



State of
New Hampshire

HOUSE RECORD

First Year of the 168th General Court

Calendar and Journal of the 2023 Session

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Concord, N.H.

Friday, February 17, 2023

No. 12

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

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Wednesday, February 22nd at 10:00 a.m. and Thursday, February 23rd at 10:00 a.m. in Representatives Hall.

For planning purposes, please hold Thursday, March 9th as a likely session day. 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.

During the week of February 27 - March 3, which coincides with most New Hampshire schools' winter recess, we will have no House session. It will be a committee-by-committee decision to limit meetings or keep their meetings to public hearings only. Curtailed scheduling is contingent upon committees being on or ahead of schedule.

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. In addition, email notification will go out to affected committees and staff.

State offices will be closed on Monday, February 20th in observance of President's Day.

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.

NOTICE

There will be a Republican Caucus on **Wednesday, February 22 at 9:00 a.m.** in Representatives Hall.

There will be a Republican Caucus on **Thursday, February 23 at 9:00 a.m.** in Representatives Hall.

Rep. Jason Osborne, Majority Leader

There will be a Democratic Caucus on **Wednesday, February 22 at 9:00 a.m.** in the State House Cafeteria.

There will be a Democratic Caucus on **Thursday, February 23 at 9:30 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, February 22, 2023

Wednesday, March 1, 2023

Wednesday, March 8, 2023

AVAILABLE ON:

Friday, February 24, 2023

Friday, March 3, 2023

Friday, March 10, 2023

Paul C. Smith, Clerk of the House

NOTICE FROM THE CLERK

If you would like to receive the printed House Calendar, you must contact the Clerk's Office and opt-in to request the mailed service.

Paul C. Smith, Clerk of the House

2023 HOUSE DEADLINES

Thursday, February 23, 2023	Last day to act on HBs going to a second committee
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

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 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 234-FN**, relative to renewable energy credits. 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 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 430-FN-L**, relative to applications for the education freedom accounts program. Pending question: Inexpedient to Legislate.
- HB 487-FN**, establishing a New Hampshire farm-to-school reimbursement program. Pending question: No pending question.
- HCR 3**, relative to affirming states' power over the federal constitution. Pending question: Inexpedient to Legislate.

WEDNESDAY, FEBRUARY 22 CONSENT CALENDAR

CHILDREN AND FAMILY LAW

HB 126, relative to choosing the accrual date for child support payments. **INEXPEDIENT TO LEGISLATE.** Rep. Debra DeSimone for Children and Family Law. The committee felt that with no amendment to clarify how often a change could be made, the bill lacked the option of consistency and could create acrimony. **Vote 15-1.**

HB 218-FN, relative to court rules and transcripts in the judicial branch family division. **INEXPEDIENT TO LEGISLATE.**

Rep. Heather Raymond for Children and Family Law. This bill would allow any party in any family court proceeding to make a recording of the process. The committee is concerned that this bill would allow parties involved in the Division of Children, Youth and Families, Juvenile Justice, and other non-public cases, to make recordings that could compromise the privacy of involved children. The committee also opposes the prohibition against family court judges using discretion to waive court rules on a case by case basis. An amendment was offered to add some privacy protections and reduce cost of the digital copy of the official court recording but it failed to pass. **Vote 16-0.**

HB 490, relative to modifying the definition of neglect. **INEXPEDIENT TO LEGISLATE.**

Rep. Gaby Grossman for Children and Family Law. The committee believes that there is no current issue with the state's existing definition of neglect. New Hampshire has a system that trusts families to make decisions related to the needs of their child. Families can access education and training related to parenting through the Division of Children, Youth, and Families. **Vote 14-2.**

HB 491, relative to prohibiting the use of the prone restraint for minors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Pearson for Children and Family Law. This bill as amended takes a balanced and realistic approach to prone restraint. On the one hand, it appropriately notes this form of subduing someone who may be dangerous to him or herself or others is fraught with danger and has been responsible for the deaths of numbers of children. On the other hand, it wisely notes that there are extreme cases in which prone restraint is the best or only way initially to bring under control someone who is in need of restraint. It includes the provisions that it is to be but a brief and transitory method on the way to other and safer forms of restraint and during the administration of restraint, the physical status of the restrained child must continually be monitored. **Vote 16-0.**

COMMERCE AND CONSUMER AFFAIRS

HB 39-FN, relative to paper billing fees. **INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for Commerce and Consumer Affairs. This bill prohibits a person doing business in this state from being charged an additional fee for receiving a paper billing statement, electing to make a payment by United States mail, or attempting to pay a bill in person. Given that so many businesses do not charge for statements it appears that the bill was focused on bank statements, however banks are exempt from this section of the law. More importantly, some businesses give a credit if you are willing to waive the printed statement. **Vote 19-0.**

HB 146-FN, relative to the closure of state liquor stores. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane Beaulieu for Commerce and Consumer Affairs. The Commerce and Consumer Affairs Committee believes that obtaining the prior approval of the Fiscal Committee before closing a state liquor store would be financially burdensome and would lead to a general court committee micro managing the liquor commission of NH. **Vote 19-1.**

HB 167, relative to nano brewery licensing. **OUGHT TO PASS.**

Rep. John Hunt for Commerce and Consumer Affairs. The title of the bill removes the requirement that nano breweries manufacture beverages in a public building. Federal law already requires the separation a nano must have from any residence so the existing NH law was redundant and enforcement was problematic. **Vote 20-0.**

HB 612-FN, relative to the fees for New Hampshire wine manufacturers. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane Beaulieu for Commerce and Consumer Affairs. The committee heard testimony from small wine manufacturers requesting changes in the fee and tax structures on wine sold in-state and exemptions for a certain volume of wine from taxation. The Liquor Commission does not support the request at this time. In addition, a fiscal note was not provided. For these reasons, the committee recommends this bill as Inexpedient to Legislate. **Vote 20-0.**

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 46-FN, relative to the appointment of magistrates and repealing the statutes governing bail commissioners. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. The committee has had several bail bills, driving back bail reform. We accepted the recommendation from the Judicial Branch to deep dive into bail reform. The committee will review whether bail commissioners should be replaced or supplemented by court magistrates and assess the following: What are the benefits and problems with the current bail commissioner system? How could a court magistrate system be structured? Should court magistrates be used to replace bail commissioners? Should court magistrates be used to supplement bail commissioners? **Vote 20-0.**

HB 158-FN, relative to armor piercing ammunition. **INEXPEDIENT TO LEGISLATE.**

Rep. Jonathan Stone for Criminal Justice and Public Safety. After hearing testimony in regards to this bill, many issues were apparent. This bill, if passed, would turn many of New Hampshire's law abiding citizens into felons. The bill would outlaw a large majority of sporting ammunition historically and currently used today. This bill makes it a class B felony to own, store, purchase, sell, distribute, manufacture, or custom-produce "armor-piercing" ammunition. The bill never addresses "Armor Plating" or "Ballistic Vests" levels of protection. The National Institute of Justice has established rating standards for various levels of protection from common used firearms ammunition in regards to "Body Armor". Federal law, with minor exceptions, bans the manufacture, importation, sale, and delivery of handgun armor piercing ammunition made of certain metal alloys. Violation carries a fine of up to \$5,000, imprisonment for up to five years, or both. It should be noted, that law enforcement of this state did not ask for this bill, nor did they testify in favor of it, though several were present during the hearing. **Vote 20-0.**

HB 498-FN, requiring fish and game officers to obtain a warrant to conduct a search and seizure. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. This bill would have required conservation officers to obtain a search warrant for conducting any search regarding their official duties. The committee heard testimony from the citizens that work in the professions that would be affected by this legislation, and they were overwhelmingly opposed to it. It was their consensus that this would be detrimental to their productivity because they will be waiting for the warrant to be issued. Additionally, having the presence of a conservation officer in the field or on the water, generally improves the overall atmosphere and deters offensive behavior from citizens while fishing and hunting. The sponsor believes that their ability to search without a warrant while in the field conducting investigations related to fish and game law violations carries over to their newer ability to enforce motor vehicle law violations. The plain reading of the law indicated that they have "the same" powers as other law enforcement in that space. Other law enforcement is required to obtain a warrant under most circumstances and so are they. Their ability to search without one, is strictly limited to fish and game law violations in the field and if they were to attempt to apply it to a motor vehicle search on the road for non-fish and game related issues, the court would suppress it and any evidence obtained by it as the product of an improper search. The idea that the legislature somehow created "super police" by granting them the ability to enforce motor vehicle laws while they are on the roadways of the state, is not supported by the language of the law, the Supreme Court precedent or the testimony heard during the public hearing. **Vote 19-1.**

HB 545-FN, amending the victims' bill of rights. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. On the surface this bill might appear to strengthen the victims' bill of rights; it in fact does the exact opposite. The committee heard strong testimony from the New Hampshire Domestic Violence and Sexual Abuse Coalition and law enforcement that if enacted, this legislation could provide an incentive for abusers to further intimidate their victims by coercing them to remove no contact orders between them and the accused, to withdraw or reduce restitution paid to them, and to request misdemeanor charges against their abusers be dismissed. It would also create an opportunity for an abuser to offer to pay a victim to drop the charges against them. The victims' bill of rights was carefully written by this legislature with input from all stakeholders, to ensure certain systems and protections are in place in order to hold abusers accountable. Changes should only be contemplated after a careful evidenced based review demonstrates that change is necessary. The committee heard no such evidence. Victims should never bear responsibility for enforcement of the law or court orders related to the crimes committed against them. **Vote 20-0.**

ELECTION LAW

HB 453-FN-A, relative to prohibiting the folding of election ballots and providing adequate envelopes for absentee ballots to prevent folding. **INEXPEDIENT TO LEGISLATE.**

Rep. Steven Smith for Election Law. This bill would have prevented the folding of ballots to reduce machine counting errors. Subsequent investigation found that there are other ways to avoid the errors which do not require legislation. **Vote 18-2.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 525-FN-LOCAL, relative to group II service retirement provisions in the retirement system. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol McGuire for Executive Departments and Administration. This bill changes the retirement calculations for group II, police and fire personnel, who were in service but not vested in 2011. This is the same matter as HB 436. The committee plans to address the issues of HB 525 in HB 436. **Vote 13-0.**

HB 579-FN-LOCAL, eliminating the 2011 transition provision requirements for group II retirement. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol McGuire for Executive Departments and Administration. This bill changes the retirement calculations for group II, police and fire personnel, who were in service but not vested in 2011. This is the same matter as HB 436. The committee plans to address the issues of HB 579 in HB 436. **Vote 12-0.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 66, establishing a commission to study non-pharmacological treatment options for patients with chronic pain. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Nagel for Health, Human Services and Elderly Affairs. It is recognized by the committee that improved access to a variety of alternative therapies for pain management is currently lacking and necessary in New Hampshire. This is caused by a variety of barriers. In order to remedy this situation and provide greater access to care, the committee recognizes that it is in the interest of the state and its citizens to bring a variety of stakeholders together through committee for the purpose of creating and recommending strategies, statutory or otherwise. **Vote 20-0.**

HB 188, relative to the duration of physical therapy. **OUGHT TO PASS.**

Rep. David Nagel for Health, Human Services and Elderly Affairs. It is the belief of the committee, based on review of testimony and review of current educational requirements, that physical therapists have the knowledge base to understand at one point in time to refer a patient to an appropriate health care provider and a mandated statutory timeframe is no longer necessary. **Vote 20-0.**

HB 223, relative to prescription refills. **OUGHT TO PASS.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The committee finds that increasing the state limitation of 34-day supply to a 90-day supply does not violate Federal law, and that topically-applied testosterone medications have minimal potential for abuse. Requiring the prescriber to specify the medication is being used for the treatment of chronic low testosterone replacement therapy notifies the pharmacist of the reason for the prescription assist in their compliance with the corresponding responsibility requirement of the Drug Enforcement Agency (DEA). **Vote 20-0.**

HB 262, relative to laboratory testing by licensed naturopaths **OUGHT TO PASS.**

Rep. Leah Cushman for Health, Human Services and Elderly Affairs. This bill adds licensed naturopathic doctors (ND) to RSA 151:12-c, Laboratory Testing Without a Licensed Medical Practitioner's Order. With the passage of HB 381 last year, patients can order their own lab tests and bring results to a medical doctor, a doctor of osteopathy, a physician's assistant, or an advanced practice registered nurse for interpretation. HB 262 adds licensed naturopathic doctors to the statute, making a simple, technical change which clarifies that naturopathic doctors may interpret patient-ordered labs if they so choose, but are not mandated to do so. Naturopathic doctors have had the authority to order and interpret labs for patients for 30 years, and this bill corrects the inadvertent omission of NDs in the RSA. **Vote 20-0.**

HB 325, relative to the controlled drug prescription health and safety program advisory council members. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The prescription health and safety program advisory council fills an important and essential role. The council is composed of representatives from various stakeholder communities that include physicians, dentists, pharmacists, nurse practitioners, law enforcement, multiple state agencies including the attorney general office, veterinarians, legislators, and licensing boards. At times it may take longer than expected to find an individual willing to volunteer to serve on the council. In the event a replacement cannot easily be found at the end of a term, this bill simply allows an extra six months to find a replacement. **Vote 19-1.**

HB 397, relative to the prohibition of the possession of hypodermic needles by minors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill as amended will remove the threat of punishment if a parent asks a child to hold their bag which may include diabetic supplies or to hand them supplies when their hands are full, such as when they are nursing a child. The bill as amended specifically states that misuse of the hypodermic needle or syringe is not permitted by this change. **Vote 20-0.**

HB 500, relative to prescribing opioids via telehealth medicine. **OUGHT TO PASS WITH AMENDMENT.** Rep. James Murphy for Health, Human Services and Elderly Affairs. The committee heard from providers that telehealth has benefited patients currently allowed under the federal emergency order. The current federal emergency order allows providers to prescribe non-opioid and opioid controlled medications using telehealth, that is, superseding state restrictions. Patient satisfaction is equal to or better than in-person visits. However, when the federal emergency order ceases on May 11, 2023, providers will no longer be allowed to utilize telehealth for this reason. The committee finds that this bill supports continued use of telehealth for prescribing by providers of controlled medications within the state of New Hampshire, and it allows patients a more efficient use of time. This bill will provide significant benefits to patients in palliative care, to adolescents with Attention Disorder Hyperactive Disorder (ADHD), and to post-op surgical patients. There are safeguards in place to prevent abuse including compliance with Federal Drug Enforcement Agency (DEA) regulations, a robust Prescription Drug Monitoring Program (PDMP), medical ethics, and state licensing boards. **Vote 20-0.**

HB 598-FN, relative to funding maternal mortality reviews. **INEXPEDIENT TO LEGISLATE.** Rep. Gary Merchant for Health, Human Services and Elderly Affairs. The committee finds the bill to increase funding of the maternal mortality review committee is well-intended. The committee heard testimony from entities that operate domestic and sexual violence prevention programs about the importance of having a stable and reliable funding mechanism. The committee finds that redirecting monies from the domestic violence fund to the maternal mortality review committee fund is not the answer to increasing monies for the maternal mortality review committee fund. **Vote 20-0.**

HB 610-FN, expanding the definition of providers who can certify patients of the therapeutic cannabis program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gerri Cannon for Health, Human Services and Elderly Affairs. The bill expands the definition of provider under the therapeutic cannabis program to include any individual licensed in New Hampshire to prescribe drugs to humans who holds an active registration from the United States Drug Enforcement Administration (DEA) for prescription of controlled substances. The bill also requires, for issuance of a registry identification card to a minor, certification from two providers, one of whom provides pediatric care. **Vote 20-0.**

HB 611-FN, relative to eligibility criteria for the therapeutic cannabis program. **OUGHT TO PASS.** Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill removes barriers of access for therapeutic cannabis for severe pain. Currently a patient in severe pain must exhaust all other options before obtaining written certification for therapeutic cannabis, and this is interpreted to include things as permanent and potentially futile as spinal fusion. Medicine is highly individualized, and there must be significant evidence to support the state dictating the order of treatment. Evidence to support the use of cannabis for severe pain has greatly increased since this program began, and now is the time to update this statute. **Vote 20-0.**

JUDICIARY

HB 235, establishing a commission to study the expansion of the landlord tenant mediation program in circuit courts. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charlotte DiLorenzo for Judiciary. As amended, this bill would create a legislative study committee to discuss and make recommendations for legislation to expand and place into statute the landlord tenant mediation pilot program that has been ongoing in selected circuit court divisions. The pilot mediation program was developed by the circuit court system to help landlords and tenants work through issues to avoid an eviction. Mediation is not mandatory, and both the landlord and tenant must agree to mediation. The pilot program has been a great success and has kept nearly 80% of tenants facing eviction in their homes, and it benefitted landlords because they were paid back the rent owed with direct checks to the landlord from tenants and various funding programs including donations from charitable organizations, payments from city, town and state welfare programs and federal Emergency Rental Assistance Program funds. The study commission would provide the General Court and all relevant stakeholders with an appropriate venue to analyze the program and assess what has and has not worked and recommend changes going forward. The mediation approach is conciliatory rather than punitive and could lead to preservation of tenancy and prevent homelessness. The amendment changed the study format from a study commission to a legislative study committee in keeping with the House's desire to reduce the number of commissions. **Vote 18-1.**

HB 343, relative to release of confidential records of a person appointed a guardian. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Katelyn Kuttub for Judiciary. This bill, as amended, will ensure a person who is appointed a guardian shall retain the right to access their medical and other confidential records, unless the court specifically finds it would not be in the ward's best interests to do so. Records are often needed for the ward to demonstrate that s/he no longer requires a guardianship or a conservatorship. But under current law, the guardian can frustrate the ward's ability to be relieved from the restrictions of the guardianship by denying or slow-walking the ward's access to the very information needed to show that the guardianship is no longer necessary. The committee believes this bill empowers people to have as much control over their own lives as possible. **Vote 19-0.**

MUNICIPAL AND COUNTY GOVERNMENT

HB 99-FN-LOCAL, requiring tax bills to provide information about a state tax rebate program for lower income homeowners. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Treleaven for Municipal and County Government. While the bill is well-intentioned, it will result in more paperwork and more personnel hours in cities and towns in order to fulfill its requirements. It will also make tax bills more expensive to produce and mail to homeowners, thus constituting an unfunded mandate. This bill also requires the identification of “lower income homeowners,” which could be problematic and assumes that town or city officials have knowledge about individuals’ financial situations. In addition, the bill does not define “lower income,” leaving the decision on income status to town or city officials who may not be familiar with these exemptions. **Vote 20-0.**

HB 203, relative to publication of annual county budgets. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Lascelles for Municipal and County Government. This bill, as amended clarifies and streamlines the method by which the county commissioners in Hillsborough and Rockingham counties deliver, to all responsible parties, their recommendations of the sums necessary to be raised by their respective county and how those funds are to be spent. The document shall also contain a statement of actual income and expenditures of the preceding fiscal year. **Vote 19-0.**

HB 237, relative to the date of asset evaluation for purposes of determining eligibility for certain property tax exemptions. **OUGHT TO PASS.**

Rep. Diane Pauer for Municipal and County Government. This bill establishes the date of December 31st, in the calendar year preceding April 1st, as the date for asset evaluation for the purpose of determining eligibility for property tax exemptions for Disabled (RSA 72:37-b), Deaf or Severely Hearing-Impaired Person (RSA 72:38-b), and Elderly (RSA 72:39-a). Under current statute, a property owner may be eligible for these property tax exemptions based on their income and assets. The application window begins on January 1st and extends to the statutory filing deadline of April 15th of the same year. For the purpose of evaluating an applicant’s income, the statute clearly defines the time frame as the prior calendar year. However, for the purpose of evaluating an applicant’s level of assets, the time frame is at the date of application. Current law allows a 104-day window to evaluate assets, resulting in unequal treatment of applicants both within a municipality as well as across the state. By specifying a fixed date, this simple change ensures that every applicant within each community and across the state has their assets evaluated on the same date, bringing consistency and fairness in administration of the tax exemptions. **Vote 20-0.**

HB 273, requiring composting and waste recycling to be made available to residents of public housing. **INEXPEDIENT TO LEGISLATE.**

Rep. Diane Pauer for Municipal and County Government. This bill requires every municipality in the state to provide residents of public housing administered by a public housing authority, to have onsite access to “appropriate” composting and recycling receptacles or bins. This bill is a reintroduction of 2022 HB 1172 which was referred to Interim Study and subsequently not recommended for future legislation by a vote of 10-7. This bill presents the same issues that the committee had identified in the original bill. First, the committee believes the requirements of the bill necessitates raising and expending tax dollars by a municipality, constituting an unfunded state mandate on municipalities in violation of the New Hampshire Constitution, Part 1, Article 28:a. Second, it is unclear as to what constitutes “appropriate” containers for composting and recycling. Third, the health and safety of the residents may be at risk from pests and vermin attracted by the nearby onsite composting. Similar health and safety risks may occur with recycling receptacles if not serviced frequently, adding additional costs. Fourth, not all municipal transfer stations and landfills are equipped to manage composting and recycling required by this bill. **Vote 20-0.**

HB 293-A-LOCAL, allowing a town to appropriate funds to create a town scholarship fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Diane Pauer for Municipal and County Government. This bill amends Powers and Duties of Towns; Trust Funds (RSA 31:19-a) to include the creation of a scholarship trust fund exclusively for town residents. Establishment of a scholarship trust fund by a municipality for select residents is not an essential function of government; and as such, it neither serves nor benefits the community as a whole. Furthermore, the committee believes that raising funds for the purpose of awarding scholarships to select residents is not a prudent use of taxpayer dollars. Private non-profit and charitable organizations, which rely upon private donations and fundraisers rather than taxation, are well suited to award scholarships as part of their independent missions. Lastly, the bill did not address the criterion as to how the scholarship trust fund would select recipients. **Vote 20-0.**

HB 483-FN, to remove the duties of county delegations and delegate them to county commissioners. **INEXPEDIENT TO LEGISLATE.**

Rep. Tim Cahill for Municipal and County Government. This bill would require the county delegations to give up their power to the county commissioners. This eliminates the legislative branch and we believe is repugnant to the New Hampshire Constitution Part 1, Bill of Rights, Article 37. The legislative branch is an integral part of our form of government and ensures oversight over the other branches. **Vote 20-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 214, relative to limitations on the designation of a portion of the Merrimack river. **OUGHT TO PASS.**

Rep. Jessica LaMontagne for Resources, Recreation and Development. This bill removes antiquated language in RSA 483:15, II regarding the authorization for complete capacity utilization of the Merrimack River. The original designation under this RSA was enacted in 1990. While intended to protect against excess water withdrawals, this section had language that, in effect, hampered the ability of municipalities to respond to water quality issues. The amended legislation gives Department of Environmental Services and municipalities more flexibility and regionalization in their approach to water flow and quality issues of the Merrimack River. **Vote 20-0.**

HB 247-FN, relative to protective well radii. **OUGHT TO PASS.**

Rep. Juliet Harvey-Bolia for Resources, Recreation and Development. This housekeeping bill removes encroachment waivers, requires a setback reduction form, and removes specific requirements for amended septic system plans. This bill clears up confusing language about property rights and eliminates redundant paperwork. It streamlines the reporting process regarding protective radii around private wells where the radius extends onto an adjacent lot. It would eliminate the provision for an encroachment waiver which is redundant for deeded easements and rarely used. This bill will add more flexibility regarding monitoring requirements, clarifying ambiguous sections of the statute. The Resources, Recreation and Development Committee strongly recommends the passage of this bill. **Vote 20-0.**

HB 488-FN, relative to state park campground reservations for New Hampshire residents. **INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Vail for Resources, Recreation and Development. This bill would give NH residents a two-day advantage, over of out-of-state campers, at the commencement of campground reservations for the NH Park System, each year. The committee discovered that this would not apply to state parks that have features, such as handicapped access, wherever said feature had been paid for by funding from the federal government. The bill sponsor supported the committee recommendation. **Vote 20-0.**

HB 592-FN, relative to buffers around wetlands. **INEXPEDIENT TO LEGISLATE.**

Rep. Dan Wolf for Resources, Recreation and Development. This bill looks to limit the ability of municipalities to regulate certain projects occurring more than 50 feet from wetlands. Wetlands are statutorily defined as “an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” This definition is found in RSA 482-A, which establishes state regulatory jurisdiction and processes related to wetlands impacts. These wetlands may be surrounded by locally established buffer zones consisting of usable uplands. Development is restricted by municipalities by use of these buffer zones to protect the adjacent wetlands. Thus, while the wetlands are regulated by the New Hampshire Department of Environmental Services (NHDES), the buffer zones are established and regulated by municipalities via local control statutes. NHDES testified that the subject matter of this bill should be considered in a statute that deals with the subject of locally controlled buffers, such as Title LXIV: Planning and Zoning. The committee also heard opposition from the Audubon Society, the New Hampshire Association of Conservation Commissions, and others. **Vote 19-0.**

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HB 269-FN, relative to limiting the authority of New Hampshire delegates to policymaking conventions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. This was one of two bills establishing rules for all delegates to any Article V Convention of States. This bill outlines the process for the election of delegates for such conventions. The amendment ensured that it would not conflict with existing RSA or with HB 392 concerning the delegate selection process. This bill creates a structure to replace any unfaithful delegate who deviates from addressing the specific constitutional issues designated by the people of New Hampshire. The committee believes this bill bolsters confidence in the Convention of States process and addresses fears regarding a “runaway convention.” **Vote 18-0.**

HB 392-FN, relative to constitutional convention procedures for delegates. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. In order to alleviate certain concerns about an Article V Convention of States, the committee recommended Ought to Pass on two bills to ensure

rules were established for the convention delegate process. Like HB 269, HB 392 also supports a structure to replace any unfaithful delegate who deviates from addressing specific constitutional issues designated by the people of New Hampshire. This bill ensures that delegates sent on behalf of New Hampshire adhere to the subject that they were selected to address. Having such safeguards is beneficial and desirable, and with the amendment, this bill puts reasonable penalties in place for a delegate knowingly or purposefully deviating from their assigned role. **Vote 16-0.**

HR 7, calling for the federal government to preserve and protect Medicare and Social Security without cuts to benefits. **OUGHT TO PASS.**

Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. While some committee members feel the Social Security and Medicare Programs need review and that proposed improvements deserve thoughtful consideration, the committee was unanimous in seeking to approve this measure which states that these important programs deserve continued support. **Vote 18-0.**

HCR 7, recognizing the Nulhegan Band of the Coosuk Abenaki Nation. **INEXPEDIENT TO LEGISLATE.**

Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. After hearing heated testimony from both sides on this issue, the committee concluded that passing this resolution would be detrimental to overall tribal relations. An apt analogy regarding this situation involves picking favorites in a family dispute. While nothing in the resolution precluded other tribes from submitting similar measures, HCR 7 would establish a new precedent involving a House committee choosing to recognize certain bands. Several committee members agreed that a recognition process for native tribes within New Hampshire should be considered and studied, but this resolution did not do that, as it was specific to only one band. **Vote 18-0.**

HR 16, relative to the Internal Revenue Service. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. This measure sought to make a case that certain Internal Revenue Service (IRS) practices were extralegal, but the committee believes that the 16th Amendment to the Constitution and other law codes clearly permit the IRS, Congress, the states, and other taxing entities to legitimately impose the levies to which they subject taxpayers. **Vote 16-1.**

WAYS AND MEANS

HB 288-FN, relative to taxation of sole proprietorship businesses. **INEXPEDIENT TO LEGISLATE.**

Rep. Sallie Fellows for Ways and Means. This bill would exempt a proprietorship (a single owner business) or a single person Limited Liability Company (LLC) from both the Business Profits Tax and Business Enterprise Tax. Some people own many separate LLCs. The Department of Revenue Administration estimated this would reduce state revenue by about \$36 million annually. They also noted that treating some businesses differently simply because they have a single person owner could be unconstitutional and recommended consulting the Department of Justice before proceeding. **Vote 20-0.**

HB 568-FN, relative to assessing all state adequate education and local education costs through the state education warrant. **INEXPEDIENT TO LEGISLATE.**

Rep. John Janigian for Ways and Means. The prime sponsor has notified the committee that he no longer supports the bill he filed and would like the bill vacated. Since it is too late to vacate the bill, the committee has found the bill Inexpedient to Legislate. **Vote 17-0.**

WEDNESDAY, FEBRUARY 22
REGULAR CALENDAR- PART ONE

COMMERCE AND CONSUMER AFFAIRS

HB 459-FN, relative to transactions exempt from the regulation of business practices for consumer protection. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Keith Ammon for the **Majority** of Commerce and Consumer Affairs. This bill would remove existing exemptions for already highly regulated industries from the state's Consumer Protection Act. The majority of the committee felt this would muddle existing, well-structured regulatory control. It could also have the unintended consequences of increasing insurance premiums for consumers, adding unnecessary layers of oversight, imposing a duplicate layer of regulation, and could result in unnecessary litigation and even fraud. The majority of the committee believes that the current regulatory system, including the Insurance Department, Banking Department, Attorney General's Office, and other agencies, are doing an adequate job of protecting consumers and regulating the respective industries they oversee. This bill has been proposed before and again has been deemed a bad idea for the state. **Vote 19-1.** Rep. Merryl Gibbs for the **Minority** of Commerce and Consumer Affairs. This bill amends the Consumer Protection Act (CPA), RSA 358-A to remove the exemption for unlawful acts subject to the jurisdiction of other government entities. This bill thus maintains protection and a right of private action for persons harmed by unlawful acts, when other government entities with jurisdiction do not proceed under their own authority.

