



State of  
New Hampshire

# HOUSE RECORD

Second Year of the 167<sup>th</sup> General Court

## Calendar and Journal of the 2022 Session

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

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Concord, N.H.

Friday, February 11, 2022

No. 6

Contains: Bills Laid on Table; House Deadlines; Meetings and Notices; Revised Fiscal Notes; Session Day Logistics and State House Visitation Schedule.

## HOUSE CALENDAR

### MEMBERS OF THE HOUSE:

The House will meet on Wednesday, February 16th at 1:00 p.m. and on Thursday, February 17th at 9:30 a.m. in the Exposition Room at the DoubleTree Hotel Downtown Manchester. The House and Senate will assemble in Joint Convention on Thursday, February 17th, at 10:00 a.m. to hear Governor Sununu's State of the State Address. Shortly after the address, the House will continue its normal session business.

Details of the event will remain largely the same as we planned out for our January session. Session day logistics are included in the back pages of this calendar.

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

As a reminder, all public meetings of House policy committees are live streamed on our YouTube channels. Whether it is a public hearing, work session, executive session, or subcommittee, the cameras are on, and microphones should be used at all times. Members of the public rely on our video service to observe these meetings.

Please remember to view the online testimony submissions for bills in your committees by visiting: [http://gencourt.state.nh.us/house/committees/remotetestimony/submitted\\_testimony.aspx](http://gencourt.state.nh.us/house/committees/remotetestimony/submitted_testimony.aspx).

Lastly, as a reminder, state offices will be closed on Monday, February 21st in observance of Presidents' Day.

Sherman A. Packard, Speaker of the House

### NOTICE

Please note that all streaming videos of committee meetings can be found at the NH House of Representatives YouTube channel. The link to the YouTube channel: [www.youtube.com/c/NHHouseofRepresentativesCommitteeStreaming](http://www.youtube.com/c/NHHouseofRepresentativesCommitteeStreaming)

### 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 16, 2022

Wednesday, February 23, 2022

Wednesday, March 02, 2022

#### AVAILABLE ON:

Friday, February 18, 2022

Friday, February 25, 2022

Friday, March 04, 2022

Paul C. Smith, Clerk of the House

## 2022 HOUSE DEADLINES

Thursday, February 17, 2022	Last day to report House Bills going to a second committee
Thursday, February 24, 2022	Last day to act on House Bills going to a second committee
Thursday, March 10, 2022	Last day to report House Bills not in a second committee
Thursday, March 17, 2022	Last day to act on House Bills not in a second committee
Thursday, March 24, 2022	Last day to report all House Bills
Thursday, March 31, 2022	CROSSOVER – Last day to act on all House Bills
Thursday, April 14, 2022	Last day to report Senate Bills going to a second committee
Thursday, April 21, 2022	Last day to act on Senate Bills going to a second committee
Thursday, April 28, 2022	Last day to report all Senate Bills
Thursday, May 5, 2022	Last day to act on all Senate Bills
Thursday, May 12, 2022	Last day to form committees of conference
Thursday, May 19, 2022	Last day to sign committee of conference reports (4:00 p.m.)
Thursday, May 26, 2022	Last day to act on committee of conference reports

## BILLS LAID ON TABLE

**HB 20-FN-A-L**, establishing the Richard “Dick” Hinch education freedom account program. (Pending question: Refer for Interim Study)

**HB 136**, requiring schools to update documents and software to include the option of identifying a student as non-binary. (Pending question: Inexpedient to Legislate)

**HB 147-FN**, relative to assault against an elderly person. (Pending question: Ought to Pass)

**HB 153**, establishing a committee to study universal Internet access for New Hampshire. (Pending question: Inexpedient to Legislate)

**HB 167-FN**, relative to net energy metering limits for customer generators and the purchase of output of limited electrical energy producers. (Pending question: Inexpedient to Legislate)

**HB 172**, establishing greenhouse gas emission reduction goals for the state and establishing a climate action plan. (Pending question: Inexpedient to Legislate)

**HB 204**, proclaiming January 24 as “Granny D” day. (Pending question: Inexpedient to Legislate)

**HB 237-FN-A**, relative to the legalization and regulation of cannabis and making appropriations therefor. (No pending question)

**HB 255**, relative to limited liability for institutions of higher education and businesses. (Pending question: adoption of the Majority Committee amendment)

**HB 359**, creating a private cause of action for discrimination based on hairstyles relative to a person’s ethnicity. (Pending question: Inexpedient to Legislate)

**HB 362**, relative to domicile of students for voting purposes. (Pending question: Inexpedient to Legislate)

**HB 376**, establishing a committee to study applications of microgrids in electricity supply. (Pending question: Inexpedient to Legislate)

**HB 382**, establishing a commission to study the utility rate structure of demand charges. (Pending question: Inexpedient to Legislate)

**HB 394**, establishing a commission to study the short and long term impacts of pending national and regional carbon pricing mechanisms on New Hampshire’s residents, agriculture, wildlife and natural resources-based tourism sector, and commercial enterprises. Inexpedient to Legislate)

**HB 517-FN**, relative to the state minimum hourly rate. (Pending question: Inexpedient to Legislate)

**HB 531-FN-L**, relative to determining the qualifications of voters and establishing provisional voter registration and provisional ballots. (Pending question: Refer for Interim Study)

**HB 535**, relative to the qualified voter affidavit. (Pending question: Refer for Interim Study)

**HB 554**, relative to temporary absence from domicile for voting purposes. (Pending question: Refer for Interim Study)

**HB 607-FN**, establishing local education savings accounts for students. (Pending question: adoption of the Majority Committee amendment)

**HB 608-FN-A-L**, relative to the formula for determining funding for an adequate education. (Pending question: Inexpedient to Legislate)

**HB 611-FN**, abolishing fluoridation in water. (Pending question: adoption of the Majority Committee amendment)

**HB 620-FN-L**, requiring law enforcement agencies to gather and analyze certain demographic information. (Pending question: Inexpedient to Legislate)

**HB 622-FN**, protecting nascent human life as a reasonable and valid state interest. (Pending question: adoption of the Majority Committee amendment)

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

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

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

## HOUSE BILLS AMENDED BY THE SENATE

**HB 95-FN**, relative to milk pasteurization. (SJ 1/5/22)

**HB 233-FN**, (New Title) establishing a committee to study the right of any infant born alive to medically appropriate and reasonable care and treatment. (SJ 1/5/22)

**HB 292**, relative to the absentee ballot application process. (SJ 1/5/22)

**HB 293**, relative to the procedure for adoption of a minor child. (SJ 1/5/22)

**HB 307**, relative to the state preemption of the regulation of firearms and ammunition. (SJ 1/5/22)

**HB 347-FN**, relative to driving with a suspended license. (SJ 1/5/22)

**HB 381-FN**, relative to laboratory testing. (SJ 1/5/22)

**HB 440**, (New Title) prohibiting the suspension of civil liberties during a state of emergency. (SJ 1/5/22)

**HB 503**, (Second New Title) codifying the council on housing stability and relative to telehealth and medically assisted treatment for substance use disorder. (SJ 1/5/22)

**HB 549**, (New Title) relative to the system benefits charge and the energy efficiency and sustainable energy board. (SJ 2/3/22)

## WEDNESDAY, FEBRUARY 16 CONSENT CALENDAR

### CHILDREN AND FAMILY LAW

**HB 1103**, relative to certain assets in a divorce proceeding. **OUGHT TO PASS**.

Rep. Cassandra Levesque for Children and Family Law. This bill provides that the court shall not require a party to sell a marital asset if the party is able to compensate the other party and if the sale is not required for an equitable division of the marital property in divorce proceedings. **Vote 12-0**.

**HB 1303**, relative to causes for absolute divorce. **OUGHT TO PASS**.

Rep. Debra DeSimone for Children and Family Law. This bill simply updates verbiage from drunkard to alcohol abuse and adds drug abuse to causes for absolute divorce in RSA 458:7 VII. **Vote 11-1**.

**HB 1364**, establishing a commission to study the creation of an appeals process for childcare violations. **INEXPEDIENT TO LEGISLATE**.

Rep. Kimberly Rice for Children and Family Law. The committee believes this is an important issue to study, but felt the issue deserved more time to study than was allotted in a second year bill. **Vote 12-0**.

**HB 1520**, relative to procedures for guardians ad litem. **OUGHT TO PASS**.

Rep. Cody Belanger for Children and Family Law. It is the opinion of the committee that this bill seeks to provide transparency to billing for guardian ad litem (GAL) services. Currently GALs are not required to provide billing at all, and this bill seeks to change that. **Vote 12-0**.

**HB 1531-FN-A**, modifies the oversight commission on children's services. **OUGHT TO PASS WITH AMENDMENT**.

Rep. Kimberly Rice for Children and Family Law. The bill as amended replaces the bill with two repeals. It repeals the Grandfamilies Commission and the Child Abuse Fatalities Commission so they can be rolled into the Oversight Commission on Children's Services. **Vote 14-0**.

**HB 1568-FN**, raising the age of juvenile delinquency from 18 to 21. **INEXPEDIENT TO LEGISLATE**.

Rep. Jodi Nelson for Children and Family Law. The sponsor agreed with the committee that the bill was not ready for prime time. **Vote 14-0**.

**HB 1623-FN**, relative to cost of living adjustments for foster parents. **INEXPEDIENT TO LEGISLATE**.

Rep. Debra DeSimone for Children and Family Law. The committee agreed that this bill is actually covered in the administrative rules attributed to the Department of Health and Human Services (DHHS) therefore the subject should be brought before the Joint Legislative Committee on Administrative Rules. **Vote 11-0**.

### COMMERCE AND CONSUMER AFFAIRS

**HB 1502-FN**, relative to digital assets and digital securities. **REFER FOR INTERIM STUDY**.

Rep. Keith Ammon for Commerce and Consumer Affairs. This bill specifies that digital assets - such as Bitcoin, other cryptocurrencies, and tokens - are property within the Uniform Commercial Code. The bill authorizes

security interests in digital assets, allows banks to provide custodial services for digital asset property and provides procedures for the provision of custodial services. During the hearing process, it was determined that the Uniform Law Commission has made serious progress on developing new UCC statutes for digital assets. There is another bill working through the legislative process that would be a better vehicle for New Hampshire to adopt these updates to our UCC statutes. Studying this issue later this term could lead to additional recommendations for digital asset legislation for the 2023-24 legislative term. **Vote 19-0.**

**HB 1504-FN**, relative to special purpose depository institutions. **INEXPEDIENT TO LEGISLATE.**

Rep. Keith Ammon for Commerce and Consumer Affairs. This bill would establish a special class of depository institutions called “Special Purpose Depository Institutions” or SPDI (pronounced, “speedy”). The bill would create regulations pertaining to SPDIs and amend existing law to allow for the special class in the regulatory scheme of banking within the state. This bill was modeled off legislation that was recently passed into law in Wyoming. A SPDI is a form of state-chartered bank that would offer a range of banking services to customers and is designed to bridge the chasm between cryptocurrency, such as Bitcoin, and government-issued, fiat currency. The bill would create requirements for a SPDI to take deposits of digital assets and provide custody and fiduciary services. One primary requirement is that a SPDI keep 100% of assets received in reserve. This would prevent something called “re-hypothecation,” a practice whereby banks and brokers use, for their own purposes, assets that have been posted as collateral by their clients. The committee determined that significant changes would need to be made to the bill if we are to fit this new type of charter into New Hampshire’s existing banking statutes. Adding a SPDI charter to our statutes would also require a new division to be created within the Banking Department for enforcement and that is not feasible at this time with the current level of department staff. For these reasons, the Commerce Committee unanimously recommends that the House not move forward with this legislation at this time. **Vote 19-0.**

**HB 1523-FN**, establishing a New Hampshire child care fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. This bill establishes the New Hampshire child care fund and its operational requirements under the Department of Health and Human Services. The sponsor’s intent was to have a NH framework to receive and implement a fund to help create daycare centers. The expectation was that Congress would pass this funding this year. The Commerce Committee was leaning towards creating a study committee until it came to our attention that the Health and Human Services committee also had a similar bill which was a study committee. Therfore the Commerce Committee decided that there was no need for this bill and voted it Inexpedient to Legislate. **Vote 19-0.**

**HB 1589-FN**, prohibiting the sale of products containing intentionally-added PFAS. **REFER FOR INTERIM STUDY.**

Rep. Dawn Johnson for Commerce and Consumer Affairs. This bill would prohibit the sale of products containing intentionally-added PFAS. Given that there is an incredible amount of items that are made with PFAS the committee decided this bill needed a lot more work and a committee study would be the best route to go. **Vote 19-0.**

**HB 1591-FN**, eliminating the enforcement division of the liquor commission. **REFER FOR INTERIM STUDY.**

Rep. John Hunt for Commerce and Consumer Affairs. Elimination of the enforcement division of the Liquor Commission would be dramatic and complicated. Given that the bill had to be done early, the committee felt, to do justice to the intent of the bill, it would need much more study and work. **Vote 19-0.**

**HB 1622-FN**, relative to mental health parity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill, as amended, requires any health care provider to notify the carrier within 30 days when the provider is no longer accepting new patients. It goes on to state that each insurer shall provide benefits for mental illnesses to access standards which are no less extensive than the coverage provided for any other type of health care for physical illness. **Vote 19-0.**

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 1176-FN**, relative to reducing the penalty for sex work within one’s own home. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Harriott-Gathright for Criminal Justice and Public Safety. This bill seeks to reduce the penalty for prostitution/sex work and related offenses when such activities take place within the “privacy of one’s own home.” The bill seeks to decriminalize prostitution and claims to be a means of harm reduction amongst consenting adults, for the betterment of impoverished single mothers and children. The committee heard the testimony of several women who had been trafficked as young as the age of 11 years old and above, as well as NH Coalition Against Domestic and Sexual Violence (NHCADSV). Each one felt that this bill would bring about unintended consequences by taking the eyes off those who are trafficked vs. willing participants. They were solely against legalizing sex work in any form. According to authors and researchers Pollack, Weiss and Mathieu, legalized prostitution will inadvertently force sex work further into the shadows and expose children to exploitation. In fact, “One of the most concerning side effects of the legalization of prostitution,

is the potential for human trafficking crimes to become easier for perpetrators to commit against children.” No child should be subject to sex work life in their home or anywhere. Some would say we are the product of teachings of our environment. We urge you to prevent the influx of human trafficking into New Hampshire communities, protect our children and trafficked community by opposing this bill. **Vote 20-0.**

**HB 1310**, prohibiting the discharge of a firearm in the direction of a building, livestock, or pets. **INEXPEDIENT TO LEGISLATE.**

Rep. John Burt for Criminal Justice and Public Safety. This bill was well-intended, but unnecessary. The committee heard testimony from the New Hampshire Fish and Game Department, The American Kennel Club as well as several other animal welfare organizations as well as a number of NH citizens. All of the speakers said that the current laws are sufficient for the issue which this bill was purporting to fix and based on that persuasive testimony, the committee voted to recommend the bill be found inexpedient to legislate. **Vote 20-0.**

**HB 1340**, relative to the definition of “domestic violence” and relative to criminal convictions for domestic violence. **INEXPEDIENT TO LEGISLATE.**

Rep. Amy Bradley for Criminal Justice and Public Safety. The committee disagrees with the legislation’s proposed definition of “domestic violence” that would be changed to reflect the federal definition. The proposed legislation narrows the scope of what is considered domestic violence by excluding partners and family members. **Vote 21-0.**

**HB 1388-FN**, relative to the unsolicited disclosure of an intimate image. **OUGHT TO PASS.**

Rep. Casey Conley for Criminal Justice and Public Safety. This bill would prohibit the dissemination of lewd images or video showing sexual activity or one’s private parts to another person who has not given express consent to receive such material. This bipartisan bill passed the House and Senate in 2021 but required modest changes to fix a drafting error found during the committee of conference process. This bill reflects those changes and was supported unanimously in committee. **Vote 20-0.**

**HB 1392-FN**, relative to penalties for nonviolent drug offenses and repealing the criminal penalties for possession of drug paraphernalia. **INEXPEDIENT TO LEGISLATE.**

Rep. Terry Roy for Criminal Justice and Public Safety. The Criminal Justice and Public Safety Committee, after hearing from the bill’s sponsor and various law enforcement witnesses, recommends this bill be found inexpedient to legislate. The bill would allow a simple fine of \$40 for possession of 1 gram of carfentanyl. 2 milligrams is considered a lethal dose of carfentanyl. The punishment for possessing enough of this drug to kill 10,000 people would be just \$800.00. While reducing incarceration for simple drug possession is an admirable goal, the proposed legislation blurs the lines between what constitutes simple user level amounts and enough to kill entire towns and thus should be found inexpedient to legislate. **Vote 17-1.**

**HB 1475-FN**, relative to the enforcement authority of liquor enforcement officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dave Testerman for Criminal Justice and Public Safety. This bill sought to clarify the jurisdiction of liquor investigators. It was formerly tied to the sheriff’s authority and left some imprecision in the definition. By amendment the bill now simply states “statewide jurisdiction.” This makes it clear and concise. **Vote 16-1.**

