) as inserted by section 4 of the bill by replacing it with the following:

VIII.(a) Whoever violates any provision of RSA 664:14, or a provision of RSA 664:17 not related to removing, defacing, or destroying political advertising as provided for in paragraph V of this section, shall be subject to a civil penalty not to exceed \$1,000.

Amend the bill by replacing all after section 4 with the following:

5 Provisions for Purity of Elections; Official Misconduct; Consequences. Amend RSA 666:3 to read as follows:
666:3 Official Misconduct.

I. Any public officer upon whom a duty relating to elections is imposed who shall knowingly fail to perform such duty or who shall knowingly perform it in such a way as to hinder the objects thereof shall be guilty of a misdemeanor if no other penalty is provided by law.

II. *Any public officer upon whom a duty relating to elections is imposed who shall negligently fail to perform such duty or who shall negligently perform it in such a way as to hinder the objects thereof, as found pursuant to RSA 666:2, shall cause the county, city, town, school district, village district, or other political subdivision, where such conduct occurred to be subject to a civil penalty of not less than \$250 nor more than \$1000 for each act.*

III. *The attorney general shall notify the county, city, town, school district, village district, or other political subdivision that is subject to this section of the state's intention to seek a civil pen-*

alty, and of the ability to negotiate with and to settle with such county, city, town, school district, village district, or other political subdivision without court action, provided that any civil penalty paid as settlement shall be paid to the attorney general for deposit into the general fund.

IV. If an entity is subject to a civil penalty under this section, the entity shall also be subject to the payment of restitution damages.

6 Effective Date.

I. Sections 1-4 of this act shall take effect January 1, 2023.

II. The remainder of this act shall take effect 60 days after its passage.

2022-1512h

AMENDED ANALYSIS

This bill modifies penalties for certain offenses related to elections and allows the attorney general to seek a civil penalty against the local government entity in which an election official was found to have negligently engaged in misconduct.

**Amendment to SB 417-FN
(2022-1556h)**

Proposed by the Committee on Transportation- c

Amend RSA 374-I:4 as inserted by section 1 of the bill by replacing it with the following:

374-I:4 Qualified Pilot Programs. A qualifying pilot program shall:

I. Allow proposals to be submitted by any of the following:

- (a) Electric distribution utilities;
- (b) Electric vehicle charging equipment providers;
- (c) Municipalities or school districts that operate school buses;
- (d) Entities that have experience in owning and operating electric vehicle charging equipment; or
- (e) School bus companies contracted for services by a New Hampshire school district.

II. Commence on or before December 31, 2023.

III. Allow, pending review and approval of the department of energy, plans submitted by the local electric utility to access and utilize the energy stored in the batteries of the electric school buses when utilizing the energy in the stored batteries can lower the cost of supplying power to customers, provided that the participating school district determines that the school buses are not needed to transport students and that the participating entity is fairly compensated for energy recovered from the batteries.

IV. Allow, after the review and approval of the public utilities commission, the cost to a utility for make-ready transmission or distribution to a facility, and any other costs reasonably incurred by the utility in support of this program to be a recoverable cost.

V. Provide training for school personnel in the proper use of the equipment and facilities.

VI. Require each funded bus to comply with the recommendations the National Transportation Safety Board relative to student transportation and provide for adequate interior heat for winter operations.

VII. Require selected applicants provide the department of energy with any information, data, and analysis that the department requires, including data relative to electric rates, and benefits and costs of the pilot program.

**Amendment to SB 418-FN
(2022-1487h)**

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

Amend RSA 659:23-a, I as inserted by section 2 of the bill by replacing it with the following:

I. For all elections, if a voter on election day is registering to vote for the first time in New Hampshire and does not have a valid photo identification establishing such voter's identification, or does not meet the identity requirements of RSA 659:13, then such voter shall vote by affidavit ballot pursuant to this section.

Amend RSA 659:23-a, V as inserted by section 2 of the bill by replacing it with the following:

V. On the seventh day after the election, if an affidavit ballot voter has failed to return the verification letter with the missing voter qualifying documentation to the secretary of state, either in person or using the prepaid U.S. Postal Service Priority Mail Express Envelope, the secretary of state shall instruct the moderator of the town, city, ward, or district in which the affidavit ballot was cast to retrieve the associated numbered affidavit ballot and list on a tally sheet, by candidate or issue, the votes cast on that ballot. The counting of votes on affidavit ballots identified by the secretary of state as unqualified shall be conducted by the town, city, ward, or district using the same methods of counting and observation utilized on the day of the election for hand counted ballots. The votes cast on such unqualified affidavit ballots shall be deducted from the vote total for each affected candidate or each affected issue.

Amend the bill by replacing section 7 with the following:

7 Effective Date. This act shall take effect January 1, 2023.

**Amendment to SB 420-FN-A-LOCAL
(2022-1384h)**

Proposed by the Committee on Education – r

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

AN ACT establishing an extraordinary need grant for schools and relative to additional adequate education grant amounts for pupils receiving special education services.

Amend the bill by replacing section 1 with the following:

1 New Section; Extraordinary Need Grants for Schools. Amend RSA 198 by inserting after section 40-e the following new section:

198:40-f Extraordinary Need Grants.

I. In addition to aid for the cost of the opportunity for an adequate education provided under RSA 198:40-a, each year the commissioner shall calculate an extraordinary need grant for schools and provide that amount of aid to a municipality's school districts as follows:

(a) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-priced meal of \$1,000,000 or less shall receive \$650 per pupil eligible to receive a free or reduced-price meal in the municipality's ADMR.

(b) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-price meal between \$1,000,001 and \$5,999,999 shall receive a grant equal to \$0.00013 for each dollar of difference between its equalized valuation per pupil eligible to receive a free or reduced-price meal and \$6,000,000, per pupil eligible to receive a free or reduced-price meal in the municipality's ADMR.

(c) A municipality with an equalized valuation per pupil eligible to receive a free or reduced-price meal of \$6,000,000 or more shall not receive an extraordinary need grant.

II. In order to receive an extraordinary need grant, the school district shall provide a plan to the department of education outlining how the district intends to improve the educational achievement of students. School districts eligible to receive the grant shall provide the department an accountability plan designed to generate data that measures student academic achievement and growth of knowledge and skills in reading and language arts and/or mathematics in grades 3-8 and at one grade level in high school. A school district receiving a grant award shall submit to the department for approval a grant accountability plan identifying program design elements as required by the department and at what grade levels the funds will be used. The school district, in consultation with the department, shall develop and administer its own grant accountability assessment that identifies a pupil's range of learning and yields objective data to use in improving instruction and learning, or use the statewide assessment. The school district shall submit to the department an annual grant accountability progress report that includes evidence of satisfactory program implementation and progress toward grant accountability improvement targets. The primary goal of this grant is to improve student achievement and to help the school district to have funding for successful, best practice student learning approaches.

III. Extraordinary need grants shall be distributed pursuant to RSA 198:42.

IV. In this section, "equalized valuation per pupil eligible to receive a free or reduced-price meal" means a municipality's equalized valuation, excluding properties subject to taxation under RSA 82 and RSA 83-F, as determined by the department of revenue administration, that was the basis for the local tax assessment in the determination year, divided by the school district's kindergarten through grade 12 ADMR in the determination year eligible to receive a free or reduced-price meal.

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 4 Cost of an Opportunity for an Adequate Education; Special Education. RSA 198:40-a, II(d) is repealed and reenacted to read as follows:

(d)(1) An additional \$2,037.11 for each pupil in the ADMR who is receiving special education services with a category A disability and \$3,367.08 for each pupil in the ADMR who is receiving special education services with a category B disability.

(2) For this subparagraph, "category A disability" applies to pupils receiving special education services with a primary disability that includes developmental delay, specific learning disabilities, and speech or language impairments; and "category B disability" applies to pupils receiving special education services with a primary disability that includes autism, deaf-blindness, emotional disturbance, hearing impairments, multiple disabilities, intellectual disability, other health impairments, orthopedic impairments, traumatic brain injury, acquired brain injury, and visual impairments.

2022-1384h

AMENDED ANALYSIS

This bill establishes an extraordinary need grant for schools in addition to regular adequate education grants and relief grants. This bill also provides for categories of special education services which apply to the calculation of adequate education grant amounts.

**Amendment to SB 430-FN-A
(2022-1484h)**

Proposed by the Committee on Health, Human Services and Elderly Affairs – r

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

1 New Subparagraph; State Treasurer and State Accounts; Application of Receipts; Special Fund for Administration of Opioid Treatment Programs. Amend RSA 6:12, I(b) by inserting after subparagraph (382) the following new subparagraph:

(383) Moneys deposited in the special fund for administration of opioid treatment programs established in RSA 172:8-c.

2 New Section; New Hampshire Substance Use Disorder Services System; Special Fund for Administration of Opioid Treatment Programs. Amend RSA 172 by inserting after section 8-b the following new section:

172:8-c Special Fund for Administration of Opioid Treatment Programs. There is hereby established a special fund for administration of opioid treatment programs. The fund shall be composed of fees collected by the commissioner in accordance with RSA 172:14, II, and shall be used to carry out the provisions of this chapter including, but limited to, acting upon the application for the certification, permit, or training of opioid treatment programs. The fund shall be nonlapsing and shall be continually appropriated to the commissioner for the purposes of this chapter to support program operations for certification and administration of the department of health and human services oversight of opioid treatment programs.