HB 531-FN, relative to the taxation of tobacco and nicotine products. **INEXPEDIENT TO LEGISLATE.**

Rep. Jane Beaulieu for Commerce and Consumer Affairs. This bill directs the Commissioner of the Department of Revenue Administration to annually set the tobacco and nicotine tax based on the rates charged by neighboring states. Testimony provided by small retail outlets selling these products indicated substantial losses in revenue if the taxes mirrored neighboring states, and fewer sales means less tax revenue for the State of NH. **Vote 15-5.**

HB 639-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Hunt for the **Majority** of Commerce and Consumer Affairs. This bill legalizes the possession and use of cannabis for persons 21 years of age and older. As introduced, the bill would have created a Marijuana Commission and an advisory board with marijuana-interested parties. As amended, the bill now authorizes the liquor commission to regulate and administer the cultivation, manufacture, and retail sale of cannabis statewide, and makes an appropriation therefor. The bill maintains the Alternative Treatment Centers (ATC's) currently registered to dispense therapeutic cannabis as a separate entity to manufacture, cultivate, or transport cannabis to their NH Health and Human Services-regulated retail locations. The bill allows them to also deliver to the new retail locations and potentially have the Liquor Commission take over for Health and Human Services in future regulation of the ATC's. This legislation authorizes a municipality to enact an ordinance prohibiting or limiting the number and type of cannabis establishments that may be permitted within the municipality and regulating the time, place, and manner of operation of a cannabis establishment permitted within the municipality. This bill also establishes the Cannabis Control Fund just like the Liquor Fund, which requires funds to be distributed to the Department of Health and Human Services Bureau of Drug and Alcohol Services. The majority of the funds will be for education tax relief, but some of the funds will go to public safety agency training purposes and children's behavioral health services. Funds will also be used for an appropriation to the Department of Health and Human Services to create public media and social media campaigns to address some of the risks of cannabis use. The Commerce Committee amendment eliminates the "Advisory Board" and vests oversight fully in the NH Liquor Commission. The "Advisory Board" was deemed duplicative as the NH Liquor Commission has adequate experience and skill and the general competencies to safely administer public safety interests under this bill and creating a new commission would be redundant and unnecessary. In keeping with NH traditions of local control and free markets, this bill does not impose top down limits, such as picking winners and losers on retail outlets or manufacturing facilities but allows significant local input in the permitting and licensing of facilities within municipalities. Taxation in this bill is limited to a tax of 15% strictly at the cultivation level. There is no retail taxation with this bill. Taxing by wholesale value rather than weight, like other states, allows the Commission to audit and ensure compliance – similar to taxation for liquor and beer. Currently, because of lack of federal laws, all cannabis sold in NH will be grown in NH. The benefit of this legislation is to ensure the safety of cannabis in New Hampshire without forcing New Hampshire citizens to travel to our neighboring states and to create the opportunity for new business to be created in New Hampshire who will pay Business Profit Tax. **Vote 17-3.** Rep. Lilli Walsh for the **Minority** of Commerce and Consumer Affairs. The committee heard testimony from State Representatives, NH law enforcement, and students to the effect that there are innumerable negative factors relating to the legalization of cannabis. This bill would go against federal law and has the potential

of creating red flag laws for gun owners. The US 1986 Gun Control Act prohibits any “unlawful” user of a controlled substance (i.e. cannabis) from purchasing or owning a gun. For law enforcement purposes, there is no accepted roadside test or level of THC in the blood to determine impairment. NH law enforcement testified they are not prepared or equipped to handle increased cannabis related collisions and fatalities. Newly released data shows that 2022 was the worst year for overdose deaths in New Hampshire since 2017. Critically, legalization will send the absolute wrong message to our teens, where in our NH schools we heard cannabis use is already a huge problem. Every state that has legalized cannabis has “bought” coveted tax receipts at the tragic “cost” of ever growing personal and social ramifications. Recent evidence from California reveals that the black market is unaffected by legalization. The deleterious consequences and toll on human lives far outweigh the purported benefits of legalization.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 504-FN, relative to the adult parole board and making an appropriation therefor. **OUGHT TO PASS.** Rep. Karen Reid for Criminal Justice and Public Safety. This bill allows for the appointment of a previous adult board member to sit on the board, amends the stipend for the vice chairperson of the adult parole board, and makes an appropriation to the board. The bill allows the board the flexibility to utilize former members to fill in as needed for occasions when they would otherwise not be able to conduct business due to a lack of a quorum. Given the difficulty in attracting and retaining members to the board with the specialized skill set and experience required, the proposed increase in the stipends is justified. **Vote 20-0.**

EDUCATION

HB 272-FN, increasing chartered public school per pupil funding. **OUGHT TO PASS WITH AMENDMENT.** Rep. Glenn Cordelli for Education. Chartered schools have not had a funding increase for five years. There have been nine chartered school closures since 2005 and all related to financial reasons. This bill, as amended, will increase the “additional grant” for chartered schools by approximately \$1,000 per student. **Vote 19-1.**

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. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. This bill requires the Department of Education to provide a physical copy, on a portable data storage device, or a searchable internet database to the New Hampshire education laws annotated and education department rules to the House and Senate standing Education Committees at the start of each biennium. We are citizen legislators with no office or research assistant who need information based on written law. We need these law books for information that we can explore, examine, and analyze on hand and in committee in a format we have at our desks. **Vote 19-1.**

HB 529-FN-A-LOCAL, relative to additional aid grants for schools based on free and reduced price meals and fiscal capacity disparity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. The committee recognizes that many communities do not have the capacity to raise taxes due to below average equalized property valuation, and often, a high percentage of children who are eligible for free or reduced price lunch. In an effort to assist these communities, this bill, as amended, calculates fiscal capacity disparity aid by providing an amount of aid each year of the biennium to municipalities with an equalized valuation per ADMA (average daily membership in attendance) of \$600,000 but less than \$1,600,000. Low valuation communities with \$600,000 or less would receive \$2,000 per pupil. This bill is similar to the formula recommended in the 2018 Education Funding Study Report that included both finance and policy committee members. An accountability plan associated with this bill is required for districts receiving grants of \$50,000 or more. Since communities are forced to rely so heavily on local property taxes, equalized valuation per pupil is a useful measure of a community’s relative fiscal capacity to support their schools. Along with the Governor’s adequacy funding considerations as presented in the FY24/25 budget summary that phases in targeted aid to municipalities with low property values and low-income families over time, the Education Committee supports policy guiding this bill. The ultimate purpose of this bill, and previous recommendation made by the committee to fund special education differentiated aid through weighted values in HB 540, is to improve educational quality while ensuring that all students, regardless of educational needs or community valuation, shall benefit and have access and opportunity to educational services, criteria and elements defined by the state as an adequate education. **Vote 20-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 250-FN, relative to the accidental death benefit payable to a group II member. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Matthew Simon for the **Majority** of Executive Departments and Administration. This bill increases the death benefit for group II members, which includes police officers and firefighters, if they die as a di-

rect result of performing their duties. The present benefit gives 50% of the member's annual salary at the time of death to dependent children until they reach 18 years of age, or to a surviving spouse or dependent parent for as long as they live. This bill increases the benefit to 100% of the member's annual salary at the time of death. There are presently only six people in the State of New Hampshire receiving this benefit. The cost is very low and the majority of the committee feels that increasing the benefit is a reasonable way to honor the sacrifice that these men and women made while protecting NH citizens. **Vote 15-5.** Rep. Chris True for the **Minority** of Executive Departments and Administration. This bill down shifts \$1,300,000 to the municipalities. The NH Constitution, Part 1, Article 28-a says the state shall not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way to necessitate additional local expenditures. This bill institutes an expanded program and thus the minority cannot support this bill.

HB 436-FN-LOCAL, relative to group II retirement under transition provisions in the retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Matthew Simon for the **Majority** of Executive Departments and Administration. This bill as amended makes several changes to the New Hampshire Retirement System (NHRS). First, the bill adds the term "vested" to the definitions section of the NHRS statutes. Vested as defined means that a member is qualified for a benefit upon 10 years of service. This has been the functional definition of vested in NH since the beginning of the NHRS, but until now it has not officially appeared in statute. The bill also restricts the state from reducing the calculations of "earnable compensation" and "average final compensation" after an employee has completed three years of creditable NHRS service. The benefit cap is also raised from \$120,000 a year to \$125,000 a year, with an annual adjustment increase of 1.25% each subsequent year to ensure that inflation does not make the benefit cap obsolete. The primary purpose of the bill, however, is to address changes to the NHRS that occurred in 2011. These changes affected the method for calculating retirement benefits for members of group II who had begun service but had not yet reached vested status by 2011. In 2011 the NHRS faced several challenges including under funding, increased mortality tables at the federal level, and significant downturns in the stock market. These challenges prompted the general court to change the methodology by which the NHRS calculated member benefits in order to protect the solvency of the program. Instead of limiting these changes to new hires, group II members who were not vested but had been in service before the calculations were changed saw their benefits changed retroactively. This bill repeals those retroactive changes and reverts members who had commenced service but had not reached vested status by 2011 back to the original benefit calculations that were in statute when they commenced service. To accomplish this, the bill fazes these members back to their original benefits in one-year increments over a ten-year period. This method requires that members work an additional year to obtain these benefits and ensures that group II employers will not experience a massive, year one retirement exodus. This bill also raises the maximum retirement benefit for these members from 85% to 100% of the member's average final compensation. The cost of this program will be terminally funded with appropriations out of the general fund. The actual expense of this bill is not yet known, but the \$25,000,000 a year for ten years is an overestimate. The costs associated with the bill are expected to be less. Once a final cost has been calculated, the bill can be amended to reflect the actual costs with any excess funds going to pay down the NHRS's unfunded liability. The majority of the committee believes that changing benefits that were encoded in statute may have violated the constitutional mandate to refrain from making retroactive law. We also believe that returning these members back to the calculations that were in statute when they were hired will incentivize these members to postpone their retirements preventing even further workforce shortages. Finally, we believe the bill will produce cost savings in the form of less overtime and training expenses that will offset some of the expenses the bill incurs. **Vote 16-3.** Rep. Matthew Santonastaso for the **Minority** of Executive Departments and Administration. The first part of Article 10 of the New Hampshire Constitution states that government is instituted for the common benefit, protection, and security of the whole community and not for the private interest or emolument of any one man, family, or class of men. This bill benefits only 1,731 people out of a population of 1.4 million, resulting in a ratio of approximately 0.001. Furthermore, the minority believes it is untrue that people are more likely to enter public service because of a nuanced retirement program change. For those who are already in public service, delaying retirement for a couple of years only defers the town's obligation to recruit additional workers by a year or two. Even if it is true that this change will recruit more public workers, labor shortages are universal in the economy today. It is not inherent that putting additional strain on hiring for the public sector will benefit New Hampshire on net.

HB 571-FN-A, relative to the cost of living adjustments for certain group II retirees in the New Hampshire retirement system. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill would establish a cost of living adjustment (COLA) of 5 percent on the first \$50,000 for any retired group 2 member, police, fire, and corrections, of the NH Retirement System or any beneficiary to a group II retiree who has been retired at least 10 years but less than 20 years, and provide a 10 percent COLA on the first \$50,000 for those retired group II members or their ben-

eficiary who has been retired at 20 years as of July 1, 2023. The committee heard that while social security benefits went up 8.7% this year, Group II members unlike Group I members do not pay into social security. And even if the member had paid into social security through a previous employer and earned enough credits to collect, the benefit would be drastically reduced by the IRS windfall elimination provision. The committee also heard testimony that since the inception of the NH Retirement System in 1967 up until 1983 COLAs would be granted by the legislature and funded by the general fund. Then in 1983 the legislature codified the funding of COLAs by establishing the special account. RSA 100-A:16 II (h) stated; “the special account shall be used only to fund or partially fund additional benefits for retired members of the retirement system” and in the early 1990’s the legislature made changes to the special account and stipulated; “first, to provide supplemental allowances or COLAs pursuant to RSA 100-A:41-a” before any other benefit could be funded from the special account. In 2012 the legislature got rid of the special account, the funding source for future COLAs. In conclusion, knowing that group II retirees do not pay social security, knowing that the legislature in the past had funded retiree COLAs, and knowing that COLAs are necessary to help keep up with the cost of inflation this bill should be voted on as Ought to Pass.

Rep. Jeffrey Goley

Statement in support of Inexpedient to Legislate: Passage of this bill would give group II members of the New Hampshire Retirement System (NHRS) a cost-of-living adjustment (COLA) in the form of a supplemental allowance, if they have been retired for at least 10 years. For the purposes of receiving a benefit, group II retirees are split into two groups. The first group consists of members who have been retired for at least ten years but less than 20 years. They would receive a supplemental allowance of 5% of the first \$50,000 of their annual retirement allowance. The second group consists of those who have been retired for over 20 years. The amount of their supplemental allowance would be 10% of the first \$50,000 of their annual retirement allowance. Many on the committee do not believe that a COLA should be applied to direct benefit plan when a COLA has not been specified in that direct benefit plan. The cost of the COLA (\$84,000,000) is prohibitive and an unfair tax burden on other tax payers who also find themselves struggling under the weight of inflation. Furthermore, the average group II retirement benefit is already larger and accessible sooner than comparable programs, such as social security, which are available to other tax payers.

Rep. Matthew Simon

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 282-FN-A, relative to including certain children and pregnant women in Medicaid and the children’s health insurance program. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Joe Schapiro for the **Majority** of Health, Human Services and Elderly Affairs. This bill will ease Medicaid eligibility requirements for certain groups of “lawfully residing” minor and pregnant immigrants. Taking the federal option provided in the 2009 Children’s Health Insurance Plan Reauthorization Act, New Hampshire will join 35 other states and all of our New England neighbors in waiving the current 5 year wait for otherwise Medicaid-eligible children and pregnant women. It will apply to recent Green Card holders, those awaiting a final hearing for asylum, those on Temporary Protected Status (TPS), and victims of domestic violence. It will not apply to undocumented immigrants. Currently, we hear a constant refrain about New Hampshire’s aging population and a critical lack of workers to staff and grow our businesses. This bill will send a clear message to immigrants that our state welcomes them. Increasing access to healthcare is a wise and practical investment in the health and wellbeing of New Hampshire families. **Vote 12-8.** Rep. Erica Layon for the **Minority** of Health, Human Services and Elderly Affairs. The minority recognizes that legal immigrants must wait 5 years to access Medicaid, and that pregnancy may not wait that long. The minority also recognizes that welcoming our newest families is better done in the community than through faceless state programs. The rush to have the state take over every potentially underserved community undermines the healthcare system as a whole, no matter how noble the intent. Many immigrants secure work or marketplace insurance but for those without, charity has been filling this gap. The prevalence of scams on social media to help people supposedly in need demonstrates that people want to help, but don’t know how. Connecting that active compassion with those in need will not only serve our newest neighbors, it will also meet the very real need to do good.

HB 565-FN-A, relative to expanding Medicaid to include certain postpartum health care services. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: There is a growing recognition that the postpartum period extends far beyond 60 days. This bill would extend Medicaid maternity care benefits from the current 60 days to a full year pursuant to the state option under federal law. Currently, many women lose coverage at a critical time, leading to undiagnosed and untreated conditions such as cardiovascular disease, hypertension and postpartum depression. This is a commonsense and inexpensive attempt to remedy our

nation's high rate of preventable pregnancy-related mortality and morbidity. In addition, this benefit would increase options for family planning and reduce unintended pregnancies. Expanding postpartum healthcare coverage is a wise investment in the health and wellbeing of New Hampshire families. The amendment simply aligns the bill with the proper federal statute.

Rep. Joe Schapiro

Statement in support of Inexpedient to Legislate: This bill would extend Medicaid coverage without income verification for 12 months after birth, as opposed to the current two months after birth. If a woman becomes pregnant again within that year, she remains eligible without income verification. This bill creates a incentive for families who want multiple children to try to space births more quickly to remain on Medicaid for the cost benefits. Opponents will say that a family won't bring a new child into the world for a mere 10 months of coverage, however a second pregnancy within that window would gain 31 months of coverage, and a third child in the same timeframe would get a total of 52 months. A family is unlikely to have more children just for medical coverage, but for those who want multiple children, the benefit may prove hard to resist. Expanding medical care to one year postpartum is intended to avoid negative health outcomes, however closely spaced births are already more common in lower income women, and closely spaced pregnancies have negative impacts on the health and life of both the child and the mother. Risks of tightly spaced births include uterine rupture and congenital defects. Trading one set of health risks for another with potential lifelong complications for the next child seems unwise.

Rep. Erica Layon

HB 574-FN-A, re-establishing the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Farmers Market Nutrition Program. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This program gives women and children on the Women, Infants, and Children (WIC) program an extra \$30 per growing season to purchase locally grown fruits and vegetables at farmers markets. In addition to the obvious nutritional benefits to the program recipients, the bill also benefits the local farming community by allowing greater purchasing power and ensuring greater demand for their produce. The bill includes an appropriation of \$300,000. The amendment merely tracks the federal enabling language which makes it clear that participating farm stands, as well as farmers markets, are included in the program.

Rep. Lucy Weber

Statement in support of Inexpedient to Legislate: This bill would re-establish a program that would give a small annual benefit of \$10 to \$30 that Women, Infants, and Children (WIC) program recipients could use to purchase food at farmer's markets. As well-meaning as the bill is, it would cost taxpayers upwards of \$300,000, yet would not have any substantial impact on the nutrition of WIC recipients. Many grocery stores that accept WIC sell local produce already. When this program was in place previously, vendors at farmer's markets faced challenges in redeeming the funds from the paper WIC system. Most WIC recipients are eligible for SNAP benefits, which are accepted at farmer's markets and do not represent the WIC system challenges.

Rep. Leah Cushman

HB 614-FN, directing the department of health and human services to develop a health outcomes repository related to per- and polyfluorinated alkyl substances. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill as amended will seize upon the recent report of the PFAS and Environmentally Triggered Chronic Illness Commissions to create a phase 3 feasibility study to determine if an epidemiological study to answer the question of PFAS in the Town of Merrimack causes kidney cancer. This bill as amended would appropriate \$500,000 to fund the process of determining the correct questions to ask to settle the question and would require the department to apply for grants from the NIH, CDC or other sources before having access to these funds. To incentivize the grant process, this appropriation would be non-lapsing. **Vote 19-1.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 57-FN, relative to the state minimum hourly rate. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill reinstates the New Hampshire minimum wage and increases the minimum wage to \$13.50 in year one, \$14.25 in year two and \$15.00 in year three. It then increases the minimum wage by the Consumer Price Index each year thereafter. Committee members who support an Ought to Pass motion believe that New Hampshire, like our neighboring New England states, should move toward a \$15.00 minimum wage. Recent statistics indicate that more than 144,000 New Hampshire workers earn less than \$15.00 per hour and would therefore benefit from the increases this bill would provide. Since lower income workers tend to spend whatever income they receive, any increased wages created by an increased minimum wage would be put back into the local economy creating a positive impact on the economy. States that have increased their minimum wage have not experienced the negative economic impacts that opponents have warned about.

Rep. Brian Sullivan

Statement in support of Inexpedient to Legislate: The minimum wage increase bill is a perennial bill that seeks to raise the minimum wage over the next three years to \$15.00 by 01/01/25. Half of the Labor Committee feels that private industry has done a good job raising wages far above the minimum wage proposed by this bill. A vast majority of the minimum wages being offered in NH are also above the minimum wages in the surrounding New England states. Increasing the minimum wage has been shown to lead to business owners eliminating jobs and replacing workers with technology. The bill also contains an automatic increase but never a decrease based on the cost of living Consumer Price Index. Each legislature should vote on any proposed increase in the minimum wage. This should not be automatic.

Rep. Michael Granger

HB 74-FN, relative to an employee's unused earned time. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The bill applies to companies (with 15 or more employees) offering vacation time. While it is common practice to include earned but unused vacation in final wages, employers can (in their policy or practice) deny this upon termination as a blanket rule, regardless of the circumstances. There is currently no protection for employees terminated due to layoff or sale of the company. The time that was listed on their prior pay stub vanishes with the job.

Rep. Michael Cahill

Statement in support of Inexpedient to Legislate: The bill would require employers to provide a number of items regarding vacation time and unused earned time. These include written policies, an undescribed means to request and approve usage of this time and an accounting of what has been used and what is remaining. While not being opposed to some of these requirements if they were more succinctly outlined, this would require an extra expense to many small business owners. The most significant concern is that the bill would require that all vacation time and unused earned time be considered compensation and therefore wages. Not all employers offer vacation time or earned time. Some employers offer a certain number of hours to be used for a combination of sick time, vacation and other personal time. Some employers allow for this time to be converted to payment upon termination of employment and some do not. Earned time does not mean payable on demand for all NH employers. Allowing the employers to determine how they are going to consider these benefits is the NH way and results in a more vibrant business environment. Employers will adjust as needed to keep and maintain happy employees.

Rep. Lino Avellani

MUNICIPAL AND COUNTY GOVERNMENT

HB 489-FN-A, establishing a county tourism development fund administered by the department of business and economic affairs and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Richard Lascelles for the **Majority** of Municipal and County Government. The majority of the committee felt that although the state of New Hampshire needs and could benefit from more emphasis on the positive qualities of the state that would appeal to out of state tourists, for individual counties to do this would result in a disjointed strategy that has little chance of positive results. **Vote 10-9.**

Rep. Laurel Stavis for the **Minority** of Municipal and County Government. This bill calls for an initial appropriation of \$750,000 to create an economic development and tourism mechanism within counties. After the appropriation it would rely on rooms and meal tax revenues to continue its operation(s). The committee was split in this bill, with the minority feeling that some counties have a real need for increased tourism and economic vitality while others, with amenities such as the seacoast, lakes and mountains, have different needs.

RESOURCES, RECREATION AND DEVELOPMENT

HB 212-FN-A, appropriating funding for investigations, testing, and monitoring relative to per- and poly-fluoroalkyl substances. **OUGHT TO PASS.**

Rep. Rosemarie Rung for Resources, Recreation and Development. Public and private wells throughout the state, and particularly in the seacoast and southern NH, supply drinking water contaminated with PFAS at levels beyond the NH Maximum Contaminant Levels. This bill expands the eligible uses of the PFAS Loan Fund, adds \$2 million dollars to it, and renames it the "PFAS Response Fund" in order for the NH Department of Environmental Services (NHDES) to improve response to the growing need for water testing, scientific investigation, and anticipated response to federal regulation of PFAS in drinking water. Multiple environmental groups, the NH Municipal Association, and NHDES spoke in support of the bill. **Vote 20-0.**

HB 276-FN-A, establishing the cyanobacteria mitigation loan fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Resources, Recreation and Development. NH water bodies, including those serving as public water supplies, are experiencing more frequent toxic cyanobacteria blooms. Cyanotoxins from blooms cause acute health impacts and are associated with terminal neurological diseases, such as ALS. Blooms result in lost days of recreation on NH water bodies and threatens our tourism economy and property values.

This bill creates a Cyanobacteria Loan and Grant Fund to allow municipalities, community water systems, watershed and lake associations access to funds to implement projects to mitigate and reduce the occurrence of cyanobacteria blooms. The amendment revises the original bill to include a grant component for small watershed and lake associations and adds an oversight component for financial expenditures. This fund would also support anticipated localized projects identified by New Hampshire Department of Environmental Services (NHDES) in their upcoming November 2023 cyanobacteria plan. In a letter to the committee, NHDES Commissioner states, “As written, HB276 is targeted to fund cost-effective and appropriate cyanobacteria mitigation projects.” The majority believes that establishing this fund in 2023, rather than waiting until the next budgetary cycle in two years, will prevent the exacerbation of blooms that a two-year delay will create.

Vote 17-3.

HB 534-FN-A, relative to water assistance for natural disasters. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Suzanne Vail for the **Majority** of Resources, Recreation and Development. This bill would give private well owners vital assistance to replace, repair, and/or treat their private drinking water sources, based on ability to pay, in the event of a natural disaster, such as flood, fire, drought, earthquake, or other “acts of god.” The true cost of drilling a new well or connecting to a municipal water supply, in an emergency, is tens of thousands of dollars, and drillers who can help in an emergency have thousands to serve. Traditionally, funding for repair, replacement and treatment of water supplies that have been impacted by natural disasters, has only been available to public water supplies. The bill creates a dedicated non-lapsing fund, called the Water Assistance for Natural Disasters Fund. The Commissioner of Department of Environmental Services (DES) may apply for and accept from any source, gifts, donations of money, grants, legislative appropriations, federal, local, private, and other matching funds and incentives to deposit into this fund. All funds therein, must be distributed by DES to be used to assist residents with repair, replacement and treatment of their private wells, following a natural disaster. The application process will be developed and implemented by DES, utilizing the existing program guidelines developed by the NH Drinking Water and Groundwater Advisory Commission. The bill appropriates \$2.5 million in 2024, and \$2.5 million in 2025 to the fund, for DES to administer the fund and to cover costs of administration. **Vote 11-9.** Rep. Juliet Harvey-Bolia for the **Minority** of Resources, Recreation and Development. This bill would establish a new chapter in New Hampshire statute entitled “Water Assistance for Natural Disasters.” While the bill mentions “floods, fires, drought and other acts of God,” the testimony focused almost solely on water, predominantly well water and the lack thereof. So let us talk about what’s really on the table. We are not talking about supplying emergency water. This is a plan to have the taxpayers repair or replace the wells in the homes of those deemed as being low income should they become impacted by a “natural disaster.” The proposed program becomes operable only during or by the occurrence of a “natural disaster.” While a natural disaster affects everyone, only those of low income would have access to help. It also appears that the bill does not mention loans, but simply says “provide for the replacement, repair and treatment of private drinking water sources.” In other words, the taxpayer’s pay without reimbursement. Realize also that this is a significant capital input (as much as 5 figures) adding to the value of the property. Considering that they are paying for it, should not all New Hampshire taxpayers have access to this program regardless of status? During testimony there were questions asked about other sources of aid. There was a lack of cogent specifics. Also, during testimony, we learned that a similar project was undertaken by the New Hampshire Drinking Water and Groundwater Commission where they provided this service to 147 homeowners. It would have been valuable to have had the time for the committee to review the results of that program to help answer questions concerning this \$5 million biennial expenditure. There was an attempt to retain the bill for further study which failed due to a tie vote.

REGULAR CALENDAR- PART TWO

CHILDREN AND FAMILY LAW

HB 108, relative to the confidentiality of reports made to the division of children, youth, and families and requiring guardians ad litem be appointed in certain instances. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for the **Majority** of Children and Family Law. Nearly every state has laws which penalize individuals who knowingly make false statements of suspected child abuse to the relevant department, courts, law enforcement agency or social service agency. This bill seeks to add New Hampshire to the list. Those who sincerely make a good faith report that proves erroneous are protected. **Vote 9-7.** Rep. David Bickford for the **Minority** of Children and Family Law. For many years, the legislature has been apprehensive about having those suspected of making false reports to the Division of Child, Youth, and Families. This bill allows those suspected of false reporting to be prosecuted with criminal charges. The legislature in the past has felt this would have a chilling effect and deter people from reporting.

HB 124, relative to temporary alimony. **OUGHT TO PASS.**

Rep. Debra DeSimone for Children and Family Law. The majority of the committee felt that this bill would assist judges in making decisions regarding temporary alimony until a final order could be handed down. **Vote 8-7.**

HB 151, establishing a committee to study the issue of unmarried cohabitants, domestic partnerships, and common law marriage. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Patrick Long for the **Majority** of Children and Family Law. The committee finds that, based RSA 457:39 on cohabitation and due to testimony heard of undue harm created by not addressing this issue, a study committee would be justified. **Vote 10-5.** Rep. David Bickford for the **Minority** of Children and Family Law. The minority is concerned this brings no reasons for a study committee. It aimlessly wants to study the various ways people choose to live together.

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 97-FN, establishing an additional penalty for a violation of privacy. **OUGHT TO PASS.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. This bill will establish an additional penalty for a violation of privacy. This legislation is a bipartisan effort of state representatives and senators to address inconsistencies in the law when it comes to adequately protecting individuals against sexual exploitation, especially when it comes to repeat offenses. **Vote 19-0.**

HB 160, relative to public display of chest. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jennifer Rhodes for the **Majority** of Criminal Justice and Public Safety. The bill is requesting the state to interfere in regulating municipal ordinances. We believe there could be unintended consequences of such a bill. The sponsor took his grievance to the local court and then to the supreme court, in which each ruled against him. We believe every town and city is unique, and they create ordinances based on the make-up and the wishes of the local people. **Vote 14-6.** Rep. Jason Janvrin for the **Minority** of Criminal Justice and Public Safety. NH is a Dillon rule state. Subdivisions of the state are barred from doing anything not authorized by the General Court by statute or by the NH Constitution. Public display of the chest is not a violation of state law and the General Court has not authorized subdivisions of the state to regulate it. What is lawful conduct in Hampton beach, Conway, or Keene should also be lawful conduct in Laconia. The minority of the committee recommends this bill Ought to Pass to prohibit regulation of this conduct by subdivisions of the state.

HB 191, relative to voluntarily surrendered firearms. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jonathan Stone for the **Majority** of Criminal Justice and Public Safety. This bill, if passed, would add an additional burden on state agencies including the state police and Judicial Branch. Currently there are many viable options for individuals to dispose of unwanted firearms in compliance with state and federal law. A gunsmith can make the weapon permanently inoperable, if it is the wish of the owner to do so. It can also be donated to law enforcement to sell or use. The state police testified there would be increased costs if this bill were to pass. Law Enforcement did not request this bill and the state police took no position on it. The Federal Bureau of Alcohol, Tobacco, Firearms & Explosives is currently a known agency that can assist with a final disposition of a firearm. Additionally, according to the testimony of the state police, it is possible that a firearm used in an unreported crime could be "surrendered" and "destroyed" without the state police knowing it has evidentiary value. **Vote 16-4.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. The minority believes there is no harm in providing the State Police with the option to conduct a "surrender and destroy" program for firearms. There are people who own guns or who may have inherited guns who would rather have them destroyed than keep them. Programs like this are operated by a number of states and municipalities as a convenience to gun owners. Companies such as Gunbusters provide destruction services to law enforcement agencies at no charge. We also heard testimony that State Police are already incurring an expense for accepting weapons for disposal and resale. As for the fear that a criminal might turn in a gun used in a crime for destruction, you might want to ponder why any criminal would want to risk an unnecessary encounter with police.

