



State of  
New Hampshire

# HOUSE RECORD

First Year of the 168<sup>th</sup> General Court

## Calendar and Journal of the 2023 Session

Web Site Address: [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)

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Friday, March 3, 2023

No. 14

Contains: Bills Laid on Table; Committee Reports; Amendments; House Deadlines;  
Meetings and Notices; Revised Fiscal Notes.

## HOUSE CALENDAR

### MEMBERS OF THE HOUSE:

The House will meet on Thursday, March 9th at 10:00 a.m. In addition, please hold Tuesday, March 21st and Wednesday, March 22nd as possible session days. The House will meet for session on Thursday, March 23rd.

The House will be taking up revenue estimates during our March 9<sup>th</sup> session. Hard copies will be in seat pockets, but HR17 was introduced on Wednesday and is available on the General Court website. Simply use the bill search tool, and type in HR17.

As a reminder, if you will be absent from your committee for any length of time, remember to notify your Chair or ranking Democratic member so they can determine if a replacement is necessary for any action the committee may take while you are away.

Pursuant to Mason's Manual of Legislative Procedure Sec. 575 (m) and the State House Conduct Policy, the Speaker of the House has exclusive authority to manage and supervise the legislative chamber, gallery, and anteroom, which includes controlling the distribution of materials in your anteroom mailboxes, and distribution, displays or other materials/exhibits in the anteroom. Anyone wishing to distribute materials in mailboxes, or place displays or materials in the anteroom should contact the Speaker's Office at 603-271-3661 for authorization in advance.

Pursuant to House Rule 44(d), if any House business is canceled due to inclement weather, notice will be posted on the General Court website at [gencourt.state.nh.us](http://gencourt.state.nh.us). In addition, email notification will go out to affected committees and staff.

For those legislators assigned to the Legislative Parking Garage on Storrs Street, please remember to exercise a high level of courtesy to your fellow members by ensuring your vehicle remains within the painted space lines, thereby allowing full usage of each parking space.

Sherman A. Packard, Speaker of the House

### NOTICE

Meetings of the chairs and vice chairs are scheduled for every Tuesday morning from 9:15 a.m.– 9:45 a.m. in Rooms 305-307 of the Legislative Office Building.

Sherman A. Packard, Speaker of the House

### NOTICE

There will be a Republican Caucus on **Thursday, March 9th at 9:00 a.m.** in Representatives Hall.  
Rep. Jason Osborne, Majority Leader

There will be a Democratic Caucus on **Thursday, March 9th at 9:00 a.m.** in the State House Cafeteria.  
Rep. Matt Wilhelm, Democratic 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, March 8, 2023  
 Wednesday, March 15, 2023  
 Wednesday, March 22, 2023

**AVAILABLE ON:**  
 Friday, March 10, 2023  
 Friday, March 17, 2023  
 Friday, March 24, 2023

Paul C. Smith, Clerk of the House

## NOTICE OF RECONSIDERATION

On February 24, 2023 at 9:53 a.m., Representative Clayton Wood, having voted with the prevailing side, served notice of reconsideration **on the motion of Inexpedient to Legislate on HB 498-FN, requiring fish and game officers to obtain a warrant to conduct a search and seizure**, which the House passed on a roll call vote of 233-113.

Paul C. Smith  
 Clerk of the House

## 2023 HOUSE DEADLINES

Thursday, March 16, 2023	Last day to report all HBs not in a second committee, except budget bills
Thursday, March 23, 2023	Last day to act on HBs not in a second committee, except budget bills
Thursday, March 30, 2023	Last day to report all remaining HBs Last day to report list of retained HBs
Thursday, April 6, 2023	CROSSOVER Last day to act on all bills
Thursday, May 11, 2023	Last day to report Senate Bills going to a second committee
Thursday, May 18, 2023	Last day to act on SBs going to a second committee
Thursday, June 1, 2023	Last day to report all remaining SBs Last day to report list of retained SBs
Thursday, June 8, 2023	Last day to act on SBs
Thursday, June 15, 2023	Last day to form Committees of Conference
Thursday, June 22, 2023	Last day to sign Committee of Conference reports (4 p.m.)
Thursday, June 29, 2023	Last day to act on Committee of Conference reports

## 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](http://www.youtube.com/c/NHHouseofRepresentativesCommitteeStreaming)

## BILLS LAID ON TABLE

**HB 102-L**, requiring high schools to include instruction on the nature and history of communism. Pending question: Inexpedient to Legislate.

**HB 123**, relative to governing body members of the budget committee. Pending question: No pending question.

**HB 148**, to raise the minimum value of county purchases of equipment or materials which are subject to competitive bidding. Pending question: Inexpedient to Legislate.

**HB 180**, renaming Columbus Day as Indigenous People's Day. Pending question: Ought to Pass with Amendment.

**HB 196**, establishing a commission to review and make recommendations on campaign finance laws. Pending question: No pending question.

**HB 246-FN**, relative to uses of moneys in the renewable energy fund. Pending question: No pending question.

**HB 295-FN**, relative to requiring all selectboard and school board meetings to be recorded and broadcast live online. Pending question: Inexpedient to Legislate.

**HB 312**, relative to petitions for warrant articles at a special meeting. Pending question: Inexpedient to Legislate.

**HB 357**, relative to the length of terms for Belknap county officers. Pending question: No pending question.  
**HB 418-FN**, relative to eliminating the rebates distributed by the energy efficiency fund. Pending question: No pending question.

**HB 429-FN-L**, requiring the offering of breakfast and lunch in all public and chartered public schools. Pending question: Ought to Pass.

**HB 487-FN**, establishing a New Hampshire farm-to-school reimbursement program. Pending question: No pending question.

**HB 598-FN**, relative to funding maternal mortality reviews. Pending question: Inexpedient to Legislate.

**HCR 3**, relative to affirming states' power over the federal constitution. Pending question: Inexpedient to Legislate.

## THURSDAY, MARCH 9 CONSENT CALENDAR

### CHILDREN AND FAMILY LAW

**HB 551-FN**, relative to department of children, youth, and families tracking and publishing statistics. **INEXPEDIENT TO LEGISLATE**.

Rep. Sandra Panek for Children and Family Law. This bill requires the Division of Children, Youth, and Families (DCYF) to establish a website to track certain data and statistics and to create a private right of action for aggrieved citizens. In the bill: page 2 , section III was a concern of the committee. It states "If DCYF does maintain such a website with at least 99% uptime, the director of DCYF shall be relieved of his or her position and no division or department of NH government shall employ or retain as a contractor in any capacity the relieved director." We could not ask the sponsor of the bill if this was their intention or a typographical error. The sponsor of this bill did not attend the public on February 7, 2023. This limited the Children and Family Law Committee members from asking any questions about why this bill would be needed. **Vote 16-0**.

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 156**, relative to misconduct by a law enforcement officer. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Jason Janvrin for Criminal Justice and Public Safety. The bill as amended would add intentional misrepresentation of a material fact in an official report to those offenses that are considered misconduct by a law enforcement officer. Admittedly, such conduct is already an offense under RSA 641:3 but the committee unanimously believes such conduct should also be listed on the list of police misconduct offenses. **Vote 20-0**.

**HB 376**, establishing a committee to study the current education, training, and requirements for personnel employed as emergency dispatchers and 911 telecommunicators for police, fire, and emergency medical organizations. **OUGHT TO PASS**.

Rep. Jason Janvrin for Criminal Justice and Public Safety. The committee heard testimony from several stakeholders from the emergency communications groups that they would like the legislature to assess the current state of education, training, and requirements for emergency communications to determine if there should be standards, and further, how a centralized training opportunity could benefit them. Police and Fire Fighters have their academies. The committee unanimously believes that a committee of three representatives and one senator should be formed to determine if a centralized training opportunity would benefit current and future emergency communications and recommend future legislation to facilitate any findings they may make. **Vote 20-0**.

**HB 473-FN**, relative to penalties for controlled drug violations. **OUGHT TO PASS**.

Rep. Terry Roy for Criminal Justice and Public Safety. This bill, while still treating first offense simple possession of controlled substances seriously, it ceases to make offenders felons. The life long effects of having a felony conviction at a young age are truly crushing. From bars to employment and housing, to ineligibility for military service. A felony conviction instills a real sense of hopelessness on a citizen. The penalty proposed, would make the first offense a misdemeanor, which is still very serious and can carry up to 1 year incarceration. The second offense remains a felony. We owe it to our citizens to give them one chance to recognize the seriousness of their involvement with illegal substances. **Vote 18-2**.

**HB 474-FN**, relative to enforcement of federal firearms laws and establishing penalties. **INEXPEDIENT TO LEGISLATE**.

Rep. Dennis Mannion for Criminal Justice and Public Safety. This bill requires any public official who attempts to enforce or aid in the enforcement of "people's right to keep and bear arms" as defined in RSA 159-E:5 be subjected to penalties. It requires that the public official be terminated from their position, liable to the injured party in an action at law, suit in equity, or other legal proceeding for redress and provides for payment of attorney fees. In addition, it removes qualified immunity in such cases. While we feel the bill had good intentions the penalties are extreme, and this would punish local officers for performing any duty at the scene of federal law enforcement activity. **Vote 20-0**.

**HB 481-FN**, relative to arrest warrants and search warrants. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason Janvrin for Criminal Justice and Public Safety. The committee heard testimony that there was a possibility that law enforcement could be “justice shopping” for arrest and search warrants. No evidence that this is occurring was presented.

The majority of the committee believes that warrant applications can be denied for a number of reasons. In the case of lack of probable cause, law enforcement could gather more evidence and reapply having met the threshold of probable cause. In some cases this may be before a different justice due to their availability. There is also a requirement that a justice or justice of the peace must be neutral and detached from the matter before them. As such, they are required to recuse themselves from the matter which requires law enforcement to seek another justice or justice of the peace. Requiring a law enforcement officer to notify every justice of every attempt at obtaining a warrant to every justice or justice of the peace they utilize to finally obtain a warrant has the potential for the officer to interject speculation and hearsay as to why a previous warrant application was denied. Therefore, a majority of the committee recommends the bill be found inexpedient to legislate. **Vote 19-1.**

**HB 549-FN**, relative to definitions of domestic violence. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. This bill would have changed the definition of domestic violence. The complex experience of victims needs to be considered when making any changes to the law. New Hampshire already has a comprehensive statute and the New Hampshire Coalition Against Domestic and Sexual Violence raised concerns that more work would need to be done to ensure that this bill would not inadvertently make it harder for victims to seek relief or access safety if they are in abusive relationships. **Vote 16-0.**

**HB 585-FN**, relative to screening law enforcement officer candidates for steroids and requiring law enforcement officers to be screened for steroids in complaints involving the use of excessive force. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Tenczar for Criminal Justice and Public Safety. This bill would have required that an officer be tested for anabolic steroids after an excessive force complaint is brought forward. A mere suspicion, without any other credible evidence, that excessive force was used would trigger the requirement. This is in violation of the officer’s due process rights and may be violating the collective bargaining agreement between the officer and the department. Testimony was heard that the cost of a blood draw and subsequent analysis is \$275 per test. The Police Standards and Training Council stated that they would be willing to add anabolic steroids to the pre-employment drug screening list. The committee agreed that the bill was brought forward with good intent, however, it was unanimously agreed upon to find the bill inexpedient to legislate. **Vote 20-0.**

**HB 588-FN**, relative to the criteria for applying for parole. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. This bill is positive legislation that is not a repeal of law, but from a strategic sense, it’s truth in sentencing (TIS) reform, from a tough on crime era of 1980s. TIS is expensive to the taxpayer, extreme, and outdated. Many other states have repealed or amended their truth in sentencing laws, including those states that had fewer extreme versions to begin with. This legislation will not automatically result in the release of inmates at 65% of their minimum sentence. It simply swaps a one-size-fits-all policy for one that allows the parole board to consider the unique circumstances of an individual’s case: their rehabilitative journey during incarceration and whether to grant parole. This bill will also lay the groundwork for NH to grant people “good time” time off for good behavior, enabling the Department of Corrections to better incentivize rehabilitation. This legislation is long overdue and represents a continuation of our state’s bipartisan commitment to criminal legal reform. **Vote 20-0.**

**HB 589-FN**, prohibiting state and local law enforcement from participating in the enforcement of copyright claims against free and open source software projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Jason Janvrin for Criminal Justice and Public Safety. This bill seeks to prohibit law enforcement from participating in enforcing copyright claims against free and open source software projects. The committee believes that open source contributors could utilize copywritten source code in their source code. If they do, they are liable for a copyright claim against them. If a court of competent jurisdiction finds that a violation of copyright occurs, they may issue orders to law enforcement to act. If the bill passed it would open sheriffs, their deputies, and constables to civil action and forfeiture of their performance bond by the court that issues such an order because the resulting statute would not allow them to act. It is for this reason that the committee unanimously recommends the bill be found inexpedient to legislate. **Vote 19-1.**

## EDUCATION

**HB 181**, establishing a committee to study school meal programs in New Hampshire’s public schools and nonsectarian schools that accept public funds. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Woodcock for Education. This bill is not needed at this time, as the Education Committee has previously reviewed and made multiple student meal recommendations this session based upon findings from

the comprehensive, bipartisan interim study review completed last summer and fall. Another study committee with similar responsibilities would be redundant; the Education Committee appreciates the perseverance of the sponsor regarding school meal programs. **Vote 19-0.**

**HB 441-FN-LOCAL**, eliminating residency requirements for public school attendance. **INEXPEDIENT TO LEGISLATE.**

Rep. Katy Peternel for Education. This bill removes the requirement in the public school education laws that a pupil attend the school in the district of their residence. Changes of school or assignment are to be granted without discrimination based on the residence of the student. With minimal debate, the committee unanimously agreed that this bill is not feasible for a multitude of reasons. **Vote 20-0.**

**HB 563-FN-LOCAL**, relative to the adoption of school administrative unit budgets. **INEXPEDIENT TO LEGISLATE.**

Rep. Katy Peternel for Education. Everyone on the committee is supportive of transparency in budgeting. The committee heard testimony that the school administrative unit budget can already be placed in a separate warrant article without this legislation. Questions about the procedure could be further clarified in future legislation. **Vote 19-1.**

**HB 604**, relative to reading specialists. **OUGHT TO PASS.**

Rep. Glenn Cordelli for Education. This bill relates to the reading specialist in the Department of Education. Current law calls for the department to contract for the services of a reading specialist. This bill simply allows for the department to hire someone to the position. **Vote 20-0.**

**HB 632**, relative to the cooperative school district budget committee. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. The opinion was that this bill was similar to other legislation before the committee and therefore not needed. **Vote 19-0.**

**HB 634-FN**, relative to students' participation in religious instruction to satisfy elective curriculum requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Katy Peternel for Education. This bill authorizes local boards of education to allow release time for student participation in religious instruction in an elective course for purposes of satisfying certain curriculum requirements in public schools. The committee agreed unanimously that this bill was unnecessary. **Vote 20-0.**

**HB 654**, relative to the one-year certificate of teaching eligibility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, allows for a school board to extend the one-year certificate of eligibility for teaching for a second, consecutive year. As amended, the one-year emergency certificate, may be extended to another year which provides time for an individual who currently possesses a bachelor's degree and relevant experience and education to acquire full "educator" certification. The bill also requires that the professional codes of ethics and conduct apply to the one-year certificates. This will allow some much needed flexibility in hiring practices, as districts can still make their own qualifications more stringent should they so choose. This bill has support from the Department of Education and all education groups. **Vote 20-0.**

## **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**HB 64**, requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Dianne Schuett for Executive Departments and Administration. While the goals of the sponsors of this bill are laudable, there does not seem to be an appetite on the part of the legislature or the executive branches to support the statutory commission the bill seeks to amend as evidenced by the lack of appointments to it. Testimony indicates that the University of New Hampshire has been and is continuing to study this issue and there is nothing to prevent them from doing so. And this committee encourages the university to continue sharing its findings with the state government. **Vote 16-0.**

**HB 278-FN**, relative to special duty hours worked by retired police members in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended, ratifies a series of changes made to the employer reporting requirements for part time employees working after retirement. The section specifying these requirements had been intended to be repealed in 2019, but the repeal had been missed by the legislature, OLS, and the publisher of our law books. Everyone involved accepted the changes as current law and the reporting requirements were enforced by the retirement system. When this discrepancy was noticed recently, this amendment was prepared to establish the legislative position. The original bill, completely replaced by the amendment, allowed retired police officers to work unlimited special duty hours in addition to the limited part time work, without penalty. The committee has consistently opposed such expansion of retiree work limits, particularly for a special class of retirees. **Vote 15-0.**

**HB 285**, authorizing the department of revenue administration to incorporate the New Hampshire equalization manual into the administrative rules. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended, exempts the Department of Revenue Administration (DRA) from some of the procedural requirements of rule making. The equalization manual is a product of the assessing standards board, and making it into a rule would make it less useful to the assessors who use it. The amendment grants the DRA the authority to enforce signatures on its returns and forms under the penalty of perjury. **Vote 18-0.**

**HB 564**, relative to ratification of amendments to the state building code and state fire code. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tony Lekas for Executive Departments and Administration. This bill ratifies amendments to the state building code and fire code approved by the state building code review board. A number of these amendments expand the grandfathering of existing buildings when certain renovations or use changes occur. Other amendments resulted from the agreements reached during the Interim study of HB 1312 in 2022 regarding the requirements for grease traps in certain businesses. This relaxes the requirements on some small food service businesses while still protecting sewage disposal systems. We heard testimony that none of these changes would increase the cost of building, rather in some cases it would reduce it; also, that none of these amendments would have a negative impact on public health or safety. The amendment to this bill does not change the initial content of the bill as introduced. It adds a fire protection engineer to the list of members of the State Advisory Board of Fire Control. When that board was originally created there were no fire protection engineers. The committee agreed that adding a person with that expertise made sense. **Vote 15-0.**

## JUDICIARY

**HB 543-FN**, relative to discrimination against veterans and price discrimination among other protected classes. **INEXPEDIENT TO LEGISLATE.**

Rep. Dave Testerman for Judiciary. This bill proposes to amend the New Hampshire Law Against Discrimination, RSA Chapter 354-A, to add status as a veteran as a protected class. Although the committee, which includes a number of veterans as members, has the highest regard and respect for veterans, the committee also was unanimously of the view that this legislation is not needed. Simply put, there is no evidence that discrimination against veterans is a problem that requires legislative attention. Quite the contrary, like the committee, the overwhelming majority of the public believe that veterans should be honored for their service to their country; and for the legislature to suggest otherwise would do our veterans a great disservice. **Vote 20-0.**

## MUNICIPAL AND COUNTY GOVERNMENT

**HB 236**, relative to condominium conversions under water and waste disposal laws and municipal ordinances. **INEXPEDIENT TO LEGISLATE.**

Rep. Julie Gilman for Municipal and County Government. This bill amends RSA 485-A:2, XIII to state that a condominium conversion shall not be considered a subdivision for purposes of regulation of waste disposal systems by the Department of Environmental Services or under municipal ordinances. Many structures that would likely fall under the proposed new rules are historic campsites near lakes or rivers. The committee was concerned that such areas would not be suitable for multiple residency units and should therefore be subject to subdivision regulations. **Vote 19-0.**

**HB 265-LOCAL**, relative to municipal property tax relief for installation of fire suppression systems. **INEXPEDIENT TO LEGISLATE.**

Rep. Jim Maggiore for Municipal and County Government. This bill would amend RSA 79-E:2, II of the Community Revitalization Tax Relief Incentive to provide additional tax relief to owners who install automatic fire suppression or sprinkler systems when renovating or rehabilitating a qualifying structure under the act that might not require such systems. Fire suppression systems are proven to save lives and preserve property in the event of a structure fire. However, the language of the bill extends the tax relief to any structures and the committee was concerned about providing tax relief for up to five years to owners who otherwise would be required to install fire suppression under state fire and building codes. Tax relief for one owner causes a shift in tax obligation to all other taxpayers in the community. **Vote 19-0.**

**HB 294**, enabling municipalities to adopt a child tax credit. **INEXPEDIENT TO LEGISLATE.**

Rep. Tim Cahill for Municipal and County Government. This bill would adopt a per-child tax credit. This would effectively shift tax responsibility from one tax group to another. A child tax relief is already granted on a Federal level. In testimony, Department of Revenue Administration stated that the bills use of percentage was not workable. The bill has unintended consequences and would unfairly shift tax burdens. **Vote 18-2.**

**HB 335**, relative to notice of tax lien on real estate subject to a lien for old age assistance. **OUGHT TO PASS**. Rep. Julie Gilman for Municipal and County Government. This bill amends RSA 80:68 to extend the period for notifying the commissioner of Health and Human Services of the execution of a municipal or state lien on real estate subject to such a lien for certain public assistance. The bill extends the period from 45 to 60 days. The committee believed this to be a beneficial change and voted unanimously. **Vote 19-0**.