**HB 1493**, relative to the drug forfeiture fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. John Burt for Criminal Justice and Public Safety. This bill as amended adds transparency to reporting seizures and forfeitures by the attorney general’s office. It also combines two reporting requirements into one to simplify compliance. **Vote 20-0.**

**HB 1571-FN**, increasing fines for littering and directing revenues to the fish and game department. **INEXPEDIENT TO LEGISLATE.**

Rep. Casey Conley for Criminal Justice and Public Safety. This bill aims to increase penalties for littering by 20 percent and allocate new revenue raised from that increase to N.H. Fish and Game. The fine increase would yield only about \$5,000 per year, while costs associated with adapting the change would cost roughly \$75,000 total. Additionally, the majority was uncomfortable with a fine increase based on a percentage rather than a clear dollar amount as has long been the standard of the New Hampshire legislature. Based on these concerns, the majority believes the bill should be found inexpedient to legislate. **Vote 20-0.**

**HB 1682-FN-A**, establishing the law enforcement conduct review committee in the New Hampshire police standards and training council and making an appropriation therefor. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Welch for Criminal Justice and Public Safety. This legislation is the result of recommendation 16 of the Law Enforcement Accountability Community and Transparency Commission (LEACT). The commission was charged with “establishment of a statewide entity to receive and review complaints alleging misconduct regarding all sworn and elected law enforcement officers.” Director John Scippa presented an overview of how Police Standards and Training could serve as the appropriate body to incorporate the goals of this commission, since it was already doing much of the functions in regulatory oversight and certification hearings and could adopt needed changes through statutory and regulatory amendments. Attorney General Formella

proposed, and the commission moved to approve the draft legislation contained in this bill. On January 14th, the Criminal Justice and Public Safety committee held a public hearing on this bill and agreed with the language contained in the bill and with an amendment to correct a typographical error. **Vote 17-0.**

## EDUCATION

**HB 1058**, relative to the time allowed for public school students to eat lunch. **INEXPEDIENT TO LEGISLATE.** Rep. Bill Nelson for Education. This bill requires public schools to schedule a specific amount of seated time for all students to eat lunch during the day in all New Hampshire schools. While perhaps a good idea, there are multiple obstacles that would make it difficult to implement in larger schools as well as in schools that share lunch room areas with other uses such as physical education and music. This logistical issue should be addressed at the local level. **Vote 19-0.**

**HB 1074**, relative to notice to a chartered public school of a special education services meeting. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. As amended, this bill requires a child's resident school district to provide prior notice to the representative of the charter public school for all individualized education program (IEP) meetings, including subsequent meetings of the IEP team. This bill further clarifies special education meeting protocol. **Vote 18-0.**

**HB 1125**, relative to school emergency plans. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Deborah Hobson for Education. This bill provides for the submission of school emergency response plans to the director of Homeland Security and Emergency Management, and as amended, "access to all plans shall be provided to the department of education." The bill was developed collaboratively by Homeland Security and the Department of Education (DOE) in an effort to streamline the submission process directly to Homeland Security, but to also provide DOE statutory authority to oversee the submission process; thus, ensuring school compliance. The committee is appreciative of the close working relationship that has been established to ensure safety and security in NH's schools. **Vote 19-0.**

**HB 1144**, requiring public schools to teach labor history. **INEXPEDIENT TO LEGISLATE.**

Rep. Oliver Ford for Education. This bill would require middle schools and high schools to include instruction on United States and New Hampshire labor history. The committee heard that this topic is currently embedded in required program areas and courses within the social studies and specifically, US and NH history, world history, economics, and various electives. Further, K-12 curriculum and instruction in accordance with New Hampshire statute, are a local responsibility. **Vote 19-0.**

**HB 1193**, relative to chartered public school fees and enrollment policies. **OUGHT TO PASS.**

Rep. Glenn Cordelli for Education. This legislation was filed based upon complaints to the Department of Education. There are evidently a few charter schools that are charging fees to enrolling students that have made it difficult for the family to enroll their child. The bill states that fees such as these cannot be charged as a condition for enrollment. In addition, there are a few border charter schools that have been accepting out-of-state student and charging them tuition at a higher rate than they receive from the state for a NH student. This bill also mandates that enrollment preference be given to NH students. It should be emphasized, however, that these are isolated situations only that are addressed in this bill. **Vote 18-0.**

**HB 1202**, relative to transportation of pupils to school activities by a contract carrier. **OUGHT TO PASS.**

Rep. Ralph Boehm for Education. This bill clarifies requirements for vehicles and operators of contract carriers transporting pupils for school activities. This bill fixes a similar bill from last year by removing the 150 miles round trip requirement. Schools that use contract coaches for trips to airports, etc., that are less than the 150 mile round trip, should be able to use commercial carriers that allow for more luggage and students to be transported safely, for such school district approved events. **Vote 17-1.**

**HB 1218-FN**, relative to the merger of Granite State college with the university of New Hampshire. **OUGHT TO PASS.**

Rep. David Luneau for Education. Building on the complementary missions of Granite State College and UNH-Manchester, this bill combines institutional strengths to establish a single, merged college located in the Manchester-Concord corridor. The merged entity will retain the name Granite State College (GSC) and will comprise a new college within UNH. The new GSC will continue to serve its existing student body comprised of both traditional and non-traditional undergraduates and graduate students while applying increased focus on the growing opportunity to provide affordable programs of all types to adult and working professional students. Leadership of the combined entities will be consolidated under the President of UNH. The previous president of GSC is now Chancellor of the Community College System of New Hampshire. By leveraging the strengths and resources of UNH, GSC will enhance system reputation, visibility and market reach. This bill provides statutory language enabling this merger. The trustees of the University System New Hampshire, the Public Higher Education Study Committee, and the House Education Committee all unanimously support this legislation. **Vote 19-0.**

**HB 1222-FN**, prohibiting coercion or interference in grading and assessment procedures in public schools, colleges, and universities. **INEXPEDIENT TO LEGISLATE.**

Rep. Rick Ladd for Education. This bill establishes a criminal penalty for interference or for changing a student's earned grade within any public elementary or secondary school or public college or university. There are valid reasons that grades given in elementary or secondary schools may be changed after a teacher first records them. For example, a student may have done make-up work that should be included, an assignment or test may have been left out by accident, a child on long-term medical absence may be doing work through an alternative program, or a mathematical input error might need to be corrected. The vast majority of public school grade changes are made for these and similarly legitimate purposes. When the need to change a grade is necessary, a third party, often the guidance counselor or principal, will make the needed change. The committee also heard from public higher education that the University System New Hampshire has both written student protocols and university policy in place relative to student grades. The assignment of student grades at NH's educational institutions is a local district or higher education policy issue that should not be governed by another one size fits all statewide legislative mandate. **Vote 18-0.**

**HB 1229**, establishing a committee to study school meal programs in New Hampshire's public schools and non-sectarian schools that accept public funds. **REFER FOR INTERIM STUDY.**

Rep. Deborah Hobson for Education. The Education Committee has been approached this year with several bills that request we study what food programs schools are using and what programs are not working. We have been approached with bills that want to explore how Granite State students can take advantage of our natural resources in farms that will benefit the students nutritionally and our farmers financially. Some questions revolve around whether local resources can alleviate supply chain issues and whether we can rely on them systematically. For these reasons and more, we need to decide on a preliminary structure of how to study these topics. **Vote 18-0.**

**HB 1234**, relative to criminal background checks for an applicant for a teaching credential. **OUGHT TO PASS.** Rep. Sue Mullen for Education. This bill would add human trafficking to the RSA 189:13-c, V list of offenses that prevent credentialing as a teacher in NH, as a natural extension of the law. Testimony from the Department of Education supports this recommendation. **Vote 19-0.**

**HB 1243**, relative to alternative transportation of students for public schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for Education. This bill would allow school districts to provide private transportation to and from school and school activities by persons designated by the school as volunteers. This proposal will present a school liability and insurance problem, as well as a problem for the private provider. The Department of Safety warned against passing this bill. **Vote 19-0.**

**HB 1276**, allowing for school district budgets and warrant articles to include cost per student information. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for Education. Problems with this measure involve the formulas by which cost per pupil data is compiled. School revenues emanate from property taxes, grants, bonds, as well as other sources, to include short-term, one-time COVID-19 relief disbursements. Therefore, snapshots of cost per pupil calculations can be deceptive. Further, the cost per pupil for a new roof would be for an initiative that benefits everyone using the building, while the cost per pupil for new band uniforms would involve a student subset instead of all students. For reasons such as these involving flawed formulas, this bill is seen as Inexpedient to Legislate. **Vote 18-0.**

**HB 1311**, prohibiting persons charged with or convicted of certain assault or controlled drug possession violations from employment in a public school. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sue Mullen for Education. This bill seeks to add first degree (felony) assault and possession of a controlled drug with the intent to sell to the list of RSA 189:13-a, V offenses that prohibit employment in NH public schools. The amendment also adds the offenses to the list preventing credentialing as a teacher in NH public schools. We heard compelling testimony from the Department of Education. House Education agrees that each of the offenses should be included on both lists. **Vote 19-0.**

**HB 1398**, establishing a committee to study the feasibility of centralized criminal history records checks in education. **OUGHT TO PASS.**

Rep. Alicia Lekas for Education. This bill establishes a committee to study the feasibility of centralized criminal history records checks in education. The committee has worked on this very complicated issue for a number of years. As heard in the hearing process from the Departments of Safety and Education, this matter deals with many conflicting laws and agencies, including the FBI and their rules. The Education Committee has made some progress in addressing issues; however, in order to complete this task in a more timely and efficient manner, the committee recommends that a committee be established to get all applicable agencies together to try to finally work this out. **Vote 17-0.**

**HB 1421-FN**, relative to lead in school drinking water. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, requires schools and licensed child care facilities to notify parents of tests with high lead levels. Notification to parents must occur in at least two places, including but not limited to the school or school administrative unit website. The bill, as amended, requires submission of all sample test results be sent to the Department of Environmental Services (DES) database established under the authority of RSA 21-O:12, I(e), which will allow for more efficient and accurate tracking of samples. Secondly, the amendment, in support of DES, requires a public or private school or a licensed child care facility that has previously sampled at a level above the standard of 15 parts per billion in the drinking water, to submit all post-remediation samples to the DES database. Lead poisoning is 100% preventable. **Vote 18-0.**

**HB 1453**, relative to transportation to a chartered public school. **INEXPEDIENT TO LEGISLATE.**

Rep. Linda Tanner for Education. The bill puts unreasonable and impractical requirements on local school districts. School districts are responsible to provide home to school transportation for charter school students. In cases where the charter school may be a considerable distance from the student's home, the student may wait at an intermediate drop off location, like an elementary school, as part of their route to their destination charter school. The bill would prohibit this practice unless that is also done for other students. The bus routing for schools is a complex issue. From large districts to small, from urban to rural, bus routes take in many stops and routes to get the children to their assigned school and home in a safe, efficient, and timely way. Students both from the district schools as well as charter schools sometimes wait at a school in order to board a bus to their final school destination. The committee felt that the routes should be left to the local district school board which will continue to make bussing decisions for children in order to provide for a safe, efficient, and timely mode of transportation. **Vote 18-0.**

**HB 1521-FN**, requiring the department of education to provide the house and senate standing committees responsible for education with written copies of the laws relative to education. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda Tanner for Education. In prior years, the Department of Education has provided members of the Education Committees and school superintendents with copies of a paper-bound book containing the state's revised statutes annotated pertaining to education. The bill as introduced would continue this practice. The amendment allows for committee members to request the statutes and department rules be provided in other electronic formats. **Vote 16-0.**

**HB 1561-FN**, relative to school nutrition standards. **INEXPEDIENT TO LEGISLATE.**

Rep. Alicia Lekas for Education. This bill establishes requirements and procedures for school nutrition and food service programs on fruits, vegetables, whole grains, sodium, and added sugars. The bill requires reports by school nutrition/food service directors and provides for rule making by the State Board of Education and the Department of Education on requirements and technical assistance. As reported in the bill's fiscal note, the Department of Education has indicated the bill would result in an estimated increase of \$440,000 in FY23 and under this proposed legislation, the department's Office of Nutrition Programs and Services would be required to now support up to 520 public schools to include charter public schools, as well as 137 non-public schools. The department also anticipates additional work would require the hiring of six additional program specialist positions; however, it should be noted that this bill does not establish any new positions nor provide appropriations therefor. As with other well-intentioned bills, the committee recommends Interim Study; it needs further work. **Vote 17-1.**

**HB 1574-FN**, prohibiting the university system and community college systems of New Hampshire from charging out-of-state tuition to students voting in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Moffett for Education. This bill sought to award in-state tuition rates to out-of-state students who vote in New Hampshire elections. If this bill were to move forward, it would create major administrative challenges for our public post-secondary institutions and would also cost these institutions significant revenues, particularly the University System of New Hampshire (USNH). The bill's intent seems to involve focusing attention on important domicile issues and reflect the concerns of many with regard to out-of-state students determining the outcomes of New Hampshire elections. While these concerns are understandable, this bill would decimate USNH finances in particular, and reduce revenue by more than \$130 million. The proposed bill may have been submitted for another purpose, but it remains an unacceptable, costly policy change that will result in students who never graduated from a NH high school or other NH education program being counted as in-state students receiving in-state tuition rates. **Vote 19-0.**

**HB 1575-FN**, relative to waiver of tuition in the university system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. The Education Committee unanimously agreed that current law for tuition waivers for children of disabled veterans should also include the children of veterans who died. The waivers should apply to both the university and community college systems. **Vote 16-0.**

**HB 1630-FN**, requiring high school students to complete a half year required course in the introduction to philosophy. **REFER FOR INTERIM STUDY.**

Rep. Julius Soti for Education. This bill establishes a requirement for high school students to have a course in the introduction to philosophy. The committee recognizes the importance of philosophy and logic; however, Interim Study will provide the committee the opportunity to further determine how to insert this content area into the high school curriculum without resulting in another unfunded mandate. The committee discussed how logic and higher order thinking skills are integrated into programs used in the elementary and middle school grades; however, before adding philosophy as a separate high school graduation requirement, further information and study is needed. **Vote 18-0.**

**HB 1648-FN**, requiring public colleges and universities to implement peer support groups and develop policies for students with mental health conditions. **INEXPEDIENT TO LEGISLATE.**

Rep. Deborah Hobson for Education. This bill requires public colleges and universities to implement peer support groups and develop policies for students with mental health conditions. Just about every Granite Stater is concerned with the mental health of our young people. The impact of the COVID-19 pandemic has affected the young people most of all. This program is very well intentioned but there were several factors brought up in our hearings that showed the majority that this bill is not necessary. Programs of this nature can be developed in colleges and universities in New Hampshire without help from the state. In fact, programs like this already exist. Community colleges are currently going to great lengths to provide extra supports for a community that mainly resides off campus. The University System of New Hampshire (USNH) has programs being implemented and believe that this additional program will prove to be a costly, administratively burdensome with no fiscal support, and shrinking provider availability. The fiscal impact on USNH operations is estimated to be an increase in operating expenses of approximately \$264,000 annually. **Vote 17-1.**

**HB 1655-FN**, relative to natural immunity system health and wellness curriculum in schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Alicia Lekas for Education. This bill would require all public schools and non-public schools, as part of the school board approved education program, to include natural immunity and wellness. The department's fiscal note states that in order to implement this bill, it is estimated that it would require multiple content expert contracts ranging from \$100,000 to \$250,000, along with other positions and required local funds for the purchase of curriculum materials. Local districts would also be required to hire additional staff to train educators in new curriculum content areas. Lastly, it was heard that natural immunity and wellness is already being done in our schools; therefore, the bill is unnecessary. **Vote 19-0.**

**HB 1676-FN-A-LOCAL**, relative to making incentive grants for school districts that improve in certain assessment scores. **REFER FOR INTERIM STUDY.**

Rep. Michael Moffett for Education. This bill sought to create a \$1 million fund to be administered by the Department of Education (DOE) to reward schools which improve standardized test scores according to a formula to be designed by DOE with input from major stakeholders. The bill's language called for the fund to be established by transferring monies from the state's "Rainy Day" account, which created some statutory issues. Interim Study will allow a funding formula to be developed that will pass statutory muster. **Vote 18-0.**

**HB 1680-FN**, establishing a foundation opportunity budget program for funding public education. **REFER FOR INTERIM STUDY.**

Rep. Rick Ladd for Education. New Hampshire public elementary and secondary education is tasked to provide all students with the opportunity to acquire the knowledge and skills necessary to prepare them for successful participation in the social, economic, scientific, technological, and political systems of a free government, now and in the years to come, regardless of where the students live or community wealth or need. The *Contoocook Valley School District v. New Hampshire (Conval)* case has put the spotlight on how the state performs its obligation to provide a constitutionally adequate education that delivers the content, desired outcomes and accountability defined by the legislature. The legislature needs to continue our work toward achievement of a school funding plan that is constitutional and is fair to students and taxpayers. The committee believes that now is the time to continue this critical and important work. This bill offers the committee a pathway forward toward improving educational quality while ensuring that all students, regardless of educational need or circumstance, benefit and have access to an adequate education inclusive of services, core foundational content learning, sound accountability, and desired performance outcomes. **Vote 18-0.**

**HB 1685-FN**, establishing a school facility planning and development program in the department of education. **INEXPEDIENT TO LEGISLATE.**