HB 201-FN, relative to changing the penalties for driving without a license. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass: This bill will change the penalties for driving without a license to a violation, unless the individual is convicted for a second time in a 12-Month period. This bill was requested to reverse a change made in 2015. It will revert a first offense of driving without a valid license from a class B misdemeanor to a violation unless an individual is convicted a second time within a 12-month period. The current higher offense has the unintended consequence of disproportionately affecting single parents, people who are economically challenged, and persons who may be new immigrants or visa holders who are still learning our laws. An example of the enhanced nature of a misdemeanor would also require job applicants to

“check the box” indicating a criminal charge, thus potentially preventing them from being employed. Changing this penalty back to a violation for a first offence would help alleviate the overloaded court system for a relatively minor offense and would not have an impact on subsequent offences within a 12-month period.

Rep. Loren Selig

Statement in support of Inexpedient to Legislate: After hearing testimony from the several Representatives in support of this bill, as well as from the State Police, half of the committee found the bill should be found Inexpedient to Legislate. We believe that it is a privilege to operate a motor vehicle on a public way in New Hampshire. Operating one is a serious responsibility and even if done correctly, can result in accidents with serious bodily injury or death. The purpose the state issuing an operator’s license, is to ensure proficiency in actual driving and a basic understanding of motor vehicle laws and the rules of the road. There is a distinct difference between driving with an expired operator’s license, versus driving without ever having obtained a license at all. An expired license is still proof that the holder was tested and proved themselves competent to drive. Unlicensed operators have no such proof. Unlicensed operators also potentially put others at risk by leaving them without insurance coverage in the event of a motor vehicle accident, as many insurers will not provide coverage for unlicensed operators. Testimony revealed an apparent lack of understanding by sponsors and some committee members with regard to the penalties for unlicensed operation. Some seemed to believe that a first offense for unlicensed operation was a felony or carried potential jail time. In reality, it is a class B misdemeanor with no potential jail time and a fine of up to \$1,200. A violation, which the sponsors advocate the penalty should be, is not a crime at all, but one can still be arrested and fined up to \$1,000. This bill, if passed, would be a step backwards for public safety by taking away from the seriousness of the offense and with it, the incentive to follow the law. Passing this bill would make the streets of New Hampshire less safe for everyone.

Rep. Jonathan Stone

HB 581-FN, repealing the controlled drug act and establishing a committee to study the policy and statutory changes necessary to implement the repeal. **INEXPEDIENT TO LEGISLATE.**

Rep. Karen Reid for Criminal Justice and Public Safety. The controlled drug act was established in 1970 and with amendments has served as an important guide to both health care providers and law enforcement. The current opioid crisis is evidence of why some substances must be controlled in order for a free society to function safely. Even though illegal and with the risk of arrest and incarceration, thousands of people have overdosed and died. The majority believes that the number of deaths would be far greater were there no mechanism at all to interdict the availability of these substances. The majority believes that drug use rarely ever only effects just the users, be it someone killed in an automobile accident because of impaired operation or simply the cost of public resources required to provide care for those who overdose or lose their jobs and cannot sustain themselves and their families. At the time of the drafting of the U.S. and New Hampshire Constitutions the framers were well aware of substances such as opium, alcohol, and marijuana, yet saw no reason to specifically prohibit the government from controlling their use and availability as it did with arms, nor has society since supported such an amendment. **Vote 17-3.**

HB 643-FN-A, relative to legalizing marijuana. **INEXPEDIENT TO LEGISLATE.**

Rep. Kevin Pratt for Criminal Justice and Public Safety. The committee, after hearing testimony from the sponsor, supporters, and members of law enforcement, found this bill Inexpedient to Legislate. The committee believed that whether for or against marijuana legalization, this bill is not the best vehicle to accomplish this. Some members of the committee oppose legalization entirely and other support it but in a different form than put forward in this bill. This bill would legalize marijuana possession for anyone over 21 and put the state liquor commission in charge of selling it. The committee felt this was too complicated and some objected to the state holding a monopoly on the production and sale. **Vote 16-4.**

EDUCATION

HB 35, requiring student identification cards to include the National Eating Disorders Hotline. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Oliver Ford for the **Majority** of Education. As amended, this bill shall be called the “Matthew Brown Act.” This bill requires student identification cards to include the National Eating Disorders Helpline phone number. As amended, this bill applies only to students in grades 6 through 12. The helpline offers support, resources and treatment options for those struggling with an eating disorder. Helpline volunteers are trained to help the caller find the support and information the individual needs. The helpline is not a substitute for professional help; however, it provides a lifeline for those with this horrible disorder. The group with the most severe eating disorder cases requiring hospitalization is young women, and within the school population, eating disorders has become a tragic reality. It’s not uncommon for young athletes to believe, “skinnier is faster.” The committee heard testimony from nutritionists and those afflicted by the disorder. As with the suicide prevention number currently placed on the student identification card, the addition of this valuable number will save lives, families, and future generations. Recognizing that the incidence of eating disorders

is high and increasing, that early diagnosis improves treatment outcomes, and that addressing individuals with eating disorders requires a particular skillset and careful language by specifically qualified professionals, the Matthew Brown Act will reduce harm and save lives by making a valuable resource readily accessible to our students. **Vote 14-6.** Rep. Mike Belcher for the **Minority** of Education. The opinion of the minority reflects a preference to maintain the currently existing general mental health and suicide hotline on student identification cards rather than the addition of condition-specific numbers. Additional numbers placed on the card may cause confusion and open the door to even further additions. Concerns about the limited hours of staffing of the eating-disorder specific line informed this opinion. The highly trained triage capabilities of the generalized line also factored.

HB 45, establishing a committee to study student loan forgiveness in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Valerie McDonnell for Education. This bill would require the appointment of three members from each chamber to a new committee studying student loan forgiveness. Nationwide, the average student debt for a 4-year degree is \$28,400 while in the Granite State, student debt is the highest in the country at \$39,950. Forming another committee to resolve or further research the debt issue is not needed, as this task is better suited to the currently-existing Public Higher Education Study Committee that has the responsibility to examine the goals, purposes, organization, and financing of public higher education in New Hampshire. **Vote 15-4.**

HB 131, requiring reports concerning school policies on classroom recordings and in-classroom observers. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill requires school districts to report in-classroom observer policies and in-classroom audio/video streaming and recording policies to the Department of Education. The majority of the committee believe this bill is not needed as school district policies as adopted by each school board are available and open to the public. The NH School Boards Association provides boiler plate policies regarding in-classroom policies; however, it should be noted that local boards do modify this policy in accordance with local needs. For example, some districts request kindergarten parent visitation not occur during the initial days or week. Parents are welcome to attend and observe in classrooms, however, schools request that parents contact the teacher or building principal first. There are a number of associated issues that contribute to in-classroom policies and in-classroom streaming such as: special education confidentiality, privacy of all students, safety, class and building security, and student teaching. Further, all policies have been constructed in accordance with RSA 189:68, III, IV, and V (Student and Teacher Information Protection and Privacy). Lastly, all policies are available upon request through district offices or schools. **Vote 15-5.**

HB 540-FN-LOCAL, relative to adequate education grant amounts for pupils receiving special education services. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. Most states recognize that certain student populations require additional funding to meet state achievement expectations or standards. The NH education funding formula provides an additional funding amount beyond base adequacy for students having a special education disability. There are 13 disability categories: autism, deaf-blindness, developmental delay, emotional disturbance, hearing impaired, multiple disabilities, intellectual disability, other health impairments, orthopedic impairments, specific learning disabilities, speech or language impairments, traumatic brain injury and visual impairments. Within the adequacy formula, all disabilities are funded at the same amount; however, it is well understood how the total expenditure to educate a school-aged student with a disability varies depending on the type of disability. This bill uses data provided by the Department of Education to establish three weighted categories for special education differentiated aid. Of NH's total special education population that totals approximately 30,600 students, the category A disability applies to pupils (23,000) receiving special education services for less than 80 percent of the day, category B disability applies to pupils (7,000) receiving special education services for 80% or more of the school day, and category C disability applies to pupils (600) receiving special education services in separate schools, residential facilities or home bound hospital placements. The current funding amount for all pupils (30,600) with an individualized education plan (IEP) is \$2,079.89 per pupil. By applying the weighted formula proposed in this bill, the categories would be funded as follows: A = \$2,079.89 per pupil, B = \$4,729.78 per pupil, and C = \$6,239.67. As with the current funding formula, special education aid, previously identified as catastrophic aid, is not a part of adequacy and is not impacted by the weighted adjustments reflected in this bill. In conclusion, all IEP's and corresponding disabilities are not alike. Some IEP's may require a few hours a week, while others may require full time support with specially qualified support. The Education Committee recognizes the need for the three categorical areas that is in line with data captured in the NH Special Education Information System (NHSEIS) for individual students receiving special education and related services through an IEP. **Vote 20-0.**

HB 601-FN-LOCAL, relative to state participation in the Medicaid direct certification program for free and reduced price school meals. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for the **Majority** of Education. Medicaid Direct Certification (MDC) provides automatic enrollment in the school meals program for children already receiving Medicaid and whose family's income qualifies them for school meals. Families would no longer need to submit a separate application. MDC will provide critical support to hungry NH students, reduce administrative costs, and limit unpaid meal debt owed local school districts. This would benefit our children, school food administration, and communities. The Department of Health and Human Services (DHHS) and the Department of Education (DOE) worked cooperatively with the Education Committee in agreeing to and developing a process that will allow parents the option of participating in the Medicaid Direct Certification program or indicating their preference to DHHS that no personal or confidential information regarding their participation in the Medicaid Program shall be transmitted to the DOE. Currently, there is a significant participation drop off rate once students enter high school. Collecting school meal forms is burdensome for schools. Many school staff hours are devoted to collecting forms and entering information. As children get older, students begin to discourage or even stop their parents from applying for the free and reduced price meal program, or the students will not return the forms because they do not want to be seen delivering them. MDC removes the requirement for this additional application. States that participate in MDC have greater participation in the school meal program. To date, 39 states are successfully participating in the Medicaid Direct Certification Program. In the first year of the MDC pilot, states saw a 12% increase in children certified for school meals. In the 7 years since Texas initiated MDC, they've seen a 48% increase. Academic achievement and "full stomachs" go hand in hand. **Vote 13-7.**

Rep. Arlene Quaratiello for the **Minority** of Education. This bill seeks to enter the State of New Hampshire into a new contract and program with the federal government and expands existing federal programs in the state. The purported reason that this bill requires federal assent is that the state is prohibited, by federal authorities, from sharing our own information between agencies without federal approval. However, there has been testimony suggesting New Hampshire may craft our own program that accomplishes these goals with no federal involvement – a path this minority considers far less objectionable. Though the necessity of providing funding for an adequate education is clearly a matter of interest to this committee, so too is our duty to jealously guard our state sovereignty and the due powers of this legislative body unto posterity. It is the opinion of this minority that participation in this program serves to further couple this state government to federal programs such as those administered through the US Department of Agriculture (USDA). These federal programs come with federal mandates that effectively overwrite state law, and the state constitution, in binding both this state and we legislators to requirements ranging from child nutrition to course curriculum. In turn, this body is effectively reduced to liaisons from the federal government to our constituents, as we pervert our roles such that we are incentivized to push these Federal programs onto our constituents in order to achieve ever greater Federal funding, which, in turn, further binds us. These federal mandates make our attempts to fix New Hampshire education little more than a band-aid on a bullet wound. It is the opinion of this minority that this process must not continue to advance, and, in fact, must begin to be reversed.

ELECTION LAW

HB 196, establishing a commission to review and make recommendations on campaign finance laws. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: The intent of this bill is to create a bi-partisan study committee to review New Hampshire's campaign finance laws with the aim of promoting the integrity of, and public confidence in, the campaign finance system. Supporters of HB 196 are concerned with the growing influence of dark money in state elections and want to examine the existing campaign finance disclosure requirements in New Hampshire. Legislators have expressed concerns about the difficulty of filing disclosure reports, about confusing or contradictory requirements, and the loopholes in the current statutes. The goal of the study is to examine the cost of campaigning, the effectiveness of New Hampshire's present disclosure laws and enforcement, the constitutional options available to regulate campaign finances, and suggesting legislation to address the issues raised. The study committee was supported by the Secretary of State and was one of the recommendations included in the Report of the Special Committee on Voter Confidence. The committee amendment #2023-0106h replaces the bill and forms a study committee. The original bill formed a commission

Rep. Connie Lane

Statement in support of Inexpedient to Legislate: This bill would create a committee that would study the campaign finance laws of New Hampshire and make a recommendation to the General Court as to its findings. This is currently the job of the House Election Law Committee and those opposed did not find it prudent to form a new committee but would rather form a subcommittee within Election Law. It is the belief of those opposed that this bill is needless and the offer to form a subcommittee for this purpose was extended during the executive session.

Rep. Ross Berry

ENVIRONMENT AND AGRICULTURE

HB 252, exempting agricultural operations from certain municipal noise ordinances. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Comtois for the **Majority** of Environment and Agriculture. As amended, this bill is all about protecting our farmers and their activities so that they can do their work and earn a living. If we do not protect agriculture from municipal noise ordinances, they may be prohibited from doing work that needs to be done at specific times of the day or night as part of their farming activities. Some feel that we need to restrict the activities of farmers engaging in agritourism because of noise that may result from those activities. This places our agritourism industry at the whim of elected officials in our towns/cities who may not approve of local agritourism activities and who may try to shut them down. Agritourism means more than just weddings. It is many things, including but not limited to full moon walks with bonfires, caroling, fundraisers, etc. Agritourism is an important activity which supplements the incomes of farms that are already struggling to get by. The majority felt strongly that we must not put further barriers in the path of our farmers, as well as those farmers who employ agritourism activities to supplement their income. Agriculture is not a 9 to 5 job Monday to Friday. It is a 24-hour, 7 day a week job. New Hampshire agriculture needs all the resources available to keep land open and increase our food security, especially in lean years. Our farmers need all the support we can give them to succeed. **Vote 12-8.** Rep. Allison Knab for the **Minority** of Environment and Agriculture. The minority believes this bill, which would exempt agricultural operations from municipal noise ordinances, is overly broad as written. The language in RSA 21:34-a gives an expansive definition of farm, agriculture, and farming to include growers of any size as well as personal residences on their land. An amendment supported by the minority would have removed agritourism, such as the use of farms as wedding venues, from this exemption.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 180, renaming Columbus Day as Indigenous People's Day. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. The original bill changes the name of Columbus Day to Indigenous People's Day. This is not a new bill; no new or convincing testimony helped the committee to change its previous position of inexpedient to legislate. Therefore an amendment was submitted as an attempt to take a first step. The amendment changes the name of Columbus Day to Italian Heritage Day which is actually a definition of what this day represents in today's culture. **Vote 13-7.**

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

HB 338-FN, relative to prescription drug assistance for individuals with diabetes. **INEXPEDIENT TO LEGISLATE.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The committee recognizes that the high cost of insulin is a problem, especially for those with Type 1 diabetes, which is known as juvenile diabetes. Type 1 diabetics are dependent upon insulin for survival, and today, market innovations have moved us beyond generic insulin from pigs and cows to novel versions that provide far better outcomes. Fortunately, there are a wide variety of types of insulin and delivery systems that have improved and lengthened the lives of insulin-dependent diabetics, but unfortunately the cost of innovation is high. This bill would use a state program that was never created, leading to a cost far beyond the already significant cost of subsidizing insulin. Further, it does not specify if this would only supply the lowest cost insulin for \$35 a month or if more expensive options would also be included for the same price. **Vote 16-4.**

JUDICIARY

CACR 6, relating to the retirement age for judges. Providing that the mandatory judicial retirement age shall be increased from 70 to 75. **OUGHT TO PASS.**

Rep. Katelyn Kuttub for Judiciary. This proposed constitutional amendment would increase the mandatory retirement age for judges from 70 to 75. The age 70 age limit for judges has been part of the constitution since its inception in 1784. At that time, life expectancy was significantly lower than 70, whereas today life expectancy for both men and women extends significantly past 70. Indeed, many members of the legislature serve with distinction well beyond age 70. The proposed amendment has bipartisan support; and the overwhelming majority of the committee believes the change makes sense in order to prolong the valuable services provided to the state by members of the judiciary who remain fully capable of performing their duties to age 75. **Vote 18-2.**

HB 63, relative to religious use of land and structures. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Greeson for Judiciary. Recognizing that municipalities have used and may attempt to continue to use zoning laws to prevent or hinder religious organizations from fully utilizing their properties, this bill appears to exempt religious organizations from being subject to any zoning laws. This is equally unacceptable.

However, this bill raises awareness to the fact that religious organizations engage in numerous charitable and socially beneficial activities, including providing housing for homeless people. This noble cause must be recognized, preserved, and protected. Although agreeing in principle with the underlying intent of this bill, the Judiciary Committee must recommend it Inexpedient to Legislate. **Vote 12-8.**

HB 240, relative to equal access to marriage. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: We believe this bill is necessary to codify that the NH Constitutional Right to Privacy protects the right of interracial marriage in New Hampshire.

Rep. Rebecca McBeath

Statement in support of Inexpedient to Legislate: This bill would add language to RSA 457:1-a to state that marriage must be recognized as a union between two people regardless of race. Half of the Judiciary Committee believes this bill is simply not needed because there are absolutely no examples in which a marriage was denied in NH on the basis of race, and it is clear that any attempt to do so would be unconstitutional under both the state and federal constitutions.

Rep. Joe Alexander

HB 254, relative to remote participation in public meetings under the right to know law. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Scott Wallace for the **Majority** of Judiciary. This bill seeks to modify the requirements for remote participation in public meetings under the right to know law. Well intentioned as it may be, there are significant issues to conducting public meetings remotely, as we have all learned over the last couple of years. Equipment must be purchased at significant cost to municipalities, subscription services must be paid for too in order to comply with the “[n]o meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice” requirement of the bill. This requirement may constitute an Article 28-a issue of downshifting costs to local communities. Furthermore, local boards are just that: local. New Hampshire towns have been managing to meet in person for more than 300 years at this time without issues for the most part. If board members have an issue getting to public meetings in the communities in which they live and serve, perhaps they ought to reconsider the desire to serve. Public service is an actual commitment, not a virtual one. **Vote 13-7.** Rep. Mark Paige for the **Minority** of Judiciary. Currently, New Hampshire’s right-to-know law allows remote participation of members of public bodies if a quorum is present at a physical location. Local public bodies across the state have requested that the statute be amended for towns, municipalities, and school boards so that only one-third of the body would have to be in a physical location. A quorum could then be made with remote participants. This bipartisan bill would give local public bodies the ability to do this. During the height of the pandemic, local governments used modern technology to successfully conduct meetings and business. This bill enables that practice to continue, subject to some important limitations, including the requirement of a physical presence of one-third of members of the board or committee at meetings.

HB 256, prohibiting cities and towns from discriminating in the use of public facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Marjorie Smith for Judiciary. The majority strongly supports the intention of the sponsor, to prohibit a municipality from unlawfully discriminating against any individual or group based on their speech or purpose. However, we reluctantly concluded that this bill is not the appropriate tool for accomplishing its stated goal. Appeals and potential resolutions within the local governmental structures, and in the judicial system, that could be best tailored to the specific complaint would be more appropriate. Questions unanswered by the bill included whether this would apply to commercial speech. **Vote 16-4.**

HB 308, relative to a quorum for meetings open to the public to include remote presence. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Bob Lynn for the **Majority** of Judiciary. As originally drafted, this bill would have permitted, but not required, all public bodies to hold remote meetings using electronic or other means. The amendment is permissive, not mandatory, but confines the reach of the statute to state boards, commissions, committees, advisory councils, etc. that by law or statute draw their membership from throughout the state. The amendment specifically excludes from the statute meetings of either chamber of the General Court or committees of either chamber, and also excludes meetings of the Governor and Council. It also requires that at least one third of the board be present in person for all meetings and that all members not personally present have the ability to see and hear, and be seen and heard, by all other members of the board and by members of the public present at the meeting sight. An exception to the one-third requirement is allowed in emergency situations, but the basis of the finding of an emergency must be stated in the meeting minutes. Although the majority of the committee did not support another bill that would have permitted local governing bodies to hold remote meetings, it felt that permitting such meetings for state boards that may derive their membership from citizens who reside anywhere in the four corners of the state made sense because of travel times, potentially

hazardous road conditions, child care responsibilities, and other factors. **Vote 15-5.** Rep. Louise Andrus for the **Minority** of Judiciary. To allow for less than a quorum to participate in a public meeting remotely is not totally attainable and is unfair to the citizens as not every member of the public has internet access. When a person accepts an appointment or nomination to a board, committee, council, advisory committee, and like bodies of state government, that person knows that in-person attendance is expected. There should be a set standard of functional equipment. Until the day arrives that every citizen of NH has sustainable internet access, remote attendance should not be allowed as a way to conduct public meetings as we work for the citizens.

MUNICIPAL AND COUNTY GOVERNMENT

HB 44, relative to permissible residential units in a residential zone. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Julie Gilman for the **Majority** of Municipal and County Government. The majority believes this bill will help ease the state's housing shortage, which has reached crisis proportions with a vacancy rate of less than .05%. It provides for up to four dwelling units by right on any single-family lot in residential zones served by public water and sewer. The bill expands property rights for single-family homeowners while also providing controls on expansion to balance growth while sustaining rural character. Most importantly, in order to qualify, the residential lot must be connected to a municipal water and sewer service. If a municipality or property has no such service, this bill will not apply. Other local zoning ordinances for single-family lots must be adhered to, such as setbacks, parking requirements, building height and lot coverage. All relevant building code and fire code requirements shall apply. This bill encourages new construction and rehabilitation of existing buildings. The requirement for water and sewer connection is protection for rural areas and small towns without these services while still allowing more dense areas to infill large lots with more dwelling units. New Hampshire needs more housing in order to stay economically vibrant. This bill would not take effect until April 2024, giving communities time to evaluate and plan for future growth. **Vote 11-9.**

Rep. Len Turcotte for the **Minority** of Municipal and County Government. The minority of the committee recommends this bill be found Inexpedient to Legislate. This bill would force any municipality to permit "as a matter of right" four dwelling units on any residential lot with access to municipal water and sewer. The bill fails to address the existing property rights of those who oppose altering the character and density of their current residential neighborhoods. The bill also fails to address the unfunded mandates that the minority of the committee believes would occur as demands on municipal water and sewer systems would require upgrades or expansions. There is zero debate that towns and cities currently can accomplish on their own the zoning regulations which this bill attempts to accomplish by force from above (the state). Zoning regulations are the purview of the municipalities, those that know their infrastructure and citizen's preferences best. We would not want the Federal Government telling municipalities how we must zone our NH properties. We should not consider distant politicians and bureaucrats in Concord experts on each of our individual NH towns and cities. This is yet another instance of "picking winners and losers." Builders, landlords, investors are potential winners. Most homeowners and taxpayers will be almost certain losers. There are many, many more issues to be discussed here, but ultimately, the entire bill comes down to a single issue: should ill-conceived and improperly analyzed central planning legislation at the state level be forced upon and mandated to local municipalities regardless of the fiscal and social impact.

HB 123, relative to governing body members of the budget committee. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass: This bill amends RSA 32:15, I(b) to clarify the roles of budget committee members, which include representatives from the local governing body and school board (when the school district is located wholly within the town) who are appointed by their respective boards to serve for a term of one year and until their successors are qualified. This is the very definition of 'ex officio' which is Latin meaning "By virtue or because of an office; by virtue or authority implied by the office," and as opposed to serving on the committee by virtue of being elected by the people, such as in the case of official budget committees. The bill appropriately defines the local governing body and any school board members as ex officio and requires ex officio members to act in an advisory-only capacity. Furthermore, it prohibits ex officio members from voting or having their presence counted towards a required quorum. Whereas budget committees consider local governing bodies' and, in some cases, school board budgets, this amendment will eliminate claims of bias, if not also undue influence and/or conflict of interests. If passed, this bill would allow citizens to understand that their budget committee is completely independent and that its members are truly neutral and act only in the people's best interest.

Rep. Deborah Aylward

Statement in support of Inexpedient to Legislate: This bill amends RSA 32:15, I(b) Budget Committee Membership and changes the role of the governing body and school board representatives on the budget committee from voting members to advisory only. The composition of the budget committees is designed to

facilitate a collaborative review of school and town budgets, and to look for ways to improve them. Stripping the voting rights of these members weakens their voice and therefore harms the budget development process. This would increase the likelihood of conflict at deliberative sessions and town meetings.

Rep. Allan Howland

HB 226, enabling municipalities to regulate the distribution and disposal of certain solid waste within landfills. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laurel Stavis for the **Majority** of Municipal and County Government. This bill allows municipalities to enact ordinances that restrict the use of single use plastics and limit how they can be disposed of in landfills. While many on the committee agree that non-recyclable plastic is an environmental problem, the majority nonetheless moved the bill Inexpedient to Legislate because they felt it did not adequately define what constituted single use plastics, and concerns were raised about how the lack of specificity could cause confusion.

Vote 16-4. Rep. David Preece for the **Minority** of Municipal and County Government. This bill aims to enable communities to regulate the point-of-sale distribution of single-use packaging and the disposal of single-use packaging waste with their municipal landfills and transfer stations. At the outset of efforts to combat the plastic pollution crisis impacting our rivers, lakes, oceans, and natural resources, local and state governments across New England and the U.S. are banning single-use plastic bags. As a result, they are seeing reductions in single-use bags of 60% or more. However, numerous studies have shown that plastic production, use, and disposal are harmful to human health and the environment. Since government and retail and production businesses have failed to address this growing crisis, this bill is necessary to enable cities and towns to adopt local laws that protect their communities' health, welfare, and safety.

HB 312, relative to petitions for warrant articles at a special meeting. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Josh Yokela for the **Majority** of Municipal and County Government. The proposed bill would require 10% of registered voters to call for a special meeting. The majority of the committee believes that maintaining the current low bar encourages civic engagement. There are times when a quick turn-around may be appropriate, and getting thousands of additional signatures for a special meeting may require so much time and effort that the practice could be effectively eliminated with this passage of this legislation. **Vote 11-9.** Rep. Laurel Stavis for the **Minority** of Municipal and County Government. This bill raises the warrant requirements for towns to hold special meetings by increasing the number of citizens required to request same. An amendment outlined parameters under which select boards could decide if there was sufficient reason for a special meeting. The amendment was not offered in the original motion.

HB 357, relative to the length of terms for Belknap county officers. **WITHOUT RECOMMENDATION**
Statement in support of Ought to Pass: In a split vote, members of this committee believe that extending Belknap County register of deeds, sheriff, treasurer, and county attorney to four-year terms will align Belknap County elected officials with terms for Rockingham County elected officials as amended by HB 1397 which was passed in 2022. The bill provides crucial stability to the offices without the immediate and constant impacts of campaigning. A four-year term will allow the sheriff and county attorney the time to properly prosecute important cases. In many instances, cases require more than two years to complete. Newly elected officials to these positions also need time to institute administrative policies, rules, technology, and legislative changes all of which require time to implement fully and effectively. The Association of Counties supports this bill.

Rep. Jim Maggiore

Statement in support of Inexpedient to Legislate: This bill proposed to allow Belknap County officers to be elected to four-year terms, as the legislature did with Rockingham County officers. Many on this and previous committees have suggested a uniform change to keep the county's process consistent across all counties, but the House amended the committee proposal and chose a single county as test. Those on the committee who support ITL still believe a uniform and consistent application is best and we do not condone a piecemeal approach. We also believe there is no compelling interest that county officers have less oversight from the voters than the governor who is also tasked with carrying out the laws.

Rep. Josh Yokela

HB 403, relative to the authority of selectmen or assessors to abate taxes. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Laurel Stavis for the **Majority** of Municipal and County Government. This bill amends RSA 76:16, I(a) so that it removes the authority of Selectmen and Assessors to abate taxes, should problems be identified, for "good cause," and replaces that language with "administrative or clerical errors." This narrows the scope of how errors can be corrected. "Good cause" is a recognized legal term that is used in this and other NH statutes. It should remain in the language of the RSA. **Vote 12-8.** Rep. Len Turcotte for the **Minority** of Municipal and County Government. This bill, as amended, would add clarity, guidance, and limitations in relation to the ability of assessors and selectmen to grant abatements. The amendment replaces "for good cause" with the language "administrative or clerical errors, assessment or valuation errors and poverty." The

sponsors provided several NH court cases from their research where the courts determined the current RSA was abused. This bill would remove the ability of selectmen or assessors to use overly broad interpretations for favors and even personal gain. The minority recommends Ought to Pass with Amendment.