**HB 636-FN**, relative to required education for zoning board of adjustment members. **INEXPEDIENT TO LEGISLATE**.

Rep. Deborah Aylward for Municipal and County Government. The prime sponsor did not appear, therefore, the committee had no substantive information upon which members could rely for making informed decisions. **Vote 20-0**.

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 81**, establishing a study committee to examine all ancillary charges for propane gas sales. **OUGHT TO PASS**.

Rep. Douglas Thomas for Science, Technology and Energy. During testimony, it became obvious that one national company had many complaints, 2-1 over the next propane company, and that focus was on that national company. Unfortunately, few complaints were registered with the Attorney General and only a scattering of complaint subject matters were known. During subcommittee, several local companies attended, but the national company sent two representatives, including its attorney, and outlined its plan to correct the issues within 90 days or so. The propane association attended and stated it would work to monitor the corrective actions and believed it was the appropriate place to self-administer good behavior among its non-regulated and mostly family-owned members. The majority of the subcommittee felt that retaining the bill would be enough to give time to ensure the corrective actions were in place and working, and to gather more info on the many undefined complaints. Should these actions not be sufficient, the full committee could recommend legislative action. It's important to note that except for one other local company, all other local propane companies had an insignificant number of complaints. During committee, the vote to retain was deadlocked as many felt a study committee would be more effective to determine legislative action and that committee members from another committee better suited to consumer complaints could be appointed. Although the bill did not define what those committee members would be and knowing that a vote would end up in a no recommendation and a debate on the floor, most of the committee decided a study committee would serve the same purpose and elected to vote in favor of it instead of affecting a pointless floor debate. **Vote 18-2**.

**HB 219-FN**, relative to certain public utilities statutes. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Michael Vose for Science, Technology and Energy. This bill, requested by the Public Utilities Commission (PUC), creates a way to clean up a variety of existing statutes pertaining primarily to railroads, which the PUC no longer regulates. Many of these statutes need to be recodified within the statutes governing the Departments of Transportation and Safety. The bill recodifies one such statute governing transportation network companies. It sets up a study committee to provide recommendations for recodifying numerous additional statutes. The committee amendment moved eight statutes initially targeted for repeal into the study committee section to ensure that they were handled properly. **Vote 20-0**.

**HB 233-FN**, relative to useful thermal energy under the renewable portfolio standards. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Michael Vose for Science, Technology and Energy. This bill lowers ratepayer costs for electricity by increasing the number of Class I thermal renewable energy certificates (TRECs) available for sale to utilities. Increasing TRECs allow utilities to avoid making more costly alternative compliance payments (ACPs), thus lowering their renewable portfolio standard (RPS) compliance costs. This bill creates more TRECs by removing the requirement for small wood burning boilers to install meters to verify that their fuel use equates to TREC-qualifying equivalent electrical energy. Many county, school, and municipal entities sell TRECs to reduce taxpayer costs. The committee amendment was offered by the Department of Energy and bifurcates wood boilers into small boiler and large boiler sectors, with a sector providing either more or less than 1,000,000 BTUs/hour. Large boilers will continue to require a meter and small ones will not, thus reducing their cost and promoting more burning of low-grade wood to stimulate the health of NH forests. **Vote 19-1**.

**HB 385**, relative to the approval of community electric aggregation plans by the department of energy. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Michael Vose for Science, Technology and Energy. This housekeeping bill was requested by the Public Utilities Commission (PUC). The devolvement of the PUC to create a Department of Energy two years ago required both agencies to transfer and/or clean up administrative rules. In doing this job, the PUC discovered the desirability of proactive legislation to engage the department in complaint investigation regarding

community aggregation under RSA 53-E. The department concurred and this legislation was the result. The committee amendment added provisions to guarantee transparency in this process, and to grandfather complaints filed before the legislation's effective date. **Vote 20-0.**

**HB 443**, establishing a commission to study the withdrawal of New Hampshire from ISO New England. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Caplan for Science, Technology and Energy. This bill sets up a study commission on withdrawing New Hampshire from ISO-New England, the regional power system operator. The committee was concerned that any conceivable withdrawal and build out of self-sufficient grid capabilities seemed to entail higher risks of unstable supply and higher costs with few apparent benefits for New Hampshire electricity customers. The committee heard testimony that similar studies in Maine and Connecticut concluded that withdrawal from ISO-NE was not feasible for those states, which enjoy much higher interconnections to neighboring power systems than New Hampshire. The committee concluded that the study commission was not convenient at this time. **Vote 19-1.**

## TRANSPORTATION

**HB 153**, relative to roadway pedestrian control signals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alvin See for Transportation. As amended, this bill expands the description of pedestrian crosswalk signals and provides for allowing a pedestrian to cross a roadway as long as they do not interfere with vehicular traffic. **Vote 20-0.**

**HB 356-FN**, relative to the application of motor vehicle laws to bicycles. **INEXPEDIENT TO LEGISLATE.**

Rep. Karel Crawford for Transportation. The sponsor requested that the committee find this bill inexpedient to legislate. **Vote 20-0.**

**HB 386-FN**, relative to child passenger restraints. **INEXPEDIENT TO LEGISLATE.**

Rep. Ted Gorski for Transportation. This bill would change the restraint system age requirement from 7 to 4 years. In testimony, experts testified that age is not efficient; it should be based on the size of the child. As a result, the committee felt that the bill should be voted inexpedient to legislate. **Vote 19-1.**

## WAYS AND MEANS

**HB 297**, relative to the state's dedicated funds review. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Susan Almy for Ways and Means. The Joint Committee on Dedicated Funds reviews roughly one fifth of the dedicated funds of the state each year to determine whether they are carrying out their purpose, accumulating more money than they need or less, or need to be repealed because they have been and are expected to remain totally inactive. This bill is the result of the 2022 review. It repeals two funds which have been inactive more than five years because funding is already provided in other ways and donors have not been sought. It also segregates out reporting to the committee for the dedicated funds of the Lottery Commission, Fish and Game Department, education trust fund, University System of New Hampshire, the state's member annuity savings and annuity accumulation funds, the highway surplus account, the Liquor Commission, and the Community Development Fund for New Hampshire. This is because all of these are audited and reported out annually elsewhere in the state system and currently no financial or policy information is provided in the annual dedicated funds reporting found online. **Vote 20-0.**

## THURSDAY, MARCH 9 REGULAR CALENDAR

### CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 31-FN**, repealing the prohibition on the possession or sale of blackjacks, slung shots, and metallic knuckles. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. After hearing witness testimony, it is the opinion of the majority that the recent expansion of the understanding of the 2nd Amendment in the U.S. Supreme Court makes the current ban on these weapons unconstitutional. Furthermore, these weapons have become more of a novelty than something once regularly carried. The advent of chemical, other kinetic, and electrical weapons, which are all legal, make these almost antique. That being said, they are still useful for self-defense and should not be banned while other more lethal weapons are not. Wrongful use of these currently banned articles would still be a felony. Under New Hampshire law, any item that could cause serious bodily injury or death can be considered a deadly weapon. A rock, a knife, a shovel, a baseball bat, or a golf club and they are all legal to possess. For these reasons, the majority voted this bill as ought to pass. **Vote 11-8.** Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. Contrary to testimony that these weapons are “antiquated, non-lethal defensive tools,” there are countless instances where they have been used by aggressors to intimidate, terrorize, and brutally attack their victims. Use of these weapons can lead to catastrophic injuries, including broken bones, severe wounds, and brain damage. Additionally, they are often associated with criminal activities, such as gang fights or robberies, and their very presence typically leads to more violent confrontations than would have occurred without them. The minority believes that the current law is in place for a good reason and that lifting the prohibition on possession and sale of weapons intended to maim and inspire fear is not in the best interest of public safety. At a time when crime is on the minds of many New Hampshire residents, now is not the time to put these weapons back into the hands of would-be aggressors on our streets and in our schools.

**HB 32-FN**, relative to possession or discharge of a firearm in a safe school zone. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jennifer Rhodes for the **Majority** of Criminal Justice and Public Safety. The optics of this bill will have a person believe that by saying “gun free zone” that the staff and children inside of the building are safe from an armed intruder. The majority believe nothing could be further from the truth. The reality is, since 1950, 98% of shootings have occurred in places where law-abiding gun owners have been banned from carrying their firearm. These gun free zones only make criminals of the people who might have been able to at the least try to protect our vulnerable children while they wait for law enforcement, which could be minutes or even hours away. We all agree that protecting our children is a top priority. This is why the majority on the committee agreed that this bill has devastating unintended consequences. If a parent is walking their child to school, they would not be able to defend themselves within 1000 feet of the school. This will leave the family vulnerable on the way to and from school. The same example for a parent is picking up and their child after a sporting event. Additionally, if a person lives within 1000 feet of a school they would be breaking the law when they are simply coming and going from their own home. **Vote 10-9.** Rep. Loren Selig for the **Minority** of Criminal Justice and Public Safety. This bill is intended to keep our school children safe on their way to and from school, and while present on school premises. The bill clarifies that possession or discharge of a firearm in a safe school zone is illegal and adds criminal penalties if this law is violated. Currently, New Hampshire state laws are inconsistent with federal firearms laws. Passing this law will assist New Hampshire in mirroring federal law to prioritize the safety of our students, educators, and staff and allow school administrators to better enforce gun-free school zones. The minority believes that passing this law will demonstrate a commitment to preventing violence, reducing risk and trauma, and prioritizing the protection of our school children and those entrusted to their care. The minority believe this bill will save lives and advance public safety.

**HB 59-FN**, requiring a background check prior to any commercial firearm sale. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jonathan Stone for the **Majority** of Criminal Justice and Public Safety. After hearing testimony, we believe this bill is unnecessary, conflicting, and duplicative. Currently all federal firearms licensed dealers are required to conduct a background check on all firearm sales and transfers. In New Hampshire, the Department of Safety State Police Gun Line is responsible for all Handgun and “other” background checks. All long gun firearm purchases are conducted via the Federal Bureau of Investigation NICS center. Both provide an individual transaction number regardless of the status for tracking. Under current federal law, anyone under the age of 21 is automatically “delayed” and an additional 10 days is implemented before a transaction can be completed. One of the concerning parts of this bill is establishing the following definition: “Commercial sale” means a transfer of ownership of a firearm, including but not limited to, a sale, exchange, or gift.

Another concerning part of this bill is 159-F:3 Successful Completion of Background Check. No firearm shall be delivered to an individual pursuant to a commercial sale until NICS has issued a “proceed” response. It is not uncommon in the firearms business to not receive a “proceed” status for weeks, months, and on very rare occasions not at all. It should be additionally noted, that if a firearm is transferred and the buyer is found to be a prohibited person the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) and State Police are notified. Current New Hampshire law prohibits the sale or transfer of a firearm to a person who is not personally known to the seller. This makes sales to strangers via an online advertisement, on the side at a gun show, or via other venue illegal. A citizen of New Hampshire should not be denied a natural and constitutional right to protect themselves because of government inefficiency. This bill was not asked for by any New Hampshire law enforcement agency nor did any testify in favor of it. **Vote 10-9.**

Rep. Ray Newman for the **Minority** of Criminal Justice and Public Safety. This bill requires commercially advertised firearms sales and transfers between individuals to be subject to the same sort of criminal background check as commercial sales by licensed firearms dealers. It is a common sense measure designed to keep guns out of the hands of felons, respondents subject to domestic violence restraining orders, and other prohibited parties. It requires commercial firearms sales or transfers in New Hampshire to be subject to a criminal background check and provides a criminal penalty for a violation. Currently, the federal law on background checks only applies to sales by federally licensed firearms dealers. This situation effectively exempts commercial transactions between private parties. The bill seeks to close this loophole in state and federal law by requiring commercial transactions taking place between private parties who do not know each other and are not licensed firearms dealers to include a criminal background check obtained through a licensed firearms dealer. The bill sensibly exempts transactions between family members and sales to licensed dealers, licensed collectors, licensed manufacturers, and licensed firearms importers. It also exempts law enforcement agencies, law enforcement officers, and active duty members of the US Armed Forces. We feel this is a sensible policy that will make it more difficult for prohibited persons to illegally obtain firearms, while posing little inconvenience to other potential buyers, many of whom have experienced the process when buying a firearm directly from a federally licensed dealer.

**HB 78**, repealing an act prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep or bear arms. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jonathan Stone for the **Majority** of Criminal Justice and Public Safety. After hearing testimony, the majority felt that no information was presented that justified advancing this legislation. This bill would take away current protections under New Hampshire law. Presidential Executive Orders and Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) rule making authority are subject to change at the whims of the President or unelected bureaucrats in the case of the ATF. During the executive session some members seemed confused regarding the fact that federal law is enforced by federal law enforcement agents only and not by state, county, municipal, or local law enforcement. Under RSA 159-E:1, New Hampshire citizens are protected from our law enforcement working with federal law authorities to enforce any federal rule or order that conflicts with New Hampshire law. There exists several recent examples of why this is necessary. These rules and orders are often overturned and if enforced in New Hampshire, they would cause confusion and expense to citizens and our government. In 2018 then President Trump ordered the ATF to ban “Bump Stocks.” A federal appeals court just overturned it as unconstitutional. Another current example of this federal government overreach is the ATF Stabilizing Brace Rule that was just issued, although prior to millions being purchased, they originally said they were legal. The New Hampshire Attorney General has already joined with 24 other states in a lawsuit against the federal government over this new rule. No New Hampshire law enforcement agency requested this bill or spoke in support of it. **Vote 11-9.**

Rep. Linda Harriott-Gathright for the **Minority** of Criminal Justice and Public Safety. This bill would repeal a law prohibiting New Hampshire, counties, towns, and schools from enforcing or even cooperating with any federal law, rule, regulation, or executive order regarding firearms and knives unless it is also in state law. As mass shootings, gun violence, and gun suicides continue to increase, the need for action and cooperation at the state and federal levels has never been more critical or more apparent. The current law drives an unnecessary wedge between state and federal law enforcement. Worse, it does nothing to make our streets safer, to make it more difficult for criminals to purchase untraceable “ghost guns” with no serial number, or to combat our national and regional plague of illegal firearms trafficking. Granite Staters are taxpaying United States citizens. As such, they deserve to benefit from the full protection of current and future federal laws that will reduce the risk of gun violence, keep firearms out of the hands of criminals, and save lives. Passing this bill and repealing the current law would also address unintended consequences, such as chilling longstanding cooperation between federal, state, and local law enforcement; opening the door to potential lawsuits; and losing federal grant money to support state and local law enforcement activities. Reducing the risk of gun violence and suicide is a public safety issue. Refusing to handcuff law enforcement from enforcing laws that make us safer is a New Hampshire issue and our responsibility.

**HB 106-FN**, relative to extreme risk protection orders. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the committee, after hearing testimony from advocates for and against this bill, agreed that it should be found inexpedient to legislate. The deprivation of a fundamental constitutional right without due process, is contrary to the spirit of both the New Hampshire and United States Constitutions. While advocates claim these laws exist in other states and are therefore constitutional, the Supreme Court has yet to rule on such a case. They did however make a key ruling in 2022 in the case of New York State Rifle & Pistol Association, Inc. v. Bruen, 597 U.S. (2022). In this case, the court found that state restrictions on the 2nd Amendment must be evaluated considering the “historical tradition of firearm regulation.” Subsequently, citing the Bruen decision, on December 22, 2022, the New York State Supreme Court found that state’s “Red Flag law” unconstitutional. This bears repeating; Just 2 months ago, the supreme court of one of the largest states in the country, a state with a history of very restrictive firearms laws, found “Red Flag laws” unconstitutional. The New Hampshire House would be wise to do the same. **Vote 11-9.**

Rep. Nancy Murphy for the **Minority** of Criminal Justice and Public Safety. After having undergone several drafts and incorporating numerous edits and input from many stakeholders, this public safety bill passed both chambers as HB 687 in the 2019-2020 session before being vetoed. Gun violence tragedies, like mass shootings and gun suicides, are often preceded by ‘red flag’ warning signs, such as threats and other dangerous behavior. “Red Flag Laws” such as this bill authorize courts to issue temporary Extreme Risk Protection Orders (ERPOs) relative to firearms under very explicit circumstances. They have been enacted in 19 states and DC; meet the standards set by the Supreme Court; and have been found to be constitutionally sound and withstand due process challenges. Research shows that ERPOs are working and save lives. Under current NH statute, a person who displays warning signs that they’re considering suicide or engaging in a violent act, but who is not a ‘prohibited person’ under federal law, would still be able to legally buy and possess firearms. In 2020, NH’s gun suicide rate was around 17% higher than the national average and 89% of all NH gun deaths are suicides. This bill is a life-saving tool that can help fill this gap, allow people in crisis the chance to obtain the help they need, and prevent warning signs from escalating into tragedy for NH citizens. This bill creates a civil legal process for a narrowly defined group of persons, family and household members, an intimate partner, or law enforcement officers, to petition the court for an ERPO. During a hearing, the petitioner must prove by a preponderance of the evidence, that an individual in crisis poses an ‘immediate’ or ‘significant’ risk of harm to themselves or others if given access to firearms; and thus, an ERPO is necessary to prevent that from occurring. Any person who files a sworn petition containing allegations known to be false, or with the intent to harass the respondent, is subject to criminal penalties under RSA 159-F:11. ERPOs are temporary, do not result in a criminal record for the respondent, and allow for short term removal of firearms, up to five days maximum, after a hearing; followed by a full court hearing within 7 days of filing or 4 days of service of process to the respondent giving all parties the opportunity to be heard. A petitioner may request an extension of the ERPO which will only be granted by the court, not to exceed 12 months, if it is established by clear and convincing evidence that the respondent continues to pose a significant risk of causing bodily injury to him or herself or others if given access to firearms. Firearm ownership doesn’t change when an ERPO is issued. When an ERPO is terminated or expires, a court order will direct the return of the respondent’s firearms upon his or her request, unless the respondent is prohibited from possessing firearms for any other reason. The National Instant Criminal Background Check System (NICS) database entry includes the expiration date of the ERPO and a record of an expired ERPO will not result in a ‘denied’ response to a NICS background check. This bill will save lives and advance public safety. For these reasons, the minority recommends this bill ought to pass.