3 Department of Health and Human Services; Developmental Services; Pilot Program.

I. For the fiscal year ending June 30, 2023, the department of health and human services, division of long term supports and services, shall implement a pilot program to provide services for individuals with developmental disabilities, between 18 and 21 years of age, who are enrolled in school and determined eligible for developmental services that are not the responsibility of the local education agency, another state agency, or another division of the department. Participation in the pilot program shall be limited to not more than 20 eligible individuals. The department may adopt rules under RSA 541-A relative to implementation and administration of the pilot program.

II. For purposes of the pilot program, the local education agency, all state agencies, and divisions of the department involved with an individual seeking services shall, with the consent of the individual or the individual's guardian, provide information to the area agency and participate in the individual's service planning. The area agency shall provide such information to the department.

III. In addition, the department shall use the information provided in accordance with paragraph II to make the final determination as to whether the services requested are the legal responsibility of the local education agency, another state agency, or another division of the department.

IV. For individuals deemed eligible pursuant to paragraph I, the time period between completion of the individual service agreement, pursuant to RSA 171-A:12, and the allocation by the department of the funds needed to perform the services required by the agreement shall not exceed 90 calendar days.

V. On or before February 1, 2023, the department shall provide a detailed report of the pilot program to the senate health and human services committee, the senate finance committee, the house children and family law committee, the house health, human services and elderly affairs committee, and the house finance committee. The report shall include data on utilization, including the number of individuals seeking services in accordance with paragraph I, the number of individuals provided services as part of the pilot program, the types of specific services provided for each individual, the total cost of the services provided, and other relevant information necessary to assess the pilot program for statewide expansion as part of the state budget for the biennium ending June 30, 2025.

VI. There is hereby appropriated to the department of health and human services the sum of \$2,800,000, for the fiscal year ending June 30, 2023, for the purpose of implementing the pilot program for developmental services established in this section. This appropriation shall be nonlapsing and continually appropriated to the department. Additionally, the department may accept and expend any applicable federal funds, and any gifts, grants, or donations that may be available for the purposes of the pilot program. In the event of any remaining funds not otherwise expended after reaching the cap of serving 20 eligible individuals under the pilot program, the department may allocate funding and provide services to additional eligible individuals. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children; Unauthorized Payments; Recovery by State. RSA 167:17-a is repealed and reenacted to read as follows:

167:17-a Unauthorized Payments; Recovery by State. Any sums paid to or on behalf of any person under the provisions of RSA 167 as a result of any false statement, misrepresentation or concealment of or failure to disclose the receipt of property, wages, income or resources by such person or by any person legally liable for his or her support may be recovered through administrative or judicial process, in an action brought by the state or the commissioner of the department of health or human services, or his or her designee, against

such person. The commissioner of the department of health and human services shall recover any unauthorized payments pursuant to applicable federal and state law by either reasonably adjusting current and future grant amounts received by the person violating the provisions of this section, or through repayment to the department during such time the person is not currently receiving public assistance. A person who knowingly, and with malfeasance, assists a recipient or another person in obtaining an overpayment shall be jointly and severally liable for the overpayment unless prohibited by federal law.

5 Repeal. The following are repealed:

I. RSA 126-A:4-a, relative to the health care plan report.

II. 2019, 346:348, relative to quarterly reporting on Medicaid rate increases.

6 Department of Health and Human Services; Medicaid Family Planning Services Report. Amend RSA 126-A:5, XXII to read as follows:

XXII. The commissioner shall fully implement expanded coverage of Medicaid family planning services as required by RSA 126-A:4-c no later than July 1, 2013. At the time of implementation, the state's Medicaid plan shall be amended to enable the state to accept federal matching funds. As provided in RSA 126-A:4-c, the department shall ensure that the state realizes the 90 percent federal Medicaid match available for the family planning services. If the traditional claims payment systems are unavailable for implementation within the time frame indicated in this paragraph, the commissioner shall manually process the payment of claims or contract with a third party administrator to ensure timely provider payment capacity and uninterrupted access to eligible recipients. At least 30 days in advance of program implementation, the commissioner shall conduct an outreach effort to all participating Medicaid family planning providers to distribute guidance and technical assistance regarding patient enrollment procedures, eligibility criteria, and covered medical services and supplies. Within 60 days after program implementation as required under this paragraph [~~and annually thereafter~~], the commissioner shall make a report relative to the Medicaid family planning services program to the joint legislative fiscal committee.

7 New Paragraph; Child Protection Act; Issuance of Summons and Notice. Amend RSA 169-C:8 by inserting after paragraph I the following new paragraph:

I-a. If the location of the parent or parents is unknown as set forth in an affidavit filed with the court in which the petitioner describes its efforts to locate the parent or parents, the court may, upon request of the petitioner, order the petitioner to provide notice by publication once a week for 2 successive weeks in a newspaper of general circulation where that person was last domiciled or by certified mail at the last known address. Notwithstanding the time limits in paragraph I, if service by publication is ordered, the preliminary hearing should not be later than 40 days from the date the petition is filed and no sooner than 7 days from the last date of publication. The need for service by publication shall constitute extraordinary circumstances to extend the time for an adjudicatory hearing, pursuant to RSA 169-C:15, III(d).

8 Child Protection Act; Preliminary Hearing. Amend RSA 169-C:15, IV to read as follows:

IV. The court shall determine whether each parent summoned [~~having custody or control of the child,~~] understands the possible consequences to parental rights should the court find that the child is abused or neglected. Each person shall sign a statement stating that such person understands the consequences to parental rights. Such statement shall be in a form to be determined by the court.

9 New Subparagraph; Residential Care and Child-Placing Agency Licensing; Definition. Amend RSA 170-E:25, II by inserting after subparagraph (f) the following new subparagraph:

(g)(1) "Kinship care home" means a type of foster home in which an individual or individuals are licensed to provide care exclusively to kin. There shall be a maximum of 6 children including the children living in the home and children received for child care who are related to the residents.

(2) Notwithstanding the limit of 6 children under subparagraph (g)(1), if the kinship care family is willing and able to take a sibling or a group of siblings of a child already in their care, and the department has concluded that the kinship care family is able to provide for the safety, permanency, and well-being of the child or children, the department may place the sibling or group of siblings in the kinship care home.

10 New Paragraph; Residential Care and Child-Placing Agency Licensing; Definition of Kin Added. Amend RSA 170-E:25 by inserting after paragraph X the following new paragraph:

X-a. "Kin" means a child or children who for which there is a connection or history between a child or their parents and another responsible adult, including but not limited to related adults.

11 New Paragraph; State Registry and Criminal Records Check for Foster Family Homes, Institutions, and Child-Placing Agencies. Amend RSA 170-E:29 by inserting after paragraph V the following new paragraph:

VI. A kinship care home shall be considered a foster family home for purposes of this section.

12 Residential Care and Child-Placing Agency Licensing; Issuance. Amend RSA 170-E:31, I to read as follows:

I. Licenses shall be issued in such form and manner as prescribed by rules adopted by the commissioner under RSA 541-A and, for foster family homes, *kinship care homes*, and specialized care, shall be valid for 2 years from the date issued, unless revoked by the department, or voluntarily surrendered by the licensee, or subject to conditions attached to the license which provide for a shorter license period than 2 years.

13 New Paragraph; Residential Care and Child-Placing Agency Licensing; Record of Licenses. Amend RSA 170-E:33 by inserting after paragraph II the following new paragraph:

III. For kinship family care licenses, the name of the children for which the license is issued shall be confidential and exempt from RSA 91-A.

14 Residential Care and Child-Placing Agency Licensing; Issuance. Amend RSA 170-E:45, II to read as follows:

II. Foster family homes **and kinship care homes** which have not been licensed but which have been asked to receive children by the department or another child-placing agency on an emergency basis shall not be subject to the penalty provided in subparagraph I(a). The exemption provided in this paragraph is valid for a period of ~~[30]~~ **180** days from the date of placement of the child in the home.

15 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children. Amend RSA 167:6, IX to read as follows:

IX. For purposes hereof, a person with a disability between 18 and 64 years of age who is eligible to participate in the work incentive program, known as Medicaid for employed adults with disabilities (MEAD), shall be eligible for medical assistance as medically needy or categorically needy. ~~[The department of health and human services shall establish a sliding fee scale for participants to contribute to the cost of such medical assistance.]~~ Participants in the MEAD program shall be employed at the time of enrollment, and may remain enrolled during temporary unemployment for medical reasons or other good cause.

16 Public Assistance to Blind, Aged, or Disabled Persons, and to Dependent Children. Amend RSA 167:6, IX-a to read as follows:

IX-a. A person with a disability age 65 and older who is eligible to participate in the work incentive program, known as Medicaid for employed older adults with disabilities (MOAD), shall be eligible for medical assistance as medically needy or categorically needy but not to exclude Medicare coverage. ~~[The department of health and human services shall establish a sliding fee scale for participants to contribute to the cost of such medical assistance.]~~ Participants in the MOAD program shall be employed at the time of enrollment, and may remain enrolled during temporary unemployment for medical reasons or other good cause.