PUBLIC WORKS AND HIGHWAYS

HB 20, naming a bridge in the town of Merrimack for the Honorable Richard “Dick” Hinch. **OUGHT TO PASS.** Rep. Bill Boyd for Public Works and Highways. This bill names the Bedford Road Bridge, which crosses the Baboosic Brook, in Merrimack after our former House Speaker, Dick Hinch. A proud graduate of Marblehead High School and Salem State University, an even prouder veteran of the United States Navy, Dick was a man who dedicated his life in service to others and to the community of Merrimack. His numerous charitable works included the Nashua Soup Kitchen, Children of Fallen Patriots, and The Liberty House. His civic work in Merrimack included stints with the Merrimack Chamber of Commerce, Rotary and Lions Clubs. He remained active with Merrimack’s American Legion and Veteran of Foreign Wars posts. Most importantly, his admirable commitment to governing our town is particularly noteworthy: Budget Committee, Solid Waste, Library Development and Marketing, Zoning Board of Adjustment, Chair of our former Board of Selectman, and 6 terms as a Member of the New Hampshire General Court culminating in his election to being Speaker of the New Hampshire House of Representatives highlights his commitment to serving others and getting the best outcomes possible. Dick dedicated his public service into making things better for his community of Merrimack and his fellow Granite Staters, a fact that gave him much pride and satisfaction. Undoubtedly, the source behind his pride and satisfaction, was a loyal and strong commitment to his family: a loving and faithful husband of 36 years to his wife, Patricia, a devoted father to Jay Hinch; Kelly Snow and her husband Jesse Snow; and, posthumously, a beloved grandfather to his grandson, Charlie Snow. Dick’s final words as Speaker of the New Hampshire House of Representatives personifies the essence of his true character and ebullient humanity: “We may have different ideas, but we all want to do what we believe is right, and there is nothing political or partisan about that.” The naming of the Bedford Road Bridge in honor of Richard “Dick” Hinch will serve as his legacy to the Town of Merrimack, a befitting reminder that his service to Merrimack built bridges for the community and the Granite State. **Vote 19-0.**

RESOURCES, RECREATION AND DEVELOPMENT

HB 310, requiring developers to secure hydrology analysis certifying adequate water capacity and potability when building new subdivisions. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Robert Healey for the **Majority** of Resources, Recreation and Development. This bill requires developers to secure a hydrology analysis certifying adequate water capacity and potability when building new subdivisions. The committee heard compelling testimony from New Hampshire Department of Environmental Services (NHDES) with regard to costs nearing \$100,000 and time frames of up to nine months to complete well drilling and testing to comply with the requirements of the bill. In addition, NHDES also questioned the efficacy of the proposed requirement, stating that the very fluid nature of water itself would not guarantee that over a period of time, sometimes in as short as months, that the hydrology could possibly change and deviate from the testing’s original analysis and conclusions. This and other testimony produced an overwhelming bipartisan majority opinion of the committee that this bill be deemed Inexpedient to Legislate. **Vote 16-4.** Rep. Rosemarie Rung for the **Minority** of Resources, Recreation and Development. The minority believes that the intent of this bill is worthy of further study to determine if less complex and costly hydro analysis is available to protect private well owners from potential destruction from new subdivision wells.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 1, a resolution applying for a convention of the states under Article V of the Constitution of the United States. **OUGHT TO PASS.**

Rep. Brandon Phinney for State-Federal Relations and Veterans Affairs. Article V of the US Constitution reads in part, “The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments.” A convention of states is a gathering called by the state legislatures for the purpose of proposing amendments to the Constitution. Such a gathering would not be a constitutional convention. It could not throw out the Constitution because its authority is derived from the Constitution. Similar measures have come to this committee in the past, to include last year. The committee did not then recommend Ought to Pass in large part because of repeated concerns being expressed about a “runaway convention.” Opponents successfully stoked enough fear to derail the measure. This year, supporters of the resolution provided extensive testimony addressing such concerns and the majority of the committee has now been reassured about this issue and now supports passage. A “convention for proposing amendments” as provided for in Article V,

has zero power to change the Constitution in any manner whatsoever. Any amendment that may be proposed by delegates is without effect unless subsequently ratified by no fewer than 38 states. This means that 13 of 99 state legislative bodies have absolute veto power over any proposed amendment. And this high bar means that any proposed amendment is non-viable unless it is broadly supported by a supermajority of Americans, including both conservatives and progressives. As to the relevant subject matter, the single live (unrescinded) New Hampshire application ([HCR40, 2012](#)) limits convention subject matter to federal fiscal responsibility (budget balancing). Recent administrations and congresses have been driving up the national debt with reckless monetary policy such that our nation's future is imperiled. Young people cannot possibly support or sustain what has been created. In its unanimous 2020 decision in *Chiafalo v. Washington*, the U.S. Supreme Court confirmed absolute state authority to remove, replace and sanction delegates attempting to exceed the authority given them by that state's application. This authority applies even to states without delegate limitation laws on the books, although numerous states already have such [delegate limitation laws](#) triggering prompt removal and replacement of delegates attempting to breach state application subject-matter limits. Similar delegate limitation measures are now pending in New Hampshire as well. An Article V convention is the safest bipartisan method of reforming government using the Constitution we are sworn to. As of today, 39 states have passed valid applications for a convention for fiscal responsibility, while 19 states have passed applications for a convention to propose specific amendments. Our Constitution was designed by the framers to be amendable, with either Congress or the states granted equal power to initiate the process. The language in Article V giving states this power was a carefully crafted compromise agreed to by the likes of James Madison, who, along with other framers, recognized that Congress could one day become corrupt or unresponsive. Leaving control over amendability solely in the hands of such a Congress leaves our nation unable to peacefully address well-recognized structural challenges, such as national debt or the federal-state power balance. For these reasons a strong bipartisan majority of this committee recommends moving this resolution forward. **Vote 13-5.**

HR 8, urging Congress to enact legislation regulating and banning certain semi-automatic assault weapons and large capacity ammunition feeding devices. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Tom Mannion for the **Majority** of State-Federal Relations and Veterans Affairs. This resolution would urge Congress to implement an assault weapons ban, which is in violation of the 2nd Amendment to the US Constitution and, more importantly, Article 2a of the New Hampshire Constitution. The riots of the summer of 2020 serve as an example of an armed populace being capable of keeping the peace, as our cities did not burn unlike those in states with active assault weapons bans. At all levels, courts have consistently ruled that law enforcement is under no obligation to risk their lives to save ours, so it is up to each of us to be armed to defend our families, businesses, communities, and homes. Despite the authors of the federal bill referring to common semi-automatic rifles as "weapons of war" and "only useful for mass murder," their ban contains carve-outs allowing the Department of Education, the Internal Revenue Service, US Department of Agriculture, and other federal agencies to continue to purchase them, which is troubling. **Vote 10-8.** Rep. Steve Shurtleff for the **Minority** of State-Federal Relations and Veterans Affairs. This bill would ask Congress to pass legislation banning assault weapons and large capacity magazine. For far too long, America has witnessed the mass killings in our nation caused by individuals armed with assault weapons. These shooters aren't sportsmen or responsible gun owners. They are demented individuals, whose only goal is to kill as many people as quickly as they possibly can, thereby causing death and terror in our schools, our churches, our synagogues, our stores, entertainment venues, and the list goes on. There are those who believe the 2nd amendment is sacrosanct text. That the passage of any gun safety regulations would be contrary to the intent of the drafters of the U.S. Constitution. We respect their beliefs, but adamantly disagree with them. The 2nd amendment was never an unrestricted right, because the constitution grants the right to bear arms in the context of a well-regulated militia. Our Constitution is a living document. We can see how our constitution has evolved over the centuries, especially with the passage of the 13th and 19th amendments. This resolution isn't about placing unnecessary restraints on gun ownership. This resolution is simply about saving lives.

HR 9, calling for the federal government to enact an American Marshall Plan to rebuild economically impoverished communities and strengthen climate resilience infrastructure. **INEXPEDIENT TO LEGISLATE.**

Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. This resolution requests the federal government to enact a modern-day "America-centric" version of the post-World War II Marshall Aid Plan. The majority of the committee believes the most recent Inflation Reduction Act a trojan horse for big spending on Green New Deal policies, and we cannot trust any large-budget spending bills out of Congress. These omnibus packages are rife with earmarks for special interest projects that have nothing to do with the objective of the bills. Massive omnibus spending has given us the record inflation we are seeing today, with turmoil across many markets. During testimony, it was also made clear that any construction projects issued under this plan would have preferential treatment to union shops, discriminating against a large portion of the private sector labor force. Government-backed monopolies on labor should not be encouraged. **Vote 11-7.**

HR 10, supporting statehood for the District of Columbia. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Piemonte for State-Federal Relations and Veterans Affairs. The committee's majority opposed this measure due to concerns that statehood for the District of Columbia would be contrary to the founders' intent to create a separate federal district that did not have to answer to any particular state government. Other approaches to better enfranchise DC citizens should first be considered. **Vote 10-8.**

HR 15, relative to affirming support against the establishment of a state religion. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. While some committee members agreed that Marxism could be seen as a faith-based movement with all that that might imply, most saw the phraseology of the resolution as far too esoteric. With different wording and with more co-sponsors, such a measure as this might rate more attention in the future. **Vote 14-3.**

TRANSPORTATION**HB 111**, establishing a committee to study electrical vehicle charging for residential renters. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sellers for Transportation. The majority agreed a study is not needed and that the free market will drive landlords to create more electric vehicle charging stations for their tenants. **Vote 11-9.**

COMMITTEE MEETINGS FRIDAY, FEBRUARY 17

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

9:00 a.m. Regular meeting.

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

9:00 a.m. Executive Session on **HB 588-FN**, relative to the criteria for applying for parole; **HB 653-FN**, prohibiting personal recognizance bail for violent crimes; **HB 624-FN**, relative to federal immigration checkpoints; **HB 596-FN**, prohibiting the use of racial profiling in law enforcement activities and in sentencing; **HB 400-FN**, relative to certain assault offenses, bail eligibility for commission of certain assault offenses, and making a false report to a law enforcement officer; **HB 107-FN**, relative to employment restrictions for registered sex offenders; **HB 360-FN**, an act legalizing cannabis for persons 21 years of age or older.

1:30 p.m. Subcommittee Work Session on **HB 593-FN**, relative to the forfeiture of assets in connection with a drug offense.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 302-304, LOB

10:00 a.m. Subcommittee Work Session on **HB 258**, establishing a certification for animal chiropractors; **HB 532-FN**, relative to the licensure and regulation of music therapists; **HB 644-FN**, relative to regulating barbers, cosmetologists, and estheticians.

FINANCE - DIVISION I, Room 212, LOB

9:30 a.m. Budget Work Session - Department of Energy, Public Utilities Commission, Site Evaluation Committee, Office of Consumer Advocate.

11:00 a.m. Budget Work Session - Community Development Finance Authority.

1:00 p.m. Budget Work Session - Department of Information Technology.

2:00 p.m. Budget Work Session - Treasury Department.

FINANCE - DIVISION III, Room 210-211, LOB

1:00 p.m. Budget Work Session with Department of Health and Human Services.

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

10:00 a.m. Regular meeting.

JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I:1), Room 100, SH

1:00 p.m. Regular meeting.

NEW HAMPSHIRE RARE DISEASE ADVISORY COUNCIL (RSA 126-A:79), 29 Hazen Drive Concord, NH

3:00 p.m. Regular meeting.

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

9:00 a.m. Regular meeting.

SPECIAL COMMITTEE ON HOUSING, Room 104, LOB

10:00 a.m. Presentation by NH Realtors Association.

10:30 a.m. Presentation by Elm Grove Companies.

- 1:00 p.m. Presentation from NH Legal Assistance.
 1:30 p.m. Presentation by Housing Action NH.
 2:00 p.m. Research presentation on NH zoning laws by Jason Sorens.

TUESDAY, FEBRUARY 21

CHILDREN AND FAMILY LAW, Room 206-208, LOB

- 9:30 a.m. **HB 548-FN**, relative to the definition of compliance with a legal support order for child support payments.
 10:10 a.m. **HB 618-FN**, relative to wage garnishment with child support payments.
 10:50 a.m. **HB 583-FN**, relative to the termination of child support.
 11:10 a.m. **HR 14**, a resolution to urge the investigation of due process in family court cases.
 1:00 p.m. Executive Session on **HB 306**, relative to prohibiting reunification therapy; **HB 535-FN**, requiring an attorney for a child who is the subject of a proceeding in a family court case; **HB 471-FN**, relative to final disposition hearings in divorce proceedings; **HB 497-FN**, relative to the confidentiality of records within the division of children, youth, and families.
 2:00 p.m. **HB 185-FN**, relative to the determination of parental rights and responsibilities based on shared parenting and shared access to the child's records.
 2:45 p.m. **HB 455-FN**, relative to creating a new state cause of action and special findings for abused, neglected, and abandoned children seeking special immigrant juvenile status under federal law.
 3:15 p.m. **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.

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

- 10:00 a.m. Subcommittee Work Session on **HB 113**, relative to the physical fitness performance requirements for law enforcement officers.
 10:30 a.m. Subcommittee Work Session on **HB 305**, relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms.

EDUCATION, Room 205-207, LOB

- 9:00 a.m. **HB 331-FN-L**, relative to the income threshold for the education freedom account program.
 10:00 a.m. **HB 432-FN**, relative to participation in the education freedom accounts program.
 10:45 a.m. **HB 446**, relative to participation in the education freedom accounts program by students with disabilities.
 11:30 a.m. **HB 603-FN**, relative to education service providers under the education freedom accounts program.
 1:00 p.m. **HB 573-FN-A-L**, limiting education freedom account funding to budgeted amounts.
 1:45 p.m. **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.
 2:30 p.m. **HB 538-FN**, establishing a local education freedom account program.

ELECTION LAW, Room 306-308, LOB

- 10:00 a.m. **HB 243**, requiring the tabulation of votes in elections to be done in public.
 10:30 a.m. **HB 244**, relative to the printing of the election day checklist.
 11:00 a.m. **HB 316**, relative to meetings of supervisors of the checklist.
 1:00 p.m. **HB 415**, making ballots cast in elections public documents.
 1:30 p.m. **HB 484**, relative to the handling of the absentee ballot envelopes prior to election day.
 2:00 p.m. **HB 495**, relative to counting votes.
 3:00 p.m. **HB 460-FN**, relative to eliminating voter identification exceptions.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:30 a.m. **HB 253**, establishing a committee to study extended producer responsibility.
 1:00 p.m. **HB 56**, relative to permits for the siting of new landfills.
 2:30 p.m. **HB 602-FN**, relative to landfill siting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 104, LOB

- 10:00 a.m. Subcommittee Work Session on **HB 274**, relative to the administrative rulemaking process.
 10:15 a.m. Subcommittee Work Session on **HB 358**, relative to the filing and adoption of proposed administrative rules.

FINANCE - DIVISION I, Room 212, LOB

- 9:30 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.
 10:00 a.m. Division Work Session on **HB 300-FN**, prohibiting the disposal of certain food waste.

- 10:30 a.m. Division Work Session on **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.
- 11:00 a.m. Division Work Session on **HB 347-FN**, establishing a superior court land use review docket.
- 11:30 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.
- 1:00 p.m. Division Work Session on **HB 519-FN**, relative to establishing a chief information security officer for the department of information technology.
- 1:30 p.m. Division Work Session on **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.
- 2:00 p.m. Budget Work Session - Department of Agriculture, Markets and Food.

FINANCE - DIVISION II, Room 209, LOB

- 11:00 a.m. Division Work Session on **HB 419-FN-A**, relative to the math learning communities program of the community college system and making an appropriation therefor; **HB 420-FN-A**, relative to the availability and funding for the dual and concurrent enrollment program by the community college system and making an appropriation therefor; **HB 542-FN-A**, establishing an academic research and improvement performance data analyst in the department of education; **HB 560-FN-A**, establishing a contact person notification program to assist law enforcement personnel who have contact with a person with mental or physical disabilities and making an appropriation therefor; **HB 638-FN-L**, relative to the extraordinary need grants to schools.
- 1:00 p.m. Budget Work Session - Department of Transportation.

FINANCE - DIVISION III, Room 210-211, LOB

- 10:00 a.m. Budget Work Session - DHHS Office of the Commissioner: Office of Business Operations; Legal & Regulatory Services; Bureau of Human Resources; Employee Assistance Program; Office of Health Equity; Division of Program Quality & Integrity; Prescription Drug Affordability Board.

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

- 9:00 a.m. **HB 556-FN**, relative to the duties of the information technology council.
- 9:30 a.m. Executive Session on **HB 159**, relative to the default service rate for electricity; **HB 458**, relative to participation in net energy metering by small hydroelectric generators; **HB 509**, relative to the phasing out of the minimum electric renewable portfolio standard; **HB 523-FN**, relative to net energy metering limits for individual and business customers; **HB 524-FN**, relative to regional greenhouse gas initiative funds; **HB 616-FN**, relative to administration of the New Hampshire's renewable portfolio standard; **HB 622-FN**, repealing the energy efficiency and sustainable energy board; **HB 631-FN**, relative to electric utility smart meter gateway devices; **HB 161**, relative to customer generators of electricity as group hosts under net metering; **HB 81**, establishing a study committee to examine all ancillary charges for propane gas sales; **HB 219-FN**, relative to certain public utilities statutes; **HB 558-FN**, relative to electric microgrids and electric grid resiliency.

TRANSPORTATION, Room 201-203, LOB

- 9:30 a.m. **HB 93**, authorizing municipalities to reduce speed limits seasonally.
- 10:00 a.m. **HB 55-FN**, relative to driver education.
- 10:45 a.m. **HB 137**, relative to boating safety equipment rules and vessel numbering rules, and establishing a committee to study boat registrations fees.
- 1:00 p.m. **HB 222-FN**, to require the use of seat belts during the operation of motor vehicles.
- 2:00 p.m. Executive Session on **HB 54-FN**, relative to antique car inspections; **HB 153**, relative to roadway pedestrian control signals; **HB 198-FN**, modifying the new resident drivers' license transfer requirement; **HB 356-FN**, relative to the application of motor vehicle laws to bicycles; **HB 386-FN**, relative to child passenger restraints; **HB 570**, relative to Real ID compliant New Hampshire driver's licenses; **HB 222-FN**, to require the use of seat belts during the operation of motor vehicles.

WEDNESDAY, FEBRUARY 22

WAYS AND MEANS, Room 202-204, LOB

- 10:00 a.m. Revenue estimates.

THURSDAY, FEBRUARY 23

COMMISSION ON THE INTERDISCIPLINARY PRIMARY CARE WORKFORCE (RSA 126-T), NH Hospital Assoc., 125 Airport Road Concord, NH Conference Room 1

- 2:00 p.m. Regular meeting.

FRIDAY, FEBRUARY 24

COMMISSION TO STUDY ENVIRONMENTALLY-TRIGGERED CHRONIC ILLNESS (RSA 126-A:73-a), Levenson Room at Portsmouth Public Library, 175 Parrott Ave, Portsmouth, NH 03801

3:30 p.m. Regular meeting. Join Zoom Meeting:
<https://us06web.zoom.us/j/85386622916?pwd=UGVIR24yTFRaTEp3eINHQ2xnQmpJdz09>
Meeting ID: 853 8662 2916 Passcode: 799129 By Phone: +16469313860

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

9:00 a.m. Executive Session on **HB 113**, relative to the physical fitness performance requirements for law enforcement officers; **HB 135-FN**, prohibiting no-knock warrants; **HB 156**, relative to misconduct by a law enforcement officer; **HB 328-FN**, an act legalizing certain controlled substances for persons 21 years of age or older; **HB 344-FN**, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products; **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; **HB 481-FN**, relative to arrest warrants and search warrants; **HB 503-FN**, relative to the rights afforded to a person accused of a crime; **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; **HB 589-FN**, prohibiting state and local law enforcement from participating in the enforcement of copyright claims against free and open source software projects; **HB 593-FN**, relative to the forfeiture of assets in connection with a drug offense. **HB 421**, requiring feminine hygiene products to be provided to prisoners who menstruate in state and county correctional facilities.

EDUCATION, Room 205-207, LOB

9:30 a.m. **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.
11:00 a.m. **HB 515**, relative to education freedom accounts.
12:45 p.m. **HB 181**, establishing a committee to study school meal programs in New Hampshire's public schools and nonsectarian schools that accept public funds.
1:30 p.m. **HB 516-FN**, relative to freedom of speech and association at public institutions of higher education.
2:30 p.m. **HB 451**, relative to the state board of education prohibition on discrimination.

FINANCE - DIVISION I, Room 212, LOB

9:30 a.m. Budget Work Session - Department of Administrative Services including the Office of the Child Advocate, Advocate of Special Education, and Housing Appeals Board.
11:00 a.m. Budget Work Session - Judicial Council.
1:00 p.m. Budget Work Session - Office of Professional Licensure and Certification.
2:00 p.m. Budget Work Session - Judicial Branch.

FINANCE - DIVISION III, Room 210-211, LOB

1:00 p.m. Budget Work Session - DHHS Office of the Commissioner, continued: Facilities Administration; Bureau of Information Services.

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

10:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201-203, LOB

10:00 a.m. Legislative Budget Assistant.
10:30 a.m. New Hampshire Lottery Commission.
11:00 a.m. Governor's Office.
11:30 a.m. Department of Information Technology.
1:00 p.m. Department of Administrative Services.
2:00 p.m. Community College System of NH.

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

9:30 a.m. Regular meeting. Remote attendance:
<https://attendee.gotowebinar.com/register/3435858814888164108>.

MONDAY, FEBRUARY 27

COMMISSION TO STUDY OFFSHORE WIND AND PORT DEVELOPMENT (RSA 374-F:10), Room A NHDES Pease Office 222 International Drive Suite 175 Portsmouth, NH

4:30 p.m. Regular meeting.

FINANCE - DIVISION III, Room 210-211, LOB

10:00 a.m. Budget Work Session - DHHS, Division of Medicaid Services.

1:00 p.m. Division Work Session on **HB 527-FN-A**, relative to Medicaid reimbursement rates for certain assisted living facilities.

2:00 p.m. Budget Work Session - DHHS, Division for Children, Youth and Families.

WAYS AND MEANS, Room 202-204, LOB

10:00 a.m. Full Committee Revenue work session.

TUESDAY, FEBRUARY 28**FINANCE - DIVISION II, Room 209, LOB**

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

FINANCE - DIVISION III, Room 210-211, LOB

10:00 a.m. Budget Work Session - DHHS, Division for Children, Youth and Families, continued.

11:00 a.m. Budget Work Session - DHHS, Division of Public Health.

WAYS AND MEANS, Room 202-204, LOB

10:00 a.m. Full Committee Revenue work session.

WEDNESDAY, MARCH 1**FINANCE - DIVISION II, Room 209, LOB**

10:00 a.m. Budget Work Session - Fish and Game Department.

1:00 p.m. Budget Work Session - Department of Safety.

FINANCE - DIVISION III, Room 104, LOB

10:00 a.m. Budget Work Session - DHHS, Division of Public Health, continued.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 210-211, LOB

9:00 a.m. **HB 215**, relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.

9:30 a.m. **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.

10:00 a.m. **HB 642-FN**, relative to prohibiting the department of health and human services from enforcing salary caps for direct care workers.

10:30 a.m. **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.

1:00 p.m. **HB 277**, relative to patients' right to sterilization treatment.

2:00 p.m. **CACR 8**, relating to a constitutional right to birth control. Providing that the constitution protects the right to access birth control.

NEW HAMPSHIRE LOW-GRADE TIMBER AND WOOD EMERGING MARKET COMMISSION (RSA 227-1), NH DNCR Forests and Lands, Main Conference Room, 172 Pembroke Road Concord, NH

10:00 a.m. Regular meeting.

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

1:30 p.m. Full Committee Work Session on **HB 174**, relative to the filing of notice of intent to cut timber.

2:30 p.m. Full Committee Work Session on **HB 398**, relative to notice of PFAS and other groundwater contamination prior to the sale of real property.

2:35 p.m. Full Committee Work Session on **HB 205**, relative to testing private wells.

WAYS AND MEANS, Room 202-204, LOB

10:00 a.m. Revenue work session.

MONDAY, MARCH 6**NEW HAMPSHIRE CANADIAN TRADE COUNCIL (RSA 12-O:22), Room 100, SH**

10:00 a.m. Organizational meeting.

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 455-FN**, relative to creating a new state cause of action and special findings for abused, neglected, and abandoned children seeking special immigrant juvenile status under federal law; **HB 471-FN**, relative to final disposition hearings in divorce proceedings; **HB 491**, relative to prohibiting the use of the prone restraint for minors; **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 551-FN**, relative to department of children, youth, and families tracking and publishing statistics; **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.

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.

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.

WEDNESDAY, MARCH 8

JUDICIARY, Room 206-208, LOB

10:00 a.m. Executive Session on **HB 68-FN**, adopting the uniform real property transfer on death act; **HB 261**, authorizing residential tenants to terminate their lease in instances of domestic violence or following a disabling illness or accident; **HB 533-FN**, relative to public school human rights complaints.

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.

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 Winnepesaukee speed limitations.

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.

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

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

MONDAY, MARCH 13**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=R0lwOWFVK0w2U2FKYTVybXM1MjNhZD09>

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.

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

9:00 a.m. Regular meeting.

FRIDAY, MARCH 24**HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 305-307, LOB**

10:00 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.

OFFICIAL NOTICES

The **Coos** County Delegation will be meeting in joint session with Coos County Commissioners on **Friday, February 17, at 10:00 a.m.** The meeting will be held at the North Country Resource Center, located at 629 Main St., Lancaster, NH.

Rep. Corinne Cascadden, Clerk

The Executive Committee of the **Merrimack** County Delegation will meet on **Monday, February 27, 2023** in the 2nd floor conference room at **10:00 a.m.** of the Old Courthouse, 163 N. Main Street, Concord, New Hampshire. The purpose of the meeting is as follows: 1. 4th Quarter Financial Review/Approval 2. 2023 Budget Review/Approval 3. Adoption of Grant Resolution 4. Any other business

Rep. James MacKay, Chairman

The **Coos** County Delegation will hold its quarterly meeting on **Monday, February 27, at 10:00 a.m.** The meeting will be held at the North Country Resource Center, located at 629 Main St., Lancaster, NH.

Rep. Corinne Cascadden, Clerk

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=OHovbXRrcklMeExydjFidnNROUtdzd09>

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

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 which 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=MUdxaWdLWmFzMC9MekVCYmhpN3E5QT09>

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

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB250, HB 300, HB 324, HB 327, HB 337, HB 345, HB 379, 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 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 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.

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

The New Hampshire Association of Nurse Anesthesiology (NHANA) and the New Hampshire Nurse Practitioner Association (NHNPA) will be hosting a legislative breakfast on **Tuesday, February 21, from 8 a.m. to 10:00 a.m.** in the State House cafeteria. Note that this has been rescheduled from January 26th. A hearty warm breakfast will be served. Advanced Practice Registered Nurses (APRN) including CRNAs, NPs and CNMs will be on hand to discuss pending legislation as well as the services they provide to NH residents.

Rep. Mark Pearson

Save the Children Action Network, New Futures, MomsRising, and NAEYC invite all NH Lawmakers to attend a hearty hot Legislative Breakfast on **Wednesday, Feb 22 beginning at 8:00 a.m.** at St. Paul's Church, 21 Centre St, Concord. Please join us as we work together to solve the child care crisis in NH. This bipartisan event will feature guest speakers who are passionate about improving NH's child care system. Questions? Contact Dellie Champagne at Dchampagne@savechildren.org or 603 496-8660. Registration is not required.

Rep. Mary Jane Wallner

Legislators interested in learning more about the New Hampshire Retirement System are invited to attend a general information presentation on **February 23rd and February 24th**. These events - not to be confused with the benefit information sessions regularly offered for members - are intended to serve as "NHRS 101," providing a broad, factual overview of the retirement system. The presentation is the same as one that was given to the legislative committees in January. Live events at the NHRS office are scheduled for Wednesday,

February 15th, at 9:00 a.m., and Thursday, February 23rd, at 4:00 p.m. A live webinar is scheduled for 10 a.m. on Friday, February 24. The presentations are expected to last between 60 and 75 minutes. All events are also open to the general public. RSVP by contacting Marty Karlon at 410-3594 or marty.karlon@nhrs.org.

Rep. Carol McGuire

On **February 23rd at 3:00 p.m.**, Jonathan Williams will offer a policy briefing on budgeting at the Upham Walker House. This is sponsored by the NH Members of ALEC. ALL House and Senate Members & Staff are welcome (if Executive Staff arrives, so much the better). This is a non-partisan event, as ALEC is a non-partisan organization. First time legislators are urged to visit to see what the largest legislative members educational organization in the nation (celebrating 50 years) is about. Coffee and desert snacks from State-house Cafe will be offered. Please contact Jordan Ulery via email at repulery@comcast.net to reserve your spot. Seating is limited, so register early. A free-will offering to cover expenses is requested. If you have questions about ALEC please visit alec.org

Rep. Jordan Ulery

The NH Department of Education is hosting an Education Funding Formula 101 training workshop for all legislators from **2-4 p.m. on Monday, February 27** at 25 Hall St. in Concord. The State Adequacy Formula is constantly changing, and it is important that education leaders and legislators understand how this formula works, especially since this formula results in about \$1 billion in state funding for school districts and is the largest line-item in the biennium state budget.

Speaker Sherman Packard

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.nhwpc@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

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

Rep. Jason Osborne

New Hampshire Interfaith Power and Light (NHIPL) & The League of Conservation Voters cordially invite all NH Lawmakers to a legislative lunch on **Thursday, March 23rd** 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

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

AMENDMENTS
(LISTED IN NUMERICAL ORDER)

Amendment to HB 35
(2023- 0289h)

Proposed by the Majority of the Committee on Education – r

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

- 1 Short Title. This act shall be known as the Matthew Brown Act.
- 2 New Chapter; Eating Disorder Education. Amend RSA by inserting after chapter 193-J the following new chapter:

CHAPTER 193-K
EATING DISORDER EDUCATION

193:K:1 Public School Identification Cards

I. Each school district and chartered public school that serves any students in grades 6 through 12 that issues student identification cards shall include on either side of the cards the telephone number for the National Eating Disorders Helpline.

II. The requirement in paragraph I shall apply to any student identification card issued for the first time after the effective date of this section, or for replacement cards issued for damaged or lost student identification cards after the effective date of this section.

III. Public schools and charter schools issuing student identification cards pursuant to this section shall annually and prior to the start of each school year certify to their respective governing bodies that the contact information being included on student identification cards for the National Eating Disorder Helpline is accurate and up to date.

IV. The National Eating Disorders Helpline shall be labeled on student identification cards and include the current National Eating Disorders Helpline phone number at the time of the card's production.

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

2023-0289h
AMENDED ANALYSIS

This bill requires grades 6-12 student identification cards to include the National Eating Disorders Helpline phone number.

Amendment to HB 44
(2023- 0029h)

Proposed by the Majority of the Committee on Municipal and County Government – r

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

- 1 New Paragraph; Zoning; Grant of Power; Single Family Lots. Amend RSA 674:16 by inserting after paragraph V the following new paragraph:

VI. In the exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places, shall allow as a matter of right any single-family lot in a residential zoning district served by municipal water and sewer to be used for 4 residential dwelling units. These may be configured as a single 4-unit building, 2 duplex units, 4 single units, or 4 townhouses. The lot and yard standards, setbacks, and lot coverage shall comply with but be no more restrictive than those required for a single family dwelling. Parking requirements shall be based on per unit requirements for single family dwellings. All relevant building code and fire code requirements shall still apply. This paragraph shall apply to new construction or rehabilitation of existing buildings.