**HB 216-FN**, exempting dimethyltryptamine from the controlled drug act. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Meuse for the **Majority** of Criminal Justice and Public Safety. Dimethyltryptamine is a hallucinogenic drug that produces short duration effects similar to those of psychedelics, like LSD and magic mushrooms. Although the courts have ruled the drug can be legally used for religious reasons, and we understand that it is now being used in some New Hampshire churches as part of religious ceremonies, it remains a controlled substance under both New Hampshire and U.S. law. Anecdotal reports from users as well as some scientific studies indicate dimethyltryptamine may be beneficial in the treatment of addiction and certain mental health issues. However, the majority believes that legalizing it without restrictions by removing it from New Hampshire’s Controlled Drug Act simply goes too far. In testimony, we heard that some users can experience seizures. We also heard that because the drug can cause temporary spikes in heart rate and blood pressure, it may present significant health risks for those with heart conditions or who already have high blood pressure. Concerns were also raised with the bill’s potential to increase access to the drug for children, for whom its effects are less understood. While a case can be made to allow use of the drug outside of religious ceremonies in clinical settings where a user is under the care and observation of a medical professional, simply legalizing it would open the door to unintended consequences. **Vote 14-6.**

Rep. Jonah Wheeler for the **Minority** of Criminal Justice and Public Safety. The so-called “war on drugs” has made the drug dimethyltryptamine illegal for no well documented reason. There are people who use this substance for religious and spiritual reasons, and the committee heard testimony to those experiences being quite profound in nature. The only harm testified to was a so-called “bad trip.” The minority of the committee feels that illegalizing this substance causes more problems than legalizing it would.

**HB 624-FN**, relative to federal immigration checkpoints. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Meuse for the **Majority** of Criminal Justice and Public Safety. This bill requires New Hampshire’s state, county, and municipal law enforcement agencies to provide 24 hours notice to the public after being notified by federal law enforcement officials that an immigration checkpoint will be conducted. During these checkpoints, individuals traveling on New Hampshire’s roadways are stopped without probable cause or reasonable suspicion that a crime has been committed. Stops without suspicion are typically not allowed under the Fourth Amendment except under very limited circumstances. These stops have predominantly resulted in arrests for crimes unrelated to immigration status. In the North Country, they present a major source of unexpected delays to residents and visitors who have done nothing wrong and serve to intimidate recently naturalized citizens as well as life-long citizens who happen to have been born in another country. Like the notice that is required for state sobriety checkpoints, the majority believes that providing advanced notice will mitigate the significant intrusions on civil liberties that these immigration checkpoints create. **Vote 14-6.**

Rep. Jonathan Stone for the **Minority** of Criminal Justice and Public Safety. After hearing testimony in regards to this bill, members in support of inexpedient to legislate believe that if it were to pass, New Hampshire law Enforcement would be mandated by law to provide a warning in the form of advanced public notice of an upcoming federal border patrol checkpoint being conducted within New Hampshire. This notice would give advance warning to those wishing to enter our state and county illegally and possibly impede the enforcement actions of the Border Patrol Agents (BPA). The primary mission and responsibility of the BPAs is focused on securing our international borders and coastal waters between ports of entry. They safeguard the American people from terrorists, their weapons, and detect and prevent human trafficking and drug smugglers, as well as the illegal entry of undocumented non citizens who have not been properly vetted. In August of 2018 federal border patrol agents arrested 25 illegal aliens during a three-day checkpoint on Interstate 93 south in Thornton. Another 46 people, nearly all from New England, were arrested at the checkpoint on drug charges after border patrol drug-sniffing dogs zeroed in on their vehicles. In September 2019, 25 people were apprehended during operations in the Lebanon area including what they called 4 “illegal aliens” who were detained as part of a checkpoint on interstate I-89. Of those apprehended, 24 were undocumented, while one was a U.S. citizen who was wanted on an outstanding warrant. In August of 2022, a man who was in the U.S. illegally, was charged with killing a 34-year-old Nashua woman, and he will be “eligible for removal proceedings” following the New Hampshire court case, according to the U.S. Immigration and Customs Enforcement. We need to put the safety and security of New Hampshire citizens first. This bill was not requested by any New Hampshire law enforcement agency, and is not supported by the New Hampshire State Police. In fact, during testimony, the State Police raised concerns over the negative impact this requirement could have on the working relationship between state and federal agencies in joint cooperation for public safety. Immigration laws fall under the complete authority of the federal government.

## EDUCATION

**HB 367-FN-LOCAL**, relative to eligibility of students in the education freedom account program. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** The successful Education Freedom Accounts program has over 3,000 students enrolled but family income is limited to 300% of federal poverty. We had testimony about hundreds of students being denied access to the program because of the family income limit. The amended bill would raise the cap modestly to 350% of federal poverty. For a single mother with a child, it would be less than a \$10,000 increase in the income limit. With the current cost of living increases, we owe it to lower income families to help them provide the educational options to meet the educational needs of their children.

Rep. Glenn Cordelli

**Statement in support of Inexpedient to Legislate:** The Education Freedom Account (EFA) program is presently open to families with incomes up to 300% of the federal poverty level. For a family of four, this is presently \$90,000. The bill would increase eligibility to 500% of the federal poverty level, or about \$150,000 for a family of four. Increasing the income eligibility cap to this amount departs from the intent of the program to “open doors” to private and home school options for lower-income families. And without annual income recertification, a family’s income could increase substantially over a decade or more and taxpayers would still be on the hook to pay for their private school tuition bills.

Rep. David Luneau

**HB 380-FN**, relative to non-academic surveys administered by a public school or a chartered public school to its students. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill's focus is to increase student participation in non-academic surveys, thereby increasing the amount of data accumulated in order to create the most appropriate student services. The bill also expands participation to chartered public schools in order to capture the needs of students in non-traditional school settings. Parental safeguards include prior written and electronic notification of the survey, options to review the surveys physically at the school or via the school website at least 10 days in advance of survey implementation, and the ability for parents to opt their child out of the survey either in writing or electronically. The minority believes that increased student participation in school surveys will provide more timely and focused programming thereby improving a student's overall opportunity for success.

Rep. Stephen Woodcock

**Statement in support of Inexpedient to Legislate:** This bill makes changes to the requirements for school districts or charter public school policies governing the administration of non-academic surveys or questionnaires, including requiring the adoption of policy governing the administration of non-academic surveys or questionnaires to students and requiring electronic notification to parent/guardian. The bill would result in students having to participate in other non-academic surveys created by the Centers for Disease Control (CDC) by default of wording in this legislation. The Youth Risk Behavior Survey (YRBS) exposes students to personal matters, including sexual topics. Students may be forced to take unwanted surveys, which are an unintended consequence and intrusion into personal affairs.

Rep. Valerie McDonnell

**HB 440-FN**, relative to the uses of education trust fund. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill was requested by the Department of Education. Various programs have been added in statute specifying funding to come from the Education Trust Fund. These include infrastructure grants, kindergarten grants to municipalities and the Education Freedom Accounts. The section of statute related to the uses on the Education Trust Fund had not been updated to reflect the funding of these programs. This bill corrects that oversight. It does add the ability of the department to retain up to 1% of the appropriation for administrative costs. We need to update statutes such as this that have not been updated when new programs have been signed into law.

Rep. Glenn Cordelli

**Statement in support of Inexpedient to Legislate:** The Education Trust Fund was established to provide needed state aid to local public school districts to support an adequate education for New Hampshire students. This bill would add the funding for the Education Freedom Account (EFA) program to the Trust Fund. To add funding for the EFA program from the Education Trust Fund threatens the amount of taxpayer Trust Fund dollars to school districts. Currently, there is little accountability on the allocation of the taxpayer dollars to the EFA program. Further, there is no stated budget limit to the allocation of EFA vouchers. Some project that as much as \$20 – 70 million could be allotted to the EFA program. Adding the EFA program is not a housekeeping function. The program was created as a standalone program in order for legislators and the public to know how much taxpayer money will be used to pay for private, religious, and home schooling costs. Clearly, the EFA program needs its own budget separate from the Education Trust Fund. We need to remember that New Hampshire nationally ranks 50th in state aid to its local school districts. The Education Trust Fund needs to remain dedicated to the funding of an adequate education to the vast majority of students attending public schools.

Rep. Mel Myler

**HB 464-FN**, relative to eligible students in the education freedom account program. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill expands eligibility for the Education Freedom Accounts (EFA) to certain groups of students regardless of the income of their parents. These groups include children in foster care, migratory children, homeless children or youths, children with a parent in the armed forces on full-time duty, english language learners, children who are persistently bullied, children with a disability, children with a documented approved manifest educational hardship, children living in school districts identified as a comprehensive support and improvement school (failing school), and children in school districts designated as being a persistently dangerous school. Those on the committee who voted in support of this bill feel that these children have a more difficult time obtaining the opportunity for an adequate education and could benefit from the EFA program by being able to use their adequacy grant money to attend a different public school or a private school, or to pay to provide for their particular special education needs.

Rep. Alicia Lekas

**Statement in support of Inexpedient to Legislate:** This bill attempts to expand the qualifications of the Education Freedom Accounts voucher program beyond the original intent of the program to provide school vouchers for families with an annual household income that is less or equal to 300% of poverty. This bill proposes that eligibility for the program extend to include students who are in various categories and situations

such as foster care, a "migratory child," English language learner and more, regardless of family income level and ability to pay. The two-year-old school voucher program needs stricter accountability academically and fiscally, increased transparency, reports of outcomes, and oversight. To make a drastic change in eligibility with unknown numbers of eligible students will balloon the cost of this program which has already exceeded its budget by millions of dollars and still has no cap. The students in these categories are among the most vulnerable students who need a strong safety net, meals and basic needs, specialized school and community services, and the inclusive and nurturing culture found in the local community public schools that are not guaranteed in the voucher program. We need to support our local community public schools while working for stronger guardrails, not expansion for this fledgling program. We believe public schools need to be adequately funded and remain this legislature's top priority.

Rep. Linda Tanner

## JUDICIARY

**HB 112**, relative to tenant's right to notification prior to the sale of a multifamily home. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Zoe Manos for the **Majority** of Judiciary. This amended bill requires that the owner of restricted residential property give each tenant no less than 60 days notice before the final closing on the sale of the property. Notice is considered delivered to a tenant by signature of receipt or notation of refusal of a certified letter. We believe this bill is necessary in order to give tenants living in restricted residential property adequate notice of the pending sale of the so that they can either make arrangements to move in a timely manner or so that a group of tenants can arrange to make a counteroffer to the owner to buy the property. **Vote 11-9.** Rep. Joe Alexander for the **Minority** of Judiciary. There could be many reasons a property owner would need to make a quick sale. The Amendment requiring 60 days notice would prevent that sale. Listing to contract to closing is sometimes completed in 10 days. Tenants are already protected by having a lease which remains valid and binding on the present and future owner regardless of the sale. The bill as introduced provides further delays for financing. It would deny the owner the right to sell her property to her children, grandchildren, brothers, or business partners. It unfairly interferes with property rights and the owner's ability to negotiate. What if the sale of rental property needs to be accomplished quickly to pay for some unforeseen or emergency expense, such as surgery? What if 60 days was too long to wait? Who is responsible for the loss of opportunity? Who is financially responsible for the loss? HB 112 is wrong for NH and wrong for property owners who believe in the motto "Live Free or Die."

**HB 117**, relative to the termination of tenancy at the expiration of the tenancy or lease term. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** Republicans on the Committee recommend this bill OTP. The bill is intended to correct an unfortunate 2005 NH Supreme Court split decision in which the majority held that the fact that the term of a lease has expired does not constitute "good cause" for evicting the tenant. The concurring opinion of Justice Nadeau persuasively argued that the effect of the decision is to re-write contracts by granting a tenant who enters a lease for a specific time, such as one year, a perpetual lease of the rental unit. The decision allows for a complete abrogation of the landlord's right under the lease contract. Far from protecting tenants, the effect of the court decision is to make it more difficult for marginal individuals to secure housing. A landlord faced with a close call as to whether to rent to a questionable person may be willing to do so if the landlord knows his exposure is only for the limited term of the lease, after which, if things have not worked out, the landlord can evict the tenant. But as the law now stands, landlords have no incentive to take such a risk because, once they accept the tenant, they cannot end the lease at the end of its stated term. The ability to evict at the end of the term does not apply to short term rentals of less than 6 months because, absent unusual circumstances, in such cases the parties normally expect that a short term or month to month rental will be renewed at least for a six month period. In all cases, the landlord is required to give 30 days' notice of an intent to end the lease at the end of the term. This bill will not change in any way the law with respect to any other circumstances that may constitute "good cause" for eviction.

Rep. Bob Lynn

**Statement in support of Inexpedient to Legislate:** The members supporting ITL believe that the limited protections established by the legislature and Governor in 1985 (RSA 540:2, II) for citizens renting certain residential units are reasonable and do not restrict a landlord's ability to lease or rent to whomever the landlord desires. By repealing the "good cause" section of RSA 540, this bill would allow a landlord to pursue eviction of a tenant without "good cause" at the mere expiration of a lease (at the end of 12 months or whatever the term), leaving the tenant of a restricted residential unit without statutory protections or legal recourse to fight the termination of their tenancy.

Rep. Rebecca McBeath

**HB 401**, relative to evictions based on the owner's intent to renovate the property. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill offers needed protections for tenants in situations where a landlord plans to renovate property or remove property from the market. When an eviction notice is based on an intent to renovate, a renter must be provided 60 days' notice to vacate, be told what work is being done to the unit, and the time frame renovations will take. Additionally, it must be shown that the work cannot be safely performed with the tenant still living there and that the work will take more than 30 days. If one is evicted based on the owner's intention to remove the property from the market, this bill would require 60 days' notice to the tenant and mandates that the unit be off the market for one year. All of these protections allow a reasonable balance where landlords can still renovate and repair their properties or remove them from the market, but also allows tenants stability and more notice to avoid difficult situations, including school changes, increased difficulty in travel to work, or, because of lack of availability of alternative housing, homelessness.

Rep. Marjorie Smith

**Statement in support of Inexpedient to Legislate:** This bill would place an undue and unwarranted burden on a landowner's ability and right to renovate and/or remove his property from the rental market. It would require the landlord to give 60 days' notice to vacate, describe with specificity the work to be done and the time it will take, explain why the work cannot be done with the tenant in place, and show that the work will take more than 30 days to complete. The landlord also must offer the tenant an alternative rental on the same terms if one is available. Evictions based on the landlord's intent to remove the unit from the rental market must also include a sworn affidavit that the unit would be off the market for no less than one year, with the owner incurring liability to the tenant for a \$10,000 penalty if the unit is returned to the market in a shorter time. Supporters believe requiring landlords to comply with these onerous requirements will increase rental rates and decrease the already scant supply of affordable housing.

Rep. Kristine Perez

**HB 469-FN**, prohibiting discrimination against tenants holding certain vouchers for purposes of renting dwellings. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill prohibits discrimination against participants in the Housing Choice Voucher Program operated pursuant to 42 U.S.C. 1437f, better known as "Section 8 Vouchers." We believe that this program is a very good federal public-private partnership program, even though there are not enough vouchers available: so few, a family typically waits several years to get a voucher. These vouchers can be used to rent any house or apartment whose rent is below a certain level and which meets specific requirements. These vouchers are administered by a housing authority, typically the statewide New Hampshire Housing Authority, which makes sure both the tenants and the landlord meet all their obligations to one another.

Rep. Timothy Horrigan

**Statement in support of Inexpedient to Legislate:** ITL Supporters believe this bill would worsen New Hampshire's housing shortage. The bill would require landlords to accept Section 8 Housing Choice Vouchers. Section 8 Vouchers require a landlord to comply with 77 pages of federal regulations and a 12-page Housing Assistance Program (HAP) contract, with the landlord having no say in any of it. In essence, this forces a landlord into entering into a government contract without any say in the content of that contract. In addition, the government can change the regulations at any time and the landlord would be forced to sign the iteration with no say. For any currently approved applicants or existing tenants, this bill would force landlords to sign into a federal program involuntarily. These regulations and the HAP contract place many burdens and additional costs on the landlord, which would undoubtedly exacerbate rents and worsen our affordable housing problems. A provision of the bill allows a landlord to be excluded if their rent is higher than the rent allowed by the program. This will incentivize rent increases. We believe we need to fix the Section 8 program and incentivize landlords to participate in the program but not force it upon NH landlords.

Rep. Katelyn Kuttab

**HB 567**, relative to notice of rent increases in certain residential rental property. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** This amended bill requires that the owner of nonrestricted residential property provide each tenant with not less than 30 days written notice of a rent increase and that an owner of restricted residential property provide tenants with not less than 60 days written notice of a rent increase. It further requires that, notwithstanding other provisions of law, an owner of restricted property provide tenants with not less than 60 days written notice of any rent increase, or combination of rent increases, that exceed 15% of the rent in effect at the time a notice of rent increase is provided to each tenant. We believe this bill is necessary in order to give tenants, who are living in either restricted or nonrestricted residential property, adequate notice of rent increases so that they can either make arrange-

ments to move in a timely manner or so that they have adequate time to plan and budget for rent increases. We believe that this bill strikes a balance that acknowledges the right of landlords to raise rents, while protecting tenants living in restricted residential property who are notified of rent increases of more than 15%. This is particularly important in the current climate where residential vacancies are rare and hard to find.