17 Domestic Relations; Medical Assistance Recipient; Notice of Petition for Spousal Support. Amend RSA 458:19-c, II, to read as follows:

II. The department of health and human services shall have the opportunity to address the court in any proceeding under this section if the court, **or the department, upon motion to the court**, has concerns relative to:

(a) The impact on the recipient of any period of Medicaid ineligibility that would result from the allocation of income or assets;

(b) Whether the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43; or

(c) The cost of the recipient's care to be paid by Medicaid as the result of the proposed allocation of income or assets.

18 New Paragraph; Domestic Relations; Medical Assistance Recipient; Notice of Petition for Spousal Support. Amend RSA 458:19-c to insert after paragraph II the following new paragraph:

III. No petition of spousal support shall be enforceable against the department as it relates to eligibility for medical assistance unless the petitioner provides a copy of the petition to the department at least 14 days prior to filing with the court.

19 Guardians and Conservators; Estate Planning by Guardian. Amend the introductory paragraph on RSA 464-A:26-a, VII, to read as follows:

VII. The department of health and human services, the county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this section if the court, **or the department, upon motion to the court**, has concerns relative to:

20 New Paragraph; Guardians and Conservators; Estate Planning by Guardian. Amend RSA 464-A:26-a, VII by inserting after paragraph VII the following new paragraph:

VIII. No petition of spousal support shall be enforceable against the department as it relates to eligibility for medical assistance unless the petitioner provides a copy of the petition to the department at least 14 days prior to filing with the court.

21 New Section; Uniform Civil Liability for Support; Medical Assistance Recipient; Notice of Petition for Spousal Support. Amend RSA 546-A by inserting after section 7 the following new section:

546-A:7-a Medical Assistance Recipient; Notice of Petition for Spousal Support.

I. The department of health and human services, the county attorney, and the department of justice shall be notified and shall have the opportunity to address the court in any proceeding under this chapter if the court or department of health and human services has concerns relative to:

(a) The impact on the ward of any period of Medicaid ineligibility that would result from the proposed gift;

(b) Whether the ward has been the victim of a crime or has been or is at risk of being abused, neglected, or exploited within the meaning of RSA 161-F:43; or

(c) The cost of the ward's care to be paid by Medicaid as the result of the proposed gift or income reallocation.

II. No petition of spousal support shall be enforceable against the department as it relates to eligibility for medical assistance unless the petitioner provides a copy of the petition to the department at least 14 days prior to filing with the court.

22 Department of Health and Human Services; Medicaid Program; Personal Care Attendants.

I. The commissioner of the department of health and human services shall, if necessary, submit a Title XIX Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to authorize family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants under the state Medicaid program. In addition, the commissioner may adopt rules under RSA 541-A relative to the ability of family caregivers and others to serve as personal care attendants for Medicaid recipients.

II. There is hereby appropriated to the department of health and human services the sum of \$700,000 for the fiscal year ending June 30, 2023, for the purpose of implementing this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

23 Lead Paint Poisoning Prevention and Control; Investigations. Amend the introductory paragraph of RSA 130-A:5, I to read as follows:

I. The commissioner shall investigate cases of lead poisoning in children reported under RSA 141-A whose blood lead level meets or exceeds 5 micrograms per deciliter of whole venous blood [~~as reported on 2 separate tests except that a blood lead level may be designated as elevated by the health care provider when the level reported meets or exceeds 5 micrograms per deciliter on the first venous test. With such a declaration, a second test shall not be required~~]. The commissioner may also conduct investigations when there is reason to believe that a lead exposure hazard, as defined in RSA 130-A:1, XVI(b) and (d), for a child exists. Such investigations shall include, but not be limited to:

24 Public Health; Food Service Licensure; Exemptions. Amend RSA 143-A:5, IV to read as follows:

IV. Recreation camps inspected and licensed under RSA [149] **170-E, including recreation camps that offer food to camp families or alumni in the 45 days prior to or after the camp operating season.**

25 Compensation of Certain State Officers; Health and Human Services Positions Amended. Amend the following position in RSA 94:1-a, I(b), grade DD to read as follows:

DD Department of health and human services [~~administrator, family strengthening and child well-being initiatives~~] **business improvement administrator**

26 Department of Health and Human Services; Shift Differential Payments; Recovery Forgiveness; Appropriation.

I. Any shift differential payments made on or before July 1, 2021, which were inadvertently paid due to administrative error to certain clinical staff at New Hampshire hospital and the Glencliff home, shall be forgiven in full. This section shall preclude any recovery action by the state against those individuals for such payments.

II. Any clinical staff at New Hampshire hospital and the Glencliff home who did not receive the shift differential payments described in paragraph I, shall receive such payments retroactively. The department of health and human services, in coordination with the department of administrative services, may provide the retroactive payments without the approval of governor and council or the fiscal committee of the general court.

III. The sum of \$29,000 for the fiscal year ending June 30, 2023, is appropriated to the department of health and human services for the purpose of providing shift-differential payments to clinical staff at New Hampshire hospital and the Glencliff home, as described in paragraph II. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

27 Department of Health and Human Services; Inpatient Treatment of Children's Behavioral Health; Positions Established. There are hereby established within the department of health and human services, 6 full-time, unclassified positions to manage inpatient treatment of children's behavioral health, in the division for behavioral health services. Subject to the completion of process and procedures of the joint committee on employee classification, established in RSA 14:14-c, the department shall transfer the existing 6 non-classified employees established for the same purposes to the newly established unclassified positions set forth in this section; and, thereafter, the department shall eliminate the 6 non-classified positions.

28 New Paragraph; Compensation of Certain State Officers; Salary Adjustment for Recruitment or Retention. Amend RSA 94:3-b by inserting after paragraph I the following new paragraph:

I-a. Notwithstanding any other provisions of law to the contrary, for any expenditure more than \$10,000 under this paragraph, upon the request of an appointing authority submitted to the commissioner of administrative services for review and evaluation and upon approval by the joint committee on employee classification, the governor and council is hereby authorized, upon a finding by them that it is in the best interests of the state and is necessary in order to recruit and retain or recruit or retain qualified personnel, to make recruitment or retention bonuses for classified clinical positions at New Hampshire hospital and the Glencliff home. The department of health and human services, in conjunction with the department of administrative services, is authorized to make any expenditure less than or equal to \$10,000 under this paragraph.

29 Department of Health and Human Services; Office of Reimbursement; Duties. Amend RSA 126-A:34, I(a) to read as follows:

(a) Review and investigate all records of the New Hampshire hospital, [~~Laconia developmental services;~~] the secure psychiatric unit, the Glenclyff home, and [~~the Anna Philbrook center~~] **facilities that provide child inpatient psychiatric treatment within the state mental health system**, relative to expenses incurred by patients, residents, or clients at such institutions, facilities, or programs or expenses incurred by patients, residents, or clients receiving care, treatment, services, or maintenance at the direction of the commissioner of health and human services, and make recommendations to the commissioner and to the respective superintendents or directors of such institutions, facilities, or programs as to the rates to be charged for the care, treatment, and maintenance of such patients, residents, or clients.

30 Department of Health and Human Services; Liability for Expenses and Hearing on Liability. Amend RSA 126-A:40, I(a) to read as follows:

(a) Whenever the court issues an order for evaluation, care, or treatment of a child at [~~the Philbrook center~~] **a facility that provides child inpatient psychiatric treatment within the state mental health system** pursuant to RSA 169-B, 169-C, or 169-D, the expenses of such evaluation, care, or treatment shall be borne by the department, except as otherwise provided in this section.

31 Department of Health and Human Services; Liability for Expenses and Hearing on Liability. Amend RSA 126-A:40, III to read as follows:

III. The office of reimbursements, acting on behalf of the [~~New Hampshire hospital~~] **department of health and human services**, is authorized to compromise or reduce any expense to be charged to the state.

32 Department of Health and Human Services; Limiting Use of Child Restraint Practices; Definitions. Amend RSA 126-U:1, III(d)(1) to read as follows:

(1) [~~The Anna Philbrook center.~~] **Facilities providing inpatient psychiatric treatment within the state mental health system.**

33 Department of Health and Human Services; New Hampshire Mental Health Services System; References to Anna Philbrook Center Removed. Amend the subdivision heading and the introductory paragraph of RSA 135-C:64 to read as follows:

~~[Anna Philbrook Center]~~ **Child Inpatient Psychiatric Treatment Facility**

135-C:64 [~~Philbrook Center~~] **Child Inpatient Psychiatric Treatment Facility**; Purpose. The commissioner shall maintain behavioral health services for children and adolescents in one or more facilities [~~on the New Hampshire hospital campus, or other locations to be determined~~] **as designated** by the commissioner. All services for children and adolescents shall be appropriate for each child's developmental stage and shall address the educational, supervisory, and clinical needs of each child. The purposes of child and adolescent services shall include but not be limited to:

34 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center Removed. Amend RSA 135-C:65 to read as follows:

135-C:65 Admission Limitation. Children subject to proceedings in juvenile court may be admitted to [~~the Philbrook center~~] **a child inpatient psychiatric treatment facility within the state mental health system** for evaluation, care, or treatment only upon prior approval of the commissioner or designee.

35 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center Removed. Amend RSA 135-C:66 to read as follows:

135-C:66 Access of Records. Notwithstanding any other provisions of law, records regarding children [~~placed at Philbrook center~~] **receiving child inpatient psychiatric treatment at a facility within the state mental health system**, pursuant to RSA 169-B, 169-C, or 169-D shall be exchanged between employees of the department to facilitate coordinated care for those children and their families. The confidentiality of such information shall be maintained according to applicable law.