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

Amendment to HB 46-FN
(2023-0371h)

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

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

AN ACT establishing a committee to study replacement of bail commissioners with court magistrates.

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

- 1 Committee Established. There is established a committee to study replacement of bail commissioners with court magistrates..

- 2 Membership and Compensation.

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

(a) Three 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.

3 Duties. The committee shall evaluate whether bail commissioner should be replaced or supplemented by court magistrates and assess the following:

I. The benefits and problems with the current bail commissioner system;

II. The potential structure of a court magistrate system throughout the state courts;

III. Replacement of bail commissioners with court magistrates; and

IV. Supplementation of the bail commissioners with court magistrates.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named 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.

5 Report. 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.

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

2023-0371h

AMENDED ANALYSIS

This bill establishes a committee to study the use of court magistrates throughout the state court system to supplement or replace the current bail commissioner positions.

Amendment to HB 66 (2023-0435h)

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

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

AN ACT establishing a committee to study non-pharmacological treatment options for patients with chronic pain.

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

1 Legislative Findings. It is believed that the most effective treatment of acute, chronic, or end of life pain is a patient-centered, comprehensive, multi-modal approach in which all modalities, allopathic and non-allopathic, have a potential role, including opioids when necessary. The general court recognizes that no single modality is universally effective in managing pain, that all help some but not all. One of the causes of the opioid crisis was the unsubstantiated and misguided belief that opioids, by themselves, have the ability to resolve pain. Another cause was the failure of the health care system to provide access to a broad variety of allopathic and non-allopathic therapies in an integrative, multi-modal manner. The general court intends that the committee established by this act is charged with exploring and creating public policies which will increase access to a variety of therapies in a cost-effective, clinically effective, comprehensive manner as an alternative to or adjunct to other allopathic therapies including opioid therapy.

2 Committee Established; Non-pharmacological Treatment Options for Chronic Pain.

I. There is established a committee to study non-pharmacological treatment options to treat patients with chronic pain and the creation of a pilot program that supports and encourages non-pharmacological treatment options.

II The members of the committee shall consist of:

(a) Five members of the house of representatives, 2 of whom shall be from the house health, human services, and elderly affairs committee, one from the house commerce committee, and 2 at large, all appointed by the speaker of the house of representatives.

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

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee. The committee's study shall include, but not be limited to, the following:

(a) Design of a pilot program with goals that are patient centric, provider friendly, that uses existing provider networks, establishes standard reimbursement rates, and maximizes patient self-referrals with no or minimal cost increases.

(b) Research creation of such a pilot program with the New Hampshire Medicaid program, the New Hampshire state employee self-funded health insurance program, or with other entities supported with state funds.

(c) Investigate overall cost of such a program, including eligibility status for National Institutes of Health-National Center for Complementary and Integrative Health supported grants or funding opportunities.

(d) Research ways to enhance awareness of non-pharmacological treatment options through educational programs for primary care providers to enhance collaboration and integration of care between all providers who collectively assist in treating chronic pain.

(e) Design a process to collect useable, meaningful data over 3 to 5 years to evaluate meeting the goals of the program design, specifically whether the pilot program helps patients to reduce pain while safely improving functional outcomes and quality of care for patients with chronic pain, increase use of non-pharmacological treatments options, while maintaining affordability by constraining cost or with minimal increases in overall costs to treat chronic pain.

IV. The committee may solicit input from any person or entity the committee deems relevant to its study.

V. 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. Four members of the committee shall constitute a quorum.

VI. The committee shall submit a report including its findings and any recommendations for proposed legislation on or before December 1, 2023 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, and the governor.

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

2023-0435h

AMENDED ANALYSIS

This bill establishes a committee to study non-pharmacological treatment options to treat patients with chronic pain and the creation of a pilot program that supports and encourages non-pharmacological treatment options.

Floor Amendment to HB 74

(2023- 0415h)

Proposed by Rep. Cahill – r

Amend the bill by replacing section 2 with the following:

2 New Paragraph; Protective Legislation; Wages. Amend RSA 275:43 by inserting after paragraph V the following new paragraph:

V-a. An employee whose termination is the result of a layoff with no return date shall be paid for unused earned time no later than the next regular pay period, unless the employee agrees in writing that the employer hold the payment pending the earlier of their return to work or 11 weeks. If the termination is the result of a change of business ownership, the prior employer shall, upon completion of the transfer of ownership, pay the employee's unused earned time wages or transfer the employee's unused earned time to the new employer. For the purpose of this paragraph, the terms "earned time," "vacation" or "vacation time," and "paid time off" shall be considered compensation and therefore constitute wages due. For the purposes of this paragraph, "sick time" or "sick days" shall not be considered as wages due.

Floor Amendment to HB 160

(2023- 0440h)

Proposed Rep. Hynes – r

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Public Indecency and Lewdness. Amend RSA 645:1 by inserting after paragraph III the following new paragraph:

IV. It shall not constitute a violation of this section, nor shall it be an offense under any provision of this title, for any person to display their chest or nipple in public. Municipalities are prohibited from enacting or enforcing ordinances that treat differently the display of someone's chest or nipple based upon that person's sex or gender.

2023-0440h

AMENDED ANALYSIS

This bill provides that the public display of a person's chest or nipple shall not be a criminal violation and voids any municipal ordinance adopted that treat people differently based upon that person's sex or gender.

Amendment to HB 180

(2023- 0352h)

Proposed by the Committee on Executive Departments and Administration– r

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

AN ACT renaming Columbus Day as Italian Heritage Day.

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

1 Holidays. Amend RSA 288:1 to read as follows:

288:1 Holidays. January 1; the third Monday in January, known as Martin Luther King, Jr. Civil Rights Day; the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day or, on a date to coincide with the federal observance if it is held on a different day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as [~~Columbus Day~~] **Italian Heritage Day**; the day on which the biennial election is held; November 11, known as Veterans Day; Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

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

2023-0352h
AMENDED ANALYSIS

This bill renames Columbus Day as Italian Heritage Day for the purpose of state holidays.

**Amendment to HB 196
(2023- 0106h)**

Proposed by the Committee on Election Law - r

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

AN ACT establishing a committee to review and make recommendations on campaign finance laws.

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

1 Committee Established. There is established a committee to review and make recommendations on campaign finance laws of the state of New Hampshire.

2 Membership and Compensation.

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

(a) Six members of the house of representatives election law committee, 3 from the majority appointed by the speaker of the house of representatives, and 3 from the minority party nominated by the minority leader of the house of representatives and appointed by the speaker of the house of representatives.

(b) Two members of the senate election law and municipal affairs committee, one from the majority appointed by the president of the senate and one from the minority nominated by the senate minority leader and 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.

3 Duties. The committee shall:

I. During at least one of its meetings, seek comment from individuals representing the 2 major political parties regarding their concerns and/or issues with existing campaign finance laws.

II. Solicit input and receive public testimony from any person or independent organizations that participate in the election process.

III. Review and make specific recommendations on the following items:

(a) Existing campaign finance laws and any inconsistencies that may exist therein.

(b) Determining whether state campaign finance laws differ from current federal campaign finance laws.

(c) Making legislative recommendations to streamline and improve the current process in an effort to balance transparency and reporting requirements for both candidates and political committees.

(d) Providing direction and clarity for those committees that have local reporting requirements in addition to the state reporting requirements.

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

5 Report. 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.

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

2023-0106h
AMENDED ANALYSIS

This bill establishes a committee to review and make recommendations on campaign finance laws.

**Amendment to HB 203
(2023-0358h)**

Proposed by the Committee on Municipal and County Government- c

Amend the bill by replacing section 1 with the following:

1 Hillsborough County and Rockingham County; Delivery of County Budget. Amend RSA 24:13-c, III to read as follows:

III. The county commissioners shall mail or deliver to the executive committee of the county convention, each other member of the county convention, the chairperson of the board of selectmen in each town, and the mayor of each city within the county, and the secretary of state, prior to May [~~10~~] **3** annually, their itemized recommendations of the sums necessary to be raised by the county for the next year. They shall state in detail the objects for which the money is required and the sources of revenue to fund such recommendations. They shall also provide a statement of actual income and expenditures for at least 9 months of the preceding fiscal year. The county commissioners shall conduct a public hearing on such itemized recommendations **at least 7 days** after they have been mailed or delivered, and prior to the May [~~10~~] **15** submission date.

**Amendment to HB 235
(2023-0148h)**

Proposed by the Committee on Judiciary – c

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

AN ACT establishing a committee to study the landlord tenant mediation program.

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

1 Committee Established. There is established a committee to study the landlord tenant mediation program.

2 Membership and Compensation.

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.

3 Duties. The committee shall study the landlord tenant mediation program in the circuit courts. The committee shall solicit information and testimony from the judicial branch, landlords, tenants, and others with experience or expertise relevant to the study

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named 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.

5 Report. 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.

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

2023-0148h

AMENDED ANALYSIS

This bill establishes a legislative committee to study the landlord and tenant mediation program in circuit courts.

**Amendment to HB 252
(2023-0186h)**

Proposed by the Majority of the Committee on Environment and Agriculture – r

Amend the bill by replacing section 2 with the following:

2 New Paragraph: Powers of City Councils; Bylaws and Ordinances; Agricultural Activities Exempt. Amend RSA 47:17 by inserting after paragraph XIX the following new paragraph:

XX. No “quiet hours” ordinance or bylaw that attempts to regulate noise from activities related to farms, agriculture, and farming as defined in RSA 21:34-a shall be enforceable within a city.

**Amendment to HB 252
(2023- 0178h)**

Proposed by the Minority of the Committee on Environment and Agriculture – r

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

AN ACT exempting certain agricultural operations from certain municipal noise ordinances.

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

1 Purpose and Powers of Towns; Noise Ordinances; Agricultural Activities Exempt. Amend RSA 31:39, I(n) to read as follows:

(n) Regulating noise, *except that no “quiet hours” ordinance or bylaw that attempts to regulate noise from activities related to farms, agriculture, and farming as defined in RSA 21:34-a, with the exception of agritourism, shall be enforceable within a town.*

2 New Paragraph: Powers of City Councils; Bylaws and Ordinances; Agricultural Activities Exempt. Amend RSA 47:17 by inserting after paragraph XIX the following new paragraph:

XX. No “quiet hours” ordinance or bylaw that attempts to regulate noise from activities related to farms, agriculture, and farming as defined in RSA 21:34-a, with the exception of agritourism, shall be enforceable within a city.

2023-0178h

AMENDED ANALYSIS

This bill exempts farming and agricultural operations, excluding agritourism activities, from municipal noise ordinances.

Amendment to HB 269

(2023-0330h)

Proposed by the Committee on State-Federal Relations and Veterans Affairs – c

Amend RSA 20-C:1, IV as inserted by section 1 of the bill by replacing it with the following:

IV. “Interstate convention” means a multi-state gathering, function, or virtual workgroup which formally convenes for the purpose of coordinating or proposing new written policy or amendments to existing laws, rules, or policies, whether such convened body occurs pursuant to Article V in the Constitution for the United States of America or occurs due to any other existing interstate or intrastate policy-making body. “Interstate convention” does not include the Uniform Law Commission.

Amend RSA 20-C:4 as inserted by section 1 of the bill by replacing it with the following:

20-C:4 Enforcement.

I. The provisions of this chapter shall be enforced by the New Hampshire secretary of state.

II. The provisions of this chapter shall not supersede any provisions of RSA 667.

Amendment to HB 272-FN

(2023- 0223h)

Proposed by the Committee on Education – r

Amend the bill by replacing section 1 with the following:

1 Chartered Public Schools; Funding. Amend RSA 194-B:11, I(b)(1)(A) to read as follows:

(b)(1)(A) Except as provided in subparagraph (2), for a chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition amounts pursuant to RSA 198:40-a, II(a)-(c) and (e) plus an additional grant of \$3,286 to all chartered public schools for the fiscal year ending June 30, 2018, [and] \$3,411 to all chartered public schools for the fiscal year ending June 30, 2019, **and \$4,627 to all chartered public schools for the fiscal year ending June 30, 2024** and each fiscal year thereafter, except for the Virtual Learning Academy Charter School, directly to the chartered public school for each pupil who is a resident of this state in the chartered public school’s ADMA. Beginning July 1, 2017 and every biennium thereafter, the department of education shall adjust the per pupil amount of the additional grant based on the average annual change in the Consumer Price Index for All Urban Consumers, Northeast Region, using the “services less medical care services” special aggregate index, as published by the Bureau of Labor Statistics, United States Department of Labor. The state shall pay amounts required pursuant to RSA 198:40-a, II(d) directly to the resident district.

Amendment to HB 276-FN-A

(2023- 0418h)

Proposed by the Committee on Resources, Recreation and Development– r

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

AN ACT establishing the cyanobacteria mitigation loan and grant fund.

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

1 Purpose Statement. The general court finds that people and animals accessing lakes and rivers across the state have been impacted by cyanobacteria blooms, which pose a threat of acute and chronic illnesses from the toxins they release. Many of these blooms have been triggered by phosphorus loading from direct run-off, poor culvert design, inefficient or failed septic systems, internal loading of phosphorus, among other causes. The cost of designing, installing and repairing mitigation systems or projects for many communities, watershed management associations, and lake associations, would result in dramatically higher property taxes or would take many years of fundraising and delay projects exacerbating the problem. The mitigation of contributors to cyanobacteria blooms requires a strategy to protect, preserve, and enhance the water quality that New Hampshire citizens and the natural environment depend upon.

2 New Subdivision; Cyanobacteria Mitigation Loan Program. Amend RSA 485-A by inserting after section 57 the following new subdivision:

Cyanobacteria Mitigation Loan Program

485-A:58 Establishment and Implementation of Cyanobacteria Mitigation Loan Program.

I. There is established in the department of environmental services the cyanobacteria mitigation loan program. The program shall provide low interest loans to:

(a) Municipalities, community water systems and non-profit lake and river watershed associations whose testing shows confirmed and chronic exceedances of the state health advisory for cyanobacteria, for remediation efforts begun after September 30, 2023.

(b) Publicly-owned and non-profit lake or river watershed associations that have a watershed management plan which specifies sources of phosphorus loading approved by the department of environmental services.

II. Projects shall only be financed after the applicant's proposed mitigation plan or watershed management plan demonstrates that the such plan is the most cost-effective solution, as reviewed and approved by the department of environmental services. The applicant shall provide evidence in the application for funding that there are no no-cost or low-cost efforts that would result in a substantial decrease in external phosphorus loading. The applicant shall also show that there is no responsible party identified by department of environmental services or that the responsible party, potentially including the applicant, has provided their appropriate share of the funding for the proposed project.

III. Loans or grants may be made for up to the total cost of the project, after any responsible party's contribution, addressing the contamination.

IV. The cyanobacteria mitigation program shall forgive up to 10 percent of the loan principal to community water systems, publicly owned or non-profit lake or river watershed associations using the same qualifying standards for forgiveness used in the drinking water state revolving loan program established under RSA 486:14.

V. Total loan forgiveness under this section shall not exceed \$1,000,000 in a fiscal year.

485-A:59 Duties.

I. The department of environmental services shall:

(a) Administer the cyanobacteria mitigation loan and grant program to assist municipalities; community and non-profit, lake and river watershed association; with the cost of reducing the number of chronic and extended cyanobacteria bloom that the department considers to be a threat to long term health of water bodies. For purposes of this subparagraph, administration includes oversight of the grant or loan expenditures to ensure they are not misused.

(b) Administer a loan forgiveness program to assist municipalities, community, and non-profit, lake and river watershed association with loan repayment.

(c) Award loan or grant funds to projects that meet the following criteria:

(1) The project is or was necessary to reduce phosphorus loading identified in an accepted watershed management plan and the applicant for funding is a municipality, a community water system, or a non-profit, lake or river watershed association.

(2) The applicant has demonstrated, to the satisfaction of the department, that low or no-cost solutions are neither viable nor effective.

(d) Award reimbursements to projects from the fund in a manner consistent with this chapter.

II. Every year beginning December 1, 2024, the department of environmental services shall prepare and file a report with the general court evaluating the progress made relative to mitigating cyanobacteria blooms, the efficiency of the program established under this chapter, and whether it continues to provide the maximum benefit to New Hampshire citizens, and providing any recommendations on potential additional tasks for which the fund could be used to address cyanobacteria blooms.

485-A:60 Rules. The department of environmental services shall adopt rules, under RSA 541-A, relative to administering cyanobacteria loan and grant programs for eligible projects.

485-A:61 Cyanobacteria Mitigation Loan and Grant Fund Established. There is hereby established in the department of environmental services the cyanobacteria mitigation loan and grant fund which shall be maintained by the state treasurer in distinct and separate custody from all other funds. The state treasurer may invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be nonlapsing and continually appropriated to the department of environmental services. The cyanobacteria mitigation loan and grant fund shall be used to fund loans, grants, and reimbursements in accordance with this subdivision. Funds from any bond proceeds, grants, loan repayments, legislative appropriations, donations, and other funds shall be credited to this fund.

3 New Subparagraph; Cyanobacteria Mitigation Loan and Grant Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (387) the following new subparagraph:

(388) Moneys deposited in the cyanobacteria mitigation loan and grant fund established in RSA 485-A:61.

4 Capital Appropriation; Department of Environmental Services. The sum of \$25,000,000 is hereby appropriated to the department of environmental services for capital expenditures for the mitigation in the state's drinking water sources or recreational waters, which expenditures may include loans or grants to public or private entities on such terms and conditions as the department of environmental services shall determine. To provide funds for the appropriation made in this section, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$25,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-13-f. Notwithstanding the provisions of RSA 9:18, the appropriation made in this section shall not lapse.

5 New Section; Authority to Issue Bonds; General Fund. Amend RSA 6 by inserting after section 13-e the following new section:

6:13-f Authority to Borrow; Certain Environmental Projects.

I. The state treasurer, as may be requested from time to time by the commissioner of the department of environmental services, is hereby authorized to borrow upon the credit of the state such sums as may be authorized by law from time to time to be borrowed under this section and may issue general obligation bonds in the name and on behalf of the state of New Hampshire for such authorized purposes and amounts in accordance with the provisions of RSA 6-A. The state treasurer is hereby further authorized to borrow all or any portion of amounts authorized to be borrowed under this section either as a loan from banks or other financial institutions, within or without the state, selected by the state treasurer or under the federal program established under the Water Infrastructure Finance and Innovation Act, 33 U.S.C. chapter 52, as amended, and to enter into agreements containing appropriate covenants and conditions as the state treasurer determines to be necessary or desirable to secure favorable credit terms from said banks or other financial institutions or under said program.

II. Notwithstanding the provisions of RSA 6-A:2, the maturity date of bonds issued pursuant to this section shall be not later than 30 years from the date of issue, as determined by the state treasurer; provided, that in determining the amount of bonds maturing later than 20 years from the date of issue, the state treasurer shall take into account the expected useful life of the projects being financed, as identified by the commissioner of the department of environmental services.

III. To the extent any borrowing under paragraph I cannot be immediately redeemed or prepaid when such funds are received by the state, the funds shall be held in a nonlapsing reserve to be established by the state treasurer for the future payment of the borrowing in accordance with its redemption or prepayment provisions.

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

2023-0418h

AMENDED ANALYSIS

This bill establishes the cyanobacteria mitigation loan and grant program and the cyanobacteria mitigation fund.

**Amendment to HB 282-FN-A
(2023- 0160h)**

Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs – r
Amend the bill by replacing section 2 with the following:

2 Appropriation: Inclusion of Certain Children and Pregnant Women in Medicaid and the Children's Health Insurance Program. The sum of \$336,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding the state share of the expansion of Medicaid and CHIP to include certain children and pregnant women as provided in section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

**Amendment to HB 308
(2023- 0240h)**

Proposed by the Majority of the Committee on Judiciary – r

Amend the bill by replacing section 1 with the following:

1 Access to Governmental Records and Meetings; Meetings Open to Public; Remote Meetings. Amend RSA 91-A:2 by adding after paragraph III the following new paragraph:

IV. The provisions of this paragraph allowing for less than a quorum to be physically present for meetings shall apply only to boards, committees, councils, advisory committees and like bodies of state government, not including the general court or either house thereof or any committee of either house, nor the governor and council, the composition of which is permitted by law or regulation to be drawn from individuals who may reside throughout the state of New Hampshire. This paragraph does not apply to boards, committees, councils, advisory committees, or any other components or instrumentalities of county or municipal government. For purposes of this paragraph only the boards, committees, councils, and like bodies to which this paragraph is applicable shall be referred to as "state boards."

(a) A state board covered by this paragraph may vote to allow one or more members to participate in a meeting remotely only when physical attendance at the meeting site is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting. The authority granted under this paragraph may be revoked, renewed, or modified in the same manner as it is approved.

(b) At least one-third of the total membership of the state board shall be present at the physical location of the meeting. Each member participating electronically or otherwise shall be able to contemporaneously and throughout the meeting see and hear, and be seen and heard by, the other members of the public body attending the meeting and members of the public in attendance at the meeting site. A member participating in a meeting remotely as described in this paragraph is deemed to be present for all purposes, including for determination of a quorum and voting. Each member participating remotely shall identify the persons present in the location from which the member is participating. All votes taken during such a meeting shall be by roll call vote.

(c) No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

(d) In an emergency, when immediate action is imperative and the physical presence requirement is not reasonably practicable within the period of time requiring action, the minimum physical presence required under subparagraph (b) shall not apply. The determination that an emergency exists shall be made by the chair or presiding officer of the state board, and the facts upon which that determination is based shall be included in the minutes of the meeting.

(e) Any meeting held pursuant to the terms of this paragraph shall comply with all other requirements of this chapter relating to public meetings not inconsistent with this paragraph, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

2023-0240h

AMENDED ANALYSIS

This bill allows for certain state boards to vote to allow one or more members to participate in a meeting remotely when physical attendance at the meeting site is not reasonably practical.

Amendment to HB 312 (2023- 0274h)

Proposed by the Minority of the Committee on Municipal and County Government – r

Amend the bill by replacing section 1 with the following:

1 Petitioned Warrant Articles; Special Meetings. Amend RSA 39:3 to read as follows:
39:3 Articles.

I. Upon the written application of 25 or more registered voters or 2 percent of the registered voters in town, whichever is less, although in no event shall fewer than 10 registered voters be sufficient, presented to the selectmen or one of them not later than the fifth Tuesday before the day prescribed for an annual meeting, the selectmen shall insert in their warrant for such meeting the petitioned article with only such minor textual changes as may be required. Such corrections shall not in any way change the intended effect of the article as presented in the original language of the petition.

II. For the purposes of this section, the number of registered voters in a town shall be the number of voters registered prior to the last state general election. The right to have an article inserted in the warrant conferred by this section shall not be invalidated by the provisions of RSA 32.

III. In towns with fewer than 10,000 inhabitants upon the written application of 50 or more voters or 1/4 of the voters in town, whichever is fewer, and in towns with 10,000 or more inhabitants upon the written application of 5 percent of the registered voters in the town, so presented ***following an annual meeting and*** not less than 60 days before the next annual meeting, the selectmen shall warn a special meeting to act upon [any] ***the*** question specified in such application, ***unless:***

(a) The question seeks an appropriation or to rescind an appropriation, in which case the selectmen shall vote within 14 days of receipt of the application to petition the superior court in accordance with RSA 31:5 to determine whether an emergency exists to justify a special meeting of the town;

(b) A special town meeting has already been held in the town at any time since the date of the last annual meeting;

(c) The question may only be resolved at an annual meeting, in accordance with another provision of state statute; or

(d) The selectmen vote within 14 days of receipt of the application to petition the superior court for instructions as to whether the matter has already been resolved by vote of the town, is moot, or is preempted by other provisions of state or federal law.

IV. The checklist for an annual or special town meeting shall be corrected by the supervisors of the checklist as provided in RSA 654:25-31. Those persons qualified to vote whose names are on the corrected

checklist shall be entitled to vote at the meeting. The same checklist used at a recessed town meeting shall be used at any reconvened session of the same town meeting. In no event shall a special town meeting be held on the biennial election day.

2023-0274h

AMENDED ANALYSIS

This bill revises the circumstances under which registered voters may petition for warrant articles at a special meeting.

**Amendment to HB 325
(2023-0431h)**

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

Amend introductory paragraph of RSA 126-A:96, I as inserted by section 1 of the bill by replacing it with the following:

I. There is hereby established an advisory council to carry out the duties under this subdivision. Members of the council shall not be compensated for serving on the council, or serve on the council for more than one 5-year term except for the attorney general, or designee, or the commissioner of the department of health and human services, or designee. ***A member may remain a member of the advisory council until the appointment of their replacement for a time not to exceed 6 months from the expiration of their term.*** The members of the council shall be as follows:

**Amendment to HB 343
(2023-0097h)**

Proposed by the Committee on Judiciary – c

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

2 New Paragraph; Guardians and Conservators; Findings; Release of Confidential Records. Amend RSA 464-A:9 by inserting after paragraph IV the following new paragraph:

IV-a. Unless the court has specifically ordered that the ward be deprived access to or ability to grant release of his or her confidential records and papers, pursuant to paragraph IV, the guardian shall provide medical, financial, or other records to the ward within 10 days of the ward's request. The guardian may file a petition with the court seeking to amend the existing guardianship order to deprive the ward the right to access or grant release of his or her confidential records. The guardian must file such petition within 10 days of receipt of the ward's request for copies of his or her records. Upon a finding in the record based on evidence beyond a reasonable doubt that the ward is incapable of exercising his or her right to access or grant release of his or her confidential records, the court shall issue an amended order of guardianship.

3 New Paragraph; Resignation, Removal, or Death of Guardian. Amend RSA 464-A:39 by inserting after paragraph III the following new paragraph:

III-a. Notwithstanding an order pursuant to RSA 464-A:9, IV depriving the ward of his or her rights to access or grant release of his or her confidential records, upon the ward's filing a motion to remove the guardian, the ward may request authority to access and grant release of his or her confidential records. No sooner than 10 days following the filing of such request to access or grant release of records, the court shall issue an order granting the ward access to and the ability to release his or her confidential records, including financial and medical records. In the event the guardian or an interested party files an objection to the ward's access or release of such records, the court shall schedule a hearing on the matter. Unless the guardian or interested party establishes, beyond a reasonable doubt, that authorizing the ward to access or grant release of his or her confidential records and papers, including medical records, would be harmful to the interests of the ward, the court shall issue an order granting the ward access to and the ability to release his or her confidential records, including financial and medical records.

4 Guardians and Conservators; Termination of Guardianship; Release of Records to Ward. Amend RSA 464-A:40, II to read as follows:

II.(a) The ward or any person interested in the ward's welfare may, at any time, file a motion for the termination of the guardianship based upon a finding that the ward is no longer incapacitated. Provided, however, an order adjudicating incapacity may specify a minimum period, not exceeding one year, during which no motion concerning such adjudication may be filed without special leave.

(b) A ward may request the termination of the guardianship based on a finding that he or she is no longer incapacitated in an informal letter to the court or judge. Persons directly responsible for the care and supervision of the ward may assist the ward in preparing a letter of this kind. Any person who knowingly interferes with a transmission made by, or on behalf of, a ward to the court or judge may be adjudged guilty of contempt of court.

(c) Notwithstanding an order pursuant to RSA 464-A:9, IV depriving the ward of his or her rights to access or grant release of his or her confidential records, upon the ward's filing a motion

to terminate or modify the guardianship order, the ward may request authority to access and grant release of his or her confidential records. No sooner than 10 days following the filing of such request to access or grant release of records, the court shall issue an order granting the ward access to and the ability to release his or her confidential records, including financial and medical records. In the event the guardian or an interested party files an objection to the ward's access or release of such records, the court shall schedule a hearing on the matter. Unless the guardian or interested party establishes, beyond a reasonable doubt, that authorizing the ward to access or grant release of his or her confidential records and papers, including medical records, would be harmful to the interests of the ward, the court shall issue an order granting the ward access to and the ability to release his or her confidential records, including financial and medical records.

(d) Unless the motion is without merit, the court shall hold a hearing similar to that provided for in RSA 464-A:8 and RSA 464-A:9 at which the guardian shall be required to prove that the grounds for appointment of a guardian provided in RSA 464-A:9 continue to exist.

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

**Amendment to HB 392-FN
(2023-0452h)**

Proposed by the Committee on State-Federal Relations and Veterans Affairs – c

Amend RSA 667:2, II as inserted by section 1 of the bill by replacing it with the following:

II. Representation in the federal proposing convention is on the basis of representative districts of the Congress. Representative districts shall be entitled to 2 delegates for each Congressional district and 1 state-wide at-large delegate for a total of 5 delegates.

Amend RSA 641:2, I-a as inserted by section 11 of the bill by replacing it with the following:

I-a.(a) A person shall be guilty of a class B felony if such person purposefully acts in violation of instructions required due to their official role as a delegate to a federal proposing convention authorized pursuant to article V of the Constitution of the United States. A person found guilty under this section who has purposefully attempted to alter, amend, or supercede the Constitution of the United States in contradiction to the laws of the state of New Hampshire or of the United States may be barred from holding public office pursuant to Section III of the Fourteenth Amendment to the Constitution of the United States.

(b) A person shall be guilty of a class A misdemeanor if such person knowingly acts in violation of instructions required due to their official role as a delegate to a federal proposing convention authorized pursuant to article V of the Constitution of the United States. A person found guilty under this section who has knowingly attempted to alter, amend, or supercede the Constitution of the United States in contradiction to the laws of the state of New Hampshire or of the United States may be barred from holding public office pursuant to Section III of the Fourteenth Amendment to the Constitution of the United States.