Rep. Zoe Manos

**Statement in support of Inexpedient to Legislate:** Supporters of ITL of the Judiciary Committee believe that this bill is a step down the road to institute rent control. This bill would require landlords to provide at least 30 days written notice to tenants of any rental increase for nonrestricted property and at least 60 days written notice to tenants for restricted property. In cases of an increase which exceeds 15%, a written notice of 6 months would be required. The tenant could then terminate the lease, with only 10 days notice to the landlord. We believe that further regulations of the time and manner in which rent is raised will burden the property rights of landlords, cause landlords to raise rents to offset the additional burdens imposed by the bill, and do nothing to solve the housing shortage in New Hampshire.

Rep. Katelyn Kuttab

**HB 647-FN**, relative to causes of action for individual rights. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Joe Alexander for the **Majority** of Judiciary. This bill brought out extensive opposition from both public sector employees and employers, including the NH Police Association, NH Troopers Association, Professional Fire Fighters of NH, State Employees Association, AFL-CIO, AFSCME, NH Association of Chiefs of Police, NH Municipal Association, and NH Association of Counties as well as numerous state agencies. It would create new avenues for lawsuits against the state and local governments that do not currently exist, adding new costs for government entities and taxpayers. It would change limited protections all public employees currently enjoy that allows for the public's business to be served in an adequate manner. Although the bill would protect public employees from personal liability by substituting the public employer for the employee as the defendant in suits for damages, it nonetheless would negatively impact collective bargaining agreements by eliminating protections from arbitrary removal or discipline that exist in many union contracts. It allows for attorney's fees, even under small settlements, something NH does not allow in other areas of law. It will create previously unknown state constitutional claims for damages against governmental bodies that will put additional pressure on the workload of the judicial branch. By putting the actions of public sector employees under new threats of lawsuits, the bill will further add to the already severe problems of hiring and retaining qualified personnel being faced by public employers across the state. The majority felt HB 647 is a bad fit for NH, especially since current law allows for lawsuits when an employee acts outside the scope of their job responsibilities or in a wanton and reckless manner. **Vote 16-3.**

Rep. Marjorie Smith for the **Minority** of Judiciary. Those supporting this bill hold New Hampshire's public employees in the highest regard. Many of our employees put themselves at risk for the benefit of the state and its citizens. We also acknowledge that there are very few "rotten" apples in the system and to protect the integrity of the great majority of employees and justify the faith that the public places in the system, we believe that those who are proven to violate citizens' civil rights should not be allowed to sully the reputation of all. When a complainant believes that their constitutionally protected civil rights have been violated, this bill permits the aggrieved individual to seek injunctive relief. The bill states that the court shall make its determination of reasonableness from the perspective of a reasonable government employee on the scene. The bill recognizes that the employee often must make split-second decisions in tense, uncertain, and rapidly evolving situations. The court shall not base its decision using perfect hindsight or facts and circumstances of a claim that are later discovered. Within that context, no employee has the right to irresponsibly violate anyone's constitutionally protected civil rights. Public employers act as agents for all of our citizens. They have an obligation to recruit, hire, train, supervise, and hold accountable their employees. Therefore, this bill holds the employer, not the employee, accountable to the people of New Hampshire.

## MUNICIPAL AND COUNTY GOVERNMENT

**HB 51**, relative to requiring towns and school districts use warrant articles for lobbying agents. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jim Maggiore for the **Majority** of Municipal and County Government. This bill would amend RSA 15:5, I to allow towns and school districts to use a warrant article for approval of every lobbying agent. Selectboards, school boards and voters already can include any appropriations for dues, subscriptions, and/or lobbying in their operating budgets or by question on a separate warrant article. The legislative body then can amend or zero-out line items through the annual meeting process. Membership organizations that lobby either have a statutorily defined membership fee (RSA 31:8) or are calculated based upon a formula combining property valuations and population. Lobbying reports are then filed with the NH Secretary of State and are readily available in multiple forms on the Secretary of State website. Much of the attention in committee hearings was

focused on the training, education, advocacy, support and lobbying efforts of the New Hampshire Municipal Association. Other membership groups like the NH School Boards Association, the NH City and Town Clerks Association, the NH Building Officials Association, the NH Automobile Dealers Association, the Business and Industry Association, the NH Grocers Association, and many more are prepared to assist with advocacy and training on any issue that benefits the municipality. This is especially helpful for small towns with limited funding that might not be aware of pending legislation with consequential effects. Requiring a warrant article for each agency is unrealistic and would severely impede the ability of a municipality to effectively manage the prudent affairs of its community. **Vote 15-5.**

Rep. Josh Yokela for the **Minority** of Municipal and County Government. As proposed, this bill would require association membership fees that municipalities join to be distinct from and not contingent on funding for the lobbying efforts of those associations. This would allow the local budget committees and the voters to discuss the principles by which the associations lobby and could maintain membership in the association for the information and training, but avoid having tax money go to support policies the local government or local citizens do not agree with. There are private sector unions that use this same model and the minority of the committee believes such a division of funds is not only workable but allows for more transparency and discussion around the issue of tax monies being used for lobbying efforts.

**HB 90**, relative to the municipal planning master plan. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill amends RSA 674:2, III to provide additional guidelines for municipalities engaging in the master planning process. It seeks to add chapters (or categories) to master plans that reflect the changing nature of land use across the state, including increased demand for renewable energy, multi-modal transportation, and other significant matters involved with development that come before planning boards on a routine basis. Half the members of the committee recommend Ought to Pass.

Rep. Laurel Stavis

**Statement in support of Inexpedient to Legislate:** This bill would add green initiatives to an already “suggested” and lengthy list of items contained in master planning RSAs. Committee members in favor of ITL believe this bill is unnecessary legislation. RSA 674:2, III should instead be re-drafted in future legislation in an attempt to eliminate and consolidate language rather than adding on to an ever-growing list of “suggestions” for master plan considerations.

Rep. Tim Cahill

**HB 154**, relative to the adoption of public health ordinances by municipalities. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Diane Pauer for the **Majority** of Municipal and County Government. This bill changes the manner by which public health ordinances are locally adopted. Under current statute, a new ordinance made by a town health officer shall take effect upon approval by the selectboard. This bill amends RSA 147:1 to require that any new health ordinance made by a town health officer shall require approval by a majority vote of the legislative body in order for the ordinance to take effect. Notably, RSA 147 was not used to adopt ordinances until the recent pandemic, when controversial mask mandates were enacted unilaterally by many municipalities. Under this bill, enacting a new proposed public health ordinance will not be delayed as a special meeting can be noticed by the selectboard and held with a 24 hour notice. Furthermore, in the event of an emergency or developing crisis, the Governor can declare a state of emergency and issue emergency orders if necessary. Importantly, this bill does not alter the duties and responsibilities of a town health officer to enforce existing state public health laws and rules (relative to rental housing standards, restaurants or other food serving establishments, sanitary systems, swine pens/sties, water resources, etc.) and existing local ordinances. This bill simply requires majority approval of any new public health ordinance by the town legislative body, which can be accomplished very quickly. **Vote 10-9.**

Rep. Jim Maggiore for the **Minority** of Municipal and County Government. This bill would amend RSA 147:1, I to wrest the authority from the health officers to enact regulations for emergent or emergency public health conditions and instead require all such regulations to be approved by the legislative body at an annual or special meeting. Under RSA 128 relative to health officers, each town is required to nominate and support a health officer for the purposes of enforcing public health laws and protecting citizens. Under RSA 147, public health officers are required to enforce state public health laws and local codes as well as identify and resolve public health issues like unsafe housing conditions, health nuisances, septic failures, hoarding, pest infestations and unsafe sanitary conditions in places where people gather, live, work, and learn. Public safety in the event of an emergency or emerging crisis cannot be delayed for up to one year for a vote of the public at an annual meeting or come only after the significant costs and time to hold a special town meeting. The president of the NH Health Officers testified that a health officer would in the normal course of fulfilling their responsibilities inform the local governing body of public health emergencies and follow all state and local rules for posting and adopting any regulations or ordinance. For these reasons the minority of the committee believes this bill is unnecessary and, in fact, will create, not mitigate, public health hazards.

**HB 177**, relative to the definition of qualified structures under the community revitalization tax relief incentive. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Josh Yokela for the **Majority** of Municipal and County Government. This bill expands tax breaks for improving land property from the current requirement that improvements must be made to structures. The tax breaks are already quite broad and the majority of the committee believes additional cost shifting of taxes from businesses to residential taxpayers is inappropriate during the current housing and rental market. There is no evidence that improvements to the land properties would only occur if tax breaks for such improvements were available. **Vote 11-8.**

Rep. Laurel Stavis for the **Minority** of Municipal and County Government. This bill expands RSA 79-E, the community revitalization tax relief incentive, by replacing the term “qualifying structure” with “qualifying property” so that land in zones adopted by municipalities as eligible for tax exemptions under the statute would also qualify. The minority recommends an Ought to Pass vote, yet we note that the bill had some technical issues. Nonetheless, those voting in favor felt that some lots that contained more than just structures should be eligible for this revitalization incentive, and that it would be helpful particularly in downtown areas with neglected or blighted lots.

**HB 467-FN**, relative to public playground accessibility. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Preece for the **Majority** of Municipal and County Government. This bill seeks to amend RSA 155 by adding a new section that would require any public playground in use on or after January 1, 2024 to have accessible pathways made of resilient rubber, composite surfacing, or similar solid surface material. This bill would complement the Federal Americans with Disabilities Act standards. The majority vote of the committee believes that improving accessibility in this way will make public playgrounds and parks more inclusive and welcoming to all children and care givers, especially those with disabilities. In addition, adding pathways made of these materials would relieve towns of the need to periodically level or replace less accessible materials, and would save money over time. **Vote 10-9.**

Rep. Diane Pauer for the **Minority** of Municipal and County Government. This bill requires that all public playgrounds in use on or after January 1, 2024 have accessible pathways to and from the playground as well as to each piece of equipment that are surfaced with resilient rubber, urethane rubber composite, or a similar resilient solid surface material that is neither a loose fill nor an aggregate material composition. The minority of the committee did not see the need for this bill as any renovated or newly designed and constructed playgrounds must comply with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design. According to ADA, in addition to providing a range of play experiences to individuals of varying abilities, an accessible playground must have an accessible path from the edge of the play area to each piece of equipment that is constructed from surfacing compliant with ASTM 1951 (Determination of Accessibility of Surface Systems Under and Around Playground Equipment). Additionally, by specifying a single type of surfacing material, this bill prohibits the use of other appropriate materials compliant with ASTM 1951, thereby limiting flexibility in the playground design in consideration of the site conditions, which may unnecessarily increase the cost of the project at the expense of the taxpayers. Of further concern, as a result of ongoing safety studies pertaining to the use of rubber on playgrounds, is the possibility of future federal regulations requiring the replacement of rubber surfacing, incurring added expense in addition to the potential negative environmental impacts using of rubber surfacing. Lastly, the minority of the committee believes this bill as written constitutes an unfunded state mandate on municipalities in violation of the New Hampshire Constitution, Part 1, Article 28:a.

**HB 477**, to prohibit municipal inspections of owner-occupied units of multi-unit housing. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. David Preece for the **Majority** of Municipal and County Government. This bill would prohibit local enforcement agencies from enforcing the state building code inspection of owner-occupied units in residential multi-unit structures of four units or less. The majority of the committee felt that building codes and regularly scheduled inspections are vital to protect the public from the health and safety risks posed by improperly constructed and maintained multi-unit housing. No exceptions should be given to owner-occupied units in residential multi-unit structures of four units or less. The sponsor's argument of privacy rights should be secondary to the public's protection from health and safety risks. **Vote 12-8.**

Rep. Josh Yokela for the **Minority** of Municipal and County Government. This bill would restrict local officials from searching the owner's unit of an owner-occupied rental property for compliance with state building codes without their consent. Some municipalities allow for regular searches of rental properties by officials for building code enforcement and this is being used to search the owner's unit which is not being rented. The minority of the committee believes this is a violation of the owner's privacy and incentivizes owners to live off-site so they can maintain their privacy, despite on-site owners likely being more accessible and responsive to issues on the property. This should not be discouraged by the state.

**HB 485**, establishing deputy animal control officers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Josh Yokela for the **Majority** of Municipal and County Government. The bill requires a deputy sheriff to be appointed to be the county animal cruelty investigator and requires investigations and prosecutions to be handled by that deputy. The majority of the committee believes this to be an unfunded mandate to the county, shifts responsibility from local municipalities to the county for investigations, and shifts the prosecutions from the County Attorney to a deputy sheriff. Additionally, there was no evidence given to the committee that any training has been approved by the police standards and training council relative to animal cruelty. The majority of the committee is not convinced that compliance within the 60-day effective date is possible and is in agreement with the NH Sheriff's Association opposition to the legislation. **Vote 11-9.** Rep. Latha Mangipudi for the **Minority** of Municipal and County Government. This bill establishes the position of deputy animal cruelty investigator within the office of the County Sheriff. It amends RSA 104 by adding a descriptor of the investigator, which includes a requirement for training relative to animal cruelty and a mandate for all municipalities to notify the animal cruelty investigator of such cases when they arise. Discussion centered around how this position might fit within the existing chain of command in Sheriffs' offices and the need for more reporting and follow-up on incidents of animal cruelty.

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 92**, requiring the adoption of innovative vehicle emissions standards pursuant to section 177 of the federal Clean Air Act. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** Establishing a commission to study the adaption of innovative vehicle emissions standards addresses a few not yet fully resolved issues pertaining to electric and hydrogen fueled vehicles. NH is serially behind on getting low emissions vehicles to dealer lots because we have not adopted Section 177 of the Federal Clean Air Act like the rest of the Northeast. To be fair, the bill's sponsor agrees that what may be a solution for California is not necessarily a solution for New Hampshire. A commission is an opportunity for the Granite State to chart its own course and develop our own comprehensive strategy to plan the statewide transition to low emissions vehicles. The intent of this bill is to get NH back on track to participate in the transition planned by all major vehicle manufacturers, who have signaled that they are going to implement low or zero emissions vehicles (including hydrogen) by either 2030 or 2040. A commission would benefit NH residents and businesses in a variety of ways. Currently, those looking to purchase electric vehicles struggle to find cars and trucks to test drive, or to comparison shop. Businesses who could cut their fleet costs find too few options available and electric vehicle infrastructure remains undeveloped. NH is the only Northeast state that has not taken significant steps to ensure consumers can purchase low emissions vehicles quickly and easily in-state. The market has spoken, electric and hydrogen vehicles are coming. This commission will address the challenge of market readiness and infrastructure in New Hampshire for the incoming wave of low emissions vehicles.

Rep. Rebecca McWilliams

**Statement in support of Inexpedient to Legislate:** This bill is focused on having lower/zero emission vehicles sold in this state by government mandate, but at a cost. It would adopt the vehicle emissions standards pursuant to Section 177 of the Federal Clean Air Act. It would require the Commissioner of the Department of Environmental Services to adopt rules in accordance with California emission standards for light duty exhaust vehicles and adhere to any subsequent changes in California standards. It would require and set a quota for the sale of low and zero emission vehicles, set up a credit system for manufacturers of said vehicles, require a \$37,500 fine each time a vehicle is sold that does not meet the standards, a \$5,000 fine if the sale of low/zero emission vehicles do not meet the sales quota, eventually prohibits the sale of any light duty vehicle powered by a combustible engine, and increases registration fees. Ten members of this committee feel the free market and not the government should dictate what consumers can buy. The government enticements should be weighed against the cost, environmental effects of strip mining for the rare minerals needed for batteries and other material needed for electric vehicles, and the social impacts of child labor in these mines. For these reasons and more, we recommend ITL.

Rep. Douglas Thomas

**HB 161**, relative to customer generators of electricity as group hosts under net metering. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill would correct an exclusion regarding who may participate in a group net metering arrangement. Group net metering is an arrangement whereby the owner of a building that has solar on it (a "customer-generator") may share the bill credits earned by any extra energy it "exports" to the grid (net meters) with other buildings. All members of the group must be in the same utility service territory; the utility distributes the earned bill credits to the bills of the other buildings in the group. When net metering first began over a decade ago, utilities' billing systems lacked the capability to allow a building that already had solar on it to also participate in a group net metering arrangement. Such a building might

want to participate in group net metering when the solar array that fits on its roof is too small to cover its load – it produces far less energy in a year than the building uses. Participating in a group net metering arrangement would allow that building to “virtually” have more solar – but only up to the amount of its annual load NOT already covered by its own solar array. Objections to this bill have raised the specter of “double dipping” – we believe this is a red herring. In all group net metering arrangements, including any that might involve a customer generator that has already invested in solar, the amount of solar generation serving the group cannot exceed the total annual usage of all the participating customer generators. Therefore, having a small solar array should not preclude a customer generator from also participating in a group net metering arrangement to enable their full load to be covered by solar.

Rep. Ned Raynolds

**Statement in support of Inexpedient to Legislate:** Group host net metering is when a large customer generator produces electricity for the benefit of its group members and uses net metering as the accounting mechanism. This bill expands net metering by allowing someone who currently net meters to join a net metering group. This change would allow a customer-generator to receive net metering benefits from two separate sources. Existing law prohibits such dual sourcing of benefits because of difficulties in tracking and billing, and this bill provides no mechanism for enabling credits from two different sources. The Public Utilities Commission (PUC) currently has an ongoing investigation on potential changes to net metering to make it more manageable and cost effective. The Department of Energy opposes this bill and would like to see the PUC investigation completed before making further changes that impact net metering.

Rep. Lex Berezhny

**HB 251**, relative to the cost of compliance with disclosure of electric renewable portfolio standards. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. This bill, as amended, adds more transparency to the electric bill on the yearly cost of the Renewable Portfolio Standard at no additional cost to the ratepayer. Currently, the estimated cost is displayed on the December bill based on just kilowatt hours (e.g., \$0.000624). This bill would require the estimated cost in dollars based on an average of 625 kilowatts per month be shown on the December electric bill. For example, if this was in effect this year, the 2022 December electric bill would show the average residential ratepayer paying about \$39 using an average of 625 kilowatts per month. In other words, this gives the ratepayer another, but easier, way to visually see the charge. If that ratepayer used an average of 1250 kilowatts that year, it's easier to see the charge would be around \$78. All four electric utilities and the Department of Energy supported this addition in the interest of transparency. **Vote 11-9.**

Rep. Ned Raynolds for the **Minority** of Science, Technology and Energy. This bill would require electric service providers to notify their customers once per year, on their December bill, of their direct annual “cost of compliance” with the electric Renewable Portfolio Standard (RPS). Half of the committee believes that this is incomplete information and would be unfair to distribute, without providing comparable information about the resulting savings in electricity costs that renewable generation, supported by the RPSs of New Hampshire and the other five New England States, delivers to all ratepayers by reducing electricity demand across the region, especially during daytime demand peaks. The RPS is a policy that requires each electric service provider to include, in the total amount of electricity they procure on customers’ behalf each year, a certain percentage from renewable sources, including solar, wind, hydro, and biomass. Because the RPS’ implementation mechanism is a requirement that electric service providers purchase Renewable Energy Certificates (RECs), which represent electricity generated from renewable sources, it is easily possible to calculate this cost. RECs represent an important source of revenue for private investors, businesses, and public entities who build or own renewable generation sources, and so the REC market sustains and increases the availability of renewable generation sources. The contribution of renewable generation to meeting total regional demand, especially at peak times, is significant, and calculable, but requires the expertise of utility system/energy economists analyzing a year’s worth of real-time data correlating hourly renewable generation with demand and wholesale market-clearing prices. Because the electricity utility system and its operation, allocation of costs and distribution of benefits is such a complicated subject, not easily or well understood among the public, this bill would exploit and even deepen that lack of understanding by providing a one-sided, short-sighted perspective on the RPS. Rather than presenting a one-sided perspective, the minority committee believes that policy makers should provide both sides to the story if there will be RPS information provided to ratepayers.