36 New Hampshire Mental Health Services System; Reference to Anna Philbrook Center Removed. Amend RSA 135-C:67 to read as follows:

135-C:67 Admission and Discharge. The commissioner shall adopt rules relative to eligibility criteria and procedures for admission to and discharge from [~~the Philbrook center~~] **facilities within the state mental health system that provide inpatient psychiatric treatment to children.**

37 Delinquent Children; Determination of Competence. Amend RSA 169-B:20, V to read as follows:

V. A competency evaluation may be conducted by an entity approved by the commissioner of health and human services, which may include an agency [~~other than the Philbrook center~~], a psychiatrist, or psychologist licensed in the state of New Hampshire. The commissioner shall adopt standards establishing the process for approval as an examiner as well as the qualifications required for approval, which shall be based on generally accepted standards for forensic psychiatrists and psychologists.

38 Delinquent Children; Liability for Expenses Incurred. Amend RSA 169-B:40, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of the minor [~~at the Philbrook center~~] **when receiving child inpatient psychiatric treatment within the state mental health system**, or to expenses incurred for the cost of accompanied transportation.

39 Delinquent Children; Liability for Expenses Incurred. Amend RSA 169-B:40, III to read as follows:

III. The office of reimbursements acting on behalf of [~~Laconia developmental services and the New Hampshire hospital~~] **the department of health and human services** is authorized to compromise or reduce any expense to be charged to the state **under this section**.

40 Child Protection Act; Preliminary Disposition. Amend RSA 169-C:16, III to read as follows:

III. The court may at any time order the child, parents, guardian, custodian, or household member subject to the petition or ex parte order, to submit to a mental health evaluation, or undergo a physical examination or treatment, with a written assessment being provided to the court. The court may order that the child, who is the subject of the petition or the family or both be evaluated by a mental health center or any other psychiatrist, psychologist or psychiatric social worker or family therapist or undergo physical examination or treatment with a written assessment provided to the court. Evaluations performed at [~~the Philbrook center~~] **a facility providing child inpatient psychiatric treatment within the state mental health system** may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services, or designee.

41 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, I(b)(2) to read as follows:

(2) Expenses incurred for evaluation, care, and treatment of [~~the child at the New Hampshire hospital~~] **a child receiving inpatient psychiatric treatment within the state mental health system**; or

42 Child Protection Act; Liability for Expenses. Amend RSA 169-C:27, IV to read as follows:

IV. The office of reimbursements acting on behalf of [~~Laconia developmental services and the New Hampshire hospital~~] **the department of health and human services** is authorized to compromise or reduce any expense to be charged to the state **under this section**.

43 Children in Need of Services; Adjudicatory Hearing. Amend RSA 169-D:14, III to read as follows:

III. If the court finds the child is in need of services, it shall, unless a report done on the same child less than 3 months previously is on file, order the department of health and human services or other appropriate agency to make an investigation and written report consisting of, but not limited to, the home conditions, school record and the mental, physical and social history of the child including sibling relationships and residences for the purpose of preserving relationships between siblings who are separated as a result of court ordered placement. Evaluations performed at [~~the Philbrook center~~] **a facility providing child inpatient psychiatric treatment within the state mental health system** may occur only upon receiving prior approval for such evaluation from the commissioner of the department of health and human services or designee. When ordered by the court, such investigation shall include a physical and mental examination of the child, parents, guardian, or person having custody. The court may order a substance abuse evaluation of the child, parents, guardian, or person having custody. Any substance abuse evaluation of the parent, guardian, or person having custody of the child shall be conducted by a provider contracted with the bureau of substance abuse services, or a provider paid by the parent, guardian, or person having custody of the child. The cost of said evaluation shall be paid by private insurance, if available, or otherwise by the person undergoing the evaluation, to whom the evaluation shall be provided free or at a reduced cost if the person is of limited means. The court shall inform the parents, guardian, or person having custody and child of their right to object to the physical examination, mental health evaluation, or substance abuse evaluation. Objections shall be submitted in writing to the court having jurisdiction within 5 business days after notification of the time and place of the examination or evaluation. The court may excuse the child, parents, guardian, or person having custody upon good cause shown. No disposition order shall be made by the court without first reviewing the investigation report, if ordered.

44 Children in Need of Services; Determination of Competence. Amend RSA 169-D:18-a, I to read as follows:

I. At any point during the proceedings, the court may, either on its own motion or that of any of the parties, order the child to submit to a mental health evaluation for the purpose of determining whether the child is competent to have committed the offenses or acts alleged in the petition. The evaluation shall be completed within 60 days of the date of such order and shall be conducted by an agency [~~other than the Philbrook center~~] which is approved by the commissioner of health and human services, or conducted by a psychologist licensed in New Hampshire or a qualified psychiatrist, or by [~~the Philbrook center~~] **a facility providing child inpatient psychiatric treatment within the state mental health system** only upon receiving prior approval for admission of the child for such evaluation by the commissioner of the department of health and human services. The evaluation shall be submitted to the court in writing prior to the hearing on the merits.

45 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, I(b) to read as follows:

(b) Subparagraph (a) shall not apply to expenses incurred for special education and related services, or to expenses incurred for evaluation, care, and treatment of [~~the child at the Philbrook center~~] **a child receiving inpatient psychiatric treatment within the state mental health system** or to expenses incurred for the cost of accompanied transportation.

46 Children in Need of Services; Liability for Expenses. Amend RSA 169-D:29, IV to read as follows:

IV. The office of reimbursements acting on behalf of [~~Laconia developmental services and the New Hampshire hospital~~] **the department of health and human services** is authorized to compromise or reduce any expense to be charged to the state **under this section**.

47 Youth Services Center; Records. Amend RSA 621-A:7, I to read as follows:

I. Full and complete records shall be kept by the commissioner of the care and study of each child admitted to the youth services center. The records shall not be open to the inspection of any persons not on the staff of the commissioner except that such records shall be available, by court order, to any court having competent jurisdiction of the child in any matter pending in this state or to such person or persons as may be authorized by the court. Notwithstanding any other provision of law, exchange of medical or psychiatric records between ~~[the Philbrook center]~~ **a facility providing child inpatient psychiatric treatment within the state mental health system** and the department shall be permitted.

48 Emergency Treatment; Reference Change. Amend the introductory paragraph of RSA 135:21-b to read as follows:

135:21-b Emergency Treatment. A physician licensed in the state, a psychiatrist-supervised physician assistant licensed in this state, a psychiatric mental health advanced practice registered nurse, or a person acting under such physician's, psychiatrist-supervised physician assistant's, or advanced practice registered nurse's direction may administer a recognized and approved form of medical or psychiatric treatment which the physician, psychiatrist-supervised physician assistant, or psychiatric mental health advanced practice registered nurse reasonably believes will tend to promote the physical and mental health of a patient of the New Hampshire hospital, ~~[Laconia developmental services,]~~ Glenclyff home, any community mental health or developmental services program or treatment facility receiving state grants under RSA 171-A, or any other treatment facility designated as a receiving facility under RSA 135-C, when:

49 State Facilities Other Than New Hampshire Hospital; Reference Change. Amend RSA 135-C:4, I to read as follows:

I. The commissioner shall have charge of the property and concerns of any facility owned by the state which provides, or which may be established to provide, care and treatment to persons who have mental illness or developmental disabilities, including those subject to the exception set forth in paragraph I-a, with regard to the care and maintenance of the grounds and buildings located at the facility in Concord, known as New Hampshire hospital. Such facilities include, but are not limited to, facilities established at Glenclyff known as Glenclyff home ~~[and Laconia, known as Laconia developmental services].~~

50 Child Protection Act; Institutional Abuse and Neglect; Reference Change. Amend RSA 169-C:37 to read as follows:

169-C:37 Institutional Abuse and Neglect. The department of justice shall be empowered to receive and investigate reports of institutional abuse or neglect at the youth development center, ~~[Laconia developmental services, and New Hampshire hospital]~~ **and any facility that provides child inpatient psychiatric treatment within the state mental health system**; and the department shall be empowered to receive and investigate reports of all other suspected instances of institutional abuse or neglect. Either the department of justice or the commissioner of the department or both may adopt rules consistent with this authority to investigate such reports and take appropriate action for the protection of children.

51 Guardians and Conservators; Conduct of Hearing; Reference Change. Amend RSA 464-A:8, III to read as follows:

III. The medical affidavit shall be evidence only of the proposed ward's inability to attend the hearing and shall not be considered in determining his or her incapacity. If the proposed ward is a patient at a county nursing home, **or** state hospital ~~[or Laconia developmental services]~~, the affidavit shall be by the medical director or medical superintendent of such county nursing home[,] **or** state hospital[,] ~~or developmental services]~~.

52 Child Day Care Licensing; State Registry and Criminal Records Check; Revocation of Registration and Withholding of State Funds. Amend RSA 170-E:7, IV-d to read as follows:

IV-d. The fee for a child care employment eligibility card issued under paragraph IV-a shall be ~~[\$50]~~ **\$25** and the card shall be valid for 5 years from the date of issuance, or a prorated amount of ~~[\$10]~~ **\$5** per year from the most recently completed criminal background check. A replacement card may be requested for a ~~[\$15]~~ **\$10** fee.