**Amendment to HB 397
(2023-0459h)**

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

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

1 Control or Possession of Hypodermic or Like Instruments Without Prescription Prohibited for Minors.

Amend RSA 318:52-e to read as follows:

318:52-e Control or Possession of Hypodermic or Like Instruments Without Prescription Prohibited for Minors. No person under 18 years of age shall have under such person's control or possess a hypodermic syringe[,] ***or*** hypodermic needle, [~~or any instrument adapted for the administration of drugs by injection,~~] unless the person has received a written or oral prescription issued under RSA 318:52-c, ***or the recipient is acting as an authorized agent for another as defined in RSA 318:42, I under direct supervision.*** For the purpose of this subdivision, no such prescription shall be valid which has been outstanding for more than [~~one year~~] ***2 years.*** ***Use of a hypodermic syringe or hypodermic needle contrary to the intent of the prescription is not permitted under this statute.***

2 Sale of Hypodermic Syringes and Needles. Amend RSA 318:52-c, I to read as follows:

I. No person shall sell, furnish, or give to any person, under 18 years of age, an instrument commonly known as a hypodermic syringe[,] ***or*** hypodermic needle, [~~or any instrument adapted for the administration of drugs by injection~~] without the written or oral prescription of a licensed physician, physician assistant, dentist, veterinarian, podiatrist, or advanced practice registered nurse, ***unless the recipient is acting as an authorized agent for another as defined in RSA 318:42.*** Such prescription shall contain the name and address of the patient, the date of the prescription, the description of the instrument prescribed, and the number of instruments prescribed.

**Amendment to HB 403
(2023- 0155h)**

Proposed by the Minority of the Committee on Municipal and County Government– r

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

1 Abatement of Taxes; Selectmen or Assessors. Amend RSA 76:16, I(a) to read as follows:

I.(a) Selectmen or Assessors, for ~~[good-cause-shown]~~ ***administrative or clerical errors, assessment or valuation errors, and poverty as determined by federal guidelines on December 31 in the calendar year preceding April 1***, may abate any tax, including prior years' taxes, assessed by them or by their predecessors, including any portion of interest accrued on such tax; or

2 Abatement of Resident Taxes. Amend RSA 76:16-c to read as follows:

76:16-c Abatement of Resident Taxes. Selectmen or assessors may for ~~[good-cause-shown]~~ ***administrative or clerical errors, assessment or valuation errors, and poverty as determined by federal guidelines on December 31 in the calendar year preceding April 1***, abate any resident tax assessed by them or their predecessors.

3 Prorated Assessments for Damage Buildings; Reference to Authority of Selectmen or Assessors to Abate Taxes. Amend RSA 76:21, VI to read as follows:

VI. Nothing in this section shall limit the ability of the assessing officials to abate taxes for ~~[good-cause-shown]~~ ***administrative or clerical errors, assessment or valuation errors, and poverty as determined by federal guidelines on December 31 in the calendar year preceding April 1***, pursuant to RSA 76:16.

4 Applicability. Nothing in this act shall be used to circumvent the requirements of RSA 72.

5 Effective Date. This act shall take effect April 1, 2024.

2023-0155h

AMENDED ANALYSIS

This bill allows selectmen or assessors to abate taxes for administrative or clerical errors, assessment or valuation errors, and poverty as determined in accordance with federal guidelines.

**Amendment to HB 436-FN-LOCAL
(2023- 0483h)**

Proposed by the Majority of the Committee on Executive Departments and Administration – r

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

1 New Paragraph; Definition; Vested. Amend RSA 100-A:1 by inserting after paragraph XXXVII the following new paragraph:

XXXVIII. "Vested" means that a member is qualified for a benefit upon 10 years of service. The calculations of earnable compensation under RSA 100-A:1, XVII and average final compensation under RSA 100-A:1, XVIII cannot be reduced after 3 years of service.

2 Definition of Earnable Compensation; Group II. Amend RSA 100-A:1, XVII to read as follows:

XVII. "Earnable compensation" shall mean:

(a) For ***group I*** members who have attained vested status prior to January 1, 2012 the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance stipend or bonus, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation, and teacher development pay that is not part of the contracted annual salary. ~~[Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII]~~. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees~~;~~ ***and*** teachers~~;~~ ~~permanent firemen, and permanent policemen~~ who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance

pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(b)(1) For **group I** members who have not attained vested status prior to January 1, 2012, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2)[, (3), and (4)] **and (3)**, any overtime pay, cost of living bonus, annual attendance stipend or bonus, annual longevity pay, additional pay for extracurricular and instructional activities for full-time teachers and full-time employees who are employed in paraprofessional or support position, additional pay for instructional activities of full-time faculty of the community college system[, compensation for extra and special duty,] and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation and teacher development pay that is not part of the contracted annual salary.

(2) [~~Compensation over base pay shall be limited during the highest 5 years of creditable service as provided in paragraph XVIII.~~

(3) Earnable compensation shall not include compensation for extra and special duty for members who commence service on and after July 1, 2011.

(4) (3) Earnable compensation shall not include incentives to encourage members to retire, severance pay or end-of-career additional longevity payments, and pay for unused sick or vacation time. Earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1 1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all employees[;] **and** teachers[, permanent firemen, and permanent policemen] who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

(c) *For group II members who have attained vested status prior to January 1, 2013, the full base rate of compensation paid, as determined by the employer, plus any overtime pay, holiday and vacation pay, sick pay, longevity or severance pay, cost of living bonus, annual attendance stipend or bonus, additional pay for instructional activities, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except cash incentives paid by an employer to encourage members to retire, supplemental pay paid by the employer while the member is receiving workers' compensation. Compensation for extra and special duty, as reported by the employer, shall be included but limited during the highest 3 years of creditable service as provided in paragraph XVIII. However, earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1-1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all permanent firemen and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position, with the limited exceptions of disability related severance pay paid to a member or retiree no later than 120 days after a decision by the board of trustees granting the member or retiree disability retirement benefits pursuant to RSA 100-A:6 and of severance pay which a member was entitled to be paid within 120 days after termination*

but which, without the consent of the member and not through any fault of the member, was paid more than 120 days after the member's termination. The member shall have the burden of proving to the board of trustees that any severance payment paid later than 120 days after the member's termination of employment is earnable compensation and meets the requirements of an asserted exception to the 120-day post-termination payment requirement.

(d)(1) For group II members who have not attained vested status prior to January 1, 2013, the full base rate of compensation paid, as determined by the employer, plus compensation over base pay. Compensation over base pay shall include as applicable, subject to subparagraphs (2), and (3), any overtime pay, cost of living bonus, annual attendance stipend or bonus, annual longevity pay, compensation for extra and special duty, and any military differential pay, plus the fair market value of non-cash compensation paid to, or on behalf of, the member for meals or living quarters if subject to federal income tax, but excluding other compensation except supplemental pay paid by the employer while the member is receiving workers' compensation that is not part of the contracted annual salary.

(2) Earnable compensation shall not include compensation for extra and special duty for members who commence service on and after July 1, 2011.

(3) Earnable compensation shall not include incentives to encourage members to retire, severance pay or end-of-career additional longevity payments, and pay for unused sick or vacation time. Earnable compensation in the final 12 months of creditable service prior to termination of employment shall be limited to 1 1/2 times the higher of the earnable compensation in the 12-month period preceding the final 12 months or the highest compensation year as determined for the purpose of calculating average final compensation, but excluding the final 12 months. Any compensation received in the final 12 months of employment in excess of such limit shall not be subject to member or employer contributions to the retirement system and shall not be considered in the computation of average final compensation. Provided that, the annual compensation limit for members of governmental defined benefit pension plans under section 401(a)(17) of the United States Internal Revenue Code of 1986, as amended, shall apply to earnable compensation for all permanent firemen and permanent policemen who first become eligible for membership in the system on or after July 1, 1996. Earnable compensation shall not include compensation in any form paid later than 120 days after the member's termination of employment from a retirement eligible position.

3 Definition of Average Final Compensation; Group II. Amend RSA 100-A:1, XVIII to read as follows:

XVIII. "Average final compensation" shall mean:

(a) For **group I** members who have attained vested status prior to January 1, 2012, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. [For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the member over the member's last 7 years of creditable service on or after July 1, 2009, as reported by the employer in accordance with RSA 100-A:16, VI, or over all of the years in his or her creditable service on or after July 1, 2009 if less than 7 years.]

(b) *For group II members who have attained vested status prior to January 1, 2013, the average annual earnable compensation of a member during his or her highest 3 years of creditable service, or during all of the years in his or her creditable service if less than 3 years. For purposes of this calculation, the inclusion of the average annual compensation for extra and special duty in the 3 years shall not exceed the average annual amount of compensation for extra and special duty paid to the member over the member's last 7 years of creditable service on or after July 1, 2009, as reported by the employer in accordance with RSA 100-A:16, VI, or over all of the years in his or her creditable service on or after July 1, 2009 if less than 7 years.*

~~(b)~~ (c) For group I members who commenced service on or after July 1, 2011 or who have not attained vested status prior to January 1, 2012, the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of inclusion in this calculation, the average percentage of compensation paid in excess of the full base rate of compensation in the highest 5 years shall not exceed the average percentage of compensation paid in excess of the full base rate of compensation over all the member's years of service on or after January 1, 2012, but excluding the highest 5 years.

~~(c)~~ (d)(1) For group II members who commenced service prior to July 1, 2011 and who have not attained vested status prior to January 1, ~~2012~~ **2013**, the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of inclusion in this calculation, the average percentage of compensation paid in excess of the full base rate of compensation in the highest 5 years shall not exceed the average percentage of compensation paid in excess of the full base rate of compensation over all the member's years of service on or after January 1, **2013**.

(2) For group II members who commenced service on or after July 1, 2011 [~~and who have not attained vested status prior to January 1, 2012~~], the average annual earnable compensation of a member during his or her highest 5 years of creditable service, or during all of the years in his or her creditable service if less than 5 years. For purposes of inclusion in this calculation, the average percentage of compensation paid in excess of the full base rate of compensation in the highest 5 years shall not exceed the average percentage of compensation paid in excess of the full base rate of compensation over all the member's years of service on or after January 1, 2012, but excluding the highest 5 years.

4 Group II Service Retirement Benefits. Amend RSA 100-A:5, II to read as follows:

II. Group II Members.

(a) Any group II member in service, who is in vested status before January 1, [2012] **2013**, who has attained age 45 and completed 20 years of creditable service, and any group II member who commenced service on or after July 1, 2011 who has attained age 50 and completed 25 years of creditable service, and group II members who have not attained vested status prior to January 1, [2012] **2013** as provided in the transition provisions in RSA 100-A:5, II(d), or any group II member in service who has attained age 60 regardless of the number of years of creditable service, may retire on a service retirement allowance upon written application to the board of trustees setting forth at what time not less than 30 days nor more than 90 days subsequent to the filing thereof the member desires to be retired, notwithstanding that during such period of notification the member may have separated from service. Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.

(b) Upon service retirement, a group II member shall receive a service retirement allowance which shall consist of:

(1) A member annuity which shall be the actuarial equivalent of his or her accumulated contributions at the time of retirement; and

(2) For members who are in vested status before January 1, [2012] **2013**, a state annuity which, together with his or her member annuity, shall be equal to 2- 1/2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 40 years, or for members who commenced service on or after July 1, 2011, a state annuity which, together with his or her member annuity, shall be equal to 2 percent of his or her average final compensation multiplied by the number of years of his or her creditable service not in excess of 42.5 years, and group II members who have not attained vested status prior to January 1, [2012] **2013** shall be as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of creditable service not in excess of 40.5 years.

(3) Provided, however, that a group II member who commenced service on or after July 1, 2011 shall not receive a service retirement allowance until attaining the age of 52.5; but may receive a reduced allowance after age 50 if the member has at least 25 years of creditable service where the allowance shall be reduced, for each month by which the date on which benefits commence precedes the month after which the member attains 52.5 years of age, by 1/4 of one percent.

(c)(1) Notwithstanding any provision of RSA 100-A to the contrary, any group II member who is in vested status before January 1, [2012] **2013** and has retired on or after the effective date of this subparagraph after attaining the age of 45 with at least 20 years of creditable service, and any group II member who commenced service on or after July 1, 2011 and retires after the effective date of this subparagraph after attaining the age of 50 with at least 25 years of creditable service, and group II members who have not attained vested status prior to January 1, [2012] **2013** who qualify as provided in the transition provisions in RSA 100-A:5, II(d), shall receive a minimum annual service retirement allowance of \$10,000. If such group II member has elected to convert the retirement allowance into an optional allowance for the surviving spouse under RSA 100-A:13, the surviving spouse shall be entitled to a proportional share of the \$10,000.

(2) [Repealed.]

(3) [Repealed.]

(d) Active group II members who commenced service prior to July 1, 2011 and who have not attained vested status prior to January 1, [2012] **2013** shall be subject to the following transition provisions for years of service required for regular service retirement, the minimum age for regular service retirement, and the multiplier used to calculate the retirement annuity[~~, which shall be applicable on or after January 1, 2012~~] according to the following table:

Creditable service on January 1, 2012	Minimum years of service	Minimum age attained	Annuity multiplier
(1) Less than 4 years	24	age 49	2.1%
(2) At least 4 years but less than 6 years	23	age 48	2.2%

(3) At least 6 years but less than 8 years	22	age 47	2.3%
(4) At least 8 years but less than 10 years]	21	age 46	2.4%
(1) Less than 1 year	24	age 49	2.1%
(2) At least 1 years but less than 2 years	24	age 49	2.1%
(3) At least 2 years but less than 3 years	24	age 49	2.1%
(4) At least 3 years but less than 4 years	24	age 49	2.1%
(5) At least 4 years but less than 5 years	23	age 48	2.2%
(6) At least 5 years but less than 6 years	23	age 48	2.2%
(7) At least 6 years but less than 7 years	22	age 47	2.3%
(8) At least 7 years but less than 8 years	22	age 47	2.3%
(9) At least 8 years but less than 9 years	21	age 46	2.4%

(e) Notwithstanding the transition provisions of subparagraph (d), the member may replace the additional years of service required for minimum retirement age with the years of service that are purchased under RSA 100-A:4, IX. Therefore, allowing the member to retire between the age of 45 and 49 depending upon the years of service purchased. The purchased years under RSA 100-A:4, IX shall have an annual multiplier of 2.5 percent regardless of the percentage listed in subparagraph (d).

5 Retirement; Maximum Retirement Benefit. Amend RSA 100-A:6-a to read as follows:

100-A:6-a Maximum Retirement Benefit.

(a) Notwithstanding any other provision of this chapter to the contrary, for members who commenced service before ~~[July 1, 2009]~~ **July 1, 2001**, ~~[or have attained vested status prior to January 1, 2012,]~~ a member's initial calculation of the retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed 100 percent of the member's highest year of earnable compensation.

(b) For members who commenced service on or after ~~[July 1, 2009 and have not attained vested status prior to January 1, 2012,]~~ **January 1, 2001 and before July 1, 2011**, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of [85] **100** percent of the member's average final compensation or ~~[\$120,000]~~ **\$125,000**. **The maximum benefit shall increase annually 1.25 percent on January 1 of each year. The retirement system shall publish the current maximum benefit.**

(c) **For members who commenced service on or after July 1, 2011, a member's maximum retirement benefit granted under the provisions of RSA 100-A:5 or RSA 100-A:6 shall not exceed the lesser of 85 percent of the member's average final compensation or \$125,000. The maximum benefit shall increase annually 1.25 percent on January 1 of each year. The retirement system shall publish the current maximum benefit.**

(d) Nothing in this section shall affect the ability of a member to receive disability benefits pursuant to RSA 100-A:6, II(b) and (c). This provision shall not limit the application of supplemental allowances.

6 Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing the term "January 1, 2012" with the term "January 1, 2013": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); 100-A:19-d.

7 Subsequent Changes Effective January 1, 2025; Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing the term "January 1, 2013" with the term "January 1, 2014": 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d)(1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (9) from the table in RSA 100-A:5, II(d).

8 Subsequent Changes Effective January 1, 2026; Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing the term "January 1, 2014" with the term "January 1, 2015": 21-I:30, VIII; 100-A:1,

XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d) (1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (8) from the table in RSA 100-A:5, II(d).

9 Subsequent Changes Effective January 1, 2027; Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing the term “January 1, 2015” with the term “January 1, 2016”: 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d) (1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (7) from the table in RSA 100-A:5, II(d).

10 Subsequent Changes Effective January 1, 2028; Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing the term “January 1, 2016” with the term “January 1, 2017”: 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d) (1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (6) from the table in RSA 100-A:5, II(d).

11 Subsequent Changes Effective January 1, 2029; Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing the term “January 1, 2017” with the term “January 1, 2018”: 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d) (1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (5) from the table in RSA 100-A:5, II(d).

12 Subsequent Changes Effective January 1, 2030; Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing the term “January 1, 2018” with the term “January 1, 2019”: 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d) (1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (4) from the table in RSA 100-A:5, II(d).

13 Subsequent Changes Effective January 1, 2031; Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing the term “January 1, 2019” with the term “January 1, 2020”: 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d) (1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (3) from the table in RSA 100-A:5, II(d).

14 Subsequent Changes Effective January 1, 2032; Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions by replacing the term “January 1, 2020” with the term “January 1, 2021”: 21-I:30, VIII; 100-A:1, XVII(c); 100-A:1, XVII(d)(1); 100-A:1, XVIII(b); 100-A:1, XVIII(d)(1); 100-A:1, XXXVII (b)(1) and (3); 100-A:5, II(a); 100-A:5, II(b)(2); 100-A:5, II(c)(1); 100-A:5, II(d)-(except table heading); 100-A:6, II(b); 100-A:6, II(d) (1) and (3); 100-A:10, II(b); 100-A:16, I(aa); 100-A:19-b, II(a) and (c); 100-A:19-d; 100-A:5, II (d); and delete subparagraph (2) from the table in RSA 100-A:5, II(d).

15 Subsequent Changes Effective January 1, 2033; Retirement System; Group II; Date Change for Application of Retirement Provisions Adopted in 2011 to Members in Vested Status. Amend the following RSA provisions as follows:

I. 21-I:30, VIII; remove “and group II members who have not attained vested status prior to January 1, 2021 shall be as provided in the transition provisions in RSA 100-A:5, II(d)”.

II. 100-A:1, XVII(c); replace “who have not attained vested status prior to January 1, 2021” with “who commenced service prior to July 1, 2011”.

III. 100-A:1, XVII(d)(1); replace “who have not attained vested status prior to January 1, 2021” with “who commenced service on or after July 1, 2011”.

IV. 100-A:1, XVIII(b); replace “who have not attained vested status prior to January 1, 2021” with “who commenced service prior to July 1, 2011”.

V. 100-A:1, XVIII(d)(1); delete subparagraph (1).

VI. 100-A:1, XXXVII (b)(1) and (3); in (1), replace “in vested status before January 1, 2021” with “who commenced service before July 1, 2011”, and delete subparagraph (3).

VII. 100-A:5, II(a); replace “who is in vested status before January 1, 2021” with “who commenced service prior to July 1, 2011”; delete “and group II members who have not attained vested status prior to January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d),”.

VIII. 100-A:5, II(b)(2); replace “who is in vested status before January 1, 2021” with “who commenced service prior to July 1, 2011”; delete “, and group II members who have not attained vested status prior to January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d) with maximum number of years of credible service not in excess of 40.5 years”.

IX. 100-A:5, II(c)(1); replace “who is in vested status before January 1, 2021 and” with “who commenced service prior to July 1, 2011”; delete “and group II members who have not attained vested status prior to January 1, 2012 as provided in the transition provisions in RSA 100-A:5, II(d),”.

X. 100-A:5, II(d), delete the subparagraph.

XI. 100-A:6, II(b); replace “in vested status before January 1, 2021” with “who commenced service before July 1, 2011”; delete “and group II members who have not attained vested status prior to January 1, 2021 as provided in the transition provisions in RSA 100-A:5, II(d) with the maximum number of years of credible service not in excess of 40.5 years”.

XII. 100-A:6, II(d)(1) and (3); in (1) replace “who are in vested status before January 1, 2021” with “who commenced service before July 1, 2011”, and delete subparagraph (3).

XIII. 100-A:10, II(b); replace “who are in vested status before January 1, 2021” with “who commenced service before July 1, 2011”. Delete “and group II members who have not attained vested status prior to January 1, 2021 shall be as provided in the transition provisions in RSA 100-A:5, II(d)”.

XIV. 100-A:16, I(aa); replace “who is in vested status before January 1, 2021” with “who commenced service prior to July 1, 2011”.

XV. 100-A:19-b, II(a) and (c); in (a) replace “who is in vested status before January 1, 2021” with “who commenced service prior to July 1, 2011”, and delete subparagraph (c).

XVI. 100-A:19-d; replace “for members who are in vested status with Group II service before January 1, 2012” with “for members who commenced service before July 1, 2011”.

16 Funding; Appropriations. The sum of \$25,000,000 per state fiscal year is hereby appropriated to the retirement system to fund the cost of benefits under this act. Such sums shall be transferred on the July 1 each year until 2033. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

17 Effective Date.

I. Section 7 of this act shall take effect January 1, 2025.

II. Section 8 of this act shall take effect January 1, 2026.

III. Section 9 of this act shall take effect January 1, 2027.

IV. Section 10 of this act shall take effect January 1, 2028.

V. Section 11 of this act shall take effect January 1, 2029.

VI. Section 12 of this act shall take effect January 1, 2030.

VII. Section 13 of this act shall take effect January 1, 2031.

VIII. Section 14 of this act shall take effect January 1, 2032.

IX. Section 15 of this act shall take effect January 1, 2033.

X. The remainder of this act shall take effect January 1, 2024.

2023-0483h

AMENDED ANALYSIS

This bill adjusts the transition provisions for group II service retirement adopted in 2011 over a 10 year period until 2033, and makes general fund appropriations each year to fund the cost of the benefits.

Amendment to HB 491

(2023-0112h)

Proposed by the Committee on Children and Family Law – c

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

1 Statement of Findings.

I. The general court finds that while certain forms of physical and medication restraint may periodically be necessary to protect the safety of a child or other around them, restraint techniques, such as prone restraint, that present a clear danger to the life of a child, or that present risk of serious injury to a child, should not be used.

II. Prone restraint is an inherently dangerous form of restraint whose application has resulted in deaths and serious injuries to children. Current law prohibits the use of prone restraint, a dangerous restraint techniques as described in RSA 126-U:4, I. It has come to the general court’s attention that, despite current law’s prohibition against the use of dangerous restraint techniques, the statute is not being properly interpreted and applied.

III. The intent of this act is to ensure proper compliance with New Hampshire's current law prohibiting the use of dangerous forms of restraint, including prone restraint, and to clarify the circumstances under which the use of other forms of physical restraint must cease to protect the well being of the child.

2 Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities; Definitions; Prone Restraint. Amend the introductory clause of RSA 126-U:1, IV(d) to read as follows:

(d) ***“Prone restraint” is a prohibited physical restraint technique which occurs when a child is intentionally placed face-down on the floor or another surface, and the child’s physical movement is limited to keep the child in a prone position. For the purpose of this definition, physical restraint that involves the temporary controlling of an individual in a prone position while transitioning to an alternative, safer form of restraint is not considered to be a prohibited form of physical restraint.***

(e) Restraint shall not include:

3 Prohibition of Dangerous Restraint Techniques; Prone Restraint. Amend the introductory paragraph in RSA 126-U:4, I to read as follows:

I. ***Prone restraint, or any other*** physical restraint or containment technique that:

4 New Paragraph; Limiting the Use of Child Restraint Practices in Schools and Treatment Facilities; Authorization and Monitoring of Extended Restraint. Amend RSA 126-U:4 by inserting after paragraph IV the following new paragraph:

V. Other forms of physical and medical restraint shall be administered in such a way so as to prevent or minimize physical harm. During the administration of restraint, the physical status of the child, including skin temperature, color, and respiration, shall be continuously monitored. The child shall be released from restraint immediately if they demonstrate signs of one or more of the following: difficulty breathing; choking; vomiting; bleeding; fainting; unconsciousness; discoloration; swelling at points of restraint; cold extremities, or similar manifestations.

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

**Amendment to HB 492-FN
(2023- 0151h)**

Proposed by the Committee on Education – r

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

1 New Paragraph; Duties of the Commissioner; Department of Education; Current Rules and Statutes. Amend RSA 21-N:4 by inserting after paragraph XI the following new paragraph:

XII. At the beginning of each session of the biennium, providing a physical copy of, a copy on a portable data storage device of, or a searchable Internet data base to the New Hampshire education laws annotated and education department rules to the house and senate standing education committees that oversee education policy, and to make such copy available to all superintendents of New Hampshire schools in any format as practicable.

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

**Amendment to HB 500
(2023-0507h)**

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

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

1 Telemedicine; Out of State Physicians. Amend RSA 329:1-d, III to read as follows:

III. ~~[It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV, except substance use disorder (SUD) treatment. Methadone hydrochloride, as defined in RSA 318-B:10, VII(d)(2) shall not be included in the exemption.]~~ ***A physician licensed under this chapter may prescribe non-opioid and opioid controlled drugs classified in schedule II through IV by means of telemedicine after establishing a physician-patient relationship with the patient. When prescribing a non-opioid or opioid controlled drug classified in schedule II through IV by means of telemedicine a subsequent in-person exam shall be conducted by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually. The prescription authority under this paragraph shall be limited to a physician licensed under this chapter, or a physician assistant in accordance with RSA 328-D:3-b, and all prescribing shall be in compliance with all federal and state laws and regulations.***

2 Definitions; Nursing; Telehealth. Amend RSA 326-B:2, I-a to read as follows:

I-a. “Advanced practice registered nurse-patient relationship” means a medical connection between a licensed APRN and a patient that includes an in-person or ***telemedicine*** ~~[face-to-face 2-way real-time interactive communication]~~ exam, a history, a diagnosis, a treatment plan appropriate for the licensee’s medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have an APRN-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by another licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient’s first appointment.

3 Definitions; Nursing; Telehealth. Amend RSA 326-B:2, XII(a)-(c) to read as follows:

XII(a). "Telemedicine" means ~~[the use of audio, video, or other electronic media for the purpose of diagnosis, consultation, or treatment]~~ ***the use of audio, video, or other electronic media and technologies by a licensee in one location to a patient in a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions as defined in RSA 310-A:1.***

(b) An out-of-state APRN providing services by means of telemedicine shall be deemed to be in the practice of medicine and shall be required to be licensed under this chapter.

(c) ~~[It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV except for use in substance use disorder treatment.]~~ ***An APRN licensed under this chapter may prescribe non-opioid and opioid controlled drugs classified in schedule II through IV by means of telemedicine after establishing an advanced practice registered nurse-patient relationship with the patient. When prescribing a non-opioid or opioid controlled drug classified in schedule II through IV by means of telemedicine a subsequent in-person exam shall be conducted by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually. The prescription authority under this paragraph shall be limited to an APRN licensed under this chapter, and all prescribing shall be in compliance with all federal and state laws and regulations.***

4 Repeal. RSA 329:1-d, IV, relative to the prescribing of non-opioid controlled drugs, is repealed.

5 Repeal. RSA 326-B:2, XII(d), relative to the prescribing of non-opioid controlled drugs, is repealed.

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

2023-0507h

AMENDED ANALYSIS

This bill modifies the procedure for physicians, physician assistants and APRN's to prescribe certain non-opioid and opioid controlled drugs by means of telemedicine.

Amendment to HB 529-FN-A-LOCAL (2023-0544h)

Proposed by the Committee on Education - r

Amend RSA 198:40-h, I as inserted by section 1 of the bill by replacing it with the following:

I. Each biennium the commissioner shall calculate fiscal capacity disparity aid and provide that amount of aid in each year of the biennium to a municipality as follows:

(a) A municipality with an equalized valuation per ADMR of \$600,000 or less shall receive \$2,000 per pupil in the municipality's ADMR.

(b) A municipality with an equalized valuation per ADMR greater than \$600,000 but less than \$1,600,000 shall receive 0.0020 cents for each dollar of difference between its equalized valuation per ADMR and \$1,600,000, per pupil in the municipality's ADMR.

(c) A municipality with an equalized valuation per ADMR of \$1,600,000 or more shall receive no fiscal capacity disparity aid.

Amend the bill by replacing all after section 2 with the following:

3 New Section; School Money; Adequate Education; Education Trust Fund; Accountability for Grants.

Amend RSA 198 by inserting after section 41 the following new section:

194:41-a Accountability for Grants.

I. In order to receive a grant under RSA 198:40-g or RSA 198:40-h, the eligible school district shall provide a plan to the department of education outlining how the district intends to use grant award funds to improve the educational achievement and growth of students. The plan shall include an accountability component designed to generate data that measures student academic achievement and growth of knowledge and skills in reading and language arts and/or mathematics at what grade levels funds will be used. The school district shall develop and administer its own grant accountability assessment that identifies a pupil's range of learning and yields objective data to use in improving instruction and learning, or use the statewide assessment.

II. The school district shall submit to the department an annual grant accountability progress report that includes evidence of satisfactory program implementation and progress toward grant accountability improvement targets, as described in paragraph I of this section. The primary goal of this grant is to improve student achievement and growth and to help the school district to have funding for successful, best practice student learning approaches. The accountability plan will not be a conditional requirement to receive the grant if the grant award as estimated on November 15 pursuant to RSA 198:41, V is less than \$50,000.

4 School Districts; Unanticipated Funds Available; Special Meetings.

I. Notwithstanding RSA 198:20-b and RSA 198:48, for the fiscal year ending June 30, 2024, a school district may accept and expend unanticipated funds from the education trust fund which may become available during the year as a result of adjustments to the calculation of adequate education grant amounts.

II. Notwithstanding RSA 197:3, for the fiscal year ending June 30, 2024, a school district at a special meeting may make adjustments to the district's operating budget due to adjustments to the calculation of adequate education grant amounts.

5 Effective Date. This act shall take effect July 1, 2023.

2023-0544h

AMENDED ANALYSIS

This bill establishes 2 additional aid grants for schools based on the percentage of students eligible for free or reduced-price meals and municipal fiscal capacity disparity, creates accountability measures for such grants, and allows for one-time exceptions of certain school funding laws for the availability of unanticipated funds to school districts.