**HB 281**, relative to least cost integrated resource plan of utilities. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill repeals the statutory requirement that utilities file with the Public Utilities Commission (PUC), a periodic plan regarding implementing resources at the least cost in supplying electricity to their service area. This requirement was relevant when utilities actually owned their electricity production facilities. With divestment, utilities are no longer potentially making money on the type or placement of electricity production facilities. The principal reason for the statute no longer exists,

thus these plans are no longer being submitted and reviewed. Other electric cost minimization plans regarding distribution services and energy efficiency can and should be part of the Department of Energy's State Energy Plan. It's time to clean up this law.

Rep. JD Bernardy

**Statement in support of Inexpedient to Legislate:** This bill aims to repeal the requirement for electric and natural gas utilities to submit least cost integrated resource plans (LCIRPs) with the Public Utilities Commission (PUC) and have the commission evaluate the plans and maintain them on file. LCIRPs are involved and detailed plans that guide the utilities on what they need to do when pursuing new projects. From testimony, we heard that this is a requirement that is most likely outdated, so that reforming or updating the process is warranted. We should not, however, simply repeal the requirement outright without putting any kind of guardrails in its place. LCIRPs, which are open to the public and stakeholders for substantive input, are not just "homework" that the utilities must submit. Current statute has the PUC look at all cost-saving measures, including energy efficiency and diversity of energy resources, in each LCIRP. These extensive plans must include a review of the environmental impacts, including impacts to air quality. They must also consider any impacts to human health and safety. By no longer requiring these plans, these important impacts would not be reviewed, possibly resulting in grievous harm to people and the environment. Both Eversource and the Consumer Advocate testified that although the process may need to be updated, it was far better to reform and modernize it instead of outright eliminating it.

Rep. Wendy Thomas

**HB 298**, relative to placement of personal wireless service facilities. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass with Amendment:** This bill calls for enforcement of our New Hampshire statutes, in particular RSA 12-K:8, concerning model ordinances and guidance, which reads: "The director of the Department of Energy shall develop a set of model municipal ordinances relative to the deployment of personal wireless communications facilities. Prior to development, the director shall hold one or more public hearings and solicit comments from interested parties. The Department of Energy shall provide a copy of the set of model ordinances to any New Hampshire municipality that requests it." Such guidelines are long overdue. The Department of Energy has yet to provide our municipalities any template to protect their citizens from under-designed or ill-placed towers that potentially threaten historic and horticulturally sensitive areas of our communities, or from under-engineered towers that potentially violate fall zones. This enabling bill provides a means for municipalities to protect their citizens from what we know is an overzealous rollout of new and some would say questionable technology.

Rep. Lucius Parshall

**Statement in support of Inexpedient to Legislate:** This bill allows state and local authorities additional authority in the review of applications for personal wireless service facilities. It is the result of an interim study conducted the previous year which determined that several state and local authorities were not aware of avenues to take during negotiations of placements of wireless service facilities. The committee is well aware of the several issues expressed by testifiers and their concerns in where placements are located but were faced with federal communications regulations. To provide education and direction, testimony revealed the bill gave more authority than needed and in fact could cause a conflict with federal directives. The amendment was not enough to solve this issue. Local authorities need to make themselves aware of every effort to negotiate proper location of these facilities without restricting construction of the communications systems.

Rep. Douglas Thomas

**HB 372**, establishing a commission to study the short and long-term impacts of pending national and regional carbon pricing mechanisms on New Hampshire's citizens, businesses, institutions, and environment. **WITHOUT RECOMMENDATION**

**Statement in support of Ought to Pass:** This bill assumes that the establishment of carbon pricing among major US trading partners including Canada, the European Union, and China, along with support for the same at the federal level in the US, make this an appropriate moment for business, civic, state government, and political leaders in New Hampshire to begin to examine the potential impacts of carbon pricing regimes on New Hampshire's people, economy, and environment. The commission is not intending for New Hampshire to set up a carbon pricing regime within our own state, but rather to study how best to deal with the far-ranging consequences of such changes to the tax system.

Rep. Tony Caplan

**Statement in support of Inexpedient to Legislate:** Carbon pricing is an issue that comes up every term. NH is among the states in the U.S. with the lowest carbon emissions, with less than .0029%. Carbon taxes are opposed by 60% of the U.S. population, which explains why such a tax has never garnered support in the U.S. Congress. The bill's text says that one of the commission's tasks is "...whether or not to recommend introducing carbon pricing to reduce greenhouse gas emissions," which would necessitate unpopular carbon tax legislation. This issue has already been studied and deemed detrimental to our state's economy. For example, the New England Convenience Stores and Energy Markets Association has stated that "Every cent that is

charged through this plan will get pushed down the various supply chains and ultimately end up hitting our citizens in the wallet. It will affect everyone who drives a car, heats their home or business, anyone doing a construction project of any kind, anyone who buys groceries, or eats out in a restaurant and on and on and on. This tax will touch everyone in the state multiple times each and every day." This proposed legislation comes without need nor widespread support.

Rep. Jeanine Notter

## STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

**HCR 5**, urging the taking of appropriate legal action against multinational fossil fuel companies for harms incurred from disinformation campaigns about the effects of fossil fuel combustion. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tom Mannion for the **Majority** of State-Federal Relations and Veterans Affairs. This resolution urges the governor and the attorney general to join in lawsuits against fossil fuel companies for damages due to alleged misinformation campaigns. The testimony frequently mentioned class actions against cigarette companies from decades ago, but the damaging effects caused in those cases could be directly linked back to the tobacco company as the sole cause for damage. There is no such direct linkage provable in such a case against any specific fossil fuel company. Such a suit also has no bearing on foreign countries that make no efforts to operate under the rules set forth by green energy advocates. The majority believe creating further hostility to energy production, with no viable alternative, and no direct link to demonstrable harm against an individual makes this appear more like a frivolous cash grab against an ideological enemy more than a quest for damage compensation. **Vote 10-8.**

Rep. Christine Seibert for the **Minority** of State-Federal Relations and Veterans Affairs. It is necessary to support filing a lawsuit against certain multinational fossil fuel companies when it comes to lying about prior knowledge of climate change. Spanning at least 60 years, these companies have deliberately engaged in fraudulent and deceptive behavior that misled the public while creating detrimental harm to the environment and public health. Looking at the evidence, it is easy to conclude that these companies had a duty to accurately inform the public about the risks associated with their products, and their failure to do so constitutes a violation of false advertising, consumer protection, or environmental regulation laws.

## COMMITTEE MEETINGS FRIDAY, MARCH 3

### FINANCE - DIVISION I, Room 212, LOB

- 9:30 a.m. Division Work Session on **HB 300-FN**, prohibiting the disposal of certain food waste.
- 10:00 a.m. Division Work Session on **HB 462-FN-A**, making an appropriation to the solid waste management fund and targeting food waste reduction and diversion.
- 10:30 a.m. Division Work Session on **HB 230-FN**, directing the department of agriculture, markets, and food to employ an electronic data processing system for all registrations under its purview; **HB 337-FN**, relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public; **HB 347-FN**, establishing a superior court land use review docket; **HB 576-FN-A-L**, relative to administration of a commercial property assessed clean energy (C-PACE) program in a clean energy efficiency and clean energy district.
- 11:00 a.m. Division Work Session **HB 330-FN-A**, relative to the national guard recruitment incentive program and its funding and rulemaking.
- 11:30 a.m. Division Work Session on **HB 379-FN**, requiring notice be provided to tenants during residential eviction proceedings regarding legal counsel.
- 1:00 p.m. Division Work Session on **HB 534-FN-A**, relative to water assistance for natural disasters.
- 1:30 p.m. Division Work Session on **HB 212-FN-A**, appropriating funding for investigations, testing, and monitoring relative to per- and polyfluoroalkyl substances.
- 2:00 p.m. Division Work Session on **HB 276-FN-A**, establishing the cyanobacteria mitigation loan and grant fund.
- 2:30 p.m. Division Work Session on **HB 504-FN**, relative to the adult parole board and making an appropriation therefor.
- 3:00 p.m. Division Work Session on **HB 269-FN**, relative to limiting the authority of New Hampshire delegates to policymaking conventions.
- 3:30 p.m. Division Work Session on **HB 250-FN**, relative to the accidental death benefit payable to a group II member.
- 4:00 p.m. Division Work Session on **HB 436-FN-L**, relative to group II retirement under transition provisions in the retirement system.

## MONDAY, MARCH 6

### **EDUCATION, Room 205-207, LOB**

9:30 a.m. Executive Session on **HB 71**, repealing a department of education report on chartered public school funding; **HB 168**, relative to surety indemnification for career schools; **HB 377-FN**, relative to screening and intervention in public schools for dyslexia and related disorders; **HB 382**, authorizing local school boards to give students release time for participation in religious instruction in an elective course for the purposes of satisfying curriculum requirements; **HB 399-FN**, allowing for a testing exception for graduation from high school; **HB 517**, relative to background checks for surrogate parents; **HB 528-FN**, relative to school lunches and establishing the meals for students fund; **HB 536**, relative to the chartered public school joint legislative oversight committee; **HB 552-FN-A-L**, relative to making incentive grants for school districts that improve in certain assessment scores; **HB 553**, relative to school district information on personnel salaries; **HB 628-FN**, requiring certain non-public schools or education service providers that accept public funds to perform background checks on all employees and volunteers.

### **FINANCE, Room 210-211, LOB**

10:00 a.m. Department of Administrative Services budget briefing on state employee classification and salaries.  
 11:00 a.m. Full Committee Work Session on **HB 49-FN-A**, relative to postponing the closure of the Sununu Youth Services Center.

### **FINANCE - DIVISION I, Room 212, LOB**

1:00 p.m. Budget Work Session - Public Employees Labor Relations Board.  
 2:00 p.m. Budget Work Session - Department of State; Boxing and Wrestling Commission.

### **FINANCE - DIVISION II, Room 209, LOB**

1:00 p.m. Budget Work Session.

### **FINANCE - DIVISION III, Room 210-211, LOB**

2:00 p.m. Division Work Session on **HB 565-FN-A**, relative to expanding Medicaid to include certain postpartum health care services; **HB 91-FN-A**, relative to privacy obligations of the department of health and human services; **HB 282-FN-A**, relative to including certain children and pregnant women in Medicaid and the children's health insurance program; **HB 614-FN**, making an appropriation to the department of health and human services to fund the Merrimack, New Hampshire Kidney Cancer Incidence Phase 3 Feasibility study.

### **NEW HAMPSHIRE CANADIAN TRADE COUNCIL (RSA 12-O:22), Room 100, SH**

10:00 a.m. Organizational meeting.

### **PUBLIC WORKS AND HIGHWAYS, Room 201-203, LOB**

9:00 a.m. Executive Session on **HB 189**, renaming a portion of route 140 in Gilmanton in honor of Private First Class Nicholas Cournoyer; **HB 296**, relative to local authority for granting driveway permits; **HB 606-FN**, requiring construction of state buildings or state-funded projects to contain electric vehicle (EV) charging infrastructure.  
 10:00 a.m. Treasury Department.  
 10:30 a.m. University System of New Hampshire.  
 11:00 a.m. Liquor Commission.  
 11:30 a.m. Fish and Game.  
 1:00 p.m. Department of Education.  
 1:30 p.m. Department of Energy.  
 2:00 p.m. Department of Health and Human Services.  
 3:00 p.m. Department of Military.  
 4:00 p.m. Department of Natural and Cultural Resources.

## TUESDAY, MARCH 7

### **CHILDREN AND FAMILY LAW, Room 206-208, LOB**

9:30 a.m. Executive Session on **HB 185-FN**, relative to the determination of parental rights and responsibilities based on shared parenting and shared access to the child's records; **HB 438-FN**, relative to the right of representation in family court; **HB 499-FN**, requiring the rules of evidence to apply in family court cases and relative to the admission of certain evidence in family court proceedings; **HB 548-FN**, relative to the definition of compliance with a legal support order for child support payments; **HB 583-FN**, relative to the termination of child support; **HB 618-FN**, relative to wage garnishment with child support payments.

- 10:15 a.m. **HB 475**, establishing a right to submit evidence and testimony in family court proceedings.  
10:45 a.m. **HB 417-FN**, relative to the definition of child abuse.  
1:15 p.m. **HB 10-FN**, establishing the parental bill of rights.

#### COMMERCE AND CONSUMER AFFAIRS, Room 210-211, LOB

- 9:45 a.m. Public Hearing on non-germane amendment #2023-0697h to HB 249 relative to establishing regulatory standards for the pet insurance industry. The amendment establishes regulatory standards for the sale of pet insurance, allows the restaurant owner to bring their companion dog to the restaurant premises, and removes the option for restaurants to allow patrons to bring dogs to outdoor dining areas.  
Copies of the amendment are available on the General Court Website.
- 10:00 a.m. Subcommittee Work Session on **HB 42-FN**, relative to the operation of certain homeowners' associations; **HB 239**, relative to condominium disclosure of financial information; **HB 86**, relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers; **HB 225-FN**, relative to prohibiting the use of currency that could be detrimental to privacy rights; **HB 227**, relative to fair access to financial services; **HB 648-FN**, relative to establishing a state bank of New Hampshire; **HB 520**, relative to escrow accounts maintained by licensed nondepository mortgage bankers, brokers, and servicers; **HB 522-FN**, relative to money transmitters; **HB 595-FN**, relative to the oversight of the public deposit investment pool; **HB 584**, relative to the Uniform Commercial Code's article on controllable electronic records; **HB 645-FN**, relative to the establishment of decentralized autonomous organizations as legal entities within the state; **HB 173**, relative to toilet facilities provided by restaurants; **HB 242-FN**, relative to banning PFAS in food packaging; **HB 280-FN**, relative to the sale of freeze-dried food.
- 1:15 p.m. Subcommittee Work Session on **HB 248**, relative to revenue from commemorative bottles of liquor; **HB 407**, relative to regulations on alcohol; **HB 544-FN**, legalizing cannabis for retail sale.

#### EDUCATION, Room 205-207, LOB

- 9:30 a.m. Executive Session on **HB 204**, relative to non-academic surveys in schools; **HB 267**, relative to criminal records checks in school employment; **HB 371**, establishing a commission to evaluate and recommend standards for public schools; **HB 427**, relative to public comment and inquiry during school board meetings; **HB 451**, relative to the state board of education prohibition on discrimination; **HB 550-FN**, relative to chartered public school dissolution; **HB 625-FN-L**, relative to the calculation of average daily membership in attendance and average daily membership in residence for school districts; **HB 629-FN**, establishing a student bill of rights.  
Continued executive session on any remaining bills from March 6, 2023

#### ELECTION LAW, Room 306-308, LOB

- 10:00 a.m. **HB 255**, relative to campaign contributions by limited liability companies.  
10:30 a.m. **HB 402-FN**, relative to prohibiting false statements against candidates.  
11:00 a.m. **HB 463-FN**, relative to the establishment of an election information portal.  
11:30 a.m. **HB 476**, enabling the secretary of state to conduct a second recount after an election.  
1:00 p.m. **HB 478**, relative to ballot order in the general election.  
1:30 p.m. **HB 496**, relative to the delivery of ballots to nursing homes and elder care facilities.  
2:00 p.m. **HB 586**, relative to absentee voting due to absence.  
3:00 p.m. Executive Session on **HB 179**, relative to the definition of electioneering; **HB 209**, relative to the form required to request an absentee ballot; **HB 336**, relative to the format of election ballots; **HB 363**, relative to deadlines for candidates filing by nomination papers for state general elections; **HB 387**, permitting election ballots to be viewed pursuant to a right to know request; **HB 447-FN**, relative to the purchase of election equipment; **HB 460-FN**, relative to eliminating voter identification exceptions; **HB 484**, relative to the handling of the absentee ballot envelopes prior to election day; **HB 495**, relative to counting votes; **HB 590**, allowing the removal of political advertisements containing a candidate's name and which appear to be the candidate's advertising on public property by the candidate.

#### ENVIRONMENT AND AGRICULTURE, Room 301-303, LOB

- 9:30 a.m. Full Committee Work Session on **HB 253**, establishing a committee to study extended producer responsibility; **HB 56**, relative to permits for the siting of new landfills.  
10:30 a.m. Executive Session on **HB 253**, establishing a committee to study extended producer responsibility; **HB 56**, relative to permits for the siting of new landfills.  
11:00 a.m. Presentation with the Council of State Governments (CSG).

**FINANCE - DIVISION I, Room 212, LOB**

- 9:30 a.m. Budget Work Session - Department of Justice; Human Rights Commission.  
 10:30 a.m. Budget Work Session - NH Council on Developmental Disabilities.  
 11:00 a.m. Budget Work Session- Department of Labor.  
 1:00 p.m. Budget Work Session - Department of Corrections with Parole Board.  
 3:00 p.m. Budget Work Session - Governor's Commission on Disability.  
 3:30 p.m. Budget Work Session - Banking Department.

**FINANCE - DIVISION II, Room 209, LOB**

- 10:00 a.m. Division Work Session on **HB 364-FN**, relative to transportation for students attending career and technical education centers; **HB 492-FN**, requiring the department of education to provide the house and senate standing committees responsible for education with copies of the laws and rules relative to education; **HB 521-FN-A**, relative to the department of education payment for placement for an episode of treatment; **HB 620-FN**, establishing a division of early learning in the department of education and relative to a pre-kindergarten pilot program; **HB 626-FN**, requiring the department of education to administer the education freedom account; **HB 430-FN-L**, relative to applications for the education freedom accounts program; **HB 272-FN**, increasing chartered public school per pupil funding; **HB 529-FN-A-L**, relative to additional aid grants for schools based on free and reduced price meals and fiscal capacity disparity; **HB 540-FN-L**, relative to adequate education grant amounts for pupils receiving special education services; **HB 601-FN-L**, relative to state participation in the Medicaid direct certification program for free and reduced price school meals.  
 1:00 p.m. Budget Work Session.