53 Residential Care and Child-Placing Agency Licensing; State Registry and Criminal Records Check for Child Care Institutions and Child Care Agencies. Amend RSA 170-E:29-a, VII(b) to read as follows:

(b) The fee for a residential child care employment eligibility card shall be ~~[\$50]~~ **\$25**, and the card shall be valid for 5 years from the date of issuance, or a prorated amount of ~~[\$10]~~ **\$5** per year from the most recently completed criminal background check. The fee for a replacement card shall be ~~[\$15]~~ **\$10**.

54 New Section; Residential Care and Child-Placing Agency Licensing; Transfer or Discharge. Amend RSA 170-E by inserting after section 42 the following new section:

170-E:42-a Transfer or Discharge of Residents.

I. In this section:

(a) "Discharge" means movement of a resident from a child care agency to a non-institutional setting or the termination of services by a child care agency when the child care agency ceases to be legally responsible for the care of the resident.

(b) "Transfer" means movement of a resident from one child care agency to another child care agency when legal responsibility for the care of the resident changes from the transferring to the receiving child care agency.

II. A resident shall be transferred or discharged after appropriate discharge planning only for medical reasons, for the resident's welfare or that of other residents, or if the child care agency ceases to operate.

III. Transfer or discharge of a resident from a child care agency shall in all instances be preceded by written notice which shall contain the following:

- (a) The reason for the proposed transfer or discharge;
- (b) The effective date of the proposed transfer or discharge;
- (c) The location to which the resident is transferred or discharged; and

(d) The name, address, and telephone number of the office of the ombudsman, established under RSA 126-A:4, III, and the name, address, and telephone number of the federally-designated protection and advocacy agency for individuals with disabilities.

IV. Except as provided in paragraph V, written notice of transfer or discharge shall be given at least 30 days before the resident is transferred or discharged. A copy of the notice shall be placed in the resident's file and a copy shall be transmitted to the resident's parent or legal guardian and the agency responsible for the resident's placement.

V. Written notice as provided in paragraph III shall be given as soon as practicable before transfer or discharge in the following circumstances:

- (a) If an emergency transfer or discharge is mandated by the resident's health care needs;
- (b) If the transfer or discharge is mandated by the health or safety of other individual's in the child care agency;
- (c) If the transfer or discharge is appropriate because the resident's needs cannot be met in the child care agency;
- (d) If the transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the child care agency;
- (e) If the transfer or discharge is mandated by court order;
- (f) If the resident has reached the age of 21; or
- (g) If the resident has resided in the child care agency for less than 30 days.

VI. For the purposes of this section, "transfer" or "discharge" shall not include transfers or discharges initiated at the request of the resident's parent or legal guardian.

VII. If the resident's parent or legal guardian wishes to have the resident relocate to another child care agency or place, the resident shall be relocated according to the resident's parent's or legal guardian's wishes; provided that the resident's parent or legal guardian gives written notice of such relocation to the child care agency.

VIII. For the purposes of this section, transfer shall not include the temporary movement of a resident from a facility to a hospital or other location for emergency medical treatment.

IX. The provisions of this section shall not apply to foster family homes, as defined in RSA 170-E:25.

55 Department of Health and Human Services; Medicaid Reimbursement Rates for Hospital Birthing Services.

I. In order to ensure adequate access to labor services for women in New Hampshire, the department of health and human services shall increase the Medicaid reimbursement rate for facility-based birthing services provided at hospitals by 25 percent, in the aggregate, based on the rate in effect as of June 30, 2022.

II. The commissioner of health and human services shall have the discretion to implement the reimbursement increase to adjust for access risk geographically; provided that no critical access hospital or non-critical access hospital receives less than a 20 percent increase.

III. The sum of \$2,400,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human services for the purpose of increasing Medicaid reimbursement rates for hospital birthing services as provided in this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

56 New Paragraph; Out-of-State Providers; Consultation and Follow-up Care via Telehealth Permitted. Amend RSA 310-A:1-g by inserting after paragraph VI the following new paragraph:

VII. Physicians and physician assistants, governed by RSA 329 and RSA 328-D; advanced practice nurses, governed by RSA 326-B and registered nurses under RSA 326-B employed by home health care providers under RSA 151:2-b; midwives, governed by RSA 326-D; psychologists, governed by RSA 329-B; allied health professionals, governed by RSA 328-F; dentists, governed by RSA 317-A; mental health practitioners governed by RSA 330-A; community mental health providers employed by community mental health programs pursuant to RSA 135-C:7; alcohol and other drug use professionals, governed by RSA 330-C; and dietitians, governed by RSA 326-H shall be authorized to provide consultation services or follow-up care via telehealth to a patient who previously received services from the provider in the state where the provider is licensed.

57 New Subparagraph; Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, II by inserting after subparagraph (g) the following new subparagraph:

(h) An attestation on a form issued by the department stating that the applicant has not been convicted of a felony offense. This attestation shall be subject to the penalties set forth in RSA 641:3 for unsworn falsification and this shall be noted on the form issued by the department. In addition, a designated caregiver shall promptly inform the department if convicted of a felony offense subsequent to being issued a registry identification card.

58 Repeal. RSA 126-X:4, II-a and II-b, relative to criminal background checks for caregivers, are repealed.

59 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, III to read as follows:

III. The department shall verify the information contained in an application or renewal submitted pursuant to this section. The department shall approve or deny ~~an~~ **a complete** application or renewal for a qualifying patient within 15 days of receipt of the application. The department shall approve or deny ~~an~~ **a complete** application or renewal to serve as a designated caregiver within 15 days of receipt of the application ~~[and the criminal history records check results]~~. The department may deny an application or renewal only if the applicant did not provide the information required pursuant to this section, or if the applicant previously had a registry identification card revoked for violating the provisions of this chapter or rules adopted by the department, or if the department determines that the information provided was falsified or did not meet the requirements of this chapter or rules adopted by the department. The department shall notify an applicant of the denial of an application. An applicant who is aggrieved by a department decision may request an administrative hearing at the department.

60 Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, IV(a) to read as follows:

IV.(a) ~~[An alternative treatment center shall conduct]~~ A state and federal criminal records check **shall be required** for every person seeking to become a principal officer, board member, agent, volunteer, or employee **of an alternative treatment center** before the person begins working at the alternative treatment center pursuant to RSA ~~[126-X:4, H-a]~~ **126-X:8, IV-a**. An alternative treatment center shall not allow any person to be an alternative treatment center agent who:

- (1) Was convicted of a felony or felony drug-related offense; or
- (2) Is under 21 years of age.

61 New Paragraph; Alternative Treatment Centers; Requirements; Criminal Background Check. Amend RSA 126-X:8 by inserting after paragraph IV the following new paragraph:

IV-a.(a) A person applying to be an alternative treatment center agent shall submit directly to the department of safety a criminal history records release form, as provided by the New Hampshire division of state police, authorizing the release of any felony convictions to the department. The applicant shall submit with the release form a complete set of electronic fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid for whatever reason, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances showing no felony convictions from every city, town, or county where the person has lived during the past 5 years. The division of state police shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall report to the department whether or not there are any felony convictions. The department shall maintain the confidentiality of criminal history record information received pursuant to this section. The applicant shall bear the cost of a criminal history records check.

(b) Notwithstanding subparagraph IV(a), an alternative treatment center may make a conditional offer of employment and allow a person to begin working at or for the alternative treatment center while the results of the state and federal criminal history records check are pending, provided that:

(1) Prior to beginning employment, the person completes a statement stating that the person does not have any felony convictions in this or any other state, and such statement shall be subject to the penalties set forth in RSA 641:3 for unsworn falsification, which shall be noted on the form issued by the department; and

(2) The conditional employment granted shall be revoked immediately if the criminal history records check results show any felony convictions in this or any other state.

62 Child Protection Act; Confidentiality. Amend RSA 169-C:25, II to read as follows:

II. It shall be unlawful for any person present during a child abuse or neglect hearing to disclose any information concerning the hearing that may identify a child or parent who is involved in the hearing without the prior permission of the court. Any person who knowingly violates this provision shall be guilty of a ~~[misdemeanor]~~ **violation**.

63 New Subparagraph; Services for Children, Youth and Families; Confidentiality of Case Records. Amend RSA 170-G:8-a, VI by inserting after subparagraph (b) the following new subparagraph:

(c) Nothing in this section shall be construed to prevent a parent, guardian, immediate family member, or their counsel from releasing any records with the name of the child redacted.

64 New Sections; Recreation Camp Licensing; Confidentiality and Investigations. Amend RSA 170-E by inserting after 66 the following new sections:

170-E:67 Confidentiality and Investigations. The department may request and shall receive cooperation from other state agencies in connection with investigations and licensure. The department shall strictly observe the confidentiality requirements of the agency from which it receives information.