Rep. Ralph Boehm for Education. This bill is premature, as a comprehensive policy review of the entire building aid statutes needs to be addressed. With other bills that have been passed in the House, to include bills yet to be heard, it is felt that this bill may be covered in current legislation. **Vote 18-0.**

## ENVIRONMENT AND AGRICULTURE

**HB 1049**, establishing a committee to study landfill siting criteria and methods for reducing pressure on landfill capacity. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Howard Pearl for Environment and Agriculture. This bill creates a study committee to study landfill siting criteria with a focus on local impact, policies on landfill capacity pressure, surety bonding on new landfill projects, setbacks from bodies of water and offsite water flow potential, and extended producer responsibilities relating to meeting solid waste reduction goals for reducing pressure on landfill capacity. The committee was presented with several bills this session relating to solid waste and was able to combine five of them into this study bill. **Vote 16-0.**

**HB 1111**, establishing a commission to study extended producer responsibility. **REFER FOR INTERIM STUDY.**

Rep. Peter Bixby for Environment and Agriculture. This bill proposed a study commission to explore extended producer responsibility as a way to divert more recyclable material from landfills, consistent with state solid waste reduction goals. Since this idea was closely aligned with the purposes of another bill, a study committee to examine landfill siting and capacity preservation, we amended another bill to include specific language about extended producer responsibility. We are recommending interim study to preserve the bill's intent just in case other efforts to address this issue do not pass. **Vote 17-0.**

**HB 1121**, relative to new solid waste sites. **REFER FOR INTERIM STUDY.**

Rep. Megan Murray for Environment and Agriculture. This bill would require an applicant for a new solid waste landfill to provide proof of insurance and obtain a surety bond against all damages. Since this idea was closely aligned with the purposes of a bill that sought to create a study committee to examine landfill siting and capacity preservation, we amended that bill to include specific language regarding this bill. We are recommending the bill be sent to interim study to preserve the bill's intent just in case other landfill legislation does not pass. **Vote 17-0.**

**HB 1134**, establishing a commission to study proper labeling and disposal of disposable wipes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. This bill proposed a study commission to investigate proper labeling of disposable wipes and other mechanisms to prevent or discourage the entry of disposable wipes into sewer and septic systems. These wipes do not break down and as a result cause costly repairs to municipal sewer systems on a regular basis. They also cause costly repairs to private septic systems. The committee recognized the severity of the issue, but felt that we did not have the expertise to address it correctly. The amendment converts the commission to a committee, and amends the charge to more specifically address waste water concerns. **Vote 17-0.**

**HB 1168**, establishes a committee to study the New Hampshire law relative to soil conditioners. **OUGHT TO PASS.**

Rep. Peter Bixby for Environment and Agriculture. Most elements of NH law concerning soil conditioners have not been updated in the past two decades. In that period, soil science and best practices for fertilizers and other soil amendments have changed significantly. In the course of addressing other legislation in the first year of this term, the committee noticed some deficiencies in this chapter of law, and felt that as a housekeeping measure, the chapter needed careful review. Some of the issues include the lack of a definition for the term "soil conditioners," fertilizer definitions that are inconsistent with federal law regarding organic fertilizer, conflicting definitions of compost which make appropriate regulation unclear, and the designation of fees for fertilizer registration as general fund revenue without specifying how the cost of the registration and inspection process is paid for. The study committee will identify deficiencies in current statute and propose legislation to correct them. **Vote 17-0.**

**HB 1187**, relative to milk pasteurization. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judy Aron for Environment and Agriculture. This bill updates the current statute to include ice cream and frozen yogurt in the products that can be made from raw milk. It also stipulates that ice cream and frozen yogurt made from raw milk must be packaged in containers no larger than six fluid ounces, and must be marked with an expiration date of thirty days from the date of manufacture. The following statement must also be on the package: "This product is made with raw milk and is exempt from New Hampshire licensing and inspection. RAWMILK: consuming raw milk may increase your risk of food borne illness." **Vote 17-0.**

**HB 1412**, relative to gardening, homesteading, and organic food production. **INEXPEDIENT TO LEGISLATE.**

Rep. Barbara Comtois for Environment and Agriculture. The committee received testimony that existing statutes already do much of what was intended by this bill. The bill in its entirety would actually weaken our existing farming statutes. Although this is a well-intentioned bill, the committee unanimously voted inexpedient to legislate at the request of the sponsor. **Vote 17-0.**

**HB 1420-FN**, prohibiting the issuance of new landfill permits until the state's solid waste plan is updated. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Megan Murray for Environment and Agriculture. The intent of the committee was unanimous in that after the adoption of a committee amendment, the bill and its amendment prohibits the issuance of new landfill construction permits under the state's solid waste plan until the state's solid waste plan is updated. There are exclusions for existing applications for expansions of current landfills. The bill also has a clause that repeals this once the state's final solid waste plan is published. **Vote 17-0.**

**HB 1547-FN**, setting maximum contaminant levels for perfluorochemicals in the soil. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Judy Aron for Environment and Agriculture. The idea for this bill came from a brainstorming meeting of Merrimack community activists and legislators. Merrimack and surrounding communities continue to suffer perfluorochemical pollution caused by a private polluter. These pollutants have infiltrated water, air and soil. The bill was meant to monitor soil by placing maximum levels of contaminants, but after extensive discussions with the NH Department of Environmental Services the amendment is far more practical and necessary. A committee amendment replaces the original bill in three parts. The first part allows the commissioner of NH Department of Environmental Services (DES) to initiate rules for soil remediation standards for perfluorochemicals by November 1, 2023. This carefully chosen date is a prime reason for the amendment. The United States Geological Survey ("USGS") is performing a study in New Hampshire of its soil that will be completed by the fall of 2022. This study is critical to setting soil standards. The second part of amendment makes changes to the the Groundwater Protection Act rule making section to add soil, and that a "person" liable for such contamination provide safe alternate water to an impacted well owner. The term "person" includes companies and public or private corporations. The third part of the amendment clarifies language describing certification requirements for certain hazardous waste generators to avoid confusion and maintain consistency. This amendment demonstrates exceptional collaboration among community activists, legislators and the NH DES to keep citizens safe. **Vote 17-0.**

**HB 1652-FN**, relative to the recycling of beverage containers. **REFER FOR INTERIM STUDY.**

Rep. Peter Bixby for Environment and Agriculture. This bill proposed the establishment of a beverage deposit and redemption program for a broad range of beverage containers. The bill as written would not have been feasible because it did not take into account a number of factors in New Hampshire's solid waste infrastructure. Due to the fact that we heard testimony indicating that states with ten cent deposits have much higher rates of diverting recyclable bottles from landfills, there was some interest in investigating whether a deposit and redemption program tailored to New Hampshire could work, so the committee is recommending interim study. **Vote 17-0.**

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**CACR 30**, officers of the government. Providing that the elected positions of inspectors general are created. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for Executive Departments and Administration. If passed by the legislature and adopted by the people this constitutional amendment would create the elected positions of five Inspectors General. While they would be able to investigate any malfeasance by government officials they would in particular have the authority to investigate election irregularities. This would result in yet another government department which would require staffing, offices, etc. There is no assurance that such Inspectors General would do their work in a fair and thorough manner. These would be elected political positions and as the political winds change they could be used for partisan purposes. If the legislature is concerned about election irregularities it can pass legislation requiring the Secretary of State to perform investigations and audits of election results. If there are concerns about the Secretary of State not diligently performing such duties there is no assurance that the Inspectors General would do better. As for dealing with other government malfeasance, there are existing avenues for dealing with that, including a recent constitutional amendment granting the citizens of the state standing to sue in such instances. If the legislature decides that the current avenues for dealing with such problems are inadequate it has the power to provide other options without an amendment to our constitution. While this is a well meaning amendment intended to deal with what may be real problems it is not necessary as there are other avenues for dealing with the concerns it would address. **Vote 17-0.**

**HB 1002**, establishing a committee to study the feasibility of personal use of state-owned vehicles. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael O'Brien for Executive Departments and Administration. When this bill was presented to the committee, the sponsor made the request to recommend the bill be found Inexpedient to Legislate. They stated that in the recent past, a similar study was conducted and the results of that study are still timely and they are in agreement with the previous study results. Thus, the committee concurs with the sponsors with the recommendation of Inexpedient to Legislate. **Vote 17-0.**

**HB 1016-FN**, relative to initial licensing as a speech-language pathologist. **OUGHT TO PASS WITH AMENDMENT.**

Rep. William Marsh for Executive Departments and Administration. This bill as amended, developed in consultation with New Hampshire Speech Language Hearing Association and the American Speech Language Hearing Association, completely replaces the original bill. This amended bill discontinues the double licensing and collection of fees from Speech Language Pathologists in New Hampshire by eliminating the redundant licensing of Speech Language Pathologists by the Department of Education; preserves the integrity of the Speech Language Pathologist credential and New Hampshire's participation in the Audiology and Speech Language Hearing Interstate Compact; and permits the 20 or so remaining Speech Language Specialists working in NH schools to continue working until their retirement. **Vote 18-0.**

**HB 1030**, relative to licensure by alternate experience for licensed nursing assistant. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill adds two military branches to existing statute. The Coast Guard and Air Force Marine Corp experience would be added to those individuals who can apply for an LNA license. The bill also notes that proof of an enlisted occupational codes is considered since these codes change with time. **Vote 18-0.**

**HB 1062**, relative to the duties of the electrology advisory committee. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill eliminates the current statutory requirement that members of the Electrology Advisory Committee conduct written and practical examinations for applicants. This would allow the OPLC to contract with outside professional organizations for these examinations, which would be more efficient. This bill as amended deletes a change to the rule making authority for "the content and conduct of" such examinations, as the committee believes that this is something that needs rules, developed by the OPLC in consultation with the advisory committee. The committee supports having the OPLC perform administrative tasks, but strongly believes that the Professional Advisory Committee should be consulted for the technical and professional tasks, including setting standards for test results. **Vote 18-0.**

**HB 1123**, directing the department of administrative services in collaboration with the department of energy and the department of transportation to support the increased use of biofuels and biodiesel for state procurement needs. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Pearson for Executive Departments and Administration. This bill requests that state agencies look at increasing their use of bio-fuels. Upon testimony from the Department of Transportation (DOT), the committee learned that they are already doing this and have been doing so for some time. This bill provided no real parameters as to what the request would look like and only required a report be generated. The committee felt that since this is already being done there was no need for this legislation. **Vote 16-2.**

**HB 1191**, relative to electrical work, plumbing, and fuel gas fitting in one or two family housing. **REFER FOR INTERIM STUDY.**

Rep. Carol McGuire for Executive Departments and Administration. This bill would expand the home owner's exemption to perform plumbing, gas fitting, and electrical work on their own homes, without a license, from single family to two family homes, as long as the person owns the entire structure. Although this idea has some value, particularly in the case of adding an accessory dwelling unit, there are problems with inspections and meeting building codes that might risk a tenant. The hearing also raised issues with the inconsistencies between the various statutes regarding the home owner's exemption and interim study was selected to review these exemptions and coordinate them. **Vote 18-0.**

**HB 1213-FN**, relative to legal holidays. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. ED&A has heard this bill in the previous session and we are still unconvinced that this is an acceptable means to recognize election days. First, contract negotiations determine the holidays many employees receive as part of their compensation. Adding election day to this list could pose a problem to these NH residents. Secondly, those employees that are not bound by a contract could have up to 3 hours to vote but it is not stipulated that they be paid and the committee is concerned that this would allow employers to give up to 3 hours without pay to individuals who cannot afford a loss of those hours. As one of the committee members stated "good ideas are difficult to put into legislation." **Vote 17-0.**

**HB 1262**, commemorating the 250th anniversary of the Pine Tree Riot. **INEXPEDIENT TO LEGISLATE.**

Rep. Jaci Grote for Executive Departments and Administration. This bill is similar to many others that have come before the Executive Departments and Administration Committee (ED&A) that ask to commemorate important events in NH History. The majority of the committee considers these types of bills ineffective because there are many of these types of events in statute that are overlooked/unknown once the initial celebrations are completed. Due to the connection between this event and another major event in the history of the American Revolution (the Boston Tea Party). **Vote 15-2.**

**HB 1273**, relative to the use of free and open source software. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Yakubovich for Executive Departments and Administration. This bill touches upon many different topics: copyright enforcement, business contract law, non-disclosure agreements, software development methodologies, procurement operations of our \$100 million per year Department of Information Technology (DOIT), evidence collection and what constitutes proof in criminal trials, as well as creation of yet another commission. The committee feels participating in the existing IT Council, for the public and the members of legislature, is the proper means of influencing the internal workings of DOIT today. For the remaining issues, it may be more prudent to split it into separate bills in a future session to be worked on in the appropriate committees: Judiciary, Labor, Finance, and Commerce. **Vote 16-0.**

**HB 1288**, relative to the terms for certain officers of the department of administrative services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sallie Fellows for Executive Departments and Administration. As amended, the bill updates portions of current law which specifies the duties of the Department of Administrative Services (DAS). The “Division of Financial Data Management” is renamed to “Division of Enterprise Applications Management.” The position’s description is also updated to reflect responsibilities applicable to the software used by all state departments for finance, budgeting, HR and payroll. Any changes to the state employee evaluation system will now be done with input from a “stakeholders’ group” rather than a “task force.” The end of year balance that may be retained in the non lapsing education and training fund is increased from \$20,000 to \$100,000 to ensure tuition for summer courses can be covered. A term limit of 4 years is identified for the deputy and assistant commissioners, and all division directors. **Vote 18-0.**

**HB 1294**, requiring the commission on demographic trends to consider data on race and ethnicity for the purpose of increasing racial and ethnic diversity in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennifer Rhodes for Executive Departments and Administration. The Executive Departments and Administration Committee unanimously recommended that this bill be recommended inexpedient to legislate due to a plethora of concerns surrounding the language and intent of this proposed legislation. For one issue, the statute amended had been repealed on July 1, 2021. Additionally, during the committee’s executive session several members raised concerns about the idea of NH would creating and setting a goal as to how many people of a specific demographic would be welcomed into our great state. The notion of gathering information about a person’s race and ethnicity for the sole purpose of setting a migration goal does not support the values of Granite Staters and in itself is insulting, concerning and dangerous. **Vote 17-0.**

**HB 1318-FN-LOCAL**, relative to penalties for employer noncompliance with retirement system requirements. **OUGHT TO PASS.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill was requested by the New Hampshire Retirement System (NHRS) to incentivize employers to submit final wage and time information on newly retired employees to the system. The legislature has approved penalties for late contributions in the 1960’s and for late data reporting since 2014. This bill adds a penalty for delayed reporting of final wage, time worked, vacations, etc. Notice of the penalty would be sent after thirty days and could be waived if extenuating circumstances are explained by the employer. The committee felt this would not be a heavy burden but would help NHRS to finalize retirement benefits more quickly and enable retiree’s be able to check for discrepancies in a more timely manner. **Vote 13-0.**

**HB 1319-FN**, relative to granting certain corrections personnel death benefits if killed in the line of duty. **OUGHT TO PASS.**

Rep. Jaci Grote for Executive Departments and Administration. This bill adds correctional officers, probate-parole officers and correctional line personnel classified under Group II of the retirement system to personnel granted \$100,000 if killed in the line of duty. This bill fixes an earlier omission of correction officers from the line of duty death benefits. **Vote 15-0.**

**HB 1427**, relative to membership on the speech-language pathology and hearing care provider governing board. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sallie Fellows for Executive Departments and Administration. The bill replaces one speech-language pathologist with one audiologist, so the board will have three speech-language pathologists, one audiologist, one hearing aid dealer and one public member. The amendment adds one alternate for each type of member. The committee has heard that many boards under the Office of Professional Licensure and Certification have difficulty achieving a quorum, and we believe adding alternates will reduce this problem. **Vote 18-0.**

**HB 1429-FN-A**, establishing licensure for massage establishments. **REFER FOR INTERIM STUDY.**

Rep. Stephen Pearson for Executive Departments and Administration. The committee had concerns about the effectiveness of this bill in relationship to the intended goal of allowing state inspectors the ability to inspect these establishments for criminal activity and human trafficking concerns. The hope is that this issue can be looked at more as a matter of local enabling legislation to allow local communities the ability

to conduct inspections of these establishments. There was also concern about the addition of an inspector position for a mater that is only affecting a few communities. These issues warrant that this legislation be studied further. **Vote 18-0.**

**HB 1444-FN-A**, relative to the registration of medical spas. **REFER FOR INTERIM STUDY.**

Rep. Stephen Pearson for Executive Departments and Administration. The committee had concerns in reference to registration versus licensing of these facilities. There is also some confusion as to which agency this should all under; OPLC or DHHS. The committee also had concerns in reference to the level of on-site involvement of the Medical Director. There was also concern about the addition of an inspector position and which state agency this would fall under. These issues warrant that this legislation be studied further. **Vote 17-0.**

**HB 1497-FN**, relative to optional allowances in the retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Yakubovich for Executive Departments and Administration. This bill, as amended, corrects a clerical ambiguity in selection of the beneficiaries for members of the retirement system, allowing them to make a formal option at any time. It furthermore ensures that the member/beneficiary has the full 120-day window to finalize their options, regardless of delays by the system in delivering the notices and/or mailing issues. **Vote 18-0.**