**FINANCE - DIVISION III, Room 104, LOB**

- 10:00 a.m. Budget Work Session - DHHS. Division of Long-Term Supports and Services.  
 1:00 p.m. Division Work Session on **HB 527-FN-A**, relative to Medicaid reimbursement rates for certain assisted living facilities.

**FISH AND GAME AND MARINE RESOURCES, Room 305-307, LOB**

- 10:00 a.m. Public Hearing on non-germane amendment #2023-0709h to HB 442-FN, relative to preventing state resources from being used to enforce lobstering regulations in federal waters and establishing a scuba diver recreational lobster license. The amendment requires persons lobstering with a commercial license to record the location of where a lobster trap is placed and make a good effort to retrieve such trap if it becomes detached from its buoy. Copies of the amendment are available on the General Court website.

**HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Reps Hall, SH**

- 10:00 a.m. **HB 619-FN**, prohibiting gender transition procedures for minors, relative to sex and gender in public schools, and relative to the definition of conversion therapy.  
 1:00 p.m. **HB 368-FN**, relative to protections related to receiving gender-affirming health care or gender-affirming mental health care.

**SCIENCE, TECHNOLOGY AND ENERGY, Room 302-304, LOB**

- 9:00 a.m. **HB 609-FN**, relative to energy facility siting.  
 10:30 a.m. **HB 142**, relative to the operation of the Burgess Biopower plant.

**STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), Edward Cross Training Center Facility, 722 Riverwood Drive, Pembroke, NH 03275**

- 5:00 p.m. Regular meeting.

**TRANSPORTATION, Room 201-203, LOB**

- 10:00 a.m. Executive Session on **HB 54-FN**, relative to antique car inspections; **HB 55-FN**, relative to driver education; **HB 93**, authorizing municipalities to reduce speed limits seasonally; **HB 137**, relative to boating safety equipment rules and vessel numbering rules, and establishing a committee to study boat registrations fees; **HB 198-FN**, modifying the new resident drivers' license transfer requirement; **HB 222-FN**, to require the use of seat belts during the operation of motor vehicles; **HB 370-FN**, relative to after market window tinting on motor vehicles for drivers with medical conditions; **HB 570**, relative to Real ID compliant New Hampshire driver's licenses; **HB 537-FN**, permitting vehicles to have front windshield tinting.

**WAYS AND MEANS, Room 202-204, LOB**

- 10:00 a.m. **HB 445-FN**, relative to the operational funds of OPLC.  
 11:00 a.m. Full Committee Work Session on **HB 450-FN**, relative to removing the net operating loss deduction limit on taxable income under the business profits tax.

- 1:00 p.m. Full Committee Work Session on **HB 607-FN**, relative to the regulation of games of chance.  
2:00 p.m. Full Committee Work Session on **HB 486-FN**, relative to vehicle registrations and reciprocal toll collection enforcement agreements.

## WEDNESDAY, MARCH 8

### **COMMERCE AND CONSUMER AFFAIRS, Room 302-304, LOB**

- 10:00 a.m. Subcommittee Work Session on **HB 613-FN**, relative to regulation of the individual health insurance market under RSA 404-G; **HB 303-FN**, relative to insurance coverage for pain management services; **HB 414-FN**, relative to health insurance coverage for preventative PFAS care; **HB 319**, establishing a committee to study an all-payer system of insurance for hospital services; **HB 353-FN**, establishing an interstate compact for universal healthcare; **HB 389**, relative to consumer protection relating to hospital price transparency; **HB 130**, repealing the drug affordability board; **HB 172**, relative to investigating potential redundancies between the prescription drug affordability board and existing state agency programs regarding prescription drug cost data; **HB 383**, relative to provider contract standards for pharmacy benefit managers; **HB 426**, relative to the regulation of pharmacists-in-charge and pharmacies; **HB 513-FN**, relative to affordability and safety of clinician administered drugs; **HB 479**, relative to administrative hearings, automation of electronic notices to insurance licensees, and insurance producer activities; **HB 210**, relative to fire insurance contracts; **HB 249**, establishing regulatory standards for the pet insurance industry; **HB 304-FN**, relative to advanced driver assistance system disclosures by auto glass repair or replacement facilities.
- 1:15 p.m. Executive Session on **HB 42-FN**, relative to the operation of certain homeowners' associations; **HB 239**, relative to condominium disclosure of financial information; **HB 86**, relative to prohibiting the state from contracting with Chinese government owned or affiliated technology manufacturers; **HB 225-FN**, relative to prohibiting the use of currency that could be detrimental to privacy rights; **HB 227**, relative to fair access to financial services; **HB 648-FN**, relative to establishing a state bank of New Hampshire; **HB 520**, relative to escrow accounts maintained by licensed nondepository mortgage bankers, brokers, and servicers; **HB 522-FN**, relative to money transmitters; **HB 595-FN**, relative to the oversight of the public deposit investment pool; **HB 584**, relative to the Uniform Commercial Code's article on controllable electronic records; **HB 645-FN**, relative to the establishment of decentralized autonomous organizations as legal entities within the state; **HB 173**, relative to toilet facilities provided by restaurants; **HB 242-FN**, relative to banning PFAS in food packaging; **HB 280-FN**, relative to the sale of freeze-dried food; **HB 248**, relative to revenue from commemorative bottles of liquor; **HB 407**, relative to regulations on alcohol; **HB 544-FN**, legalizing cannabis for retail sale; **HB 613-FN**, relative to regulation of the individual health insurance market under RSA 404-G; **HB 303-FN**, relative to insurance coverage for pain management services; **HB 414-FN**, relative to health insurance coverage for preventative PFAS care; **HB 319**, establishing a committee to study an all-payer system of insurance for hospital services; **HB 353-FN**, establishing an interstate compact for universal healthcare; **HB 389**, relative to consumer protection relating to hospital price transparency; **HB 130**, repealing the drug affordability board; **HB 172**, relative to investigating potential redundancies between the prescription drug affordability board and existing state agency programs regarding prescription drug cost data; **HB 383**, relative to provider contract standards for pharmacy benefit managers; **HB 426**, relative to the regulation of pharmacists-in-charge and pharmacies; **HB 513-FN**, relative to affordability and safety of clinician administered drugs; **HB 479**, relative to administrative hearings, automation of electronic notices to insurance licensees, and insurance producer activities; **HB 210**, relative to fire insurance contracts; **HB 249**, establishing regulatory standards for the pet insurance industry; **HB 304-FN**, relative to advanced driver assistance system disclosures by auto glass repair or replacement facilities.

### **EDUCATION, Room 205-207, LOB**

- 9:30 a.m. Executive Session on **CACR 7**, relating to use of money raised by taxation for education. Providing that money raised by taxation may be applied for the use of religious educational institutions; **HB 275-L**, relative to schools approved for a school tuition program by a school board; **HB 349**, relative to a special purpose school district for Bridgewater, Hebron, and Groton; **HB 516-FN**, relative to freedom of speech and association at public institutions of higher education; **HB 61**, relative to teaching on discrimination in the public schools and discrimination in public workplaces; **HB 104**, relative to multi-stall bathrooms and locker rooms in schools; **HB 331-FN-L**, relative to the income threshold for the education freedom

account program; **HB 432-FN**, relative to participation in the education freedom accounts program; **HB 446**, relative to participation in the education freedom accounts program by students with disabilities.

Continued executive session on any remaining bills from March 7, 2023

#### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 104, LOB**

9:00 a.m. Subcommittee Work Session on **HB 258**, establishing a certification for animal chiropractors.

#### **Room 306-308, LOB**

9:00 a.m. Subcommittee Work Session on **HB 655-FN**, relative to the office of professional licensure and certification.

10:00 a.m. **HB 84**, relative to the emergency management powers of the department of transportation.

10:30 a.m. **HB 127**, relative to the declaration of a state of emergency.

11:15 a.m. **HB 339-FN**, prohibiting the investment of state funds in any company participating in a boycott of Israel.

1:30 p.m. Executive Session on **HB 258**, establishing a certification for animal chiropractors; **HB 274**, relative to the administrative rulemaking process; **HB 278-FN**, relative to special duty hours worked by retired police members in the retirement system; **HB 284**, relative to financial information regarding requests for bids and proposals; **HB 358**, relative to the filing and adoption of proposed administrative rules; **HB 359**, relative to legal holidays; **HB 457-FN**, relative to state treasury pension and insurance fund management; **HB 461-FN**, relative to elimination by political subdivision employers of a group II retirement position; **HB 507-FN**, relative to unauthorized practice in occupational and professional licensing and certification; **HB 518**, establishing a commission to study revisions to occupational regulation of pharmacists and pharmacies; **HB 532-FN**, relative to the licensure and regulation of music therapists; **HB 559-FN**, establishing a state retirement plan group for new state employee members of the retirement system; **HB 617-FN**, prohibiting, with limited exceptions, state agencies from requiring use of proprietary software in interactions with the public; **HB 644-FN**, relative to regulating barbers, cosmetologists, and estheticians; **HB 655-FN**, relative to the office of professional licensure and certification.

#### **FINANCE - DIVISION I, Room 212, LOB**

10:00 a.m. Budget Work Session - Department of Revenue Administration.

1:00 p.m. Budget Work Session - Department of Natural and Cultural Resources.

2:00 p.m. Budget Work Session - Department of Environmental Services.

3:00 p.m. Budget Work Session - Department of Business and Economic Affairs.

#### **FINANCE - DIVISION II, Room 209, LOB**

10:00 a.m. Budget Work Session.

#### **FINANCE - DIVISION III, Room 210-211, LOB**

1:00 p.m. Budget Work Session - NH Veterans Home.

1:30 p.m. Budget Work Session - DHHS, Facilities Administration, NH Hospital, Glencliff Home, Hampstead Hospital.

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

9:00 a.m. Full Committee Work Session on **HB 608-FN**, establishing a pilot program to support the bureau of developmental services redesign; **HB 238**, relative to the role of quality control and the developmental disability service system; **HB 317**, establishing a commission to study transitioning to a 2-tier waiver system for individuals eligible for disability services; **HB 642-FN**, relative to prohibiting the department of health and human services from enforcing salary caps for direct care workers.

11:00 a.m. Executive Session on **HB 582-FN**, requiring the division of vital records to collect induced termination of pregnancy statistics; **HB 615-FN**, requiring independent audits of reproductive health care facilities; **HB 454**, relative to the membership and reporting responsibilities of the examining board of medicine; **HB 322**, relative to establishing a committee to study the New Hampshire board of medicine; **HB 299-FN**, prohibiting discrimination in medical care; **HB 323**, relative to establishing a committee on emerging medical technologies; **HB 431**, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use; **HB 608-FN**, establishing a pilot program to support the bureau of developmental services redesign; **HB 69**, relative to direct payment and membership-based health care facilities; **HB 238**, relative to the role of quality control and the developmental disability service system; **HB 317**, establishing a commission to study transitioning to a 2-tier waiver system for individuals eligible for disability services; **HB 406-FN**, relative to parental access to children's medical records; **HB 114**, relative to the age at which a minor may receive mental health treatment without parental

consent; **HB 575-FN**, relative to vaccine and pharmaceutical products purchased, promoted, or distributed by the state and its political subdivisions; **HB 557-FN**, relative to the department of health and human services' rulemaking authority regarding immunization requirements; **HB 408**, relative to foster children and vaccinations; **HB 217**, establishing a committee to study the effects of fluoride on fetuses and children; **HB 342-FN**, relative to lead testing in children; **HB 425-FN**, repealing the statute relative to medical freedom in immunizations; **HB 215**, relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants; **HB 136**, relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking; **HB 642-FN**, relative to prohibiting the department of health and human services from enforcing salary caps for direct care workers; **HB 378**, requiring a health care provider to inform and offer to take and preserve blood and urine samples from a patient who may have been drugged or sexually assaulted; **HB 277**, relative to patients' right to sterilization treatment; **CACR 8**, relating to a constitutional right to birth control. Providing that the constitution protects the right to access birth control.

#### **JUDICIARY, Room 206-208, LOB**

- 9:00 a.m. Public Hearing on amendment #2023-0705h to HB 533-FN, relative to public school human rights complaints. The amendment gives the commissioner of education the authority to issue subpoenas related to violations of the code of ethics and code of conduct for licensed or certified personnel. Copies of the amendment are available on the General Court website.
- 10:00 a.m. Executive Session on **CACR 2**, relating to reproductive freedom. Providing that all persons have the right to make their own reproductive decisions; **HB 68-FN**, adopting the uniform real property transfer on death act; **HB 88**, relative to reproductive rights; **HB 224-FN**, repealing the criminal and civil penalties from the fetal life protection act; **HB 261**, authorizing residential tenants to terminate their lease in instances of domestic violence or following a disabling illness or accident; **HB 271-FN**, repealing the fetal life protection act; **HB 346-FN**, relative to the right of any infant born alive to appropriate medical care and treatment; **HB 533-FN**, relative to public school human rights complaints; **HB 562-FN**, requiring informed consent prior to receiving an abortion procedure; **HB 591-FN**, prohibiting abortions after detection of fetal heartbeat; **HB 652-FN**, relative to nonpublic sessions under the right to know law.

#### **LEGISLATIVE ADMINISTRATION, Room 301-303, LOB**

- 10:00 a.m. Full Committee Work Session on **HB 301**, relative to recusal by members of the general court for conflicts of interest; **HB 157**, relative to the joint committee on legislative facilities and sexual harassment policies.
- 1:30 p.m. Executive Session on **CACR 3**, relating to recall elections. Providing that the general court may authorize recall elections; **CACR 4**, relating to compensation for legislators. Providing that legislators' biennial salary compensation shall be increased; **HB 134-FN**, extending the public employees labor relations act to employees of the general court and relative to the duties of the joint committee on legislative facilities; **HB 157**, relative to the joint committee on legislative facilities and sexual harassment policies; **HB 245-FN**, relative to the compensation of members of the general court; **HB 301**, relative to recusal by members of the general court for conflicts of interest; **HCR 6**, relative to condemning the use of violence against supporters of self-governance.

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

- 11:00 a.m. Executive Session on **HB 141**, relative to dogs on hiking trails in state parks; **HB 174**, relative to the filing of notice of intent to cut timber; **HB 205**, relative to testing private wells; **HB 398**, relative to notice of PFAS and other groundwater contamination prior to the sale of real property.

#### **Room Reps Hall, SH**

- 1:00 p.m. **HB 448**, relative to Lake Winnipesaukee speed limitations.

#### **WAYS AND MEANS, Room 202-204, LOB**

- 1:15 p.m. Executive Session on **HB 15-FN**, relative to the rate of the business enterprise tax; **HB 100-FN-A**, to repeal the interest and dividends tax; **HB 133-FN**, relative to repealing the communications services tax; **HB 192-FN**, relative to the rate and exemptions of the interest and dividends tax; **HB 220**, establishing a committee to study the regulatory structure of charitable gaming; **HB 450-FN**, relative to removing the net operating loss deduction limit on taxable income under the business profits tax; **HB 486-FN**, relative to vehicle registrations and reciprocal toll collection enforcement agreements; **HB 510-FN**, relative to removing the exemption for premium cigars from the tobacco tax; **HB 607-FN**, relative to the regulation of games of chance; **HB 445-FN**, relative to the operational funds of OPLC.

## FRIDAY, MARCH 10

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

9:00 a.m. Organizational/Regular meeting.

**COMMISSION TO STUDY THE INCIDENCE OF POST-TRAUMATIC STRESS DISORDER IN FIRST RESPONDERS (RSA 281-A:17-e), NH Fire Academy, 98 Smokey Bear Blvd, Classroom 2 Concord, NH**  
 10:00 a.m. Regular meeting.

**COMMITTEE TO STUDY NEW HAMPSHIRE TEACHER SHORTAGES AND RECRUITMENT INCENTIVES (SB 236, Chapter 150:1, Laws of 2022), Room 100, SH**

1:00 p.m. Organizational meeting.

**CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 202-204, LOB**

9:00 a.m. Full Committee Work Session on **HB 287**, removing testing equipment from the definition of drug paraphernalia in the controlled drug act; **HB 470-FN**, relative to fentanyl test strips and other drug checking equipment.

9:30 a.m. **HB 397**, relative to the prohibition of the possession of hypodermic needles by minors.

10:00 a.m. Executive Session on **HB 287**, removing testing equipment from the definition of drug paraphernalia in the controlled drug act; **HB 470-FN**, relative to fentanyl test strips and other drug checking equipment; **HB 107-FN**, relative to employment restrictions for registered sex offenders; **HB 397**, relative to the prohibition of the possession of hypodermic needles by minors.

**EDUCATION, Room 205-207, LOB**

9:30 a.m. Subcommittee Work Session on **HB 452**, relative to the department of education procedures for school building aid applications.

**FINANCE - DIVISION I, Room 212, LOB**

9:30 a.m. Budget Work Session.

**FINANCE - DIVISION III, Room 210-211, LOB**

2:00 p.m. Budget Work Session - DHHS, Division of Economic Stability.

**JOINT COMMITTEE ON EMPLOYEE CLASSIFICATION (RSA 14:14-C), Room 104, LOB**

1:00 p.m. Regular meeting.

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

9:30 a.m. Organizational/Regular Business Meeting.

**PUBLIC WORKS AND HIGHWAYS, Room 201-203, LOB**

10:30 a.m. Veteran's Home.

11:00 a.m. Department of Corrections.

1:00 p.m. Department of Environmental Services.

2:00 p.m. Department of Transportation.

2:30 p.m. Police Standards.

3:00 p.m. Department of Safety.

## MONDAY, MARCH 13

**ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b), Walker Building, 21 S. Fruit St, Concord, NH**

9:00 a.m. Regular meeting.

**EDUCATION, Room 205-207, LOB**

9:30 a.m. Executive Session on **HB 514**, relative to the dissemination of obscene material by schools and institutions of higher learning; **HB 515**, relative to education freedom accounts; **HB 530-L**, relative to withdrawal from a cooperative school district; **HB 538-FN**, establishing a local education freedom account program; **HB 539-FN**, relative to vaccination clinics at schools; **HB 572-FN**, relative to eligibility for free school meals; **HB 573-FN-A-L**, limiting education freedom account funding to budgeted amounts; **HB 649-FN**, repealing the collection of the state education property tax.  
 Continued executive session on any remaining bills from March 8, 2023

**NH BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Virtual**

2:00 p.m. Quarterly meeting. Join Zoom:

<https://us02web.zoom.us/j/84327646605?pwd=R0lwOWFVK0w2U2FKYT VybXM1MjNhdz09>

Meeting ID: 843 2764 6605 Passcode: 731679

By Phone 16469313860

**NH COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), University System of New Hampshire, 5 Chenell Drive, Suite 301, Concord, NH**

10:00 a.m. Regular meeting.