170-E:68 License Suspension, Revocation, or Denial. The department may suspend, revoke, or deny any license if the license holder:

- I. Neglects or abuses children in his or her care;
- II. Does not comply with this subdivision or the rules adopted under this subdivision relative to the health and safety of children;
- III. Violates any provision of this subdivision, or is unable to meet and maintain standards adopted by the commissioner;
- IV. Substantially or repeatedly violates any provisions of the license issued;
- V. Furnishes or makes any misleading or any false statement or report to the department;
- VI. Refuses or fails to submit any reports or to make available to the department any records required by it in making an investigation of the facility for licensing purposes;
- VII. Refuses or fails to submit to an investigation or to the required visits by the department;
- VIII. Refuses or fails to admit authorized representatives of the department at any time the camp is in operation for the purpose of investigation or visit;
- IX. Fails to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for recreation camps as required under standards prescribed by rules adopted by the commissioner under RSA 541-A or as otherwise required by any law, rule, ordinance, or term of the license applicable to the location of such facility; or
- X. Retaliates against an employee who in good faith reports a suspected violation of the provisions of this subdivision and rules adopted under it.

65 Effective Date.

- I. Sections 1-3, 15, 16, 22, 28, 52, 53, 55, and 64 of this act shall take effect July 1, 2022.
- II. Sections 17 and 23 of this act shall take effect 60 days after its passage.
- III. Sections 25-27 of this act shall take effect June 30, 2022.
- IV. Sections 7, 8 and 62 of this act shall take effect January 1, 2023.
- V. Sections 57-61 of this act shall take effect 30 days after its passage.
- VI. The remainder of this act shall take effect upon its passage.

2022-1484h

AMENDED ANALYSIS

This bill:

1. Establishes a special fund for administration of opioid treatment programs.
2. Establishes a pilot program for individuals with developmental disabilities.
3. Revises the department's authority to recover unauthorized payments by the state.
4. Repeals certain reporting requirements.
5. Allows for alternative service of process under RSA 169-C when a child's parent cannot be located.
6. Creates a separate category of foster care license for kinship care homes.
7. Removes the requirement that the department charge premiums for medical assistance provided under MEAD and MOAD.
8. Allows the department to address the court in guardianship and spousal support cases involving Medicaid recipients or suspected victims of abuse or exploitation.
9. Directs the department to submit a Medicaid state plan amendment to allow certain family caregivers or legally responsible persons of Medicaid recipients to serve as personal care attendants and makes an appropriation for this purpose.
10. Modifies the blood test requirement for purposes of lead paint poisoning prevention and control.
11. Clarifies the food service licensure exemption for recreational camps.
12. Revises certain department of health and human services employee position titles.
13. Provides shift differential payments to clinical staff at New Hampshire hospital and the Glencliff home and makes an appropriation for this purpose.
14. Establishes new positions for inpatient treatment of children's behavioral health.
15. Permits salary adjustments for recruitment or retention of classified clinical positions at New Hampshire hospital and the Glencliff home.
16. Removes references to the Anna Philbrook center, Laconia state school, and Laconia developmental services.
17. Increases the fee for certain child care employment eligibility cards.
18. Establishes requirements for the transfer or discharge of residents from certain child care agencies.
19. Makes an appropriation to the department of health and human services for hospital birthing services.
20. Permits consultation and follow up care via telehealth from out-of-state health care providers.

21. Removes the criminal background check requirement for designated caregivers in the therapeutic cannabis program and modifies the criminal background check requirement for alternative treatment center agents.

22. Changes the penalty for disclosure of confidential information in an abuse or neglect proceeding under RSA 169-C from a misdemeanor to a violation.

23. Establishes investigatory procedures and licensing criteria for recreational camps.

**Amendment to SB 438-FN-LOCAL
(2022-1422h)**

Proposed by the Majority of the Committee on Executive Departments and Administration – r
Amend RSA 21-I:11, III(c) as inserted by section 2 of the bill by deleting subparagraph (4).

**Amendment to SB 443-FN
(2022-1504h)**

Proposed by the Committee on Executive Departments and Administration – c

Amend the bill by replacing all after section 3 with the following:

4 Power to Amend State Building Code and Establish Enforcement Procedures. Amend RSA 674:51, II to read as follows:

II. Any such ordinance *enacted or* adopted under paragraph I by a local legislative body [~~shall be submitted to the state building code review board for informational purposes~~] ***shall not be enforced unless confirmed by the building code review board pursuant to RSA 155-A:10, IV(c). The procedural history of local adoption relating to published notice, public hearing, and vote of approval shall be submitted to the board within 30 days of enactment or adoption and prior to enforcement.***

5 Duties of State Fire Marshal; Review of Local Amendments Established. Amend RSA 153:4-a, II to read as follows:

II. It shall be [his] ***the fire marshal's*** duty and responsibility to coordinate the activities of his ***or her*** office with duly authorized city, town and village district, fire and building department officials and other state and local agencies required and authorized by state statutes or local ordinances to develop or enforce fire safety regulations. It shall further be the duty and responsibility of the state fire marshal to assist, cooperate with, advise and counsel the officials responsible as designated by local ordinance or charter for the organization and efficient operation of fire departments and other fire protection organizations when held to be in the best interest of public safety. ***Local amendments to the state fire code shall be submitted to the state fire marshal for review prior to enforcement. The state fire marshal shall confirm local amendments to the state fire code are not in conflict or less restrictive than the state fire code and are based on sound engineering practices. The state fire marshal shall confirm that the local amendments are enacted and adopted by the local legislative body. The state fire marshal shall publish local amendments to the state fire code.***

6 Effective Date. The act shall take effect January 1, 2023.

2022-1504h

AMENDED ANALYSIS

This bill provides that the building code review board shall review proposed municipal amendments to the state building code to confirm that the proposed amendments do not conflict with, and are no less stringent than, the state building code, and requires submission of local amendments prior to enforcement. The bill also requires the state fire marshal to review local amendments to the state fire code prior to enforcement and to publish local amendments to the state fire code.

**Amendment to SB 458-FN
(2022-1440h)**

Proposed by the Minority of the Committee on Children and Family Law – r

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

1 New Paragraph; Definition of the Sununu Youth Services Center. Amend RSA 621:3 by inserting after paragraph VIII the following new paragraph:

IX. "Sununu youth services center" or "SYSC" means the entire property on South River Road in Manchester, New Hampshire that houses the youth development center and the youth services center as established in RSA 621-A.

2 New Paragraph; Sununu Youth Services Center Defined. Amend RSA 621-A:1 by inserting after paragraph III the following new paragraph:

IV. "Sununu youth services center" or "SYSC" means the property as defined in RSA 621:3, IX.

3 New Paragraphs; Sununu Youth Services Center Closure. Amend RSA 621:10 by inserting after paragraph IV the following new paragraphs:

V. Children committed, detained, or comprising any other status at SYSC shall be transferred to the successor facility described in this section, or the least restrictive, most clinically appropriate alternative treatment, or discharged, if clinically indicated, not later than March 1, 2023.

VI. Notwithstanding any other provision of law, the SYSC shall be closed for the incarceration, detention or admission of any child as of March 1, 2023.

VII. As of March 1, 2023, and notwithstanding any other provision of law:

(a) No agency nor member of the executive branch of government shall expend or commit the expenditures of any funds from any source to directly or indirectly fund the SYSC operations.

(b) The fiscal committee of the general court shall have no authority to accept funds from any source to, or approve the transfer of funds to or from, any account for which budgetary appropriations for or related, directly or indirectly, to the SYSC operations are made.

(c) Funds may only be appropriated or expended related to the preservation of the SYSC physical plant to retain the property's value.

4 Youth Development Center; Duties Relative to Property; Possession and Control Given to Department of Administrative Services. Amend RSA 621:4 to read as follows:

621:4 Duties Relative to Property.

I. With the approval of the fiscal committee, the department shall be authorized to take, hold, and manage, in trust for the state, lands, money, or other property granted, devised, or bequeathed for the use of the center, and to sell and convey the lands, money, or other property and to invest the proceeds therefrom in such investments as are legal for New Hampshire savings banks or in the physical plant of the center.

II. As of March 1, 2023, the department of administrative services shall take possession of the entire property currently housing the SYSC on South River Road in Manchester, New Hampshire. The department shall dispose of the property and any revenues received shall be deposited in the general fund. The department shall consult with the city of Manchester prior to any sale of the property. The department shall dispose of the property in a manner consistent with expressed city interests and the interests of the state.

5 Sununu Youth Services Center Replacement Facility; Requirements Established.

I. The following definitions apply to this section:

(a) "Architecturally secure facilities" shall mean facilities which include a variety of physical security measures, such as locked doors and windows, delayed egress doors, courtyards, which prevent occupants from departing the facility at will. The external facility facade should resemble area residential structures.

(b) "Evidence-based practices" mean approaches that are validated by documented scientific evidence. This includes findings established through controlled clinical studies, but other methods of establishing evidence are valid as well.

(c) "Evidence-based treatments" mean treatments that use a defined curriculum or set of services that, when implemented with fidelity as a whole, have been validated by some form of scientific evidence. Evidence-based treatments and programs may be described as "supported" or "well-supported", depending on the strength of the research design.

(d) "Hardened facilities" include facilities with locked exterior doors and locked interior doors to control movement of occupants. It includes surveillance cameras in all or most areas, central control of locking and unlocking doors, exterior fencing, which may include razor wire, to contain occupants.

(e) "Minimum reimbursement" means the minimum number of children for which the contract compensates. Reimbursement shall not drop below this number of children, regardless of the actual number of children in the facility.