**HB 1545**, relative to a state directory for film production. **INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Goley for Executive Departments and Administration. Since the New Hampshire Film & Television Office was defunded in last year's state budget, the Department of Business & Economic Affairs' Travel & Tourism Development Division has been working with members of the state's film industry to better understand their needs. Division staff has incorporated film inquiries into their workloads, and are using Reel-Scout, a well-known industry database of potential film locations that includes a submission page for businesses and property owners to upload their information to the locations library. Given the division's good faith commitment to continuing to work with the film industry to ensure that New Hampshire is considered an attractive location for filming, the bill's prime sponsor considers the legislation unnecessary at this time and encouraged the committee to recommend the bill inexpedient to legislate. **Vote 17-0.**

**HB 1552-FN**, establishing a board for the certification of assessors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill transfers assessor certification and regulation from the Department of Revenue Administration (DRA) to a new professional board under OPLC. DRA retains oversight of municipal assessing personnel and processes, but the licensing and certification will be done in a more transparent manner, controlled by the profession. This separation also prevents the appearance of a conflict of interest in that the DRA both employs and regulates assessors, and nearly all its actions are exempt from 91-A. The committee amendment simply confirms that the existing licenses are valid until their expiration date. **Vote 18-0.**

**HB 1557**, relative to survivor benefit optional allowances under the retirement system. **REFER FOR INTERIM STUDY.**

Rep. Carol McGuire for Executive Departments and Administration. This bill would change the language in RSA 100A:13,I from "after the effective date of retirement" to "from the date of the original notice of retirement provided by the retirement system." It was a change supported by NHRS. The language was added to another bill that was in the committee, HB 1497, that had made an additional change to the same law. The committee believes interim study is appropriate until HB 1497 passes and becomes law. **Vote 18-0.**

**HB 1563-FN**, requiring state employees to be enrolled in the deferred compensation plan. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for Executive Departments and Administration. The Public Employees Deferred Compensation Plan (PEDCP) is available to state employees. It is similar to a 401k plan. It is also available to employees of political subdivisions if those political subdivisions choose to participate in the plan. This plan is in addition to the retirement program. Currently employees must opt-in in order to contribute to the PEDCP. This bill would change the default to be opt-out and would provide for an increase in the employee contribution when they received raises up to a maximum percentage of their pay. This bill was referred to a subcommittee. That subcommittee recognized that the intent was to make it more likely that employees would save for their retirement, which is generally wise, especially when an employee is young. However, concerns were raised that this might not be in all employees best interest. For example, if they had either student loans or other debt they would likely be better off paying that down rather than putting money into this plan. There was also the concern raised that employees might be defaulted into this plan and then find that they could not get the money out without penalty if they had an urgent need for it. There was a general feeling that it is not appropriate to "nudge" employees into doing what their employer thought best especially when that employer was the government. If executive branch management, which employs the potential participants in the plan, request something such as this the legislature may consider it again in the future. **Vote 17-1.**

**HB 1566-FN**, relative to the New Hampshire prescription drug affordability board. **REFER FOR INTERIM STUDY.**

Rep. Mark Alliegro for Executive Departments and Administration. This bill converts the New Hampshire Prescription Drug Affordability Board Executive Director position from a classified to an unclassified position and establishes a dedicated fund to support the Board. In public hearing, copious testimony was given, much of it addressing details of the prescription drug supply chain. Additionally, an amendment was introduced which would repeal the Board formed under RSA 126-BB. To provide an opportunity to fully evaluate testimony and resolve uncertainties pertaining to the proposed amendment, the committee unanimously recommends moving this bill to interim study. **Vote 19-0.**

**HB 1581**, relative to the use of open source software by state agencies. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Michael Yakubovich for Executive Departments and Administration. This bill simply reinstates a requirement to consider open source software that had been deleted (apparently inadvertently) in the 2019 reorganization of the Department of Information Technology (DOIT). To further transparency and accountability, the committee considered input from software experts, advocates, industry leaders and the DOIT Commissioner in developing the committee amendment, which encourages prudent procurement decisions and a shift towards open, transparent government tools and standards. Our \$100 million per year DOIT will be carefully weighing all technology solutions (whether proprietary or open source) in its operations. **Vote 18-0.**

## FISH AND GAME AND MARINE RESOURCES

**HB 1052**, relative to the number of rounds of ammunition allowed for hunting regardless of firearm capacity. **OUGHT TO PASS.**

Rep. Timothy Lang for Fish and Game and Marine Resources. This bill is in alignment with last year's bills. It further clarifies that regardless of magazine capacity, you can only have 6 rounds in your rifle while hunting. **Vote 18-0.**

**HB 1201-FN**, relative to damage by bears. **REFER FOR INTERIM STUDY.**

Rep. Timothy Lang for Fish and Game and Marine Resources. NH Fish and Game (F&G) is responsible for managing and maintaining a healthy bear population (called a sleuth) in the state. The law addressed by this bill helps F&G manage bears, a natural resource of NH. The law was amended last year to add mitigation requirements and the changes have not had an opportunity to go into effect. The committee feels that these changes regarding mitigation recently added to the law need time to take effect, and then be re-evaluated. **Vote 20-0.**

**HB 1230-FN**, permitting online presentation of deer for registration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Lang for Fish and Game and Marine Resources. This bill enables the Fish and Game Department (F&G) to allow online deer registrations. The bill as amended pushes off the implementation date until 2023. This will give F&G more time to create and implement the online registration system. **Vote 20-0.**

**HB 1308**, prohibiting the capture, possession, and propagation of hares and rabbits for hunting dog training and field trials. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for Fish and Game and Marine Resources. This bill as written is unconstitutional because it involves the taking of personal property without due process. Furthermore, the bill as written would ultimately eliminate some traditional hunting practices. **Vote 18-1.**

**HB 1323**, relative to hike safe cards. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Lang for Fish and Game and Marine Resources. This bill takes the static fee in the law, and allows the administrative rule making authority on fees and licenses. This will future proof the law, and allow the agency to respond to changes in the activity dynamically. **Vote 19-0.**

**HB 1631-FN**, relative to hunting and fishing licenses for disabled persons. **INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Lang for Fish and Game and Marine Resources. This bill would expand discounted Fish and Game licenses for 100% disabled persons in NH. Fish and Game (F&G) estimated the cost for legislatively required discounted licenses currently in law. By their estimation, this new provision would result in \$1.3 million in lost revenue. F&G is a self-funding agency, and legislatively discounted license costs are then passed onto the agency regulated communities. Thus, this bill would require an increase to our citizens' fees to pay the difference. The committee was in agreement that if the legislature is going to require F&G to continue discount licenses the legislature should fund the difference between the discount cost and full license cost to make the agency whole financially. This would allow for more proper regulation of the agency regulated community. **Vote 19-0.**

## HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

**HB 1130-FN**, relative to restroom access for persons with certain medical conditions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Lucy Weber for Health, Human Services and Elderly Affairs. This bill, as amended, provides access to an employee restroom for persons who have certain medical conditions including Crohn's disease, ulcerative

colitis, use of an ostomy device, and other medical conditions that may require immediate bathroom access at retail establishments which do not provide public restrooms. The existence of the medical condition would be proven by a card signed by a health care provider, by an identifying card from a national association or by other reasonable evidence of a qualifying condition. Access is required only when the employee toilet facility is not located in an area where providing access would create a health or safety risk for the customer, or a safety risk to an employee of the establishment. The amendment also removed a penalty of \$1000 for retail establishments not complying with the statute. Committee members believe that \$1000 is too great a burden on a small retail establishment, and although this leaves the statute without the “teeth” that would be provided by a penalty, this was a good balance between the access needed by the customer and the potential burden on the business. **Vote 21-0.**

**HB 1224-FN**, prohibiting state and local governments from adopting certain mandates in response to COVID-19; and prohibiting employers and places of public accommodation from discriminating on the basis of vaccination status. **REFER FOR INTERIM STUDY.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill represents a wide, sweeping effort to counter mask mandates in state and local government agencies, and to prevent vaccine passports across a wide range of public and private scenarios. While similar legislation was passed in Florida, it will take more study to tailor this to the needs of New Hampshire. The committee was faced with the fact that masks are an important part of infection control in a health care settings, and we have many state and local health care facilities which would be impacted by this bill. The committee was also unable to come to agreement on prohibitions on vaccine passports. Given the intense public interest and the impacts of mandates on economic activity, the committee believes that this requires further study. **Vote 19-0.**

**HB 1327**, including diabetes in the conditions listed for eligibility for a service animal. **OUGHT TO PASS.** Rep. Erica Layon for Health, Human Services and Elderly Affairs. This bill adds diabetes to the listed conditions for eligibility for a service animal for the purposes of better detecting potentially deadly blood sugar levels and keeping tighter glucose control targets. The best medical technology, such as the continuous glucose monitor, can be slow to react to potentially deadly, rapid changes and patients can begin to miss alerts if these alerts sound too often. Allowing a diabetic to make use of a service dog solves these problems and enables independence, especially for teens and young adults who are at greatest risk from deadly hypoglycemia. Further, it empowers these patients to target a lower goal blood sugar rate that reduces costly and dangerous complications caused by chronic elevated blood sugar levels. **Vote 16-0.**

**HB 1384**, establishing a committee to study the need for childcare and ways to supplement and fund it in New Hampshire. **INEXPEDIENT TO LEGISLATE.**

Rep. Bill King for Health, Human Services and Elderly Affairs. The committee agreed that there is a need to keep childcare affordable. However, we concluded that the time it would take to resolve this bill and put recommendations into practice would not happen before the next school year. The committee encourages the sponsor to work informally with other legislators and interested parties concerned with providing affordable child care options in the State of New Hampshire and submit an LSR with recommendations next September. **Vote 20-0.**

**HB 1390**, relative to access to language translation services in telemedicine. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. This bill requires that if a health care facility is already required to provide meaningful language access to limited-English proficient speakers or to deaf or hard of hearing individuals under federal rule, that such access shall be provided whether services are provided in person or utilizing telemedicine. The amendment corrects the erroneous statutory reference in the bill. **Vote 19-0.**

**HB 1391**, establishing a secure psychiatric hospital advisory committee. **INEXPEDIENT TO LEGISLATE.** Rep. Mark Pearson for Health, Human Services and Elderly Affairs. Sometimes a legislative service request is so on the money that many have come to the same conclusion and have started the process towards fulfillment of what that LSR addressed. So it is with this bill. It asks for an advisory committee to be formed to assist the commissioner of corrections with the establishing of a new secure psychiatric hospital as required under 346:357. By the time this LSR worked its way to our committee for consideration, plans for just such a facility were well underway with ground breaking anticipated shortly. The committee is much appreciative for whatever help the filing of the LSR gave to this process. **Vote 20-0.**

**HB 1480-FN**, relative to eligibility of individuals for developmental disability services. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. This bill sought to add a specific diagnosis, familial dysautonomia, to those currently listed in RSA 171-A:2 V as part of the definition of “developmental disability.” There are two reasons for not doing this. First, there are hundreds of rare conditions that can negatively impact a person’s development and functioning. To add familial dysautonomia would invite the

eventual adding of these hundreds, making the law unwieldy. Second, the phrase “or impairment in adaptive behavior or requires treatment similar to that required for persons with an intellectual disability” found in RSA 171-A:2 V(a) provides for a wide range of diagnoses, including familial dysautonomia, to be included in the definition without specifically naming each. Leaders in the developmental disability community were helpful in the committee coming to its conclusion. **Vote 19-0.**

**HB 1526-FN**, relative to income eligibility for in and out medical assistance. **OUGHT TO PASS.**

Rep. Kendall Snow for Health, Human Services and Elderly Affairs. This bill will repeal one paragraph (Chapter 91:424) of the 2021 budget law. That section suspended, for the current biennium, Chapter 39:1 of 2020, which required the Department of Health and Human Services to amend the income eligibility standard for “in an out” medical assistance which has not been adjusted for thirty years. This bill enables certain uninsured, low income persons with ongoing and overwhelming medical expenses to receive assistance after certain “spend downs” are deducted. **Vote 19-2.**

**HB 1537-FN**, establishing a pilot mental health drop-in center program. **INEXPEDIENT TO LEGISLATE.**

Rep. James MacKay for Health, Human Services and Elderly Affairs. This well-intentioned legislation is important in that it brings attention to “peer recovery” programs. However, it is not needed as the Department of Health and Human Services (DHHS) has defined the role of peer recovery programs in its 10 year Mental Health Plan. Specifically, it emphasizes the integration of peer support programs throughout the continuum of mental health care across New Hampshire. This legislation would add a model program that would provide “drop in services” during day-time hours as compared to routine appointments. Otherwise, DHHS has already established such peer support services across New Hampshire. The difficulty is that this legislation would require additional staff to provide the “drop in” services. This would be expensive, requiring certified individuals to recruit at this point. This raises the important point as to the lack of availability of training facilities in New Hampshire. In addition, this legislation requires a study to be conducted by DHHS (another expense) for the Governor and legislative committees. Presently, the Health and Human Services Oversight Committee is authorized by statute to require regular reports on the overall response to the very thorough mental health plan. It is hoped that the legislature will continue to use the Mental Health Plan as a guide for mental health policy. **Vote 19-0.**

**HB 1608-FN**, requiring the department of health and human services to contact certain individuals whose information was included in the state immunization registry. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for Health, Human Services and Elderly Affairs. The bill as introduced required the state to notify the 750,000 people whose information was collected in the Covid-19 vaccine registry without the option to opt out, and removed the information of those who did not respond to keep their information in the registry. As amended, the bill creates a basic public information effort where the Department of Health and Human Services must put out a press release, share on social media, and add a banner or other notification on all department websites to notify the public that, “The state of New Hampshire obtained information about your Covid-19 vaccination status without offering you a chance to opt-out of the state immunization registry. Our New Hampshire constitution honors your right to privacy, including your medical information, and you have the right to withdraw your information from the immunization registry. If you withdraw from the registry, the state will not retain a record of your vaccination.” Additionally, the department must provide a hyperlink to the current withdrawal form for 60 days. **Vote 19-0.**

**HB 1619-FN**, relative to qualifying conditions for the therapeutic cannabis program. **INEXPEDIENT TO LEGISLATE.**

Rep. Gary Merchant for Health, Human Services and Elderly Affairs. This bill intended to add moderate to severe chronic migraine headaches to the list of conditions which will qualify a person to be certified to use therapeutic cannabis under the NH Therapeutic Cannabis Program. On the advice of the Therapeutic Cannabis Medical Oversight Board, the committee believes that chronic migraine headache would already qualify under the stand-alone condition of chronic pain which includes both persistent and recurrent chronic pain. Therefore migraine headache does not require independent statutory mention as a separate condition. **Vote 19-0.**

**HB 1634-FN-A**, relative to state grants for researching the effects on the human body of COVID-19 vaccines. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark Pearson for Health, Human Services and Elderly Affairs. Operation Warp Speed was a federal effort launched by the previous president that supported multiple COVID-19 vaccine candidates to speed up development. Because of the pandemic, vaccines were, of necessity, experimental. Recognizing this, the bill’s sponsor suggested research be done to see what effects the different approved vaccines have had on the human body. As the committee both conducted research and took testimony, we concluded that, while such research is a great idea, the state of New Hampshire was not the right research sponsor. First, the money to be appropriated would be significantly inadequate to the task. Second, we were told that the state has never done this kind of project before and, therefore, considerable time would be needed to get the project going. And third, we discovered this very research was already underway in several other places. **Vote 16-0.**

**HB 1642-FN**, relative to lead testing in children. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jerry Knirk for Health, Human Services and Elderly Affairs. Lead is a very dangerous neurotoxin, particularly damaging to young children during growth. Lead poisoning sources are lead paint in our older housing stock, soil contamination from leaded gasoline and agriculture, and lead pipes. SB 247, passed in 2018, requires blood lead level testing in all children by age 1 and again by age 2 in order to guide remediation and treatment, but compliance has been poor. This bill, as introduced, mandated a provider scorecard type of approach with reporting to the Department of Health and Human Services (DHHS) to nudge providers to get the testing done. It then inserted a required blood lead level test for admission to schools or child daycare, also with reporting to DHHS, but there was no appropriation to cover the reporting requirements. The reporting requirements also potentially conflicted with HIPPA requirements and DHHS Data Release Guidelines regarding privacy. The amendment markedly reduces the scope of the bill, stripping out the various reporting requirements, leaving just a requirement of a blood lead level test for school and child daycare admission. With no reporting requirements, an appropriation is no longer needed. Mandating a blood lead level report as a requirement for admission to child daycare and school admission will provide another reminder of the need to get the testing done at a common point of contact. If the provider has not done the required testing, the parent will become aware of the need and get it done. The amendment adds the provision of six months to remedy the deficiency so that a parent does not lose a valuable child daycare slot when it becomes available. The amendment also pushes out the effective date to January 1, 2023 given the current short-staffing at child daycare agencies. The amendment reiterates that the parent still has the right to opt out of having blood lead level testing done on their child under RSA 130-A:5c, exempting the child from the requirement of the blood lead level test for admission to school or child day care. **Vote 20-1.**