**SCIENCE, TECHNOLOGY AND ENERGY, Room 302-304, LOB**

9:00 a.m. Executive Session on **HB 556-FN**, relative to the duties of the information technology council; **HB 139**, relative to the definition of "municipal host" for purposes of limited electrical energy producers; **HB 257**, relative to telephone carrier of last resort obligations; **HB 609-FN**, relative to energy facility siting; **HB 142**, relative to the operation of the Burgess Biopower plant.

**WEDNESDAY, MARCH 15****EDUCATION, Room 205-207, LOB**

9:30 a.m. Executive Session on **HB 452**, relative to the department of education procedures for school building aid applications; **HB 354**, relative to chartered public school eligibility for state school building aid; **HB 603-FN**, relative to education service providers under the education freedom accounts program; **HB 621-FN**, relative to funds of the education freedom accounts program after termination of a student's participation and responsibilities of the scholarship organization; **HB 637-FN**, relative to the calculation of average daily membership in attendance for certain home educated pupils; **HB 640**, relative to cost recovery for vocational rehabilitation programs.  
Continued executive session on any remaining bills from March 13, 2023

**FRIDAY, MARCH 17****ADMINISTRATIVE RULES (RSA 541-A:2), Room 306-308, LOB**

9:00 a.m. Regular meeting.

**NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2), NH DOT, 7 Hazen Drive, Rooms 112-113, Concord, NH**

9:00 a.m. Regular meeting. Join Zoom:  
<https://us06web.zoom.us/j/84014723344?pwd=T2RtMHgzUmU5R3VUYjRKVXN3NWx2QT09>  
Webinar ID: 840 1472 3344 Passcode: 060018 By phone:US: +1 309 205 3325

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

9:00 a.m. Regular meeting.

**MONDAY, MARCH 20****COMMISSION ON HOLOCAUST AND GENOCIDE EDUCATION (RSA 193-E:2-f), Department of Education Room 100, 21 S. Fruit St. Concord, NH**

4:00 p.m. Regular meeting.

**NEW HAMPSHIRE OPIOID ABATEMENT ADVISORY COMMISSION (RSA 126-A:85), Brown Building Auditorium, 129 Pleasant St., Concord, NH**

1:00 p.m. Regular meeting. Join Zoom: <https://zoom.us/join> ID 818 4165 1949 Passcode 914953

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

9:00 a.m. Regular meeting.

**FRIDAY, MARCH 24****FISCAL COMMITTEE (RSA 14:30-a), Room 210-211, LOB**

1:00 p.m. Regular meeting.

**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 305-307, LOB**

10:00 a.m. Regular meeting.

**HOUSE LEGISLATIVE FACILITIES SUBCOMMITTEE (RSA 17-E:5), Room 100, SH**

9:00 a.m. Subcommittee meeting.

**JOINT COMMITTEE ON LEGISLATIVE FACILITIES (RSA 17-E:1), Room 100, SH**

9:05 a.m. Regular meeting.

## MONDAY, MARCH 27

**NH LAND AND COMMUNITY HERITAGE AUTHORITY BOARD OF DIRECTORS (RSA 227-M:4),  
Mathey Center at Burley Farms, 247 North River Road, Epping, NH 03042**

2:00 p.m. Regular meeting.

## MONDAY, APRIL 3

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

10:00 a.m. Regular meeting.

## TUESDAY, APRIL 4

**STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), Edward Cross Training Center Facility 722 Riverwood Drive Pembroke, NH**

5:00 p.m. Regular meeting.

## MONDAY, APRIL 10

**SPECIAL COMMITTEE ON COMMISSIONS, Room 104, LOB**

10:00 a.m. Committee Organizational Meeting.

## OFFICIAL NOTICES

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The Executive Committee of the **Strafford** County Delegation will hold a Zoom meeting and/or in person on **Friday, March 3rd, 2023 at 8:30 a.m.** in the Commissioners Conference Room, William A. Grimes Justice and Administration Building, Suite 204. The purpose of the meeting is as follows:1. Review Submitted Questions Regarding the Commissioners' Proposed 2023 Budget.2. Discuss the 2023 Commissioners' Proposed Budget.3. Vote to Recommend to the Executive Committee. Public access via Zoom:

<https://us02web.zoom.us/j/83470372495?pwd=V09zUFc0Nkd6VmR3YzkvREdWYIZHdz09>

Meeting ID: 834 7037 2495 Passcode: 467259 Dial by your location: +1 305 224 1968 US  
Rep. Peter Schmidt, Chairman

\*\*\*\*\*

This is to notify you that the Public Hearing and Meeting with the **Strafford** County Committee has been scheduled for **FRIDAY, MARCH 3, 2023, 9:00 A.M.** (SNOW DATE: FRIDAY MARCH 10, 2023, 9:00 A.M.) to receive reports and review the Subcommittees' recommendations and any other business that may legally come before the Committee at that time. Location: Cafeteria Conference Room, Lower Level, Justice and Administration Building. Public access via Zoom:

<https://us02web.zoom.us/j/85367876181?pwd=OHovbXRrcklMeExydjFidnNROUtzdz09>

Meeting ID: 853 6787 6181 Passcode: 099975 Dial by your location: +1 646 931 3860 US  
One tap mobile: +16469313860, 85367876181#, \*099975# US  
Rep. Peter Schmidt, Chairman

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Pursuant to RSA 24:23, there will be a Public Hearing for **Merrimack** County before the County Delegation at **10:00a.m. on Friday, March 10, 2023** at the Old Courthouse, 2<sup>nd</sup> floor conference room, 163 North Main Street, Concord, New Hampshire. The purpose of the meeting is as follows: 1. To consider funding for NEPBA Collective Bargaining Agreement for the Sheriff's Office. 2. To consider 2023 budget appropriations for Merrimack County. 3. To consider annual adoption of Grant Resolution. 4. To consider any other business that may appropriately come before them. At this time, any member of the public may present oral or written testimony regarding the 2023 budget estimates as proposed by the Merrimack County Executive Committee.

Rep. Dianne Schuett, Chair

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Immediately following the public hearing to be held on **Friday, March 10, 2023** there will be a meeting for Merrimack County before the County Delegation at the Old Courthouse, 2<sup>nd</sup> floor conference room, 163 North Main Street, Concord, New Hampshire. The purpose of the meeting is as follows: 1. Approval of funding for NEPBA Collective Bargaining Agreement for the Sheriff's Office. 2. Approval of the 2023 Merrimack County Proposed Budget. 3. Annual Adoption of Grant Resolution. 4. To consider any other business that may appropriately come before them.

Rep. Dianne Schuett, Chair

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This is to notify you that the Public Hearing and Meeting with the Full **Strafford** County Delegation has been scheduled for **WEDNESDAY, MARCH 15, 2023, 7:00 P.M.**

(SNOW DATE: WEDNESDAY, MARCH 22, 2023, 7:00 P.M.) The Delegation meets to review Executive Committee recommendations and to adopt final budget for 2023, and to discuss any other business with may legally come before the Delegation. Superior Courtroom II, Justice and Administration Building. The budget must be approved by April 1st, or the Commissioners' Proposed Budget will be in effect.

Public access via Zoom:

<https://us02web.zoom.us/j/87358759059?pwd=MUdxawdLWmFzMC9MekVCYmhN3E5QT09>

Meeting ID: 873 5875 9059 Passcode: 983548 Dial by your location: +1 646 931 3860 US  
One tap mobile: +16469313860,,87358759059#,,,\*983548# US

Rep. Peter Schmidt, Chairman

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## REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB 46, HB250, HB 269, HB 276, HB 300, HB 324, HB 327, HB 337, HB 345, HB 379, HB 392, HB 397, HB 429, HB 436, HB 447, HB 449, HB 460, HB 462, HB 463, HB 482, HB 511, HB 519, HB 525, HB 527, HB 533, HB 535, HB 537, HB 543, HB 547, HB 556, HB 559, HB 560, HB 566, HB 571, HB 576, HB 579, HB 582, HB 583, HB 593, HB 598, HB 599, HB 600, HB 605, HB 606, HB 608, HB 612, HB 613, HB 614, HB 615, HB 616, HB 617, HB 618, HB 622, HB 624, HB 628, HB 630, HB 631, HB 639, HB 642, HB 643, HB 648, HB 655. SB 192.

## 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.

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All Representatives are invited to Bible study and prayer with Pastor Peter Chamberland **8:00 a.m. every Thursday morning**. We will meet in the Upham Walker House with coffee and pastries available. All are invited to attend for this wonderful time together.

Rep. Debbie Hobson

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The American Cancer Society Cancer Action Network – NH will be hosting a Legislative Luncheon on Wednesday, **March 8, from 12 pm to 1:30 pm in the State House cafeteria**. American Cancer Society Cancer Action Network volunteers and staff will be on hand to discuss pending legislative priorities as well as what services the Cancer Society provides to NH residents.

Rep. Wayne MacDonald

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Legislative Breakfast – The annual Water's Worth It! legislative breakfast is set for **Wednesday March 8, 2023** at the Holiday Inn on Main Street in Concord. Check in for the event begins at **7:00 a.m.** with a breakfast buffet. Water quality professionals will present information on drinking water and wastewater treatment challenges in New Hampshire. The keynote speaker this year is Scott Spradling an Emmy award winning former reporter, anchor, and political director for WMUR-TV. In addition, Water Division staff for NH-DES will also address the audience. All legislators and staff are invited to enjoy a hearty breakfast and learn more about New Hampshire's water infrastructure. This event is free. Please RSVP to [info.nhwpcac@gmail.com](mailto:info.nhwpcac@gmail.com) by

February 24th to reserve your seat at this important breakfast. The breakfast is sponsored by the NH Water Pollution Control Association in conjunction with a wide-ranging coalition of other NH non-profit water organizations. There is no cost for enjoying breakfast with your legislative peers and attending this event.

Reps. Buco and Emerick

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Bi-State Primary Care Association is hosting its virtual NH Legislative and Business Event on **Monday, March 13, from 4:00 to 5:00 pm**. The event will feature a panel discussion and video highlighting the innovative services NH's community health centers and federally qualified health centers provide outside of primary care to meet their community needs. All representatives are invited, and there is no cost to attend: <https://bit.ly/3IGDkAa>.

Rep. Wayne MacDonald

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Legislators & staff are cordially invited to the annual Walmart lunch and health screening in the State House cafeteria on Thursday, **March 16** starting at **11:30 a.m.**

Rep. Jason Osborne

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New Hampshire Interfaith Power and Light (NHIPL) & The League of Conservation Voters cordially invite all NH Lawmakers to a legislative lunch on **Thursday, March 23<sup>rd</sup> from 12:00 p.m. - 1:30 p.m. in the State House Cafeteria**. Join us for a full lunch and conversation about clean, renewable energy and how it relates to care for creation. IPL national president Susan Hendershot will join the discussion.

Rep. Alexis Simpson

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Please join the Community College System of New Hampshire for a meet and greet in the State House cafeteria **Tuesday, March 28, from 11:00 - 1:00 p.m.** Legislators are invited to join college and system leaders and discuss education and workforce development issues of importance to your region and the state. Refreshments, provided by culinary students from Lakes Region and White Mountains Community Colleges, will be served. The committee that leaves us the most business cards will win a gorgeously decorated and delicious cake made by pastry arts students.

Rep. Rick Ladd

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All legislators and staff are cordially invited to join the New Hampshire Automobile Dealers Association (NHADA) for our annual Legislative Crossover Reception on **Thursday, April 6, 2023** at 3:30 p.m. (or following the end of the session day) at the Holiday Inn, 172 North Main Street, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Speaker Sherman Packard

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## AMENDMENTS

**(LISTED IN NUMERICAL ORDER)**

**Amendment to HB 59-FN  
(2023-0387h)**

**Proposed by the Minority of the Committee on Criminal Justice and Public Safety- r**

Amend RSA 159-F:5 as inserted by section 2 of the bill by replacing it with the following:

159-F:5 Other Laws.

I. Nothing in this chapter shall be construed to modify or change the duties of the department of safety pursuant to RSA 159-D.

II. Nothing in this chapter shall be construed to require or authorize any state, county, or local law enforcement agency to establish or maintain a registry of firearms sold or transferred in accordance with this chapter.

III. Nothing in this chapter shall apply to a non-commercial, private sale, transfer, or exchange of a firearm between individuals, provided neither party to the transaction is a prohibited person. If the status of either party's eligibility to own or possess a firearm cannot be ascertained, the transaction shall be conducted through a licensed firearm dealer pursuant to this chapter and the relevant provisions of RSA 159.

#### **Amendment to HB 112**

(2023- 0252h)

#### **Proposed by the Majority of the Committee on Judiciary - r**

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

**AN ACT relative to tenant's right to notification prior to the sale of certain residential property.**

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

1 New Section; Actions Against Tenants; Tenants' Right to Notification Prior to Sale. Amend RSA 540 by inserting after section 30 the following new section:

**540:31 Notice Required Before Sale.** The owner of a restricted property shall give no less than 60 days notice to each tenant before the final closing on the sale and transfer of said property. Notice is considered delivered to a tenant by signature of receipt, or notation of refusal, of a certified letter.

2 Effective Date. This act shall take effect January 1, 2024.

2023-0252h

#### **AMENDED ANALYSIS**

This bill requires the owner of restricted property to give each tenant at least 60 days notice prior to sale of the property.

#### **Amendment to HB 153**

(2023- 0552h)

#### **Proposed by the Committee on Transportation - c**

Amend the bill by replacing section 1 with the following:

1 Pedestrian Control Signals. Amend RSA 265:11 to read as follows:

**265:11 Pedestrian Control Signals.** Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk," **or symbols of a "walking person" or "upraised hand,"** are in place such signals shall indicate as follows:

I. Walk-Pedestrians facing such [steady or flashing] signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

II. Don't Walk-No pedestrian shall start to cross the roadway in the direction of such signals [whether steady or flashing, but] **if such crossing interferes with vehicular traffic; however,** any pedestrian who has partially completed [his] crossing [on the "Walk" signal] shall proceed to a sidewalk or safety island.

#### **Amendment to HB 156**

(2023- 0682h)

#### **Proposed by the Committee on Criminal Justice and Public Safety - c**

Amend the bill by replacing section 1 with the following:

1 Reports of Misconduct by Law Enforcement Officers. Amend RSA 105:19, I to read as follows:

I. For the purposes of this section, "misconduct" means assault, sexual assault, bribery, fraud, theft, tampering with evidence, tampering with a witness, **intentional misrepresentation of a material fact in a police report as described in RSA 641:3,** use of a chokehold, or excessive and illegal use of force as defined by the New Hampshire criminal code.

2023-0682h

#### **AMENDED ANALYSIS**

This bill adds intentional misrepresentation to the definition of misconduct by a law enforcement officer.

#### **Amendment to HB 219-FN**

(2023- 0461h)

#### **Proposed by the Committee on Science, Technology and Energy - c**

Amend the bill by replacing section 1 with the following:

1 Repeal; Current Transportation Network Companies. RSA 376-A, relative to transportation network companies, is repealed

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

4 Committee Established; Legislative Examination of Laws; Public Utilities. There is established a legislative committee to examine certain laws codified under RSA Title XXXIV, Public Utilities, to determine if they should be amended, recodified, or repealed.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

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

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

III.(a) The committee shall examine certain laws codified under RSA Title XXXIV, Public Utilities, to determine if they should be amended, recodified, or repealed. Specifically the committee shall examine:

(1) RSA 362-E, on the telecommunications equipment assistance program.

(2) RSA 367, on the formation and union of railroad corporations; leases and extensions.

(3) RSA 368, on railroad trustees and holding companies.

(4) RSA 372, relative to laying out railroads.

(5) RSA 373, relative to crossings, stations, fences, cattle guards, bridges, and bridge guards, and including optional rulemaking under RSA 21-L:12-a, VII.

(6) RSA 377, relative to railroad transportation of passengers, baggage, and freight.

(7) RSA 379, relative to joint, connecting, and terminal service, and including optional rulemaking under RSA 21-L:12-a, X and XI.

(8) RSA 380, relative to railroads; fire damage and prevention.

(9) RSA 381, relative to railroad police, and including rulemaking under RSA 21-P:14, II(p) and appointment under RSA 228:62-a.

(10) RSA 382, relative to maintenance of parks by railroads and bus lines.

(b) The committee shall seek the input, advice, and expertise of any agency or organization with knowledge of the subject matter, including at least the department of energy, the public utilities commission, the department of transportation, and the department of safety.

IV. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

V. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

#### 5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2023.

2023-0461h

#### AMENDED ANALYSIS

This bill recodifies the RSA chapter on transportation network companies, and establishes a legislative committee to study statutory provisions no longer associated with administration by the department of energy or the public utilities commission.

#### Amendment to HB 233-FN (2023- 0576h)

#### Proposed by the Committee on Science, Technology and Energy - c

Amend the bill by replacing sections 1 and 2 with the following:

1 Electric Renewable Portfolio Standards; Useful Thermal Energy. Amend RSA 362-F:2, XV-a to read as follows:

XV-a. "Useful thermal energy" means renewable energy delivered from class I sources ***with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined, of greater than 1,000,000 btu per hour*** that can be metered and that is delivered in New Hampshire to an end user in the form of direct heat, steam, hot water, or other thermal form that is used for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements and for which fuel or electricity would otherwise be consumed. ***For sources with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined of 1,000,000 btu per hour or less, energy delivered shall be verified by a method that is satisfactory to the department of energy.***

2 Renewable Energy Certificates; Useful Thermal. Amend RSA 362-F:6, V to read as follows:

V. A qualified producer of useful thermal energy ***with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined, of greater than 1,000,000 btu per hour*** shall provide for the metering of useful thermal energy produced in order to calculate the quantity of megawatt-hours for which renewable energy certificates are qualified, and to report to the department of energy under rules adopted pursuant to RSA 362-F:13. ***For sources with a total gross nameplate heating capacity of its renewable energy certificate eligible units combined, of 1,000,000 btu per hour or less, energy delivered shall be verified by a method that is satisfactory to the department of energy in order to calculate the quantity of megawatt-hours for which renewable energy certificates are qualified, and to report to the department of energy under rules adopted pursuant to RSA 362-F:13.*** Monitoring, reporting, and calculating the useful thermal energy produced in each quarter shall be expressed in megawatt-hours, where each 3,412,000 BTUs of useful thermal energy is equivalent to one megawatt-hour.