Amendment to HB 565-FN-A

(2023- 0304h)

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

Amend RSA 167:68, IV(a) as inserted by section 2 of the bill by replacing it with the following:

IV.(a) Pursuant to the state option under the section 5113 of the Consolidated Appropriations Act of 2023 to expand maternity care under Medicaid and section 1902(e)(16) of the Social Security Act (42 U.S.C. 1396a(e)), the commissioner of the department of health and human services shall submit, no later than August 15, 2023, a Medicaid state plan amendment to the federal Centers for Medicare and Medicaid Services to establish and implement 12 months of continuous coverage for the entire postpartum period. This benefit shall be available to anyone who received medical assistance under the state plan for all pregnancy-related and postpartum medical assistance available under the state plan through the last day of the month in which the 60-day period (beginning on the last day of her pregnancy) ends, remain eligible under the state plan for medical assistance for the period beginning on the first day occurring after the end of such 60-day period and ending on the last day of the month in which the 12-month period (beginning on the last day of her pregnancy) ends.

Amendment to HB 574-FN-A

(2023- 0294h)

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

Amend the bill by replacing section 1 with the following:

1 New Section; Special Supplemental Nutrition Program for WIC Farmers Market Nutrition Program.

Amend RSA 132 by inserting after section 12-e the following new section:

132:12-f WIC Farmers' Market Nutrition Program. There is established in the department of health and human services the New Hampshire Farmers' Market Nutrition Program for participants in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). The program shall distribute food instruments to eligible WIC participants to redeem for locally grown fresh fruits, vegetables, and herbs at authorized New Hampshire farmers' markets or roadside stands in compliance with 7 C.F.R. 248 that are redeemable only at designated New Hampshire farmers' markets or roadside stands. The commissioner shall adopt rules under RSA 541-A to implement this program.

Amendment to HB 601

(2023- 0444h)

Proposed by the Minority of the Committee on Education – r

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

2 New Section; Personally Identifiable Student Data Sharing. Amend RSA 189 by inserting after section 67 the following new section:

189:67-a Personally Identifiable Student Data Sharing.

I. The department of health and human services and the department of education shall share the minimum necessary personally identifiable student data for the purposes of establishing eligibility for any project involving federal programs. Such personally identifiable data shall include but not limited to the student's full name, date of birth, gender, and residence.

II. The department of health and human services and the department of education shall provide applicants relative to any direct certification program the option to elect to participate in the direct certification program. As part of the option, the data to be used in the matching between departments shall be made available to the applicant.

III. Prior to the start of any direct certification program, the commissioners of the department of health and human services and the department of education shall sign a document developed by the attorney general verifying that the data matching between departments complies with all applicable state and federal laws, including but not limited to the Family Educational Rights and Privacy Act (FERPA), Protection of Pupil Rights Amendment (PPRA), and the federal Computer Matching and Privacy Protection Act of 1988 (CMPPA).

Copies of the signed document shall be provided to the state archives, office of the governor, performance audit and oversight committee, senate president and speaker of the house of representatives, and senate and house education committee chairs.

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

**Amendment to HB 610-FN
(2023-0471h)**

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

Amend the bill by replacing section 2 with the following:

2 Registry Identification Cards; Qualifications for Minors. Amend RSA 126-X:5, V(a) to read as follows:

(a) A custodial parent or legal guardian responsible for health care decisions for the qualifying patient submits a written certification from 2 providers, one of whom shall be a [pediatrician] **provider who provides pediatric care.**

2023-0471h

AMENDED ANALYSIS

This bill expands the definition of provider under the therapeutic cannabis program to include any individual licensed in New Hampshire to prescribe drugs to humans who holds an active registration from the United States Drug Enforcement Administration to prescribe controlled substances. The bill also requires, for issuance of a registry identification card to a minor, certification from 2 providers, one of whom shall provide pediatric care.

**Amendment to HB 614-FN
(2023- 0533h)**

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

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

AN ACT making an appropriation to the department of health and human services to fund the Merrimack, New Hampshire Kidney Cancer Incidence Phase 3 Feasibility study.

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

1 Findings. The general court finds that given the statistically significant excess in the number of cases of kidney cancer in Merrimack, New Hampshire found by the department of health and human services, the known detection of environmental contaminants that have been associated with kidney cancer, and a trend of increasing incidence of kidney cancer over time, the department recommends that a feasibility study as determined by the New Hampshire Cancer Concern Investigation Protocol, Phase 3 be conducted. The general court further finds that a Phase 3 feasibility study would determine if an epidemiological study (Phase 4) is warranted and would identify appropriate cancers and health outcomes for inclusion in such study.

2 Appropriation; Department of Health and Humans Services; Phase 3 Feasibility Study.

I. There is hereby appropriated the sum of \$500,000 for the biennium ending June 30, 2025, to the department of health and human services to enter into a contract with an academic or research organization to complete a New Hampshire Kidney Cancer Incidence Phase 3 Feasibility Study for the town of Merrimack to further understand potential exposures that may contribute to the excess of kidney cancer incidence in Merrimack and identify any next steps warranted. Such funds shall be nonlapsing and appropriated to the department for the purposes of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. In order to provide funding for said appropriation, and subject to prior review by the joint legislative oversight committee on health and human services established in RSA 126-A:13, the department shall first use any available grant funding or any other non-state funds which may be used for this purpose.

3 Effective Date. This act shall take effect July 1, 2023.

2023-0533h

AMENDED ANALYSIS

This bill makes an appropriation to the department of health and human services to fund the Merrimack, New Hampshire Kidney Incidence Phase 3 Feasibility Study.

**Amendment to HB 639-FN-A
(2023- 0543h)**

Proposed by the Majority of the Committee on Commerce and Consumer Affairs – r

Amend RSA 126-A:98, I-III as inserted by section 3 of the bill by replacing it with the following:

I. The commissioner of the department of health and human services, in coordination with the governor's commission on alcohol and other drugs under RSA 12-J shall administer the substance abuse prevention and recovery fund established in RSA 318-F:25.

II. Funds shall be deposited into the substance abuse prevention and recovery fund as established by 318-F:25 to be distributed by the commissioner of the department of health and human services in coordination with the governor's commission on alcohol and other drugs under RSA 12-J. Funds may be awarded to a qualifying governmental entity or program for an approved use. All funds shall be nonlapsing and continually appropriated for the purposes of this section.

III. The commissioner of the department of health and human services, in coordination with the governor's commission on alcohol and other drugs per RSA 12-J, shall continue to make distributions from the trust fund.

Amend RSA 318-F as inserted by section 7 of the bill by replacing it with the following:

CHAPTER 318-F
REGULATION OF CANNABIS

318-F:1 Definitions. In this chapter:

I. "Alternative treatment center" means an entity as defined in RSA 126-X:1, I.

II. "Cannabis" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including cannabis concentrate. "Cannabis" shall not include hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

III. "Cannabis accessories" or "cannabis paraphernalia" means any equipment, products, or materials of any kind that are intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.

IV. "Cannabis accessory retailer" means an entity licensed to sell cannabis accessories and paraphernalia

V. "Cannabis cultivation facility" or "cultivation facility" means an entity registered to cultivate, prepare, and package cannabis, and sell cannabis to retail cannabis stores, to cannabis product manufacturing facilities, to alternative treatment centers, and to other cannabis cultivation facilities, but not to consumers. A cannabis cultivation facility shall not produce cannabis concentrates, tinctures, extracts, or other cannabis products.

VI. "Cannabis establishment" means a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, a retail cannabis store, a cannabis transporter, or any other type of cannabis business authorized and licensed by the commission.

VII. "Cannabis product manufacturing facility" or "product manufacturing facility" means an entity licensed to purchase cannabis, to manufacture, prepare, and package cannabis products, and sell cannabis and cannabis products to other cannabis product manufacturing facilities, to alternative treatment centers, and to retail cannabis stores, but not to consumers.

VIII. "Cannabis products" means any product that contains cannabis, including cannabis extracts, concentrated cannabis products, and products that contain cannabis and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. This term shall not include cannabis in its plant or flower form.

VII. "Cannabis testing facility" or "testing facility" means an entity licensed to test cannabis for potency and contaminants.

VIII. "Cannabis transporter" means an entity licensed to transport cannabis between cannabis establishments.

IX. "Commission" means the liquor and cannabis commission.

X. "Consumer" means a person 21 years of age or older who purchases cannabis or cannabis products for personal use by a person 21 years of age or older, but not for resale. "Consumer" does not include a qualifying patient or designated caregiver purchasing cannabis from an alternative treatment center pursuant to RSA 126-X.

XI. "Department" means the department of health and human services.

XII. "Documentation" means all records, in any form, including electronic records.

XIII. "Dual use certificate" means a license allowing an alternative treatment center licensed to operate pursuant to RSA 126-X to co-locate with and operate a retail cannabis store, cannabis cultivation facility, cannabis product manufacturing facility, cannabis transporter, or any combination of those licenses. A dual use certificate is required in addition to registration as an alternative treatment center and the registration required pursuant to this chapter for each type of cannabis establishment operated by the alternative treatment center.

XIV. "Immature cannabis plant" means a cannabis plant that has not flowered and that does not have buds that may be observed by visual examination.

XV. "Inflation" means the 12-month percentage change in the consumer price index for all urban consumers, northeast region as published by the Bureau of Labor Statistics, United States Department of Labor.

XVI. "Mature cannabis plant" means a cannabis plant that has flowered and has buds that may be observed by visual examination.

XVII. "Municipality" means a city, town, or an unincorporated place.

XVIII. "Possession limit" means:

(a) Four ounces of cannabis in plant form; and

(b) Twenty grams of concentrated cannabis products, which includes hashish and pre-filled cartridges of cannabis extracts intended for vaporization;

(c) Cannabis products other than concentrated cannabis products containing no more than 2,000 milligrams of THC;

This paragraph shall not apply to the possession limits set forth in RSA 126-X:2.

XIX. "Public place" means any place to which the general public has access.

XX. "Premises" means and includes all parts of the contiguous real estate occupied by a licensee over which the licensee has direct or indirect control or interest and which the licensee uses in the operation of the licensed business, and which have been approved by the commission as proper places in which to exercise the licensee's privilege.

XXI. "Retail cannabis store" or "retail store" means an entity licensed to purchase cannabis from cannabis cultivation facilities, to purchase cannabis and cannabis products from cannabis product manufacturing facilities, and to sell, transfer, and deliver cannabis and cannabis products or cannabis accessories or cannabis paraphernalia to consumers.

XXII. "Resident" means a natural person who:

(a) Is domiciled in New Hampshire; and

(b) Maintains a place of abode in New Hampshire, unless the individual was homeless and residing in New Hampshire for at least 51 percent of the time.

318-F:2 Personal Use of Cannabis.

I. Except as otherwise provided in this chapter, the following acts, if undertaken by a person 21 years of age or older, shall not be illegal under New Hampshire law or the law of any political subdivision of the state or be a basis for seizure or forfeiture of assets under New Hampshire law:

(a) Possessing, consuming, using, displaying, obtaining, purchasing, processing, producing, or transporting an amount of cannabis that does not exceed the possession limit, except that no adult other than one who is acting in his or her capacity as a staffer of a cannabis product manufacturer may perform extractions using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol.

(b) Transferring an amount of cannabis that does not exceed the possession limit to a person who is 21 years of age or older without remuneration. For purposes of this paragraph, a transfer is for remuneration if cannabis is given away contemporaneously with another transaction between the same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of goods, services, or admission to an event, or if the gift of cannabis is contingent upon a separate transaction for goods, services, or the price of admission to an event.

(c) Transferring cannabis, including cannabis products, to a cannabis testing facility.

(d) Controlling property where the acts described under this section occur.

(e) Assisting another person who is 21 years of age or older in any of the acts described under this section.

II. No law enforcement officer employed by an agency that receives state or local government funds shall expend any state or local resources, including the officer's time, to effect any arrest or seizure of cannabis, or conduct any investigation, on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with this chapter, nor shall any such officer expend any state or local resources, including the officer's time, to provide any information or logistical support related to such activity to any federal law enforcement authority or prosecuting entity.

318-F:3 Smoking or Vaping Cannabis in Public Prohibited; Penalty. No person shall smoke or vape cannabis in a public place where the smoking or vaporizing of tobacco products is prohibited. Any person who violates this section shall be guilty of a violation and may be fined not more than \$50.

318-F:4 Consuming Cannabis While Operating a Moving Vehicle Prohibited; Penalty.

I. No person shall consume, smoke, or vaporize cannabis while driving or attempting to drive a motor vehicle on a way, or while operating or attempting to operate an off-highway recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized device used for transportation.

II. No person shall smoke or vaporize cannabis while the person is a passenger in a motor vehicle that is being driven on a way.

III. Any person who violates this section shall be guilty of a violation and shall be subject to a fine not to exceed \$150. In addition, any person who violates paragraph I of this section may have his or her driver's license, if a resident, or driving privilege, if a nonresident, suspended for up to 60 days for a first offense and up to one year for a subsequent offense.

IV. In this section, “way” shall have the same meaning as in RSA 265-A:44.

V. A person may not be convicted of both a violation of this section and a violation of RSA 265-A:1 based on the same incident.

318-F:5 Odor and Personal Possession of Cannabis Not Grounds for a Search.

I. Except as provided in paragraph II of this section, the odor of cannabis or burnt cannabis, or the possession of a quantity of cannabis that the officer does not have probable cause to believe exceeds the possession limit of cannabis, shall not constitute in part or in whole probable cause or reasonable suspicion and shall not be used as a basis to support any stop or search of a person or motor vehicle.

II. Nothing in this section prevents a law enforcement official from conducting a test for impairment based in part on the odor of recently burnt cannabis if the law enforcement official would otherwise be permitted to do so under New Hampshire law.

318-F:6 Enforcement Authority.

I. The commission shall have the primary responsibility for enforcing this chapter. Local, county, and state law enforcement officers shall also have jurisdiction to enforce this chapter. Such authority may be delegated to agents working under their authority.

II. The commission shall have the authority to interpret statutes and administrative rules as they relate to this chapter.

III. The commission may transfer funds within and among all accounting units within the commission’s operating budget and to create accounting units and expenditure classes as required and as the commissioner deems necessary and appropriate to address present or projected budget deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as necessary for the efficient management of the liquor commission and cannabis funds. The provisions of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

IV. The commission may pay staff members working on both liquor and cannabis matters increased wages until 18 months after the first retail cannabis establishment license is issued. A 10 percent stipend shall be established for commission staff based on their salary, when engaged in the development and all administrative aspects of the program.

318-F:7 Regulation of Cannabis.

I. Not later than one year after the effective date of this section, the commission shall initiate the rule-making process pursuant to RSA 541-A for the licensing and regulation of cannabis cultivation facilities and for the issuance of dual use certificates. Not later than 15 months after the effective date of this section, the commission shall initiate the rulemaking process pursuant to RSA 541-A for the licensing and regulation of all other cannabis establishments and on the manufacture and sale of cannabis accessories. The rules shall include the following:

(a) Procedures for the application for, issuance, transfer, approval, denial, renewal, suspension, and revocation of a registration for cannabis establishments, including procedures to hear complaints and impose penalties if alternative treatment centers with dual use certificates fail to provide an adequate supply and variety of therapeutic cannabis and cannabis products for qualifying patients.

(b) A fee schedule of reasonable application, registration, and annual renewal fees, provided:

(1) That the non-refundable portion of application fees shall not exceed \$1,000, with this upper limit adjusted annually for inflation; and

(2) That cultivation facility licensing fees be tiered based on the size of the facilities.

(c) Qualifications for licensure that are directly and demonstrably related to the operation of a cannabis establishment and which may not disqualify applicants solely for cannabis offenses prior to the effective date of this chapter.

(d) Criteria for selection among applicants when there are more qualified applicants than there are number of registrations available in a particular municipality.

(e) Regulations to create at least 2-4 tiers of cultivation facilities, based on the size of the facility or the number of plants cultivated and providing:

(1) That outdoor cultivation facilities shall be allowed to cultivate 3 times the square footage of canopy as indoor cultivation facilities of the same tier;

(2) That security regulations and licensing fees shall vary based on the size of the cultivation facility and that regulatory burdens shall be no more onerous than is reasonably necessary; and

(3) That cultivation facilities may move up to a higher tier at least once per year if they meet the security requirements and pay the associated fee, except that the commission may suspend this provision in the event of an oversupply.

(f) Record keeping requirements for cannabis establishments, including requirements for implementation and compliance with the tracking system.

(g) Requirements for the transportation of cannabis and cannabis products between cannabis establishments, including documentation that shall accompany any cannabis being transported.

(h) A schedule of fines as are authorized in this chapter for violations of statutory requirements, provided that, not later than 18 months after the effective date of this chapter the commission shall report to the chairpersons of the house and senate ways and means committees its proposal for a fine schedule and for legislation needed to implement the schedule.

(i) Procedures for hearings on penalties to include but not limited to administrative fines, suspensions, and revocations of licenses.

(j) Reasonable security requirements for each type of cannabis establishment, which may be varied based on the size of the cannabis establishment.

(k) Health and safety rules, including but not limited to the packaging and preparing of cannabis products, restricting the use of pesticides and other chemicals during cultivation and processing that may be dangerous to cannabis consumers, and sanitation requirements;

(l) Restrictions on the advertising, signage, marketing, and display of cannabis and cannabis products, including but not limited to:

(1) A prohibition on mass-market campaigns that have a likelihood of reaching minors;

(2) A prohibition on marketing to minors, including marketing specifically related to social media;

(3) A prohibition on cannabis products that are named, packaged, marketed, or designed in a way that mimics or is likely to cause confusion with commercially available, trademarked non-cannabis products, including relating to their logos, the sound of the product or brand, packaging, taste, appearance, and commercial impression;

(4) A prohibition on giveaways of cannabis, cannabis products, or cannabis accessories, including samples;

(5) A prohibition on billboard advertising, sound trucks, or outdoor internally illuminated screen displays consistent with alcohol advertising prohibitions in RSA 179:31; and

(6) A requirement for any advertising to include a standard, recognizable symbol that a product contains cannabis or THC.

(m) Restrictions on where a cannabis establishment may be located, consistent with the provisions of this chapter.

(n) Restrictions on the hours of sale when a retail cannabis store may sell cannabis and cannabis products, provided the regulations shall not allow retail stores to begin sales before 6:00 a.m. or to sell cannabis or cannabis products after 11:45 p.m.

(o) Packaging, product manufacturing, and labeling requirements for cannabis and cannabis products, including:

(1) Mandating the disclosure of the THC content of each product;

(2) Requirements to ensure cannabis products and their packaging are not designed to appeal to or be attractive to minors, including providing that they cannot be in the shape of cartoons, toys, animals, or people; and

(3) Establishing the maximum amount of THC that may be included in each cannabis product serving as 20 milligrams, except that the commission may change this amount through rulemaking;

(4) Prohibiting flavors and designs of cannabis-infused beverages, oils, and edibles that resemble or imitate candy flavors that are marketed to minors;

(5) Warnings, including but not limited to, those described in RSA 318F:16;

(6) A requirement for any label, an for certain products where appropriate, to include a standard, recognizable symbol that a product contains cannabis or THC; and

(7) Potency limits for cannabis products.

(p) Health and safety rules and standards for the cultivation of cannabis and manufacture of cannabis products, including:

(1) Prohibitions on additives to products that are toxic, misleading to consumers, or designed to make the product more appealing to children;

(2) Safety standards regulating the manufacture of cannabis extracts and concentrated cannabis products; and

(3) A prohibition on the inclusion of nicotine and other additives to cannabis products that are designed to make the product more addictive or more intoxicating.

(q) Standards for the operation of testing laboratories, including requirements for equipment and qualifications for personnel.

(r) Requirements for the testing of cannabis and cannabis products, including:

(1) Requirements to ensure at a minimum that cannabis and cannabis products sold for human consumption do not contain contaminants that are injurious to health and to ensure correct labeling;

(2) That testing shall include, but not be limited to, analysis for residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; dangerous herbicides, pesticides, and fungicides, heavy metals, and harmful microbials, such as E. coli or salmonella;

(3) Threshold levels for each contaminant listed in subparagraph (2);

(4) Providing that in the event that test results indicate the presence of quantities of any substance determined to be injurious to health, such cannabis or cannabis products shall be immediately quarantined and immediate notification to the commission shall be made. The contaminated product shall be documented and properly destroyed;

(5) That testing shall also verify THC and other cannabis potency representations for correct labeling;

(6) That the commission shall determine an acceptable variance for potency representations and procedures to address potency misrepresentations;

(7) That the commission shall determine the protocols and frequency of cannabis testing by a cannabis testing facility.

(8) Allowances for remediation of cannabis and cannabis products whose test results are in excess of established thresholds; and

(9) Minimum testing requirements for an effective cannabis and cannabis product quality assurance program for cannabis cultivation facilities and cannabis product manufacturing facilities.

(s) Reasonable health and safety restrictions on cannabis accessories that may be manufactured or sold in New Hampshire, including a prohibition on any vaporization device that includes toxic or addictive additives. The commission may prohibit types of vaporizers that are particularly likely to be utilized by minors without detection, but may not completely ban or unreasonably restrict the manufacture or sale of vaporization devices.

(t) Training and continuing education required or recommended for licensees, which shall include training on checking photo identification and for false identification.

(u) Requirements that cannabis retail stores stock cannabis products, including flower, with low and moderate amounts of THC and that they be at least as prominently displayed as high potency products.

II.(a) In order to ensure that individual privacy is protected, the commission shall not require a consumer to provide a retail cannabis store with personal information other than government-issued identification to determine the consumer's age, and a retail cannabis store shall not be required to acquire and record personal information about consumers.

(b) In order to ensure that individual privacy is protected, no cannabis establishment may record or store a consumer's name, address, purchases, or contact information unless the consumer consents in writing. No cannabis establishment may make granting permission for the collection or storage of such information a condition of a consumer purchasing cannabis from the establishment.

III. Not later than 18 months after the effective date of this chapter, the commission, in consultation with the department, shall develop an informational handout, which retail stores shall make available to all consumers, and which shall include information detailed in RSA 318-F:14.

IV. The commission shall require all cannabis establishments to utilize an inventory tracking system, including use of a universal product code, for tracking the transfer of cannabis and cannabis products between licensed cannabis establishments and the sale of cannabis and cannabis products to consumers. The system shall ensure an accurate accounting of the production, processing, and sale of cannabis and cannabis products and shall enable separate tracking of cannabis flowers, immature cannabis plants, and other parts of cannabis sold from cannabis cultivation facilities. The system shall allow for the tracking of lab testing results for all cannabis and shall be capable of swiftly identifying all products involved in a product recall. The commission may develop and maintain a system that satisfies the requirements of this section, or it may select a vendor to develop and maintain a system.

V. No later than 24 months after the effective date of this chapter, and every year thereafter, the commission shall reevaluate the fines and penalties established in RSA 318-F, and shall report in writing on its findings and recommendations to the chairpersons of the house and senate ways and means committees.

VI. The commission may regulate synthetic cannabinoids and intoxicating products derived from hemp.

VII. No later than 36 months after the effective date of this section, the commission shall make written recommendations to the general court regarding the regulation of hemp including:

(a) What hemp products the commission would regulate;

(b) How the products would be regulated, including whether registration would be required and whether hemp processors and manufacturers should be licensed and regulated by the commission;

(c) Any registration fees or other charges that would be assessed on hemp products and license fees assessed on hemp processors and manufacturers; and

(d) The resources required to regulate hemp processors, product manufacturers, hemp products, and the retail sale of intoxicating hemp products.

VIII. A prohibition on the manufacturing and sale of cannabis alcoholic beverages.

318-F:8 Dual Use Certificates.

I. No later than 18 months after the effective date of this chapter, the commission, after consulting with the department of health and human services and the therapeutic cannabis medical oversight board and holding at least one public hearing, shall develop regulations allowing alternative treatment centers registered to operate pursuant to RSA 126-X to apply for a dual use certificate.

II. A separate dual use certificate is required for each alternative treatment center dispensing location.

III. The commission shall levy a \$10,000 application fee each dual use certificate.

IV.(a) The commission shall grant or deny any application for a dual use certificate within 90 days.

(b) The commission shall levy a \$90,000 fee for each dual use certificate. The license shall not expire unless it is revoked.

V. The regulations for a dual use certificate shall include, but are not limited to:

(a) Providing for separation of cannabis sales to qualifying patients and consumers, such as by requiring separate counters;

(b) Requiring dual-use cannabis establishments to prioritize therapeutic cannabis access;

(c) Requiring dual-use cannabis establishments to maintain or increase the diversity of therapeutic cannabis products available for qualifying patients;

(d) Requiring dual-use cannabis establishments to avoid raising prices for qualifying patients beyond the rate of inflation, for at least 2 years after dual use licensure;

(e) A requirement that in the event of crowding, inadequate parking, or similar issues limiting therapeutic cannabis access, the dual-use cannabis establishment shall take measures to prioritize therapeutic cannabis access, such as setting aside certain business hours when the establishment will only serve qualifying patients and their designated caregivers; and

(f) Providing for the suspension of sales of cannabis to adult-use consumers in the event of a product shortage.

VI.(a) Cannabis sold by alternative treatment centers holding dual use certificates to qualifying patients directly or via their designated caregivers shall meet the requirements of RSA 126-X:8 and rules issued pursuant to chapter RSA 126-X.

(b) Cannabis sold by alternative treatment centers holding dual use certificates to qualifying patients directly or via their designated caregivers may have higher THC per serving than is permitted by rules governing cannabis establishment that are issued pursuant to RSA 318-F:10.

VII. Cannabis stores affiliated with alternative treatment centers holding dual use certificates may sell cannabis grown and processed by those alternative treatment centers to consumers provided they comply with rules issued pursuant to this section and RSA 318-F:10.

318-F:9 Transition of Therapeutic Cannabis Program.

I. No later than 20 months after the effective date of this chapter, the commission, jointly with the department of health and human services, shall make a recommendation to the health and human services oversight committee whether to transfer the department's therapeutic cannabis program to the commission.

II. The proposal shall include a plan to allow cannabis retail stores to obtain a therapeutic cannabis endorsement that would allow them to serve qualifying patients without imposing the excise tax in RSA 318-F:23.

318-F:10 Licensure Procedures for Cannabis Establishments.

I. Each application for a license to operate a cannabis establishment shall be submitted to the commission.

II. Each application shall include both the fee established by the commission and a \$500 fee for the municipality to review the application, except that the municipal fee shall be \$75 in the case of the smallest tier of cultivation facilities.

III. The commission shall:

(a) Immediately forward a copy of each application and the municipal fee to the municipality in which the applicant desires to operate the cannabis establishment; and

(b) Issue a registration to the applicant within 90 days after receipt of an application unless:

(1) The commission finds the applicant is not in compliance with the requirements of this chapter or rules adopted under this chapter;

(2) The commission is notified by the relevant municipality that the applicant is not in compliance with an ordinance adopted pursuant to this chapter and in effect at the time of application; or

(3) More qualified applicants have applied than the number of registrations available in the municipality, and the applicant was not selected.

(d) Accept and process applications on an ongoing basis.

IV. Each registration applies to a single parcel of real property. Any additional address requires a separate application and registration.

V. A renewal application may be submitted up to 90 days prior to the expiration of the cannabis establishment's registration. The renewal application shall be granted within 30 days of its submission unless the applicant has not paid the fee, the cannabis establishment's registration is suspended or revoked, or the cannabis establishment has a pattern of violations of this chapter, the rules issued pursuant to it, or municipal regulations.

VI.(a) An applicant shall not be rejected on the basis that the applicant has not purchased or leased the property where the cannabis establishment would be located. However, the applicant may be required to specify the municipality in which it intends to operate.

(b) The commission shall provide conditional approval for applicants that have not yet purchased or leased the property where the cannabis establishment would be located, or who require additional work on the business.

(c) Once the applicant provides the commission with a completed, supplemental application that identifies the property where the cannabis establishment is to be located, the commission shall forward the information to the local regulatory authority and approve or reject the final application within 45 days.

VII. Nothing in this chapter shall prevent a person or entity from holding multiple types of cannabis licenses and from co-locating the businesses. However, no cannabis cultivation facility, cannabis product manufacturing facility, retail cannabis store, or cannabis accessory retailer, shall have a direct or indirect interest in any cannabis testing facility.

318-F:11 Enactment of Municipal Ordinances.

I. A municipality may enact an ordinance prohibiting or limiting the number and type of cannabis establishments that may be permitted within the municipality and regulating the time, place, and manner of operation of a cannabis establishment, which is permitted within the municipality. A locality's prohibition on cannabis establishments may not prohibit transportation through the locality or deliveries within the locality by cannabis establishments located in other jurisdictions.

II. A municipality may enact an ordinance specifying the entity within the municipality that shall be responsible for reviewing applications submitted for a registration to operate a cannabis establishment within the municipality. The entity designated by the municipality shall be responsible for indicating whether the application is in compliance with municipal ordinances.

III. A municipality may not negotiate or enter into an agreement with a cannabis establishment or a cannabis establishment applicant requiring that the cannabis establishment or applicant provide money, donations, in-kind contributions, services, or anything of value to the locality.

318-F:12 Residency Required.

I. Except as provided in this section, any person applying for a cannabis establishment registration shall be a resident, or shall have at least one director, officer, or partner who is a New Hampshire resident.

II. This section shall not apply to an applicant for a testing facility registration.

318-F:13 Restrictions on Location Near Schools. No cannabis establishment shall operate, nor shall a prospective cannabis establishment apply for a registration, if the establishment would be located within 1,000 feet of the property line of a pre-existing public or private pre-school, elementary, or secondary school.

318-F:14 Informational Materials and Warning Labels.

I. The commission, in consultation with the department, shall design at least 2 versions of informational handout, one of which is specific to high potency products.