**HB 1654-FN**, relative to termination of pregnancy statistics. **REFER FOR INTERIM STUDY.**

Rep. Bill King for Health, Human Services and Elderly Affairs. Many times when we discuss matters of pregnancy termination, especially in pregnancies beyond 21 weeks, we find there is no data because the Department of Health and Human Services (DHHS) currently does not collect this information. We worked on an amendment for this bill and got it very close, but there were still some gaps in our work. The biggest reason for this is that we are waiting for a best practice report being released by the Center for Disease Control (CDC). This report will help us with language for an amendment for a future bill. **Vote 20-0.**

**HB 1659-FN**, relative to criminal history background checks for certain health care workers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Charles McMahon for Health, Human Services and Elderly Affairs. Currently, criminal background checks for employment in licensed health care facilities, including residential care facilities, are currently done exclusively through the NH Department of Safety. This bill will allow these facilities to use, in addition, third-party criminal background check services to expedite the response in providing the background check which is required as a condition of employment. It also allows a licensed nursing assistant to begin working on a conditional basis under the direct on-site supervision of a licensed staff person provided that he or she has passed a background check in the past 12 months as part of the education program and attest that no disqualifying criminal history exists. This bill is needed to allow the filling of vacant positions in health care facilities in a more timely fashion and to ensure that the delivery of quality services in the licensed health care and residential care facilities is sustained. **Vote 19-1.**

## JUDICIARY

**HB 1006**, relative to disclosures required prior to solicitations made on behalf of law enforcement agencies. **INEXPEDIENT TO LEGISLATE.**

Rep. Joe Alexander for Judiciary. The Judiciary Committee believes this bill is well intended but not needed. This bill requires a person requesting contributions on behalf of a police or law enforcement association to clearly identify themselves to the individual contacted and state that the individual is not required to make a donation. This bill would violate the free speech of a law enforcement association to solicit contributions for themselves while not holding all other nonprofits and associations to the same standards. The law, if applied, should apply to everyone and not just law enforcement associations. **Vote 21-0.**

**HB 1020**, relative to additional lights on emergency vehicles. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Trottier for Judiciary. This bill, as amended, will allow emergency vehicles, police and fire, the ability to apply additional lighting to their emergency lighting apparatus in compliance with federal standards. **Vote 21-0.**

**HB 1023**, relative to regulation of athlete agents. **INEXPEDIENT TO LEGISLATE.**

Rep. Douglas Trottier for Judiciary. This bill was offered with good intent. However, this bill has serious implications for both athlete agents and the athletes themselves. National standards are now being developed. The committee feels this bill is not ready to move forward. **Vote 21-0.**

**HB 1034**, relative to the definition of an employee or official of a governmental unit. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill attempts to clarify the definition of an employee or official of a governmental unit when deciding if that governmental employee or unit has immunity for personal or property damages. The sponsor came to the committee with an amendment saying the drafter had omitted a comma in the clarifying language. Testimony indicated that the sponsor and the opponents read the language differently. The committee, unable to sort out the appropriate language, recommends the bill Inexpedient to Legislate. **Vote 21-0.**

**HB 1036**, relative to nonpublic meetings concerning public employees. **OUGHT TO PASS.**

Rep. Kurt Wuelper for Judiciary. This bill strengthens the language concerning public employees' protections expressed in the current law before a body can have a non-public meeting concerning that employee by explicitly stating no such meeting shall occur unless the employee's right to notification and opportunity to be heard have been honored. It neither adds nor subtracts from the existing provisions. **Vote 20-0.**

**HB 1042**, requiring certain health advisory notices to be provided to renters of vacation or recreational rental units. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would require advisory notices about the potential of cyanobacteria in NH waters be provided to renters of vacation or recreational rental units. The committee unanimously believes the warnings and alerts from the state are sufficient and even short-term renters should already be aware of the potential dangers of this common situation. **Vote 21-0.**

**HB 1086-FN**, relative to concealment of a cause of action. **OUGHT TO PASS.**

Rep. Kurt Wuelper for Judiciary. This bill tolls the statute of limitations when a party purposely conceals the cause upon which a suit could be brought for the amount of time between the action and the discovery of the concealment. Current NH law contains this protection for construction cases only and the majority agreed it should be broadened to any type of case. **Vote 19-2.**

**HB 1235-FN**, relative to compensation paid to a crime victim. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Gordon for Judiciary. This bill increases the maximum recovery from the Crime Victims Assistance Fund from \$40,000 to \$50,000. It also provides that there would be an additional year for recovery under the FRM Victims Contribution Recovery Fund. Finally, the bill provides that any unused funds from the FRM Victims Contribution Recovery Fund will be paid over to the Crime Victims Assistance Fund. The amendment deletes the part of the original bill which would have limited payments to victims under the FRM Victims Contribution Fund to \$50,000. **Vote 21-0.**

## LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**CACR 28**, relating to the minimum wage. Providing that all workers have a right to a minimum wage that provides them with well-being and a dignified existence. **INEXPEDIENT TO LEGISLATE.**

Rep. Lino Avellani for Labor, Industrial and Rehabilitative Services. The mechanics of this constitutional amendment required a trailer bill, HB 1403, that the sponsor asked to be found Inexpedient to Legislate. That makes this CACR unworkable and as a result we recommend this CACR be found Inexpedient to Legislate. **Vote 20-1.**

**HB 1231-FN**, relative to failure to make payment of compensation. **INEXPEDIENT TO LEGISLATE.**

Rep. Lino Avellani for Labor, Industrial and Rehabilitative Services. While well intentioned, this bill offered more questions than answers, was unclear in its intent to solve a certain problem, there was no testimony from the public to address this issue, and the Department of Labor was also unclear of its intent. For those reasons and a few more, we recommend this bill be found Inexpedient to Legislate. **Vote 20-0.**

**HB 1304**, establishing a committee to study the impacts of outdoor working conditions in heat and cold. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. Two bills this session deal with very similar subject matter. The committee believes existing committees can handle this topic. The committee unanimously recommends Inexpedient to Legislate for this bill in favor of the amended HB 1386. **Vote 21-0.**

**HB 1386**, establishing a committee to study the effects of heat and high temperature on employee working conditions. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. This bill proposes to create a legislative study committee to look, broadly, at the effects of high temperatures on working conditions. A proposed amendment adds language from HB 1304 to look at the effects of extreme heat and cold in outdoor working environments, proposed as a similar study. After deliberation, the committee unanimously agreed to forgo a new study with the understanding that the topic would be explored in an already-formed study committee.

Last year, we established a committee to study OSHA standards as they relate to State of NH employees. It is within the scope of that committee to investigate how OSHA regulates and mitigates working environments subject to heat or cold. This approach can make some progress on the topic without the need to form an additional committee. **Vote 21-0.**

**HB 1403**, establishing a commission relative to the minimum wage. **INEXPEDIENT TO LEGISLATE.**

Rep. Lino Avellani for Labor, Industrial and Rehabilitative Services. At the request of the sponsor, who asked that this bill be found Inexpedient to legislate, aside from other issues with this bill, we honored that request. **Vote 21-0.**

## LEGISLATIVE ADMINISTRATION

**HB 1486-FN**, relative to an income-based public assistance stipend for legislators. **INEXPEDIENT TO LEGISLATE.**

Rep. Allison Nutting-Wong for Legislative Administration. The committee recognizes that legislators must make sacrifices to serve their community, and for some, the monetary sacrifices may be more burdensome than for others. The creative solution provided by the bill sponsor would provide an additional stipend for those legislators who qualify for income under other state agency programs. Advice from our House Counsel indicated a number of issues across a number of areas. Testimony received indicated primarily that the bill is, most likely, unconstitutional for the reason that it provides compensation after the legislator leaves office. There is also a separation of powers concern with the executive branch funding and administering a stipend for elected officials in the legislative branch. In addition, testimony from the Department of Health and Human Services indicated a significant burden as there is no appropriation to fund an additional program. For these reasons and others, the entire committee felt this legislation would not be a viable solution. **Vote 16-1.**

## MUNICIPAL AND COUNTY GOVERNMENT

**HB 1029**, relative to the Claremont police commission. **OUGHT TO PASS.**

Rep. Diane Pauer for Municipal and County Government. This is a housekeeping bill which provides that the Claremont city council may remove any police commissioner at any time, for just cause, after due hearing. In 2021, HB 88, signed by the Governor, effective May 17th 2021, provided that the Claremont city council, rather than the city manager, shall have the authority to appoint the police commission. Due to an oversight, the language of HB 88 neglected to give the Claremont city council the ability to remove a police commissioner. HB 1029 simply corrects this omission by providing the Claremont city council the full power to appoint as well as to remove a police commissioner. **Vote 19-0.**

**HB 1397**, relative to the length of terms for Rockingham county officers. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rosemarie Rung for Municipal and County Government. This bill extends the terms for certain county officers, the county attorney, the county sheriff, the county treasurer, registrar of probate and registrar of deeds, from two years to four years. The committee believes that these positions are full-time, professional jobs that risk being negatively impacted by the time and distraction of biennial campaigns and elections. A four year term provides more stability and focus to address county needs. The original bill only applied to Rockingham County but the committee amended it to apply to all NH counties. **Vote 19-0.**

## PUBLIC WORKS AND HIGHWAYS

**HB 1038**, naming a bridge in Londonderry in honor of Robert J. Prowse. **OUGHT TO PASS.**

Rep. Michael Edgar for Public Works and Highways. In 1973, the prior Ash Street Bridge was dedicated as "The Robert J. Prowse Memorial Bridge." This bill names the new Ash Street Bridge over interstate 93 in the town of Londonderry for Robert J. Prowse. Mr. Prowse was a successful and well respected civil engineer who worked his way up through the ranks of the State Highway Department. After joining the bridge division in 1934, he quickly gained the recognition of his superiors who assigned him work of progressively greater responsibility and complexity. By January 1969, he had worked his way up to State Bridge Engineer. Mr. Prowse took full advantage of the advances in welding technology and created bridges that were recognized by his peers as among the most beautiful bridges in the United States. **Vote 17-0.**

**HB 1040**, establishing a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for the funding of improvements to the state's highways and bridges and their resulting improvements to the environment. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barry Faulkner for Public Works and Highways. This bill will establish a commission to study the problem of the widening gap between our highway funding needs and decreasing road toll, gas tax, revenues, due in part to improved fuel economy and the shift to electric and hybrid vehicles. The Public Works and Highways Committee has considered a number of proposals to address this problem, many of which have practical or

policy issues that need to be resolved. The committee finds that this commission provides the best chance to work through these issues and to develop a consensus on an approach where all highway users pay a fair share of the costs of maintaining an efficient highway system. The committee amendment retains the commission's membership and the scope of the original bill. The amendment changed the title and purpose statements to remove the sole focus on electric and hybrid vehicles and ensure that the commission considers the current and future funding needs of the highway system. **Vote 22-0.**

**HB 1211-FN**, requiring the installation of electronic tolling. **INEXPEDIENT TO LEGISLATE.**

Rep. John Cloutier for Public Works and Highways. This bill would require the Department of Transportation to replace all toll booths in New Hampshire with electronic tolling by July 1, 2035. While the committee applauds the sponsor's intent, it believes the goal of eventually replacing all toll booths could be best done through an update to the New Hampshire 10-year transportation plan, which the committee is now in the process of scrutinizing. **Vote 19-0.**

**HB 1217-FN**, relative to agency reporting of state-owned property. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey for Public Works and Highways. Currently, the state has a robust process for all agencies to report their real estate holdings on a biennial basis. This listing is maintained by the Department of Administrative Services (DAS) and is available to the public on the DAS web site. The bill, as introduced, would add a specific reporting requirement for vacant or abandoned property. Additionally, there would be a requirement for each agency to specify whether or not such property could be conveyed to the community in which it is located. The committee believes that the current reporting requirement is adequate. There are also definitional problems with the terms "vacant" or "abandoned" that would require a re-work of state statutes. Finally, there is an existing process for the disposal of surplus state assets which could potentially be in conflict with the provisions contained in this bill. **Vote 19-0.**

**HB 1449-FN**, creating a toll booth exemption for vehicle funeral processions to the veterans cemetery in Boscawen. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Thompson for Public Works and Highways. While the committee has the greatest respect and admiration for our veterans and their families, the majority's opinion is that this bill should be found inexpedient to legislate. As written, the bill would allow any funeral procession headed to the New Hampshire Veterans Cemetery to be exempt from tolls on our turnpike system. There are a couple of problems with the bill as written. For those vehicles equipped with an EZ Pass transponder, unless the vehicle's driver took proactive steps to shield the transponder, the vehicle would still be charged for the trip. Additionally, as we move toward more open road tolling and all electronic tolling, the bill creates issues for the Department of Transportation in identifying exactly which vehicles are part of the procession. **Vote 17-1.**

**HB 1553-FN**, relative to roadside memorials. **OUGHT TO PASS.**

Rep. John Cloutier for Public Works and Highways. This bill would prohibit roadside memorials within the right-of-way of any primary or secondary highway. More specifically, it would authorize the Department of Transportation (DOT) to remove such memorials in class I, II, or III-a highways as well as town or city highway agents to remove the memorials on any other highway, and on town-maintained portions of class II highways. Finally, it would authorize DOT to remove and dispose of any roadside memorials after 90 days beginning from the date of the event being memorialized. At the bill's hearing, nobody testified in opposition to this measure to improve highway safety. **Vote 17-0.**

**HB 1572-FN-A**, relative to funds credited to the harbor dredging and pier maintenance fund and making appropriations for the dredging of Rye harbor and Seabrook/Hampton harbor. **INEXPEDIENT TO LEGISLATE.**  
Rep. Michael Edgar for Public Works and Highways. This bill, as introduced, was relative to the harbor dredging and pier maintenance fund and made appropriations for the dredging of Rye Harbor and the Seabrook/Hampton Harbor. The sponsor sent an amendment to the committee that completely replaced the original bill. The amendment concerned the funding for certain towns for road and highway maintenance. The amendment was ruled non-germane. **Vote 17-0.**

**HB 1585-FN**, relative to removing the ramp tolls at exit 11 in Hooksett. **INEXPEDIENT TO LEGISLATE.**  
Rep. David Milz for Public Works and Highways. This bill would remove the ramp tolls on the Everett Turnpike in the town of Hooksett. During the public hearing it became apparent that the major issue was not the actual toll but rather work on nearby intersections on other state highways that are not associated with the turnpike system. Removing the toll plaza would not resolve these issues and in fact might exacerbate them with traffic trying to avoid paying a toll. The committee will work with the sponsors and the town of Hooksett during the ten-year plan process to see what might be done to resolve some of the issues raised during the hearing. **Vote 22-0.**

**HB 1656-FN-A-LOCAL**, establishing a road usage registration fee and making an appropriation therefor. **INEXPEDIENT TO LEGISLATE.**

Rep. David Milz for Public Works and Highways. This bill would establish a road usage fee based on a vehicle's weight and annual miles driven. The committee has several concerns on how the actual fee would be

assessed and how miles driven outside of the state would be accounted for. The committee heard a separate bill, HB 1040, that would study the issue of how, or even if, New Hampshire would establish any type of road usage fee. This bill puts the cart before the horse. **Vote 22-0.**

**HB 1675-FN-A**, establishing a surcharge collected through E-Z Pass for electric vehicles as an alternative road toll. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Thompson for Public Works and Highways. The prime sponsor of this bill asked the committee to ITL this bill, after testimony revealed several short comings with the bill, and the fact that there are several other similar bills in process. **Vote 22-0.**

## RESOURCES, RECREATION AND DEVELOPMENT

**HB 1005**, relative to the creation of a New Hampshire low-grade timber and wood emerging market commission. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Juliet Harvey-Bolia for Resources, Recreation and Development. This bill establishes a commission to explore new and emerging markets for biomass and low-grade timber. Forest products contribute \$1.4 billion to our economy. Forest-product markets in New Hampshire have experienced an acute downturn particularly for low-grade wood resources used in biomass plants and paper manufacturing. Since 2014, roughly 6.5 million tons of market for low-grade wood has been lost annually, mainly through the closures of biomass electric generation plants. The Resources, Recreation and Development Committee unanimously recommends this bill ought to pass, and believes it to be integral to a robust timber industry in NH. The amendment to the bill expanded and improved the members of the commission as well as lengthened the time frame for the report. **Vote 21-0.**

**HB 1220**, prohibiting the docking of houseboats on Perkins Pond in Sunapee. **OUGHT TO PASS.**

Rep. Suzanne Gottling for Resources, Recreation and Development. This bill will make Perkins Pond in Sunapee the fourth NH water body where houseboats may not be placed, used, or operated. It will join Squam Lake, Silver Lake in Madison, and Conway Lake. Perkins Pond is a shallow pond with an average depth of 5 feet and maximum depth of 9 feet. In 2020, a pontoon boat with a tent on it appeared at the dock of an out-of-state homeowner. All cottages on the lake are hooked up to the town sewer system, and this houseboat puts the health of this fragile ecosystem at risk, having only a 5 gallon bucket on board for waste. The select board voted unanimously in support of banning houseboats on Perkins Pond, and a large majority of homeowners signed petitions. However, since the pond is larger than 10 acres it is under state jurisdiction, and coming to the legislature to change the statute seemed to be their only option. The committee found that passage of this bill is the only legal option and will be an important step to ensure Perkins Pond remains healthy for future generations to enjoy. **Vote 19-2.**

**HB 1339**, relative to the Winnipesaukee River basin control replacement fund. **OUGHT TO PASS.**

Rep. Gregg Hough for Resources, Recreation and Development. This bill aims to update and improve the use and maintenance of the funds for needed repairs by member communities whose repair costs may exceed their community's normal budgetary items. Based upon the unanimous agreement and support of all the contributing members of the fund the committee voted unanimously to recommend that this bill ought to pass. **Vote 21-0.**

**HB 1418**, relative to permit by notification for certain homeowner shoreland projects. **INEXPEDIENT TO LEGISLATE.**

Rep. Lisa Post for Resources, Recreation and Development.