(f) "Secure facility" shall mean:

(1) A facility which shall be sufficiently sized for 6 children on a consistent basis and able to accept an additional 6 children for short periods of time. The facility shall be architecturally and staff secure but shall not be a hardened facility.

(2) This facility may accept adjudicated as well as non-adjudicated children for admission.

(3) A facility which shall provide for occupants' basic medical, educational, nutritional, and psychosocial needs. Initial treatment plans shall be completed upon admission based upon known stressors and physical and emotional difficulties experienced by the child. This treatment plan shall be updated on a regular basis and shall include goals for discharge and anticipated discharge plans. The treatment plan shall reflect the child and families' treatment and discharge goals.

(4) A facility whose operation shall be guided by evidenced-based practices and treatments.

(g) "Staff secure facilities" mean facilities which have sufficient staff to monitor and engage with occupants to diminish their ability to leave the facility without staff intervention.

II. The replacement facility contract shall be within the following guidelines:

(a) The department of health and human services' division of children, youth and families shall contract with a not-for-profit child residential services provider to operate a secure facility physically located in the state of New Hampshire as a successor to the Sununu Youth Services Center (SYSC). This shall be considered a certified facility pursuant to RSA 169-B:19, VI. The secure facility shall be in operation no later than March 1, 2023.

(b) The division shall begin negotiations immediately upon the effective date of this act. The initial contract shall be agreed to by October 1, 2022.

(c) The contract shall require the provider to accept and treat children up to the age of criminal majority, who are committed pursuant to RSA 169-B:19 or detained pursuant to RSA 169-B:14.

(d) Children convicted pursuant to RSA 169-B:24 may be committed to the replacement facility pursuant to RSA 651:17-a.

(e) Children tried pursuant to RSA 169-B:24 may be detained at the replacement facility pursuant to RSA 169-B:24.

(f) Required contracting funding shall be transferred from existing SYSC appropriations from fiscal year 2022-2023. In addition, not more than \$1,000,000 may also be transferred from existing SYSC funding to pay for construction related to the contractor's facility.

(g) Priority in the contracting process shall be given to providers based on their ability to provide required services and to commence operations on or before March 1, 2023.

(h) In order to meet statutory closure requirements of SYSC, the initial contract shall be negotiated with interested providers and not offered by the request for proposal process. Subsequent contracts of the facility shall be offered through the request for proposal process.

(i) The replacement facility shall include one or more facilities that can accommodate up to 6 children on a consistent basis and temporarily able to accept an additional 6 children.

(j) The contractor may not utilize non-disclosure agreements (NDAs) during the hiring or termination of staff. All existing NDAs for staff assigned to this contract shall be void effective the date of the contract.

(k) NDAs may not be attached to any civil resolution of complaint by, or on behalf of, a current or former resident of the contracted facility.

(l) The contractor agrees to furnish critical incident reports to the division of children, youth and families and the office of the child advocate following the criteria in RSA 21-V:7.

(m) The contractor shall provide reasonable reports, and access to the facility, as requested by the division of children, youth and families or the office of the child advocate pursuant to RSA 21-V:4.

6 Contingencies for Staff Displaced by the Closure of the Sununu Youth Services Center. All employees displaced as a result of the Sununu Youth Services (SYSC) closure shall be made a priority for alternate state employment appropriate to their skills and experience. Up to \$500,000 previously apportioned to the department of health and human services may be used exclusively for job training and relocation incentives for SYSC employees to fill jobs which exist within state agencies.

7 Repeal. RSA 621-A:6, relative to admission to the youth services center, is repealed.

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

**Amendment to SB 458-FN
(2022-1470h)**

Proposed by the Majority of the Committee on Children and Family Law- r

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

1 Statement of Findings. The general court finds that:

I. Placement in corrections settings can be harmful to children and lead to increased delinquency and adult criminal behavior. It should therefore be reserved for those circumstances in which the safety of a child or of the community requires such confinement.

II. Placement of children who are not serious violent offenders in settings other than the Sununu Youth Services Center (SYSC) complies with The Families First Act, P.L. 115-123, and the New Hampshire system of care established pursuant to 2019; 44 (SB 14), which prioritize community-based treatment of children.

III. This act is in furtherance of these goals.

2 Department of Health and Human Services; Sununu Youth Services Center; Construction and Operation of a Replacement Secure Facility.

I. The department of health and human services shall be responsible to construct a secured treatment facility that is no more than 6 beds to replace the current Sununu youth services center (SYSC). The department shall consult with any prospective community about the location and operation of any new 6 bed facility. The facility shall be operated by the department of health and human services. The facility shall be designed to meet the unique needs of youth who are at the facility pursuant to RSA 169-B:14, detention; RSA 169-B:19, commitment; RSA 169-B:24, transfer to superior court; RSA 169-B:32 or RSA 651:17-a, service of adult sentence of incarceration at the youth development center; and RSA 169-A, the interstate compact on juveniles. Upon opening, the facility shall be referred to as the youth development center as identified in RSA 169-B and RSA 621. The facility shall have the capacity for alternative flexible use when the census so permits.

II. The department of health and human services, in collaboration with the department of administrative services, shall issue a request to procure a qualified design build architect on or before August 1, 2022, and shall collaborate to select an architect, procure the resulting construction project, and complete the project on or before June 30, 2024. The SYSC shall be closed for incarceration, detention, or admission of any child upon the opening of the facility.

III. The facility shall be designed to include:

(a) A physical design that complements therapeutic and trauma-informed care of youth, including a home-like interior and exterior.

(b) Designed to maximize staff visibility and proximity to youth, including administrative offices built within the secured facility in proximity to youth and staff.

(c) Capacity to provide services to meet the medical, physical, and behavioral health needs of all potentially eligible youth.

(d) Space for no more than 6 beds, including space with flexibility to meet the needs of all genders, safety and security, crisis stabilization, admissions, and discharges.

(e) Adequate space to meet the educational needs of all youth including youth with special education needs.

(f) Adequate space for indoor and outdoor recreation.

(g) Capacity to meet the nutritional needs of all youth.

(h) Necessary elements to be architecturally secure and equipped with video surveillance.

IV. The facility programming and operations shall include:

(a) Staff qualifications, standard job descriptions, and training that emphasize the treatment of youth with behavioral health challenges and considerable trauma histories applicable to the facility as well as for supporting youth in the community for flexible assignments based upon census changes.

(b) Use of evidence-based practices, as defined in RSA 170-G:1, V-a, selected to match the needs of the population served at the facility.

(c) Utilization of the uniform assessment, as specified in RSA 170-G:4-e, for all detained and committed youth to understand treatment needs and determine if a different level of care is indicated to meet the youth's needs, and where problem behavior appears patterned, a functional behavior analysis to inform effective behavior interventions.

(d) Provision of care management services by a care management entity, as established in RSA 135-F:4, to begin immediate wraparound support upon admission to plan for discharge.

(e) Frequent visitation opportunities with family, opportunities to include family in activities and daily access to family through telephonic or video conferencing.

(f) Educational programming and staffing that meets the individualized educational needs of youth, including youth with special education needs, creates meaningful educator-youth pairings, maintains connections with sending school districts, and which includes availability of Hi-SET preparation and testing as appropriate.

(g) Integration of clinical sessions and recreational large muscle movement activities throughout the day.

(h) Real-time access by the office of the child advocate, as established in RSA 21-V:4, II, to the electronic case management system used by the facility, regular access to youth placed in the facility under RSA 21-V:4, III, and video surveillance and general access to the facility pursuant to RSA 21-V:2, VII.

V. The department of health and human services shall begin to implement the programming shifts in subparagraphs IV(a) through (h) immediately upon the effective date of this act, to be implemented while children remain at the SYSC by March 1, 2023.

VI. The department of health and human services shall submit quarterly progress reports to the joint legislative committee on health and human services, established by RSA 126-A:13, and to the office of the child advocate established under RSA 21-V beginning on or before August 1, 2022 until such time as the facility is operational. Each quarterly report shall include a statement indicating whether the reported progress is sufficient to meet the June 30, 2024 deadline for the opening of the facility. In the event that sufficient progress to meet this deadline has not been made, the progress report shall include the reasons for any projected delay in meeting the June 30, 2024 deadline, a description of the efforts being undertaken to minimize any delay in the development and opening of the facility and projected completion date. In addition, the quarterly progress reports shall include the following information:

(a) Progress towards retaining an architectural consultant to design the plan for the facility;

(b) Progress towards completion of the design for the facility;

(c) Progress towards contracting with the company that will construct the replacement facility;

(d) The anticipated date construction of the replacement facility will be completed; and

(e) The anticipated date by which the replacement facility will be operational.

VII. The governor, with the approval of the fiscal committee of the general court, may delay the June 30, 2024 project completion date under paragraph II for construction delays or other unforeseen circumstances provided any such delay be no more than 2 years.

3 Possession and Disposal of Sununu Youth Services Center (SYSC). As of the date of the opening of the youth development center set forth in section 2 of this act, the department of administrative services shall take possession of the entire property currently housing the SYSC on South River Road in Manchester, New Hampshire. The department shall dispose of the property and any revenues received shall be deposited in the general fund. The department shall consult with the city of Manchester prior to any sale of the property.