**Amendment to HB 251**  
**(2023- 0548h)**

**Proposed by the Majority of the Committee on Science, Technology and Energy - r**

Amend the bill by replacing section 1 with the following:

1 Public Utilities Commission; Disclosure of Cost of Compliance. Amend RSA 378:49, II(c) to read as follows:

(c) Provide such information to electric customers at least annually in conjunction with billing, whether distributed through the mail or online, or other mailed or online communication to customers, as approved by the commission, including the commission's estimated cost on a per kilowatt-hour basis ***and estimated annual cost for the average residential ratepayer*** for compliance with the electric renewable portfolio standard under RSA 362-F for the prior compliance year. The estimated cost for the compliance year shall be calculated once per year and provided in the customer's December bill, whether distributed through the mail or online. Each customer's bill shall identify the cost as an estimate and provide a link to information about the electric renewable portfolio standard, including its benefits, at the public utilities commission's website. ***Utilities shall also be required to include an annual estimated cost to be calculated by multiplying the average per kilowatt hour cost of the electric renewable portfolio standard under RSA 362-F for the prior compliance year by the average residential monthly consumption of 625 kilowatt hours.*** The costs for a utility to provide this information shall be recovered from electric customers through the distribution rates of the respective electric distribution utility.

2023-0548h

**AMENDED ANALYSIS**

This bill requires the public utilities commission to provide an estimated annual cost of compliance with electric renewable portfolio standards in customer's electric bills.

**Amendment to HB 278-FN**  
**(2023- 0334h)**

**Proposed by the Committee on Executive Departments and Administration - c**

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

AN ACT relative to retirement system employer reports.

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

1 Retirement System; Employer Reports. The general court ratifies the requirement in RSA 100-A:16, VII for employer reports as inserted by 2013, 251:1, and as amended by 2014, 183:8; 2016, 110:1; and 2018, 293:5, and all actions of the retirement system pursuant to RSA 100-A:16, VII, and to that purpose the provision of 2013, 251:2 shall not be given effect and is hereby repealed.

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

2023-0334h

**AMENDED ANALYSIS**

This bill ratifies a provision for the retirement system to receive employer compensation reports and assess a penalty for noncompliance.

**Amendment to HB 285**  
**(2023- 0086h)**

**Proposed by the Committee on Executive Departments and Administration - c**

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

AN ACT authorizing the department of revenue administration to incorporate the New Hampshire equalization manual into the administrative rules and relative to the development of forms or returns by the department.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:  
 2 New Subparagraph; Department of Revenue Administration; Development of Forms. Amend RSA 21-J:1, II by inserting after subparagraph (c) the following new subparagraph:

(d) Developing such forms or returns as may be necessary, which forms or returns may be required to be signed under the pains and penalties of perjury.

2023-0086h

#### AMENDED ANALYSIS

This bill allows the department of revenue administration to incorporate by reference the New Hampshire equalization manual into the administrative rules of the department. The bill also allows the department of revenue administration to develop such forms or returns as may be necessary.

#### Amendment to HB 397

(2023- 0237h)

#### Proposed by the Committee on Ways and Means- c

Amend the bill by replacing sections 4 and 5 with the following:

4 Repeal; Room and Board Scholarship Fund. The following are repealed:

I. RSA 6:12, I(b)(278), relative to moneys deposited in the room and board scholarship fund established under RSA 187-A:20-a, II.

II. RSA 187-A:20-a, II(b), establishing the room and board scholarship fund.

5 Repeal; Cold Case Homicide Unit Fund. The following are repealed:

I. RSA 6:12, I(b)(306), relative to moneys deposited in the cold case homicide unit fund established in RSA 21-M:8-m, III.

II. RSA 21-M:8-m, III, establishing the cold case homicide unit fund.

2023-0237h

#### AMENDED ANALYSIS

This bill establishes a list of funds and accounts which are exempt from dedicated fund reporting and review requirements. The bill also repeals the room and board scholarship fund and the cold case homicide unit fund.

#### Amendment to HB 298

(2023- 0565h)

#### Proposed by the Committee on Science, Technology and Energy - r

Amend the bill by replacing section 1 with the following:

1 Personal Wireless Service Facilities; Application Review. Amend RSA 12-K:10, II(a) to read as follows:

(a)(1) Review the collocation application or modification application in light of its conformity with applicable building permit ***and structural integrity standards and*** requirements and consistency with this chapter. ***To facilitate this review each application shall be supported by adequate proof by a licensed engineer demonstrating compliance with all applicable national, state, and local building, electrical, and fire codes.*** A collocation application or modification application is deemed to be complete unless the authority notifies the applicant in writing, within 15 calendar days of submission of the specific deficiencies in the collocation application or modification application which, if cured, would make the collocation application or modification application complete. Upon receipt of a timely written notice that a collocation application or modification application is deficient, an applicant shall have 15 calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within 15 calendar days, the collocation application or modification application shall be reviewed and processed within 45 calendar days from the initial date received by the authority. If the applicant requires more than 15 calendar days to cure the specific deficiencies, the 45 calendar days deadline for review shall be extended by the same period of time; ***and***

***(2) Inform itself of the impact of any proposed personal wireless service facilities and ensure that, other than with regard to the environmental effects of radio frequency emissions that are consistent with the Federal Communications Commission's regulations concerning such emissions, the facilities and their operation will not significantly affect historical or horticulturally sensitive areas;***

#### Amendment to HB 367

(2023- 0226h)

#### Proposed by the Committee on Education - r

Amend the bill by replacing section 1 with the following:

1 Education Freedom Accounts; Eligible Students; Federal Poverty Guidelines. Amend RSA 194-F:1, VI to read as follows:

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public elementary or secondary school and whose annual household income at the time the student applies for the program is less than or equal to [300] **350** percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2). No income threshold need be met in subsequent years, provided the student otherwise qualifies. Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

**Floor Amendment to HB 367-FN-LOCAL**

(2023- 0449h)

**Proposed by Rep. Luneau - r**

Amend the bill by replacing section 1 with the following:

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

VI. "Eligible student" means a resident of this state who is eligible to enroll in a public elementary or secondary school and whose annual household income at the time the student applies for the program, **and for each school year during the student's participation**, is less than or equal to [300] **350** percent of the federal poverty guidelines as updated annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. section 9902(2). [~~No income threshold need be met in subsequent years, provided the student otherwise qualifies.~~] Students in the special school district within the department of corrections established in RSA 194:60 shall not be eligible students.

2023-0449h

**AMENDED ANALYSIS**

This bill increases the household income eligibility level for participation in education freedom accounts and requires annual determination of eligibility for awarding funds.

**Amendment to HB 385**

(2023- 0360h)

**Proposed by the Committee on Science, Technology and Energy - c**

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

2 Community Electric Aggregation Plans; Complaints. Amend RSA 53-E:7, X to read as follows:

X. The commission shall adopt rules, under RSA 541-A, to implement this chapter and, to the extent authorities granted to municipalities and counties by this chapter materially affect the interests of electric distribution utilities and their customers, to reasonably balance such interests with those of municipalities and counties for the public good, which may also be done through adjudicative proceedings to the extent specified or not addressed in rules. Such rules shall include but not be limited to rules governing the relationship between municipal and county aggregators and distribution utilities, metering, billing, access to customer data for planning and operation of aggregations, notice of the commencement or termination of aggregation services and products, and the reestablishment of a municipal or county aggregation that has substantially ceased to provide services. Where the commission has adopted rules **or issued orders** in conformity with this chapter, complaints [to] **pertaining to actions undertaken or omitted by any municipal or county aggregator or electric distribution utility arising under this chapter, applicable rules, or orders of the commission, shall be made to the department. Thereupon, the department shall cause a copy of said complaint to be forwarded to the municipal or county aggregator or electric distribution utility complained of, which may be accompanied by an order, requiring that the matters complained of be satisfied, or that the charges be answered in writing within a time to be specified by the department. If the charges are not satisfied and it shall appear to the department that there are reasonable grounds therefor, it shall investigate the same in such manner and by such means as it shall deem proper. After investigation, the department may bring proceedings on its own motion before the commission, with respect to any complaint or violation arising under this chapter, applicable rules, or orders of the commission. If the party bringing the complaint is unsatisfied with the disposition of the complaint by the department, then they may petition the commission to resolve the matter through an adjudicative proceeding. Notwithstanding any other provision of law to the contrary, municipal and county aggregators shall be subject to the jurisdiction of the department for purposes of this paragraph. For non-residential ratepayers, the department shall docket and make public any received complaint. Complaints to the department and proceedings before the commission shall not be subject to RSA 541-A:29 or RSA 541-A:29-a.**

3 Application of Amended Complaint Procedure; Community Electric Aggregation Plans. The procedure for complaints pursuant to RSA 53-F:7, X as amended by this act, shall apply to complaints filed with the department of energy on and after the effective date of this act.

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

**Amendment to HB 564  
(2023- 0091h)**

**Proposed by the Committee on Executive Departments and Administration – c**

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

**AN ACT** relative to ratification of amendments to the state building code and state fire code, and the membership of the state advisory board of fire control.

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

**2 State Fire Code; Ratification of Amendments.** Pursuant to RSA 153:5, the general court hereby ratifies the amendments to the state fire code adopted by the state fire marshal and the state board of fire control through January 18, 2023.

**3 State Advisory Board of Fire Control; Membership.** Amend RSA 153:2 to read as follows:

153:2 Membership and Organization. There shall be a state advisory board of fire control consisting of [11] **12** members appointed by the governor with the advice and consent of the council. The members shall be persons with experience and background in (1) a manufacturing industry; (2) the storage of petroleum products and in standard safety precautions with reference thereto; (3) the position of forest fire warden and who is a chief of a volunteer or full-time fire department; (4) fire insurance underwriting, including knowledge of national standards of construction, causes of fire loss and regulations pertaining to fire safety; (5) the position of chief of a municipal fire department; (6) a registered architect; (7) a chemical engineer; (8) an electrical engineer; (9) the position of chief of a volunteer fire department; (10) natural gas distribution; [and] (11) propane gas distribution; **and (12) a fire protection engineer.** Members shall be appointed for terms of 5 years. One member of the board shall be designated as chairman thereof by the governor.

**4 Effective Date.** This act shall take effect upon its passage.

2023-0091h

**AMENDED ANALYSIS**

This bill:

- I. Ratifies amendments to the state building code approved by the state building code review board.
- II. Ratifies amendments to the state fire code approved by the fire marshal and state board of fire control.
- III. Adds a fire protection engineer to the state board of fire control.

**Amendment to HB 567  
(2023- 0429h)**

**Proposed by the Committee on Judiciary – r**

Amend RSA 540:2-a as inserted by section 1 of the bill by replacing it with the following:

540:2-a Notice of Rent Increase.

I. No owner of residential rental property shall increase a tenant's rent unless the owner provides the tenant with not less than:

- (a) 30 days written notice in the case of nonrestricted property.
- (b) 60 days written notice in the case of restricted property.

II. Notwithstanding paragraph I or RSA 540:2, IV, an owner of restricted property shall provide a tenant with 60 days written notice of any rent increase, or combination of rent increases, that exceeds 15 percent of the rent that was in effect at the time a notice of rent increase is served on the tenant. If more than one notice of rent increase is served within a 60-day period, the 60-day period shall run from the date that the last rent increase notice is served on the tenant.

**Amendment to HB 588-FN  
(2023-0583h)**

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

Amend the introductory paragraph of RSA 651:2, IX as inserted by section 1 of the bill by replacing it with the following:

IX. Except as provided in paragraph X, a person sentenced under this chapter may apply for parole upon the completion of 65 percent of such person's minimum sentence, provided the following requirements are met: Amend RSA 651:2, IX(a) as inserted by section 1 of the bill by replacing it with the following:

- (a) The person was sentenced to a minimum of not less than 7 1/2 years.

Amend the bill by replacing section 2 with the following:

**2 Applicability.** The provisions of this act shall apply to any person incarcerated on or after the effective date of this act.

2023-0583h

**AMENDED ANALYSIS**

This bill allows an eligible incarcerated person to apply for parole upon the completion of 65 percent of such person's minimum sentence.

**Amendment to HB 624-FN  
(2023- 0416h)**

**Proposed by the Majority of the Committee on Criminal Justice and Public Safety- r**

Amend the bill by replacing section 1 with the following:

1 New Section; Immigration Checkpoints. Amend RSA 265 by inserting after section 1-c the following new section:

**265:1-d Immigration Checkpoints.** When any state, county, or municipal police department or law enforcement agency is informed by a federal agency of intent to conduct an immigration checkpoint, the department or agency shall give notice to the public within 24 hours of when the checkpoint is scheduled to occur or as soon as is practical. The notice shall disclose, if known, the date, municipality, and geographical area in which the checkpoint will occur. Notice to the public shall be provided by using various media resources available, which may include publishing this information on the government agency's website and on social media, or the use of press conferences, press releases, radio and television coverage, posters, and flyers.

**Amendment to HB 647-FN  
(2023- 0231h)**

**Proposed by the Minority of the Committee on Judiciary - r**

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

1 New Chapter; Cause of Action to Protect Individual Rights. Amend RSA by inserting after chapter 507-G the following new chapter:

**CHAPTER 507-H**

**CAUSE OF ACTION TO PROTECT INDIVIDUAL RIGHTS**

**507-H:1 Superseding Enactment.** To the extent of any conflict, this chapter supersedes a defense or immunity in RSA 99-D, 507-B, 541-B, or other RSA section enacted prior to the effective date of this chapter.

**507-H:2 Definitions.**

I. "Government" means state, county, municipal, and other political subdivision of the state of New Hampshire.

II. "Government employee" means an individual employed or contracted by a government employer.

III. "Government employer" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the government.

**507-H:3 Cause of Action.**

I. Under this chapter, the government employer shall be liable for an injury caused by an act or omission of a government employee who, under color of law, violates a right under the constitution of the state of New Hampshire or the United States.

II. An individual may seek legal, equitable, or other relief in a court of the state of New Hampshire for a violation of a right under the constitution of the state of New Hampshire or the United States.

III. The proper defendant in an action, under this chapter, is the government employer and not a government employee.

IV. A government employee shall not be found financially liable, under this chapter, for a violation of a right under the constitution of the state of New Hampshire or the United States.

V. The government employer shall notify the government employee, whose actions or omissions are the subject of a claim under this chapter, within 10 days of the government employer being served. The government employee has an unconditional right to intervene in the action, as a third-party defendant, pursuant to New Hampshire rules of civil procedure and court rules.

VI. The individual seeking relief shall bear the burden of proving a violation of a right under the constitution of New Hampshire or the United States by a preponderance of the evidence.

VII. A claim under this chapter, shall be commenced no later than three years from the date a claim can be brought for the deprivation of a right under the constitution of New Hampshire or the United States.

VIII. Notwithstanding the State of New Hampshire's rules of civil procedure and court rules, a class action is prohibited under this chapter.

IX. A claim under this chapter is not subject to:

- (a) Statutory immunities;
- (b) Common law doctrines of immunity;
- (c) Federally-recognized doctrines of qualified immunity;
- (d) Sovereign immunity, governmental immunity, custom or policy; or
- (e) Limitations on liability or damages.

X. Nothing in this chapter abrogates a government's judicial or legislative immunity.

**507-H:4 Jurisdiction in State Court.**

I. Any action under this chapter shall arise out of state law.

II. Jurisdiction shall be in the state of New Hampshire's judicial system pursuant to its laws and rules of civil procedure.

III. The court's order shall be supported by findings of facts and conclusions of law. The court shall make the findings of fact in a bench trial and the jury shall make them in a jury trial. The court shall make conclusions of law.

**507-H:5 Judicial Evaluation of the Use of Force.**

I. When evaluating a government employee's use of force under the constitution of New Hampshire or the United States, the court shall make its determination of reasonableness from the perspective of a reasonable government employee on the scene. Its determination shall be an objective one based on the facts and circumstances confronting the government employee. It shall recognize a government employee often must make split-second decisions in tense, uncertain, and rapidly evolving situations. A court shall not determine reasonableness using perfect hindsight or facts and circumstances of a claim that are later discovered.

**507-H:6 Attorney Fees.**

I. In any proceeding in which a plaintiff's claims prevail, the state of New Hampshire or a political subdivision shall be liable for reasonable attorney fees and other litigation costs.

II. Paragraph I of this section shall include reasonable attorney fees incurred on an hourly or a contingency basis or by an attorney providing legal services on a pro bono basis.

III. The court shall recognize that a plaintiff's claim prevails if the plaintiff obtains any relief the plaintiff seeks in its complaint, whether the relief is obtained via judgment, settlement or the government's voluntary change in behavior.

IV. Under the state of New Hampshire's rules of civil procedure, the court may dismiss a frivolous claim and may award reasonable attorney fees and costs to the defendant for defending against a frivolous claim.

**507-H:7 Termination of Contract, Agreement, or Employment.**

I. For any contract or agreement enacted after the effective date of this chapter and notwithstanding any other law, a court's finding that a government employee violated a right under the constitution of New Hampshire or the United States under this chapter is per se evidence that the government employer has just cause for terminating the employment of the government employee.

II. The government's termination of a contract, agreement, or employment of a government employee shall not affect the government's liability under this chapter.

**507-H:8 Public Information.** All documents, including complaints, judgments, settlements, and consent decrees under this chapter shall be subject to public disclosure.

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

**Amendment to HB 654  
(2023- 0338h)**

**Proposed by the Committee on Education - c**

Amend the bill by replacing section 1 with the following:

1 School Districts; Teaching Certification; One-year Certificate of Eligibility. Amend RSA 189:39-b to read as follows:

**189:39-b One-Year Certificate of Eligibility.**

I. The local school board, in consultation with the superintendent, may offer a one-time[,-one year] certificate of eligibility, **for a one-year period which may be extended by the local school board for a second consecutive year**, to any person interested in [teaching] **employment as an educator** on a full-time or part-time basis, without requiring a person to possess [a teaching credential, teaching license, or other teaching certification] **an educator credential** provided that such person:

- (a) Possesses at least a bachelor's degree from an accredited postsecondary institution.
- (b) Is subject to a criminal history records check pursuant to RSA 189:13-a.
- (c) Is qualified for the position by relevant experience and education.

I-a. The provision of subparagraph I(a) shall not apply to an individual applying to teach a course in a CTE specialty area.

II. The school board, with input from the superintendent, shall formulate the terms of the certificate of eligibility which shall contain no tenure provisions.

III. The department of education shall be notified of the issuance of all certificates of eligibility within 30 days of the date of issuance.

**III-a. The professional code of ethics and the professional code of conduct shall apply to all individuals possessing a certificate of eligibility under this section.**

IV. Any person who has had [a teaching] **an educator** credential, [teaching] **educator** license, or other [teaching] **educator** certification revoked under RSA 189:14-c or RSA 189:14-d, or who has been rendered ineligible to be employed as [a teacher] **an educator** under another provision of law, shall not be eligible [to teach] under this section.

V. No person shall be offered more than one certificate of eligibility under this section.