This bill requires the Department of Environmental Services (DES) to adopt rules relative to internet access to permits. The bill required permit-by-notification instructions and application documents to be simplified and grouped by like projects with online applications clickable for the instructions, applications and applicable statutes. For a homeowner wishing to repair their shore land, the application process can be confusing which often leads them to seek expensive legal assistance to complete the application. The prime sponsor stated that homeowners currently do not receive notice that their application has been either accepted or denied. The prime sponsor has worked with DES who has agreed to make the needed changes and have begun the process of simplifying the applications for shoreland projects for the ease-of-use for the land-owner applicant and will work with the prime sponsor to make sure it is acceptable. The majority of the committee believes that DES, pursuant to the agreements worked out with the prime sponsor, will improve the application documents and processes without the necessity of legislation and therefore recommends this bill be found inexpedient to legislate. **Vote 21-0.**

**HB 1451-FN**, relative to the recovery of submerged logs. **INEXPEDIENT TO LEGISLATE.**

Rep. Gregg Hough for Resources, Recreation and Development. Under present law, submerged logs under bodies of water controlled by the state are held in trust for the citizens of the state. Presently logs can only be removed by towns with state permission. This bill would establish a permit and process for an individual

to harvest submerged logs under state controlled waters. The committee found this bill to be problematic in several areas. It would create a new bureaucracy complete with rules, licensing, penalties, and fines. It could lead to damage to existing water ecosystems in which logs have become an integral part of the water's biome and removal could upset the natural balance of the organisms inhabiting the water ways. In addition, the market for this activity appears to be slight. **Vote 21-0.**

**HB 1452-FN**, renaming the department of environmental services the department of environmental protection and assigning the department oversight of private drinking water wells. **REFER FOR INTERIM STUDY.** Rep. Suzanne Smith for Resources, Recreation and Development. This bill would change the name of the Department of Environmental Services (DES) to the Department of Environmental Protection. The bill is opposed by DES and estimates the cost of such a name change would be upwards of \$500,000. The bill would also authorize DES to enter all privately owned lands with private drinking wells to inspect and take water samples. The department testified that they already have success working voluntarily with private land owners and collaborating with local health officers. Further, even if this bill were passed, landowners may refuse citing current New Hampshire law, and force DES to obtain a warrant to inspect. Although the issue of water contamination in private wells is serious, the committee agreed unanimously that this legislation needs much more work. **Vote 21-0.**

**HB 1528**, establishing a public boat access donation program for operators of non-motorized boats and requiring the fish and game department to prepare a report relating to such program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Timothy Egan for Resources, Recreation and Development. The Committee on Resources Recreation and Development were in complete agreement on establishing a voluntary donation program for operators of non-motorized boats, and directing the donations to support the development and maintenance of public water access areas in NH. The committee was also unanimous in support of an intelligently and cooperatively crafted bill that allows car top boats users to share in the cost of maintenance of boat launches. The committee amendment to this bill makes the voluntary program, run by Fish and Game Department (F&G), more cost effective for the agency by not requiring a special report on the program results. The amendment recognizes that F&G already has a Statewide Public Boat Access fund which produces reports annually. For this reason the section of the bill which required a new reporting system is not needed. This bill allows the community of those who use rivers, lakes and streams to support each other in insuring easy access and safety on, these bodies of water for all residents of NH. **Vote 21-0.**

**HB 1618-FN**, adding several perfluorinated chemicals to the list of per and polyfluoroalkyl substances with maximum contaminant levels and establishes a cumulative total for the maximum contaminant level of per and polyfluoroalkyl substances. **REFER FOR INTERIM STUDY.**

Rep. Robert Healey for Resources, Recreation and Development. This bill would add several perfluorinated chemicals to the list of per and polyfluoroalkyl (PFAS) substances and add maximum contaminant levels (MCL). It would also establish a cumulative total for the existing MCLs and the additional PFAS substances. The fiscal note estimated a FY 2023 local expenditure of between \$3,676,000 and \$12,441,000 to comply with the MCL levels set by this bill.

Being known to the Resources, Recreation and Development Committee that certain PFAS substances have been regulated in the State of New Hampshire by New Hampshire law signed into effect in 2020. The law set the limits on the current 4 regulated PFAS substances: (1) PFOA (Perfluorooctanoic acid): 12 parts per trillion; (2) PFOS (Perfluorooctanesulfonic acid): 15 parts per trillion; (3) PFNA (Perfluorohexanesulfonic acid): 11 parts per trillion; (4) PFHxS (perfluorononanoic acid): 18 parts per trillion. This bill would regulate an additional 2 compounds: (1) PFBA (Perfluorobutyrate) at 7 parts-per-trillion (ppt); and (2) PFBS (Perfluorobutanesulfonic acid) at 1000 ppt and in addition put a maximum MCL for all 6 of these compounds combined at 20 ppt. As New Hampshire Department of Environmental Services (DES) testified, the science related to the 2 new compounds PFBA and PFBS, is still evolving and according to DES, the MCL of 7 ppt for PFBA is not supported by scientific evidence at this time. With regard to PFBS, according to DES, 1000 ppt is roughly in line with what the DES has estimated the drinking water toxicological value would be, however, PFBS has not been found in drinking water in New Hampshire at these levels to date. Also, given that this bill also states that an MCL of 20 ppt for all 6 substances combined would change the de facto standard of PFBS to 20 ppt. Given this testimony from DES about HB 1618-FN the decision was unanimous by Resources, Recreation and Development Committee to recommend Interim Study. **Vote 21-0.**

**HB 1641-FN**, relative to vessel registration fees. **REFER FOR INTERIM STUDY.**

Rep. Suzanne Smith for Resources, Recreation and Development. This bill would change the formula for calculating registration fees for boats, personal watercraft and other vessels and increase the cost of registering boats drastically. For example, an owner of a new personal watercraft (PWC) would see an increase of over \$200 in the cost of registering their PWC. Although some members of the committee believe that New Hampshire's vessel registration fees need some adjustment, a much more thorough review is needed before any attempts

at a new structure be undertaken. In addition, during testimony, the committee learned that the US Coast Guard has expressed concern that our present boat registration fee, besides funding the registration of the boat, also includes additional funding for certain lake related activities including research, monitoring and eradication of exotic aquatic weeds and species as well as support for state marine patrol. The committee's recommendation that this bill be sent to interim study will provide the committee a vehicle to explore ideas to correct these issues. Several stake holders at the hearing asked to be part of the discussions. **Vote 21-0.**

## STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

**HB 1050**, declaring November 11 as Remembrance Day. **REFER FOR INTERIM STUDY.**

Rep. Linda Massimilla for State-Federal Relations and Veterans Affairs. The committee unanimously agreed that the bill had merit but needed more work and clarification. **Vote 21-0.**

**HB 1092-FN**, requiring an official declaration of war for the activation of the New Hampshire national guard. **INEXPEDIENT TO LEGISLATE.**

Rep. Al Baldasaro for State-Federal Relations and Veterans Affairs. This is the fourth time that this legislation has come to our committee and received an ITL. This bill sounds great on paper but in real time, will not happen due to *Perpich v. Department Of Defense*, 496 U.S. 334 (1990) in which the Supreme Court ruled that the Governor's consent is not needed for activation of the National Guard. **Vote 14-2.**

**HB 1106**, establishing a committee to study recruiting certain members of the armed forces. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Linda Massimilla for State-Federal Relations and Veterans Affairs. The committee unanimously agreed that a commission to research job opportunities utilizing the skills of former armed service members, as well as to identify incentives for employers who hire veterans, is a win-win situation for all concerned. **Vote 16-0.**

**HB 1256-FN**, relative to positions within the department of military affairs and veterans services. **OUGHT TO PASS.**

Rep. Brodie Deshaies for State-Federal Relations and Veterans Affairs. This legislation will create pay parity for employees of the State Veterans Cemetery and help our state retain workers to operate this great service for our fallen heroes. **Vote 16-0.**

**HB 1353**, renaming a wing in the New Hampshire veterans' home. **REFER FOR INTERIM STUDY.**

Rep. Michael Moffett for State-Federal Relations and Veterans Affairs. The intent of this measure was to honor a former veterans home commandant. However, due to conflicting testimony at the hearing, the committee opted to spend more time on this bill. **Vote 21-0.**

**HB 1362**, relative to the authority of the state guard. **INEXPEDIENT TO LEGISLATE.**

Rep. Al Baldasaro for State-Federal Relations and Veterans Affairs. The committee believes this bill has great intentions, but many cities and towns already have disaster teams to assist in emergencies. The sponsor requested ITL. **Vote 16-0.**

**HB 1441**, establishing a commission to organize the observance of the 250th anniversary of the declaration of independence. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Brodie Deshaies for State-Federal Relations and Veterans Affairs. This bill as amended would emulate SB 221 (2007) which established a commission to organize events in celebration of the Abraham Lincoln bicentennial. It is important we celebrate the 250th anniversary of our Declaration of Independence. This commission takes a nonpartisan approach to planning for this celebration. **Vote 13-0.**

**HB 1505-FN**, establishing concurrent jurisdiction in juvenile matters with the U.S. Department of Defense for coordination with the military family advocacy program. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Al Baldasaro for State-Federal Relations and Veterans Affairs. The policy represented in this bill, which directs the collection and sharing of the military affiliation of a victim or suspect at the onset of an investigation, supports the development of more consistent agreements and allows the Family Advocacy Program and children's behavioral health authorities in New Hampshire to better coordinate services to victims. This bill also assists the military services' efforts to remove barriers to appropriate investigation and adjudication of juvenile matters by civilian authorities. Removing the statutory bar to retrocession at Pease Air National Guard Base, and clarifying that New Hampshire authorities may assert jurisdiction over juveniles on military installations in areas of exclusive federal legislative jurisdiction, enables state law authorities to enforce state laws on base with respect to civilian family members." (excerpt from the Department of Defense). The committee supports this bill in working with the Department of Defense in supporting military children. **Vote 12-0.**

**HB 1653-FN**, relative to educational and employment opportunities and protections for military families and their dependents. **OUGHT TO PASS.**

Rep. Al Baldasaro for State-Federal Relations and Veterans Affairs. The committee overwhelmingly supports this bill, which provides for licensure expansion and issuance within 30 days of relocation, to ensure veterans

and spouses can get to work once moving to NH. This bill comprehensively addresses educational transition for military connected dependents and provides important protections for the National Guard and the reserve component families. **Vote 21-0.**

**HCR 6**, urging that the United Kingdom return the Parthenon (Elgin) marbles to Greece. **INEXPEDIENT TO LEGISLATE.**

Rep. John Leavitt for State-Federal Relations and Veterans Affairs. This bipartisan vote recommending ITL shows that requesting the return of marbles to Greece is moot. **Vote 20-1.**

**HCR 8**, affirming states' rights based on Jeffersonian principles. **INEXPEDIENT TO LEGISLATE.**

Rep. David Lundgren for State-Federal Relations and Veterans Affairs. The majority agrees to ITL this bill after numerous attempts to pass. **Vote 21-0.**

**HR 16**, calling for the federal government to construct a nuclear waste repository to permanently store our nation's nuclear waste. **OUGHT TO PASS.**

Rep. Tony Labranche for State-Federal Relations and Veterans Affairs. This resolution is a simple one: asking Congress to find a permanent solution for our nuclear waste. Currently all nuclear waste is stored on-site at Seabrook nuclear power station with no plan for the permanent disposal of that waste. Let us call on the federal government to find a solution to this issue and get this waste out of our backyard. **Vote 21-0.**

## TRANSPORTATION

**HB 1001-FN**, authorizing the Girl Scouts of the Green and White Mountains to issue decals for multi-use decal plates. **OUGHT TO PASS.**

Rep. Laura Telerski for Transportation. This bill adds the Girl Scouts of the Green and White Mountains to the list of non-profit organizations approved to issue a decal for multi-use plates. The Girl Scouts in New Hampshire empower more than 10,000 girls annually. **Vote 14-0.**

**HB 1024**, relative to local speed limits in business or urban residence districts. **INEXPEDIENT TO LEGISLATE.**

Rep. Aidan Ankarberg for Transportation. This bill would allow municipalities to set speed limits as low as 10 mph. This would create a patchwork of speed limits which drivers are likely to be unfamiliar with. This may lead to confusion and an unsafe environment on NH roadways. Municipalities are currently able to request waivers from the New Hampshire Department of Transportation to reduce speed limits in high traffic areas upon a demonstrated need. Given this the committee recommends this bill be found inexpedient to legislate. **Vote 18-0.**

**HB 1060-FN**, authorizing the New Hampshire Environmental Educators to issue decal plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Laura Telerski for Transportation. At the request of the sponsor, the committee recommends this bill be found inexpedient to legislate due to the concerns that the New Hampshire Environmental Educators had about participation in the multi-use decal program. **Vote 18-0.**

**HB 1110**, relative to windshield tint waivers. **OUGHT TO PASS.**

Rep. Thomas Walsh for Transportation. Last year, a law was passed allowing for after market tint to be applied to side-windows left and right of the operator at a level of 70% light transmittance. This bill aligns the statute by allowing 70% light transmittance after market tint to the windshield for those with medical conditions who have received a waiver from the Department of Motor Vehicles. **Vote 13-0.**

**HB 1150**, relative to temporary license plates. **INEXPEDIENT TO LEGISLATE.**

Rep. Aidan Ankarberg for Transportation. This bill would allow the temporary use of a current valid New Hampshire license plate on a different vehicle. This would violate current New Hampshire law by allowing an unregistered vehicle to be operated while being uninspected. Conflicts with reciprocity in other states arise with sales outside of New Hampshire. Finally, the Department of Motor Vehicles also informed the committee of an effort ongoing to deal with the issue of private party temporary license plates within the department. **Vote 17-0.**

**HB 1158**, relative to the use of handicap placards. **INEXPEDIENT TO LEGISLATE.**

Rep. Dennis Thompson for Transportation. Given that there is currently an RSA prohibiting obstruction of a driving mechanism, RSA 265:95, III(b), which states, "no person shall drive upon any way, any vehicle with any sign, poster, sticker, or other nontransparent material upon or adjacent to the front windshield, side wings, or side or rear windows of such vehicle which shall obstruct the driver's clear view of the way." **Vote 17-0.**

**HB 1214-FN**, eliminating fees for walking disability placards. **OUGHT TO PASS.**

Rep. Larry Gagne for Transportation. This bill eliminates the statutory \$5 fee for printing and mailing disability placards issued by the Department of Motor Vehicles (DMV). Currently, the DMV does not charge this fee because it would be in violation of the Americans with Disabilities Act (ADA). This bill eliminates the fee by statute. **Vote 17-0.**

**HB 1240-FN**, relative to service of process for license suspensions or revocations. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Gagne for Transportation. This bill, if passed, would require that a notice of driver's license revocation or suspension be sent by first class mail when a summons was not hand delivered by a law enforcement officer. This bill would have created a presumption of service three days after the mailing of the notice. Because of the presumption of service, and upon reflection, the sponsors felt that a motion of inexpedient to legislate was appropriate. **Vote 19-0.**

**HB 1437-FN**, relative to registration plates for antique farm tractors. **OUGHT TO PASS.**

Rep. Aidan Ankarberg for Transportation. This bill amends RSA 259:4, by adding "Farm Tractor" to the current definitions of vehicles covered by this chapter. Current law provides for remedy for abuse of this provision and these vehicles are not intended for daily road use or agricultural work. **Vote 15-0.**

**HB 1462-FN**, relative to motorcycle learner's permits. **OUGHT TO PASS.**

Rep. Dennis Thompson for Transportation. The majority feels that given the Department of Safety allows an additional opportunity to take the motorcycle road test after the Motorcycle Training Program, should the operator fail the first test. It seems reasonable to allow a second 45 day learner's permit should the first permit expire. **Vote 13-0.**

**HB 1464**, establishing a committee to study the feasibility and implementation of furthering electric vehicle adoption in New Hampshire. **REFER FOR INTERIM STUDY.**

Rep. Donovan Fenton for Transportation. The committee believes that there is a need to figure out how we can get more electric vehicles into New Hampshire without adhering to mandates but there is another transportation council dealing with similar issues. The committee voted to keep the bill alive because it is still an issue and would like to look at it further down the road. **Vote 19-0.**

**HB 1489-FN**, relative to motor vehicle title exemptions. **INEXPEDIENT TO LEGISLATE.**

Rep. Karel Crawford for Transportation. This bill would exempt vehicles that are seven years or older from needing a current certificate of title in order to be registered. Testimony from the N.H. Department of Motor Vehicles estimated the loss of revenue to the state would be \$5,380,975 and the loss of revenue to local municipalities \$430,478. A title is a formal document showing ownership, the average ownership of a vehicle is 12 years, banks will not finance a vehicle without a certificate of title. **Vote 14-0.**