II. A retail cannabis store shall include an informational handout designed by the commission in consultation with the department with all cannabis and cannabis products sold to consumers, and shall include the high potency version in all cannabis concentrates and other high potency sales. The informational handouts shall include scientifically accurate information, including:

(a) Advice about the potential risks of cannabis, and, in the case of the high potency handout, risks specific to high potency products, including:

(1) The risks of driving under the influence of cannabis, and the fact that doing so is illegal;

(2) Any adverse effects unique to adolescents or young adults, including effects related to the developing mind;

(3) Potential adverse events and other risks, including related to mental health; and

(4) Risks of using cannabis during pregnancy or breastfeeding. This may be identical to that required under RSA 126-X:8, XVI(c)(7).

(b) Information about methods for administering cannabis;

(c) How long cannabis may impair a person after it is ingested in each manner; and

(d) How to recognize problematic usage of cannabis and how to obtain appropriate services or treatment;

(e) Information regarding safe storage and disposal of cannabis and paraphernalia to prevent accidental poisonings, including the contact information for the Northern New England Poison Control Center. This may be identical to that required under RSA 126-X:8, XVI(c)(8); and

(f) Unless federal statutory law or case law has changed and such a warning is no longer accurate, a disclosure that:

(1) Cannabis is illegal under U.S. federal law, and

(2) Under the United States government's 1986 Gun Control Act, any 'unlawful' user of a controlled substance is prohibited from purchasing or owning a gun.

III. The commission may require retail stores to display informational posters in conspicuous locations about the risks of cannabis use, including regarding risks during pregnancy and breastfeeding and risks of cannabis use in adolescents or by younger adults. The posters shall be scientifically accurate.

IV. All cannabis and cannabis products sold by a retail cannabis store shall include warning labels that provide the following information: "Warning: This product has intoxicating effects. For use by adults 21 and older. Keep out of reach of children." The department may require a standard, recognizable symbol on all cannabis packaging to signify that THC or other cannabinoids are included in the product.

V. All cannabis products sold by retail cannabis stores shall include:

(a) A warning label that provides, "Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed by up to 2 hours," unless the commission determines that a different time frame should be specified.

(b) A disclosure of ingredients and possible allergens.

(c) A nutritional fact panel.

(d) Opaque, child-resistant packaging, which shall be designed or constructed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. section 1700.20.

318-F:15 Lawful Operation of Cannabis-Related Facilities. If undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law:

I. Possessing, displaying, or transporting cannabis or cannabis products; obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or transferring cannabis to a cannabis testing facility; obtaining or purchasing cannabis or cannabis products from a cannabis product manufacturing facility; or sale, delivery, or distribution of cannabis or cannabis products to an adult who is 21 years of age or older or to retail cannabis stores or alternative treatment centers, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid registration to operate a retail cannabis store or is acting in his or her capacity as an owner, employee, or agent of a licensed retail cannabis store.

II. Cultivating, harvesting, processing, packaging, transporting, displaying, or possessing cannabis; obtaining or purchasing cannabis seeds or seedlings or immature cannabis plants from any adult 21 years of age or older; delivering or transferring cannabis to a cannabis testing facility; selling or transferring cannabis that has not been processed into extracts, concentrates, or other preparations to a cannabis cultivation facility, a cannabis product manufacturing facility, or a retail cannabis store or alternative treatment center; or obtaining or purchasing cannabis from a cannabis cultivation facility, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid registration to operate a cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis cultivation facility.

III. Packaging, processing, transporting, manufacturing, displaying, or possessing cannabis or cannabis products; delivering or transferring cannabis or cannabis products to a cannabis testing facility; selling cannabis or cannabis products to a retail cannabis store, alternative treatment center, or a cannabis product manufacturing facility; purchasing or obtaining cannabis from a cannabis cultivation facility; or purchasing or obtaining cannabis or cannabis products from a cannabis product manufacturing facility, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid registration to operate a cannabis product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis product manufacturing facility.

IV. Possessing, obtaining, cultivating, processing, storing, transporting, receiving, or displaying cannabis or cannabis products if the person or business entity has obtained a current, valid registration to operate a cannabis testing facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis testing facility.

V. Engaging in any activities involving cannabis or cannabis products if the person or business entity conducting the activities has obtained a current, valid license to operate a cannabis establishment or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis establishment, and the activities are within the scope of activities allowed by the commission for that type of cannabis establishment.

VI. Possessing, obtaining, cultivating, processing, storing, transporting, or receiving cannabis obtained from a cannabis establishment or transporting, delivering, or transferring cannabis to a cannabis establishment if the person or business entity has obtained a current, valid license to operate a cannabis transporter or is acting in his or her capacity as an owner, employee, or agent of a registered cannabis transporter.

VII. Obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or transferring cannabis to a cannabis testing facility; or obtaining or purchasing cannabis or cannabis products from a cannabis product manufacturing facility if the person or business entity conducting the activities described in this paragraph possesses a valid license to operate an alternative treatment center or is acting in his or her capacity as an owner, employee, or agent of a licensed alternative treatment center.

VIII. Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with this chapter.

IX. Selling, offering for sale, transferring, transporting, or delivering cannabis to establishments licensed to process or sell cannabis under the laws of other states if the person or business entity has obtained a cur-

rent, valid license to operate a cannabis transporter, cannabis product manufacturing facility, or cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a cannabis transporter, cannabis product manufacturing facility, or cannabis cultivation facility.

318-F:16 Proof of Purchaser's Identity.

I. For the purposes of this chapter, any person or entity making the sale of cannabis or cannabis accessories to any purchaser whose age is in question may accept any official documentation listed in RSA 179:8 as proof that the purchaser is 21 years of age or older.

II. The establishment of all of the following facts by a retail cannabis store or an agent or employee of a retail store making a sale of cannabis or cannabis accessories to a person under the age of 21 shall constitute an affirmative defense to any prosecution for such sale:

(a) That the person presented what an ordinary and prudent person would believe to be valid documentation of a type listed in RSA 179:8.

(b) That the sale was made in good faith relying upon such documentation and appearance in the reasonable belief that the person was 21 years of age or older. No identification scanning or collection of personally identifiable information shall be required under this section.

318-F:17 Driving; Minors; and Control of Property.

I. Nothing in this chapter shall be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor shall this section prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by cannabis.

II. Nothing in this chapter shall be construed to permit the transfer of cannabis, with or without remuneration, to a person under the age of 21, or to allow a person under the age of 21 to purchase, possess, use, transport, grow, or consume cannabis.

III. Nothing in this chapter shall prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of cannabis on or in the correctional facility's property.

IV.(a) Except as provided in this section, this chapter does not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, cultivation, display, sale, or transfer of cannabis on or in that property.

(b) In the case of the rental of a residential dwelling, a landlord shall not prohibit the possession of cannabis or the consumption of cannabis by non-smoked means unless:

(1) The tenant is a roomer who is not leasing the entire residential dwelling;

(2) The residence is incidental to the provision of educational, counseling, religious, or similar service;

(3) The residence is a transitional housing facility; or

(4) Failing to prohibit cannabis possession or consumption would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(c) This chapter shall not prevent a landlord from prohibiting cannabis smoking or cannabis cultivation.

(d) An adult who is 21 or older may use cannabis on privately owned real property only with permission of the property owner or, in the case of leased or rented property, with the permission of the tenant in possession of the property, except that a tenant shall not allow a person to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant may permit an adult who is 21 or older to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

318-F:18 Enforcement of Contracts. Contracts related to the operation of a cannabis establishment licensed pursuant to this chapter shall be enforceable. No contract entered into by a licensed cannabis establishment or its employees or agents as permitted pursuant to a valid license, or by those who allow property to be used by an establishment, its employees, or its agents as permitted pursuant to a valid license, shall be unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using cannabis is prohibited by federal law.

318-F:19 Non-Discrimination for State-Legal Cannabis Activities and Prior Convictions.

I. Except as provided in this section, a holder of a professional or occupational license may not be subject to professional discipline for:

(a) Providing advice or services related to cannabis establishments or applications to operate cannabis establishments on the basis that cannabis is illegal under federal law; or

(b) Engaging in activities allowed by this chapter.

II. An applicant for a professional or occupational license may not be denied a license based on:

(a) Previous employment related to cannabis establishments operating in accordance with state law;

- (b) A prior conviction for a non-violent cannabis offense that does not involve distribution to minors, or
- (c) Engaging in activities allowed by this chapter.

III. Except as provided in this section, neither the state nor any of its political subdivisions may impose any penalty or deny any benefit or entitlement for conduct permitted under this chapter or for the presence of cannabinoids or cannabinoid metabolites in the urine, blood, saliva, breath, hair, or other tissue or fluid of a person who is 21 years of age or older.

IV. Except as provided in this section, neither the state nor any of its political subdivisions may deny a driver's license, a professional license, housing assistance, social services, or other benefits based on cannabis use or for the presence of cannabinoids or cannabinoid metabolites in the urine, blood, saliva, breath, hair, or other tissue or fluid of a person who is 21 years of age or older.

V. A person shall not be denied custody of or visitation with a minor for acting in accordance with this chapter, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

VI. Except as provided in this section, neither the state nor any of its political subdivisions may discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person in employment or contracting, if the discrimination is based upon either of the following:

- (a) Engaging in activities allowed by this chapter;
- (b) A prior conviction for a non-violent cannabis offense that does not involve distribution to minors; or
- (c) Testing positive for the presence of cannabinoids or cannabinoid metabolites in the urine, blood, saliva, breath, hair, or other tissue or fluid of the individual's body.

VII.(a) This section does not prevent an employer from disciplining an employee or contractor for ingesting cannabis in the workplace or for working while impaired by cannabis.

(b) The protections provided by this section do not apply to the extent that they conflict with a governmental employer's obligations under federal law or regulations or to the extent that they would disqualify the entity from a monetary or licensing-related benefit under federal law or regulations.

(c) This section does not authorize any person to engage in, and does not prevent the imposition of any civil, criminal, disciplinary, or other penalties, including discipline or termination by a governmental employer, any task while under the influence of cannabis, when doing so would constitute negligence or professional malpractice.

VIII. For the purposes of medical care, including organ and tissue transplants, the use of cannabis does not constitute the use of an illicit substance or otherwise disqualify a person from needed medical care and may only be considered with respect to evidence-based clinical criteria.

IX. Notwithstanding any other provision of law, unless there is a specific finding that the individual's use, cultivation, or possession of cannabis could create a danger to the individual or another person, it shall not be a violation of conditions of parole, probation, or pre-trial release to:

- (a) Engage in conduct allowed by this chapter; or
- (b) Test positive for cannabis, tetrahydrocannabinol, or any other cannabinoid or metabolite of cannabis.

X. This section does not authorize any person to engage in, and does not prevent the imposition of any penalties for engaging in, the following conduct:

- (a) Undertaking any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice.
- (b) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, train, or motorboat while under the influence of cannabis.

318-F:20 Data Collection Related to Cannabis Legalization and Regulation.

I. No later than 6 months after the effective date of this chapter and every 2 years thereafter, the department of safety, information and analysis center, drug monitoring initiative, shall produce and publish a report that includes baseline data and the most current data regarding health and welfare outcomes since cannabis became legal and regulated for adults' use, including but not limited to high school graduation rates; youth and adult rates of alcohol, cannabis, and illegal drug use; rates of maladaptive use of cannabis; rates of alcohol abuse; opiate use and abuse rates; the number and type of youth and adult convictions for cannabis offenses; and the rates of individuals needing but not receiving substance abuse treatment. The report shall also include information on treatment and prevention services provided, education campaigns undertaken, and funding allocated under RSA 318-F:21.

II. No later than 6 months after the effective date of this chapter, and again 18 months after the effective date of this chapter, the Judicial Branch shall produce and publish a report that includes the number of cases dismissed pursuant to RSA 651:5-e.

318-F:21 Cannabis Fund Established.

I. There is established a nonlapsing fund to be known as the cannabis fund. The fund shall be kept distinct and separate from all other funds in the state treasury, and the moneys credited to the fund shall be held distinct and separate from all other funds over which the state treasurer has control. Moneys in the

fund shall be deposited with any financial institution as defined in RSA 383-A:2-201(a)(27-a), with a branch in the state. Moneys credited to the fund shall include deposits into the fund by the commission pursuant to this chapter and deposits into the fund by the commissioner of the department of revenue administration pursuant to RSA 77-H.

II. For the biennium ending June 30, 2025, and every biennium thereafter, the commission shall include the cost of administration of this chapter in the commission's efficiency expenditure request pursuant to RSA 9:4.

III. For the biennium ending June 30, 2025, the sum of \$2,000,000 is hereby appropriated to the cannabis commission for the cost of administration of this chapter. Said sum shall be a charge against the fund.

IV. The commission shall credit all fees and civil penalties imposed under this chapter and all other related moneys received from public or private sources to the fund.

V. After deducting appropriations charged to the fund for the cost of administration of this chapter and RSA 77-H, the remaining funds shall be appropriated and distributed on a quarterly basis as follows:

(a) The sum of \$100,000 annually to the department of safety, information and analysis center, drug monitoring initiative, for data collection and reporting related to the health impacts of cannabis prohibition and cannabis regulation; and

(b) Of the remaining funds:

(1)(A) Eighty percent shall be disbursed to the department of administrative services to be credited to the New Hampshire retirement system to offset the retirement system's unfunded accrued liability. Upon certification by the commissioner of the department of administrative services that the retirement system has no remaining unfunded accrued liability, this disbursement of funds shall cease.

(B) Upon certification by the commissioner of the department of administrative services that the retirement system has no remaining unfunded accrued liability, 80 percent shall be disbursed to the education trust fund established in RSA 198:39. The comptroller shall notify the commissioner of the department of revenue administration of the amount of the transfer. For the purpose of setting the education tax rate under RSA 76:3, the amount of revenue required to be collected pursuant to RSA 76:3 shall be reduced by the amount transferred to the education trust fund as required in this subparagraph, and the commissioner shall set the rate at a level sufficient to generate the reduced amount. This rate shall be effective for the following fiscal year.

(2) Ten percent shall be allocated to the substance abuse prevention and recovery fund established by RSA 318-F:22.

(3) Five percent for broad-based aid to municipalities with at least one operational cannabis retail store during the time period in which the revenues were collected, with the amount of allocation to each municipality determined based on the percent of tax revenue collected from retail stores located in the municipality; and

(4) Five percent, not to exceed \$1 million, to public safety agencies, including police, fire, and rescue agencies, for the hiring and training of additional drug recognition experts, for advanced roadside impaired driving enforcement training, and to assist in responding to drug overdose incidents.

318-F:22 Substance Abuse Prevention and Recovery Fund Established. There is hereby established in the state treasury the substance abuse prevention and recovery fund that shall be kept distinct and separate from all other funds. All proceeds allocated to the fund pursuant to RSA 318-F:21 shall be deposited in the fund. The state treasurer shall invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be nonlapsing and shall be continually appropriated to the commissioner of the department of health and human services for the purposes and in the manner set forth in RSA 126-A:98.

318-F:23 Tax Imposed.

I. A tax on the monthly total gross revenue of licensed cannabis cultivation facilities is imposed at the rate of 15 percent.

II. Each licensed cannabis cultivation facility shall pay 100 percent of the assessment in paragraph I for the assessment period no later than the fifteenth day of the month following the assessment period.

III. If a licensed cannabis cultivation facility does not pay the monthly tax as required under this section, a fine of 10 percent of the tax owed shall be applied to the payment and collected by the commission from the licensee.

IV. The commission shall adopt rules under RSA 541-A relative to tax rates and procedures for licensed cannabis cultivation facilities that also hold a cannabis product manufacturing facility license or retail cannabis store license.

Amend the bill by replacing all after section 14 with the following:

15 New Section; Sentences; Annulment of Certain Arrests and Convictions for Cannabis. Amend RSA 651 by inserting after section 5-b the following new section:

651:5-c Certain Crimes Not to be Pursued; Dismissal.

I. As used in this section:

(a) "Cannabis" means "cannabis" as defined in RSA 318-F:1, II.

(b) "Possession limit" means "possession limit" as defined in RSA 318-F:1, XVIII.

II.(a) Except to the extent required to dismiss, withdraw, or terminate the charge, no prosecutor shall pursue any charge based on crimes or offenses pending with a court that occurred prior to the effective date of RSA 318-F, involving a person 21 years of age or older knowingly or purposely obtaining, purchasing, transporting, manufacturing or possessing, actually or constructively, or having under his or her control, no more than the possession limit of cannabis where the offense occurred before the effective date of RSA 318-F.

(b) The existence of convictions in other counts within the same case that are not eligible for dismissal pursuant to this section or other applicable laws shall not prevent any conviction otherwise eligible for dismissal under this section from being dismissed pursuant to this section.

III. On the first day of the fifth month next following the effective date of RSA 318-F, any guilty verdict, plea, placement in a diversionary program, or other entry of guilt on a matter that was entered prior to that effective date, but the judgment of conviction or final disposition on the matter was not entered prior to that date, and the guilty verdict, plea, placement in a diversionary program, or other entry of guilt solely involved one or more crimes or offenses involving a person 21 years of age or older knowingly or purposely obtaining, purchasing, transporting, manufacturing or possessing, actually or constructively, or having under his or her control, no more than the possession limit of cannabis, shall be vacated by operation of law. The judicial branch, in consultation with the attorney general, may take any administrative action as may be necessary to vacate the guilty verdict, plea, placement in a diversionary program, or other entry of guilt.

16 Assessment; Education Tax. Amend RSA 76:3 to read as follows:

76:3 Education Tax. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall set the education tax rate at a level sufficient to generate revenue of \$363,000,000, **less any amount credited to the education trust fund pursuant to RSA 318-F:25**, when imposed on all persons and property taxable pursuant to RSA 76:8, except property subject to tax under RSA 82 and RSA 83-F. The education property tax rate shall be effective for the following fiscal year. The rate shall be set to the nearest 1/2 cent necessary to generate the revenue required in this section.

17 Use of Cannabis for Therapeutic Purposes; Definition of Alternative Treatment Center. Amend RSA 126-X:1, I to read as follows:

I. "Alternative treatment center" means a **domestic business corporation organized under RSA 293-A, a domestic limited liability company organized under RSA 304-C, or a** not-for-profit [entity] **voluntary corporation organized under RSA 292 that is** registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients, designated caregivers, other alternative treatment centers, and visiting qualifying patients.

18 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-X:7, IV(a) (4) to read as follows:

(4) The name, address, and date of birth of each principal officer and board member of the alternative treatment center. The board of **directors, or board of managers as applicable**, for the [nonprofit] **alternative treatment center** shall include at least one physician, advance practice registered nurse, or pharmacist licensed to practice in New Hampshire and at least one patient qualified to register as a qualifying patient. The majority of board members, **or managers as applicable**, shall be New Hampshire residents. A medical professional listed in this subparagraph may be a member of the alternative treatment center board **or directors, or managers as applicable**, but shall not maintain an ownership interest in the center.

19 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Center Requirements. Amend RSA 126-X:8, I to read as follows:

I. An alternative treatment center shall be operated on a **for profit or** not-for-profit basis for the benefit of its patients. An alternative treatment center need not be recognized as a tax-exempt organization by the Internal Revenue Service.

20 New Paragraphs; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Center Requirements. Amend RSA 126-X:8 by inserting after paragraph XVIII the following new paragraphs:

XIX. Except as otherwise provided in this chapter, an alternative treatment center shall be subject to RSA 293-A if organized as a domestic business corporation, RSA 304-C if organized as a domestic limited liability company, and RSA 292 if organized as a voluntary corporation.

XX. An alternative treatment center organized as a voluntary corporation under RSA 292 may, on or before December 31, 2024, convert from a voluntary corporation under RSA 292 to either a domestic business corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C in any of the following ways:

(a) By adopting a plan of entity conversion in accordance with RSA 293-A or RSA 304-C, as applicable, that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, provided that each such conversion shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by unanimous written consent.

(b) By adopting a plan of merger in accordance with RSA 293-A that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for which the domestic business corporation shall be the surviving entity, provided that, such merger shall be authorized by a vote of 2/3 of the members of the board of directors of the alternative treatment center at a meeting duly called for the purpose or by unanimous written consent.

(c) By adopting a plan of merger in accordance with RSA 304-C that includes a provision prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for which the domestic limited liability company shall be the surviving entity, provided that, such merger shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by unanimous written consent.

XXI. Articles of entity conversion or articles of merger, as applicable, shall be signed and submitted to the secretary of state pursuant to RSA 293-A or RSA 304-C, as applicable, and the secretary of state shall approve all such filings submitted pursuant to this section.

XXII. The secretary of state shall certify such articles of entity conversion or articles of merger and shall provide them to the department. Upon receipt, the department shall update the existing licenses held by the converted or merged alternative treatment center.

XXIII. For the purposes of converting or merging an alternative treatment center pursuant to this section, notwithstanding any provision in the articles of agreement or alternative treatment center license applications to the contrary, the members of an alternative treatment center's board of directors may determine that a plan of entity conversion or merger is consistent with its corporate charter, and such voluntary corporation may surrender its articles of agreement in connection with the plan of entity conversion or merger.

XXIV.(a) Any alternative treatment center choosing to convert or merge pursuant to this section shall obtain an independent fair market valuation of its total assets as of June 30, 2024. The valuation of the total assets of such alternative treatment center, if positive, shall be distributed to one or more charitable organizations solely for charitable purposes. The director of charitable trusts shall receive a copy of the valuation and may file any objection relating thereto with the court within 60 days. Except as set forth in this section and notwithstanding any other law to the contrary, no portion of the assets of such alternative treatment center after the conversion or merger, as applicable, shall be deemed to be charitable assets.

(b) Any alternative treatment center choosing to convert or merge pursuant to this section shall submit a copy of the plan of conversion or merger to the director of charitable trusts. The director may file an objection relating to the plan with the court within 60 days.

(c) Any alternative treatment center that has converted or merged pursuant to this section shall, on December 31, 2024 and thereafter for 2 years, annually file a letter with the director of charitable trusts certifying compliance with the requirements of RSA 126-X:8, XX.

21 Voluntary Corporations; Change of Name. Amend RSA 292:7 to read as follows:
292:7 Change of Name; Amending Articles.

I. Any corporation now or hereafter organized or registered in accordance with the provisions of this chapter, and any existing corporation which may have been so organized or registered, may change its name, increase or decrease its capital stock or membership certificates, merge with or acquire any other corporation formed pursuant to this chapter, or amend its articles of agreement, by a majority vote of such corporation's board of directors or trustees, at a meeting duly called for that purpose, and by recording a certified copy of such vote in the office of the secretary of state and in the office of the clerk of the town or city in this state which is its principal place of business. In the case of a foreign nonprofit corporation registered in New Hampshire, a copy of the amendment or plan of merger, certified by the proper officer of the state of incorporation, shall be filed with the secretary of state, together with the fee provided in RSA 292:5. The surviving corporation in a merger shall continue to have all the authority and powers vested in the merging corporations, including any powers previously conferred upon them by the legislature.

II. An alternative treatment center registered pursuant to RSA 126-X and organized under this chapter may, pursuant to RSA 126-X:8, XX, convert to either a domestic corporation organized under RSA 293-A or a limited liability company organized under to RSA 304-C, and may merge with a domestic business corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C.

22 New Subparagraph; New Hampshire Business Corporations Act; Entity Conversion Authorized. Amend RSA 293-A:9.50 by inserting after subparagraph (f) the following new subparagraph:

(g) Alternative treatment centers registered pursuant to RSA 126-X and organized pursuant to RSA 292 may become a domestic corporation pursuant to a plan of conversion in accordance with RSA 126-X:8, XX and this subdivision. The alternative treatment center shall be deemed to be a domestic unincorporated entity for purposes of applying RSA 293-A:9.50 through RSA 293-A:9.56, except that approval of the conversion shall be as outlined in RSA 126-X:8, XX.

23 Limited Liability Companies; Statutory Conversions. Amend RSA 304-C:149, I to read as follows:

I. Any other business entity, **including alternative treatment centers pursuant to RSA 126-X:8, XX**, may make a statutory conversion of its business organization form to the limited liability company busi-

ness organization form under this act by complying with the requirements of this section and with applicable law governing the other business entity. ***Approval of a conversion of an alternative treatment center pursuant to this paragraph shall be as outlined in RSA 126-X:8, XX.***

24 New Paragraph; Limited Liability Companies; Statutory Conversions. Amend RSA 304-C:149 by inserting after paragraph VIII the following new paragraph:

IX. In the case of the conversion of an alternative treatment center registered under RSA 126-X and organized pursuant to RSA 292, such conversion shall be approved by the board of directors in accordance with RSA 126-X:8, XX.

25 Liquor Investigation; Training. Amend RSA 176:9 to read as follows:

I. The commission may, subject to rules adopted by the director of personnel, employ and dismiss liquor investigators. Liquor investigators shall, under the direction of the commission, investigate any or all matters arising under this title ***and under RSA 318-F.***

II. Any new liquor investigator employed by the commission under this section after August 13, 1985, shall, within 6 months of employment, satisfactorily complete a preparatory police training program as provided by RSA 106-L:6, unless he or she has already completed such a program.

III. The commissioner, deputy commissioner, assistant, or liquor investigator may enter any place where liquor, beverages, tobacco products, e-cigarettes, ***or cannabis*** are sold, [or] manufactured, ***or cultivated*** at any time, and may examine any license or permit issued or purported to have been issued under the terms of this title. They shall make complaints for violations of this title.

26 Liquor Commission; Assistants and Employees. Amend RSA 176:7 to read as follows:

176:7 Assistants and Employees.

I. The state liquor commission may employ such assistants as are, in its opinion, necessary for the proper transaction of its business, and fix their compensation, subject to the rules of the director of personnel. It may secure any necessary technical or professional assistance.

II. The commission may select and retain market consultants through a competitive bidding process approved by the governor and the executive council. Any such contract with a third-party agent shall be for consulting services relating to marketing and regulation of cannabis for purposes of cultivation, manufacturing, testing, and retail sale.

27 Prosecutions. Amend RSA 179:59 to read as follows:

179:59 Prosecutions. The commission shall appoint liquor investigators whose primary function shall be the proper prosecution of this title ***and RSA 318-F.*** The liquor investigators shall have statewide jurisdiction, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town. The commission shall have the primary responsibility for the enforcement of all liquor and beverage laws ***and cannabis laws*** upon premises where liquor, [and] beverages, ***and cannabis*** are lawfully sold, stored, distributed, or manufactured ***or cultivated.*** Any person violating the provisions of any law may be prosecuted by the commission or any of its investigators as provided in this section, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

28 New Paragraph; Commission to Sell. Amend RSA 176:11 by inserting after paragraph II the following new paragraph:

III. In the event that the commission determines New Hampshire cannabis revenues are being diverted by actions taken by persons holding any type of cannabis license, the commission may take such marketing or merchandising action, or both, as it deems necessary, including sanctions against the competing entities.

29 New Paragraph; Retail Tobacco License. Amend RSA 178:19-a by inserting after paragraph V the following new paragraph:

VI. A retail tobacco license is authorized to sell cannabis accessories and cannabis paraphernalia as defined in RSA 318-F.

30 Liquor Commission; Commission. Amend RSA 176:1 to read as follows:

176:1 Commission. There shall be a state liquor ***and cannabis*** commission under the executive direction of a liquor ***and cannabis*** commissioner, who shall also be known as the chairman of the liquor ***and cannabis*** commission, appointed by the governor with the consent of the council. The commissioner shall have significant business management experience and shall complete a criminal history records check prior to confirmation by the council. The liquor ***and cannabis*** commissioner shall hold office for a term of 4 years. If a vacancy shall occur, it shall be filled for the remainder of the term. The commissioner may be removed by the governor and council for cause.

31 New Paragraph; Rulemaking; Liquor and Cannabis Commission. Amend RSA 176:14 by inserting after paragraph IX the following new paragraph:

IX-a. Cannabis licenses, including:

(a) Procedures for the application for, issuance, transfer, denial, renewal, suspension, and revocation of a license for cannabis establishments.

(b) License operations for each cannabis license type.

(c) Collection of additional fees as required by statute.

32 Name Change; Liquor and Cannabis Commission. Amend the following RSAs by replacing “liquor commission” with “liquor and cannabis commission”: 6:12, I(b)(285); 6:12-j, V(b)(2); 9:11, II(b)(5); 9-C:7, II; 12-J:1, III(a)(4); 12-O:18, II; 21:33-a, III(a); 21-G:6-b, IV(c); 21-I:18, I(b); 21-J:14, 5(d)(9); 21-P:64, I(a)(6); 78:7; 78:16, II; 78:23, 94:1-a; the introductory paragraph of 100-A:1, VII(a); 106-L:6, XVII; 110-B:28, VI; the introductory paragraph of 126-AA:3, VI; 126-K:2, II; 167:7-b, II(a); 175:1, XXIV; the chapter heading of RSA Chapter 176; 176:2; 176:2-a; the introductory paragraph of 176:3; 176:7; 176:16; 176:17; 176:18; 176-A:1, III-IV; 177:1; 177:1-a; the introductory paragraph 177:3; 177:13; 178:11, V; 178:12-a, XIV; 178:13, XIII; 178:22, V(h)(12); 178:27; 178:27-a; the introductory paragraph of 178:27-b, V; 179:21; 179:33, IV; 179:38; 179:56, III(b); 180:1, II; 279:1, XVI; 284:21-h, II(a); and 663:5.

33 Appropriations.

I. The sum of \$100,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the department of safety, information and analysis center, drug monitoring initiative, for the purpose of collecting baseline data to be used in the reports required pursuant to RSA 318-F:20. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$2,000,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the liquor and cannabis commission established in RSA 318-F:8 for deposit into the cannabis fund established in RSA 318-F:21 for the administration of RSA 318-F. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$4,600,000 for the fiscal year ending June 30, 2024 is appropriated to the liquor and cannabis commission for the cost of administration of RSA 318-F. The governor is authorized to draw a warrant for said sum from any money in the treasury not otherwise appropriated.

34 Repeal. RSA 318-B:1, X-a(g), relative to separation gins and sifters used or intended for use with cannabis, is repealed.

35 Effective Date.

I. RSA 318-F:15, IX, as inserted by section 7 of this act, shall take effect upon certification by the attorney general of New Hampshire to the director of the office of legislative services and the secretary of state that the conduct allowed by that paragraph has become legal under the United States Code.

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