4 Appropriation; Construction and Operation of a Replacement Secure Facility. The sum of \$1 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human services for the design and construction of the new secured youth development facility, as described in section 2 of this act. Such funds shall be nonlapsing and continually appropriated to the department for the purposes of this act. Of this amount, the governor shall determine if any remaining discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2 or any other federal funds can be used for this purpose and any remainder shall be general funds. The governor is authorized to draw a warrant for the general fund share of said sum out of any money in the treasury not otherwise appropriated.

5 Delinquent Children; Release or Detention Pending Adjudicatory Hearing. Amend RSA 169-B:14, I(e)(3) to read as follows:

(3) Secure detention shall ~~[not]~~ **only** be ordered:

(A) For delinquency charges which may ~~[not]~~ form the basis for commitment under RSA 169-B:19, I(j); **or**

(B) When a petition does not allege a violation of RSA 262 or RSA 637, possession of a controlled drug without intent to sell under RSA 318-B, or any violation of RSA 634, RSA 635, RSA 641, or RSA 644, which would be a misdemeanor if committed by an adult.

6 Delinquent Children; Release or Detention Pending Adjudicatory Hearing. RSA 169-B:14, I(e)(3) is repealed and reenacted to read as follows:

(3) Secure detention shall not be ordered for delinquency charges which may not form the basis for commitment under RSA 169-B:19, I(j).

7 Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I(j) to read as follows:

(j) Commit the minor to the custody of the department of health and human services for the remainder of minority. Commitment under this subparagraph may only be made following written findings of fact by the court, supported by clear and convincing evidence, that commitment is necessary to protect the safety of the minor or of the community, and may only be made if the minor has not waived the right to counsel at any stage of the proceedings. If there is a diagnosis or other evidence that a minor committed under this subparagraph may have a serious emotional disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care management entity shall develop and oversee the implementation of a care plan for the minor, intended to reduce the period of commitment. Commitment may not be based on a finding of contempt of court if the minor has waived counsel in the contempt proceeding or at any stage of the proceedings from which the contempt arises. Commitment may include, but is not limited to, placement by the department of health and human services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant to RSA 621:19, or administrative release consistent with the cap on youth development center population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is notified. Commitment under this subparagraph shall not be ordered as a disposition for ~~[a violation of RSA 262 or 637, possession of a controlled drug without intent to sell under RSA 318-B, or violations of RSA 634, 635, 641, or 644, which would be a misdemeanor if committed by an adult]~~ **any offense other than first degree murder, second degree murder, attempted murder, manslaughter, negligent homicide under RSA 630:3, II, first degree assault, second degree assault, except when the allegation is a violation of RSA 631:2, I(d), felonious sexual assault, aggravated felonious sexual assault, kidnapping, criminal restraint, robbery punishable as a class A felony, burglary while armed or involving the infliction of bodily harm under RSA 635:1, II, or arson punishable as a felony.** ~~[However, commitment may be ordered under this subparagraph for any offense which would be a felony or class A misdemeanor if committed by an adult if the minor has previously been adjudicated under this chapter for at least 3 offenses which would be felonies or class A misdemeanors if committed by an adult. A court shall only commit a minor based on previous adjudications if it finds by clear and convincing evidence that each of the prior offenses relied upon was not part of a common scheme or factual transaction with any of the other offenses relied upon, that the adjudications of all of the prior offenses occurred before the date of the offense for which the minor is before the court, and that the minor was represented by counsel at each stage of the prior proceedings following arraignment.]~~

8 New Subparagraph; Delinquent Children; Dispositional Hearing. Amend RSA 169-B:19, I by inserting after subparagraph (l) the following new subparagraph:

(m) Notwithstanding the provisions of RSA 169-B:19, I(l), a court may commit the minor to the custody of the department of health and human services for the remainder of minority if the minor is found delinquent for an offense which would be a felony if committed by an adult and the court finds that there is no placement or set of supervision and treatment services other than secure confinement that will protect the public from a substantial risk of serious bodily injury. A court's finding pursuant to this subparagraph shall only be sufficient to support secure confinement if it is made by clear and convincing evidence following either a stipulation by the parties or an evidentiary hearing at which the rules of evidence have been applied. Further,

the court's findings shall include written, case-specific findings which identify the evidence relied upon and the basis for the determination that secure confinement is necessary. Commitment under this subparagraph may only be made if the minor has not waived the right to counsel at any stage of the proceedings. If there is a diagnosis or other evidence that a minor committed under this subparagraph may have a serious emotional disturbance or other behavioral health disorder, the minor shall, with the consent of the minor and the minor's family, be referred to a care management entity pursuant to RSA 135-F:4, III. The care management entity shall develop and oversee the implementation of a care plan for the minor, intended to reduce the period of commitment. Commitment may include, but is not limited to, placement by the department of health and human services at a facility certified for the commitment of minors pursuant to RSA 169-B:19, VI, administrative release to parole pursuant to RSA 621:19, or administrative release consistent with the cap on youth development center population under RSA 621:10, provided that the appropriate juvenile probation and parole officer is notified.

9 Repeal. 2021, 91:329 and 91:330, relative to closure date of the Sununu youth services center, are repealed.
10 Applicability.

I. RSA 169-B:14, I(e)(3), as amended by section 5 of this act, shall apply to cases pending on September 1, 2022 in which a dispositional order has not been yet entered.

II. RSA 169-B:14, I(e)(3), as amended by section 6 of this act, shall apply to cases pending on January 1, 2023 in which a dispositional order has not yet been entered.

III. RSA 169-B:19, as amended by sections 7 and 8 of this act, shall apply to cases pending on September 1, 2022 in which a dispositional order has not yet been ordered.

11 Effective Date.

I. Section 6 of this act shall take effect January 1, 2023.

II. Section 7 of this act shall take effect September 1, 2022.

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

SESSION DAY LOGISTICS

April 21st, 2022

PARKING

All legislators should park where they are assigned to park. Those with assigned street spaces should only park in the space assigned to them. Only those with assigned LOB garage spaces will be permitted to access the LOB garage. All others should park in the Storrs Street garage. There will be a shuttle operating to bring legislators from the Storrs Street garage to the State House. The shuttle will pick up and drop off passengers at the ground level of the garage.

HEALTH SELF-SCREENING

Members are recommended to utilize the antigen self-tests provided by the General Court prior to attendance. Test kits were mailed in advance. To provide you with the timeliest results, the test should be administered as close to session day as possible. You do not need to report your results to the General Court. However, if your test is positive, please stay home and immediately follow [NH DHHS guidelines for isolation](#).

All attendees are asked to [screen themselves](#) prior to arrival at the State House 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.

Do you share a household with someone who is suspected or confirmed to have COVID-19 in the prior 10 days and are unvaccinated?

Any Non-Member with a positive answer to any of the above questions is not to attend the House session. Any Member with a positive answer to the above questions are recommended not to attend the session..

LEAVING/RETURNING TO REPS HALL

Following past practice, Members may leave the hall and monitor debates in via audio feeds in other rooms*, the House Gallery, the anteroom, or via live stream on their mobile device at a place of their choosing within close proximity of the chamber.

Those choosing to view the livestream video via the internet should take into account that there is a delay of up to 30 seconds.

Roll call and division votes will be announced by the Speaker over the PA system and by the Sergeant at Arms staff in the hallways. Members are asked to return to their seats as quickly as possible in order to vote using the buttons at their assigned seats.

To the best of his ability, the Speaker will announce when the debate has come to the last speaker on a bill so members may begin returning to the chamber before the roll call or division vote is called.

Pursuant to House Rule 22, no member shall vote in any case if the member is not present [in the chamber] when the question is put. Pursuant to House Rule 24, no member shall leave his or her seat while the voting machine is in use and until the Speaker announces the result of the vote.

Members should not participate in voice votes from the gallery, which is not part of the chamber, and would violate House Rule 22.

**Rooms other than the gallery and anteroom that have a live audio feed include the House Democratic Office (Room 307), House Majority Office (Room 313), Speaker's Reception Office (Room 312), Webster Conference Room (Room 308), Legislator Lounge (Rooms 122-123).*

MASKS USAGE AND AVAILABILITY

Members are recommended to wear face masks. There is no mask requirement anywhere in the State House complex. N-95 and regular disposable masks will be made available to Members in the anteroom.

PUBLIC AND PRESS ACCESS

The event will be live-streamed, and the link to watch the event live will be posted on the General Court website. The House Gallery will be open.

The platform located in the back part of the House Chamber is reserved for members of the press only. Please note, State House reporters will be accommodated first in case of space availability. Camera operators may use the end aisles to get close up photos, but may not be stationed there. Members of the press will not be allowed to set up on either end aisles or directly behind Members. No member of the press may interact with House Members on the Chamber floor.

HVAC/VENTILATION

The HVAC system in Representatives Hall was replaced and updated in 2019. It has an air exchange rate that meets or exceeds indoor air quality standards. It uses MERV-13 filtration. The General Court will supplement the HVAC system with portable HEPA/ UV-C air filtration units like those that are used in the Legislative Office Building. Additional portable units will be located in the anteroom.

ADDITIONAL MITIGATION EFFORTS

Hand sanitizer and disinfectant wipes will be stationed throughout the anteroom. Frequent hand hygiene is recommended especially after restroom use and before eating. Touchpoint disinfection will be employed throughout the day.

Should there be any Americans with Disabilities Act (ADA) requests for accommodations specific to attendance in Representatives Hall, 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.