**HB 1615-FN**, relative to driver education and the driver training fund. **REFER FOR INTERIM STUDY.**

Rep. Thomas Walsh for Transportation. This bill would provide \$250.00 per pupil from the driver training fund to participation drivers-ed schools both public and private. Proof of reduced tuition to receive this subsidy would need to be provided. Considering details that still need to be worked out and the fiscal note, the prime sponsor requested the motion of Interim Study. **Vote 14-0.**

**HB 1640-FN**, relative to the payment of motor vehicle fines. **INEXPEDIENT TO LEGISLATE.**

Rep. Larry Gagne for Transportation. This bill allows anyone who receives a fine related to their motor vehicle to donate the fine amount to a charitable organization rather than submit it to a state agency. While well intentioned, this bill if passed would decrease state revenues by several million dollars. In addition to the revenue impact, the Department of Safety (DOS) and Judicial Branch stated that they would incur administrative costs to incorporate this bill into their systems. The DOS estimates one-time system programming costs and form reproductions of \$175,000 and the Judicial Branch also expects increased system costs. **Vote 13-0.**

**HB 1658-FN**, relative to testing in lieu of license renewal fees. **REFER FOR INTERIM STUDY.**

Rep. Gregory Hill for Transportation. This bill is an attempt to help limited-income NH citizens by providing an option to paying full price for a driver's license renewal. The renewal applicant who agrees to retake and pass the written exam would be credited with the new license at no cost. The testimony pointed out the added benefit for society as a whole from those who choose this option which would be a more road-savvy populace. The question the committee ponders is whether those benefits would be worth the loss of revenue which the Department of Motor Vehicles fiscal note showed to be considerable. The committee reasoned that the bill represents the best of intentions and deserved the opportunity to be more deeply examined with an interim study. **Vote 13-0.**

## WAYS AND MEANS

**HB 1063**, relative to the technical changes to the administration of certain taxes by the department of revenue administration. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alan Bershtein for Ways and Means. This bill, with amendment, makes four minor technical changes to statutes administered by the Department of Revenue Administration (DRA). Change one: for business profits tax (BPT) purposes, current statutes direct taxpayers to determine net operating loss (NOL) using the Internal Revenue Code (IRC) of 1996. This bill updates the statutes to require use of the IRC in effect for the BPT (currently the IRC of 2018). This change will not result in a meaningful difference in the amount of

NOL permitted, but will relieve the taxpayer of the onerous task of using a version of the tax code that is 25 years old. Change two: new systems now enable electronic filing of the research and development tax credit application. This bill modernizes the language of the relevant statute by replacing the word “postmarked” with “filed.” The term “filed” is consistent with other DRA administered statutes. Change three: the reference to the rate of the meals and rooms tax now will only refer to the tax on meals and rooms. Change four: the amendment allows once a claim for a refund or credit is filed with DRA, notice shall be issued to the taxpayer if anything other than a complete refund or credit is granted. **Vote 21-0.**

**HB 1189**, permitting voluntary donations to municipalities or the state to fund certain projects or to reduce taxation. **INEXPEDIENT TO LEGISLATE.**

Rep. Jordan Ulery for Ways and Means. This well-intentioned bill seeks to allow voluntary donations to a state entity (the state or any of its political subdivisions). Such donation currently takes place with frequency and the donator is acknowledged by an entity, usually a plaque (such as those affixed to park benches). The wording of the bill seems to commercialize such donations and may even leave the door open for authorizing entities to ethics charges of favoritism as a result of a donation. One could also see police or fire vehicle emblazoned like a race car with sponsors’ logos. While the committee urges personal donations to a governmental entity, most of the committee does not support commercialization of the process. One should also note that some agencies, including the Housing Finance Authority and NH libraries under specific statutes, have the ability to accept donations. Under RSA 31:19, I a political subdivision may already accept donations for a project or to be held in trust. Most communities already have a trust fund or trustees of the trust fund(s). The NH Supreme Court has ruled that monies received can be of one of three classes and may not be discriminatory. This bill makes absolutely no reference to the three classes (temporary, permanent, restricted) nor how the program would be implemented within the scope of current law. If one is interested in further information, one is directed to a white paper on the subject by the NH Municipal Association from 2013. **Vote 20-1.**

**HB 1204-FN-A-LOCAL**, reducing the rate of the meals and rooms tax and increasing the revenue sharing of meals and rooms tax revenue with municipalities. **REFER FOR INTERIM STUDY.**

Rep. Patrick Abrami for Ways and Means. This bill decreases the meals and rooms tax rate from 8.5% to 7.9% for taxable periods beginning on or after July 1, 2023. Additionally, the bill increases the meals and rooms distribution to municipalities from 30% to 40%. The committee has several concerns about this bill. With all of the major tax cuts that were in the biennium budget for FY2022-23, many on the committee felt that we needed to measure the impact of those changes before we move forward with additional tax cuts. Other concerns were the full impact of the Payroll Protection Program refunds due to the forgiveness of the loans, the credit carry-forward potential refund issue that looms, the impact on revenues of the economic stimulus being curtailed in future years, and the future potential impact of moving toward with single sales factor apportionment. As far as increasing to 40% from 30% the distribution of the meals and rooms tax revenues to the municipalities, there were concerns that this percentage was just increased significantly in the FY2022-23 budget to the 30% level. Many members of the committee felt that this proposed change was too great without being able to measure the impact on actual revenues. The Ways and Means Committee would be in a better position to understand the stability of all our revenues after the tax filings coming during March and April. The committee felt that this additional tax cut and revenue shift to the municipalities could be better understood after this coming April, which is out of sync with the bill reporting time frame. **Vote 21-0.**

**HB 1228-FN**, relative to recommendations of the joint committee on dedicated funds. **OUGHT TO PASS.** Rep. Alan Bershtein for Ways and Means. This bill repeals various inactive dedicated funds, deposits any remaining funds of repealed dedicated funds into other active funds, and revises the reporting requirements for certain dedicated funds. This bill was requested by the Joint Committee on Dedicated Funds, which was established to review the finances and purpose of all dedicated funds on a five-year, rotating basis and recommend continuance, amendment, or repeal of relevant provisions. The Joint Committee on Dedicated Funds sought and received significant input from affected agencies in order to complete their annual report, which is the basis for this bill. **Vote 21-0.**

**HB 1338**, establishing a committee to study imposing a tax on manufacturers based on the cost to dispose of single-use products and product packaging materials. **INEXPEDIENT TO LEGISLATE.**

Rep. Susan Almy for Ways and Means. Our state is close to a landfill crisis, with most landfills approaching end dates and great difficulty in siting new ones. The bill’s intent is to study using a tax on manufacturers to incentivize them to find ways to modify their packaging or products to reduce landfill waste. The Environment and Agriculture Committee is building a major study committee bill to explore all the technical aspects needed to deal with the problem, and is open to including any new items from this bill. Our committee believes that there cannot be a meaningful study of using taxation to advance the sponsors’ goal without first having the results of that study. Both single-use and packaging materials are sourced to multiple manufacturers of different components, and many of these are in China. The committee recommends Inexpedient to Legislate, while recognizing the importance of the issue raised. **Vote 21-0.**

**HB 1407-FN**, including the promotion of affordable housing under the land and community heritage investment program. **INEXPEDIENT TO LEGISLATE.**

Rep. Jennie Gomarlo for Ways and Means. This bill includes the promotion of affordable housing under the Land and Community Heritage Investment Program (LCHIP) and requires an annual transfer from the real estate transfer tax revenue to the LCHIP trust fund. While acknowledging NH does currently have a housing crisis, the committee feels using LCHIP as a remedy is not a viable solution. The sponsor is encouraged to work with leaders of existing low-income housing finance programs in developing ideas presented to the committee for future legislation. **Vote 21-0.**

**HB 1500-FN-A**, reducing the rate of the communications services tax and repealing the tax in 2025. **REFER FOR INTERIM STUDY.**

Rep. John Janigian for Ways and Means. This bill reduces the rate of the communications services tax for 2022 through 2024 and repeals the tax in 2025. The committee felt that more information is needed before making a final decision. There are also still questions about the applicability of the tax to two-way video conferencing communication. Some communication tax revenue is already decreasing because of decreasing land line usage. The changes with decreasing land line usage, increasing cell phone usage, and two-way video and audio conferencing are just some of the items that need to be studied to understand the complete impact of this bill. **Vote 21-0.**

**HB 1525-FN-A**, establishing a county nursing home capital reserve fund. **REFER FOR INTERIM STUDY.**

Rep. Patrick Abrami for Ways and Means. This bill establishes a county nursing home capital reserve fund to be administered by the Department of Health and Human Services. The bill makes an initial general fund appropriation of \$25 million in FY22, to be followed by appropriations of \$15 million thereafter, provided that the balance of the fund is less than \$30 million. Funding shall be limited to projects with a total cost of at least \$5 million. Projects shall be determined by the department based on a process to be established in rules. Based upon the hearing and a work session, it was agreed on a unanimous basis that this bill go to Interim Study. There was concern in the public hearing that multiple people and officials from only one county showed up to testify in support of this bill and that one person from a second county sent in testimony by email. Members of the committee indicated that their counties set aside reserves to fund things such as enhancements to their nursing homes or the actual replacement of their nursing homes, without asking for the state to help fund such an effort. The other major concern is if this fund were set up, who would monitor the fairness of allocations to the various counties? With these concerns and unanswered questions, the committee supported an Interim Study motion. **Vote 21-0.**

**HB 1541-FN**, establishing a deferral from the business profits tax and the business enterprise tax for qualified limited liability startups. **INEXPEDIENT TO LEGISLATE.**

Rep. John Janigian for Ways and Means. This bill establishes a five-year deferral from the business profits tax and the business enterprise tax for qualifying limited liability startups. The bill also establishes a committee to study the formation and structure of limited liability companies in New Hampshire. While this bill intends to help foster start-ups, the current tax law already does this by the recently raised thresholds on the business profits tax (BPT) and the business enterprise tax (BET). For tax years ending on or after December 31, 2022 the BPT threshold for filing will be raised from \$50,000 to \$92,000 and the NH Department of Revenue Administration will adjust the threshold biennially based on inflation. The BET threshold will be raised such that businesses with taxable periods ending on or after December 31, 2022, the gross receipts threshold increases from \$220,000 to \$250,000 and the enterprise value base threshold increases from \$111,000 to \$250,000. The increased thresholds for both the BPT and BET are significant enough that they help new businesses thrive without the need for this bill. **Vote 21-0.**

## WEDNESDAY, FEBRUARY 16 REGULAR CALENDAR

### CHILDREN AND FAMILY LAW

**HB 1465-FN**, relative to the appointment of counsel for juveniles. **OUGHT TO PASS WITH AMENDMENT.** Rep. Patrick Long for Children and Family Law. This bill as amended better defines the intent of the appointed juvenile attorney in representing the juvenile within the petitioned juvenile proceeding and further articulates matters as it pertains to interrogations and confessions. **Vote 15-0.**

**HB 1647-FN**, relative to the calculation of child support. **OUGHT TO PASS WITH AMENDMENT.** Rep. Josh Yokela for Children and Family Law. As amended, the child support formula is simplified and more clear while updating the percentage devoted to child support. Parents need an update to this formula because the current formula is leaving families unable to support the child. **Vote 8-7.**

### COMMERCE AND CONSUMER AFFAIRS

**HB 1237-FN**, relative to cigar bars. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. John Potucek for the **Majority** of Commerce and Consumer Affairs. This bill originally was intended to lower the required revenue amount generated from cigar etc. sales from 60% to 30%, but the Commerce and Consumer Affairs Committee amended the bill to allow additional tobacco products to be sold in cigar bars and to be included in the revenue percentage required to meet the 60% threshold. **Vote 16-3.** Rep. Richard Abel for the **Minority** of Commerce and Consumer Affairs. The minority recognizes that some cigars are tax exempt and therefore cigar bars already receive special taxation benefits not available to other tobacco retailers, and that the state Liquor Commission reports that all but one licensed cigar bar are meeting the current revenue requirements. For these reasons, the minority believes the current statute should remain as it is now.

**HB 1469-FN**, prohibiting banks or businesses from using social credit scores. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Jeffrey Greeson for the **Majority** of Commerce and Consumer Affairs. The majority of the Commerce and Consumer Affairs Committee, recognizing the emerging threat of a form of discrimination that could be considered 21<sup>st</sup> century red-lining, recommends that this bill Ought to Pass with Amendment. The emerging threat is banks and other financial institutions using non-financial criteria as a basis for whether or not to grant access to banking and judging credit worthiness based on these criteria. This is social credit scoring as what is occurring in China, and it has no place in America. The bill, as amended, states that banks and other financial institutions doing business in New Hampshire, either directly or through the use of an outside contractor, shall not discriminate against, impose as a precondition, advocate for or cause adverse treatment of any person, business, or organization in their business practices based on: (A) The entity's ideological, philosophical, or political views and opinions; (B) Non-financial criteria such as, but not limited to: social media posts; internet browsing history; dietary habits; medical status; participation or membership in any clubs, associations, or unions, etc.; political affiliation; or place of employment or source of legal income; (C) Property or investments already owned by the entity; (D) Gun ownership; (E) Nature of business, if that business is governed or regulated or otherwise permitted to operate legally in the state of New Hampshire. This means the bill would protect petroleum exploration companies and wind turbine manufacturers alike from being denied loans simply because of the nature of the business. The bill would protect the employees of a gun manufacturer as well as the employees of an abortion clinic from being denied an account for their automatic paycheck deposits because of their place of employment. The bill would protect the elected official who says, "all lives matter," as well as elected officials who use racial epithets from having their accounts closed because of their ideologies. The bill does not prevent banks and other financial institutions from offering customers investments, products, and services that include subjective criteria, provided that criteria are fully disclosed and explained to any potential customer or investor prior to entering into a contract for such products and services. Rather than waiting for a history of abuses and then taking action to correct, the majority of the committee believes preventing abuses in the first place is better and recommends that the bill Ought to Pass with Amendment. **Vote 10-9.** Rep. Christy Bartlett for the **Minority** of Commerce and Consumer Affairs. This bill is quite vague in prohibiting banks or businesses from discrimination. The enforceability is questionable by the Attorney General's office, a division of the Department of Justice, which is charged with consumer protection complaints. It is likely that a complaint would be subjective and could not be easily reviewed, investigated, and prosecuted, absent a written policy outlining discrimination. There are already existing statutes prohibiting discrimination. There is wide-spread opposition to this bill throughout the banking and business community.

## CRIMINAL JUSTICE AND PUBLIC SAFETY

**HB 1468-FN**, relative to the legalization of cannabis. **MAJORITY: INEXPEDIENT TO LEGISLATE.** **MINORITY: OUGHT TO PASS.**

Rep. Casey Conley for the **Majority** of Criminal Justice and Public Safety. This bill is one of many cannabis legalization bills the committee has considered over the last two years. It has some strengths and shortcomings relative to other bills. One key flaw is that it would legalize cannabis for persons who are 18 years old. That age is lower than existing standards for alcohol and tobacco, and lower than other proposals around legalizing cannabis for adult recreational use. The majority was split between members who oppose cannabis legalization and members who believe other proposals address cannabis legalization in a more comprehensive way. Regardless, the majority believes the bill should be killed. **Vote 16-1.** Rep. Chris True for the **Minority** of Criminal Justice and Public Safety. This bill simply legalizes the possession and use of cannabis by adults. In NH, cannabis has been decriminalized. In NH, it is legal to possess and use cannabis, as long as you buy the cannabis from a state approved source. The minority believes it is not a proper function of government to tell adults what they can and can't do with cannabis while in the privacy of their own home.

**HB 1540-FN**, relative to recording custodial interrogations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT.** **MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. David Welch for the **Majority** of Criminal Justice and Public Safety. False confessions are one of the leading contributors to wrongful convictions, with more than 30% of people proven innocent through DNA testing nationwide admitting to crimes, as serious as rape and murder, while the true perpetrators remained free. That's why 30 states and D.C. require electronic recording of interrogations to prevent and detect wrongful convictions, while increasing court efficiency and reducing costs for police departments. This indisputable record of what occurred inside an interrogation room eliminates costly and time-consuming litigation over what was said during a custodial interview. It also protects officers from frivolous allegations of misconduct, increases speed and frequency of plea deals, and provides the strongest evidence to secure convictions. This bill codifies a best practice that is already in use in most departments across New Hampshire, meaning the fiscal impact will be low because sufficient recording equipment is already in place. Recording interrogations can result in cost savings. The entire New Hampshire criminal justice system will benefit from passage of this measure because it improves accuracy and transparency. **Vote 13-6.** Rep. Chris True for the **Minority** of Criminal Justice and Public Safety. This bill as amended would require every law enforcement officer to record by audio and/or audio-visual means, the questioning associated with a formal arrest or the questioning of an individual during any restraint on the individual's freedom. The NH County Attorneys testified that many of our law enforcement departments do not have the equipment necessary to record, store, and transmit interrogations as mandated by this bill. The NH County Attorneys testified that their offices do not have the electronic storage capacity or the personnel to receive, redact, and transmit the recordings as is required by the criminal discovery rules. The minority does not accept the argument that these mandates probably won't cost that much, therefore it is not in violation of the NH Constitution. The minority believes that since these mandated responsibilities are not fully funded by the state that the bill is in violation of the NH Constitution Part First, Article 28-a.

**HB 1598-FN**, legalizing the possession and use of cannabis. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott Wallace for Criminal Justice and Public Safety. The majority of the committee believes that this bill as amended would implement a responsible recreational cannabis policy that works for New Hampshire. Similar to how our state sells and regulates liquor, cannabis will be sold tax-free by a state run retailer to consumers who are the age of 21 or older. Cultivation, manufacturing, and testing of cannabis products will be licensed by the state to private individuals and/or entities and will be regulated through the liquor commission. Unlike previous recreational cannabis proposals that would have created a transfer tax and retail sales tax, this bill as amended allows consumers to purchase a clean superior tax-free product at a consumer friendly price that is competitive with the black market. Communities will benefit from the model provided for in this bill as amended because, like our state liquor stores, cannabis retail stores will be located strategically throughout the state to generate revenue while not flooding our state with hundreds of cannabis retail stores. It is anticipated that the potential revenue generated under this bill as amended will be six to seven times the amount as other proposed recreational cannabis policies. Under this bill as amended, the \$25,000,000.00 in net revenue will be allowed for substance abuse treatment and prevention. Upon surpassing \$25,000,000, 90% of the net revenue will be applied to offset the statewide education property taxes. This bill as amended is a bipartisan effort that delivers property tax relief for the people of New Hampshire while continuing to fund public education. **Vote 17-4.**

## EDUCATION

**HB 1516**, relative to the source of funds for education freedom accounts. **MAJORITY: INEXPEDIENT TO LEGISLATE.** **MINORITY: OUGHT TO PASS.**

Rep. Glenn Cordelli for the **Majority** of Education. This bill is an indirect attack on the successful education freedom account program. It states that no local taxpayer funds can be used in funding the program, but the

program is funded from the state Education Trust Fund. Testimony pointed to the “public funds” going to religious schools but we know that this has been found constitutional by the US Supreme Court because the funds go to a family who can choose from a host of education options. Over 1,800 students are now using the accounts to get the education services they need to succeed and the majority believes the program – and the students – need to be defended. **Vote 10-8.** Rep. Marjorie Porter for the **Minority** of Education. The state provides for a constitutionally adequate education through school districts. If the state wants to offer alternatives to school districts, it can do so, and the state can fund them or not. And if the state offers an alternative that includes sectarian schools, it cannot require taxpayers to pay for it. The minority believes property taxes raised locally for education should be used to support our local public schools, where local public officials, answerable to local voters, oversee how they are expended, and not be sent off to an outside organization to dispense as they see fit. Property taxpayers in many communities struggle to raise the resources needed to provide a quality public school for all its young people, and it is unreasonable and will be an undue burden to expect them to pay for another person’s private school tuition or home school costs. In addition, the minority believes using local taxes to support sectarian schools violates Part 1 Article 6 of the Bill of Rights of the NH constitution, which clearly states “But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination.” (Enacted June 2, 1784).

**HB 1624-FN-A**, relative to students with disabilities participating in co-curricular activities and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Michael Moffett for Education. This bill requires the Department of Education to review the consolidated state plan to ensure that school districts establish unified co-curricular activities and makes an appropriation for the purposes of the bill. **Vote 16-0.**

**HB 1627-FN-A**, establishing an education freedom account program administrator in the department of education and making an appropriation therefor. **OUGHT TO PASS.**

Rep. Ralph Boehm for Education. This bill is needed to provide necessary administration and coordination at the Department of Education for the education freedom accounts. The education freedom account administrator shall coordinate and provide technical assistance to guide students, parents, and the scholarship organizations, as well as providing a resource for information on the program. **Vote 18-1.**

**HB 1657-FN-A**, establishing a New Hampshire farm to school reimbursement program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Ralph Boehm for the **Majority** of Education. This bill establishes a New Hampshire farm to school reimbursement program and makes an appropriation therefor. This bill will require local school districts to contract with farms for food. School districts can do this now with their local farms. Other than a few items, farm produce is not available year round, and usually not grown in large commodity amounts as stated by the Commissioner of Agriculture, Markets and Food. The Department of Education (DOE) estimates these new responsibilities would require additional appropriations to the department approximating \$180,000 for each year through FY25. Set-up costs to establish the program are also high for local education agencies and will be additional costs to the taxpayer. This bill also requires reimbursement from DOE to the local education agencies which results in an additional appropriation of \$600,000, and testimony from the DOE stated that more will be needed. This will be a non-funded mandate. Although the bill discusses different tier-1 and tier-2 reimbursement costs for products from NH versus products from surrounding states, there is no clear definition of “origin of the produce;” that may be from NH, but processed and combined with other food elements in neighboring states by non-NH businesses outside the state. This bill has good intent, but is not ready and needs more work. **Vote 10-8.** Rep. Linda Tanner for the **Minority** of Education. This bill connects the local farms with the public schools through the lunch program. The farms have the opportunity to market their products to our schools. Schools would have the incentive to include more local products in their lunch programs. Students would have fresh, locally grown food and a better understanding of local farms. The program has great potential to provide a connection for students and schools with our local farms, many of them family farms. This bill deserves more attention to enable implementation and should go further with an Interim Study.

**HB 1660-FN**, relative to school lunches and establishing the meals for students fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Deborah Hobson for the **Majority** of Education. This bill requires each school board to make breakfast and lunch available during school hours to every student. The bill further requires the department to request an additional annual appropriation to meet this requirement: in FY23 \$642,888; in FY24 \$649,296; and in FY25 \$655,776. Local school districts will also need to appropriate additional funds to cover costs associated with start-up, labor, and other needed equipment associated with the program. Presently, 30 or more schools do not participate in such a program. Although the majority recognizes the value and importance of students having access to meals, the state should not engage in another costly, forced requirement such as this. Providing breakfast and lunch to children remains a parental responsibility as whether to engage in this program or not is a decision for the local elected school board. **Vote 10-8.** Rep. Arthur Ellison for the

**Minority** of Education. The minority believes that breakfast and lunch should be made available to students in all New Hampshire school districts. The bill would ensure that healthy and wholesome meals can be part of every student's school day. Funding for the program would reimburse school districts for costs associated with providing meals to those students who are covered by federal income eligibility guidelines.

**HB 1661-FN-LOCAL**, relative to regional career technical education agreements. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, requires sending district schools and career technical education (CTE) centers to enter into a regional career technical education agreement (RCTEA) to include scheduling, access, transportation, and credits for CTE students. The agreements must be renewed every 4 years with review and approval from the department commissioner. This bill accomplishes several major steps toward making career technical education programs more available to high school students. The regional agreements as proposed and amended in this bill will better align sending and receiving district calendars; therefore, resulting in reduced student absenteeism due to calendar conflicts as well as encouraging districts to move toward more shared professional days. Receiving and sending districts within an RCTEA will not be allowed more than 10 dissimilar calendar days; however, if the commissioner determines that all schools within the RCTEA have plans and are reasonably working towards the implementation of an aligned calendar, an annual waiver may be approved, but not extended beyond July 1, 2026. A commissioner-approved waiver may also be issued for an emergency or extenuating purpose. Secondly, a number of 10<sup>th</sup> and 11<sup>th</sup> grade level high school students are unable to attend a desired CTE career program due to a required graduation course requirement at the resident/sending school that is offered at the same time as the desired CTE course and program. This bill, as amended, provides that sending school graduation competencies embedded in a CTE course or program shall be used to earn the equivalent or to earn partial credit to satisfy the sending high school's graduation competencies if the embedded course competencies are aligned with the skills, knowledge, and work-study practices as determined by the local school district and RCTEA. This change alone will significantly increase CTE enrollment throughout the state. The total percentage of NH high school students in a statewide CTE programming stands at only 14%. This bill, as amended, will certainly enable New Hampshire to better meet demand for a well-prepared work force. **Vote 18-0.**

**HB 1684-FN-A-LOCAL**, limiting education freedom account funding to budgeted amounts. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for the **Majority** of Education. The successful education freedom account (EFA) program provides the opportunity for an education that meets the needs of over 1,800 students. This bill would decimate the program by establishing an arbitrary budget for the program. The bill's budget for this school year would cut the program to approximately 30 students. What happens to the other 1,800 students in the program? Evidently, they would be dropped from the program and would have to return to the education option they were trying to escape. Would they have to return the account funds? Evidently. And the bill's budget for next year would accommodate only a little over 700 students. We believe that students deserve the education that meets their needs and the EFA program provides that opportunity. **Vote 10-8.** Rep. David Luneau for the **Minority** of Education. The bill holds the cost of the education freedom account (EFA) program to budgeted amounts. The department budget for the EFA program in FY22 was \$129,000 and was based on the majority of EFA students exiting their public school in that year. Actual cost came to \$8.1 million with more than 80% of EFA students already in private or home schools, previously at no cost to the taxpayer. The minority believes the department should be held accountable to their budget requests and not be given a blank check to pay for private school tuition and home school costs. The amendment makes accommodations for current EFA students and sets the EFA budget to actual costs for FY22 and projected costs for FY23. After this biennium, the program would be held to the amounts approved in the state budget. The bill, as amended, holds the department accountable to its budget requests and is fiscally responsible.

## ELECTION LAW

**HB 1423-FN-A**, relative to campaign contributions and expenditures, and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Fenton Groen for the **Majority** of Election Law. This bill establishes a mechanism for government funding of political campaigns. Participation would be voluntary. It proposes to provide up to one million dollars to candidates for governor and up to sixty thousand dollars for candidates for executive councilor if the candidate meets the requisite threshold of smaller private contributions and agrees to voluntary limits in private funding. The majority of the Election Law Committee believes that candidates who wish to represent the citizens of New Hampshire in their government should not have their campaign funded by the government they wish to serve in. Campaign financing has long been a controversial issue at both the state and federal levels. Legislatures and the courts have spoken on this issue and, over time, have produced requirements for transparency as to funding sources and limits to political contributions. Transparency is provided by the

detailed reporting that is required of all political candidates and Political Action Committees (PAC). Our laws also provide limits to the amount of each contribution that can be received by a candidate for office in New Hampshire. The voluntary nature could result in different funding rules for the same race. The bill does not and cannot prohibit private funding in elections so such a process would not affect what was an expressed concern – the amount of ‘dark’ money that is funding elections. The majority of the committee believes that this bill is unnecessary and would not result in cleaner election funding and would inject government money into campaigns of candidates, a practice which is an inherent conflict of interest **Vote 11-9.** Rep. Russell Muirhead for the **Minority** of Election Law. Voters of all political persuasions are concerned that the undue influence of the donor class undercuts ordinary voters. This bill would empower ordinary citizens by creating a legal framework for a voter-owned election fund. The fund would provide public financing for primary and general election campaigns of participating candidates for governor and executive council. Candidates would qualify for public financing by collecting 500 contributions of at least 5 dollars and no more than 125 dollars for executive council candidates, and 2,500 contributions of at least 5 dollars and no more than 250 dollars for gubernatorial candidates. At least 90% of all contributions must come from in-state residents and organizations. Once qualified, candidates can solicit “voter dollars” – the four 25-dollar certificates that each voter in the state is allocated and can donate to candidates of their choosing. Primary election winners also receive an allotment of 60,000 dollars for executive council candidates and 1,000,000 dollars for gubernatorial candidates. The financing of this framework is sufficient to run a viable campaign and would enable candidates to be competitive. Candidates who do not participate can, of course, continue to finance their campaigns by looking to big money interests. This bill would put candidates whose support comes only from ordinary in-state voters on an equal footing.

**HB 1482-FN**, relative to ranked-choice voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Peter Torosian for Election Law. This bill establishes procedures for ranked-choice voting for federal and state offices. The process of voting by ranked-choice creates complexities for the voters, and it creates a process and result that the majority of the committee finds no need to create. The methodology of ranked-choice voting is that instead of voting for a candidate, each voter must develop a strategy to give the multiple candidates a ranking with each rank having some weight in the selection of the winner. In order to determine the winner, there are multiple rounds to the tabulation of votes. In races with multiple seats, there is the potential for thousands of combinations to be counted. Testimony indicated that the statewide tabulation, where currently implemented, can take days. Testimony indicated that it is uncertain whether the optical scan counting devices used in the majority of our communities can be programmed to process ballots in such a manner. There was also discussion that the tabulation would need to be conducted at a centralized location, which would require the purchase of new equipment. It would also require that after polls closed, the local electronic and paper voting equipment and records would need to be transported throughout the state to wherever the central location was located. Given recent issues with regard to security and storage of election materials, the majority is unclear why such a thing would even be considered. It is certain that elections themselves will take longer, causing additional expense to communities, and recounts would become more difficult and time-consuming. **Vote 12-7.**

**HB 1484-FN**, requiring a forensic audit of the 2020 election results. **INEXPEDIENT TO LEGISLATE.**

Rep. Katherine Prudhomme-O’Brien for Election Law. This bill proposes to require a forensic audit of the general election of November 2020. It also allows private donations to an election audit fund which would be used to fund this and any audits. The expense of this audit is indeterminable at this time. The sponsor and supporters believe that private funds would pay for the audit. However, this bill compels the state to complete a statewide election audit whether those private donations materialize or not. Taxpayers would then be forced to potentially pay very large sums for this audit. The 10/1/2022 time frame given in this bill to complete the audit would occur in the midst of preparations for upcoming elections, a task the Secretary of State warned would be extraordinarily difficult for his office to conduct. Essential details of specifically who would do the audit and how it would be performed were absent in this bill, leading to concerns of further discord in making those arrangements. In consideration of this request, the committee learned that no representatives of a campaign for a federal office have contacted N.H. state election officials to request a statewide recount of the 2020 election. The reasons presented by supporters of this bill as indicators of a need for this audit were localized issues that are serious concerns. The committee believes that those concerns are best addressed by continued vigilance of implementation and enforcement of current state election laws and improved communication with the public about them. **Vote 19-0.**

**HB 1496-FN**, requiring political subdivisions to make voter checklists available in spreadsheet form to any resident. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for the **Majority** of Election Law. This bill, as amended, opens up access to electronic copies of the voter checklist to registered voters of the town in which the list is being requested. Currently, any person can go to any town hall or location where the checklist is stored and view the list. They may also

request copies of the physical checklist as well, but the procurement of an electronic list is limited to political parties and political action committees on a statewide basis only. The committee believes that this is a public list that should be more readily accessible but found it prudent to balance privacy concerns by limiting it to a town by town basis instead of unfettered access to the statewide list. There is a provision in the amended bill that clarifies that the towns only have to provide a list that is current within the last 31 days. This will limit repeat requests and thereby reduce the added workload of having to create a new list, on demand, from the same person on a frequent basis. **Vote 10-8.** Rep. Paul Bergeron for the **Minority** of Election Law. This bill as amended, does not accomplish the purpose for which the sponsor intended. Existing law already states that the supervisors of the checklist or town or city clerk may provide checklist information on paper, computer disk, computer tape, electronic transfer or any other form. The bill is more restrictive and limits the format to a physical copy, spreadsheet, or commas separated value (CSV) report. The intent of the bill was to allow a request or to ask for checklist information in the format he or she desired, but the language of the bill still keeps the decision as to what format to use up to the supervisors of the checklist or clerk. The bill also states that the electronic checklist shall be the version updated within the last 31 days, but the supervisors of the checklist do not meet every month. Finally, the bill would make an electronic version of the checklist available to residents of the respective town or city. Residency is not defined. This voter checklist is public information, but there are no limitations placed on how that information could be used once electronic files are released to the public. As such, broadening access to personal identifying information could be an intrusion on our citizens right to privacy.

## ENVIRONMENT AND AGRICULTURE

### **HB 1226-FN**, prohibiting the declawing of cats. **INEXPEDIENT TO LEGISLATE.**

Rep. Howard Pearl for Environment and Agriculture. The majority of the committee concluded that this older practice is rarely used in New Hampshire and does not have the support of the State and National Veterinarian Associations. We felt strongly that the decision to declaw a cat should be one that is made between veterinarians and animal owners. Enactment of this bill would restrict the rights of animal owners, eliminating a choice when dealing with chronic clawing issues. The choice of declawing a cat might prevent a cat from being euthanized or abandoned in the wild. The American Veterinary Medical Association (AVMA) discourages the declawing (onychectomy) of cats as an elective-procedure, supporting non-surgical alternatives instead. NH veterinarians routinely discourage declawing. Many refuse to perform this procedure, recommending alternative aids easily found in the marketplace. Improved laser surgery is available, and today's practice is usually only performed on the front paws. Declawed cats can and do live a very happy and normal life and are primarily kept indoors. Many owners exhaust methods available to reduce chronic clawing. Declawing may become the last choice between keeping and getting rid of their pet. If declawing were made illegal, this would increase the number of abandoned cats and would add to the current over-load in shelters. Only one other state in the country has made it illegal to declaw cats. **Vote 16-1.**

### **HB 1584-FN**, establishing a capital improvement grant program for the benefit of state fairs and agricultural fairs. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Howard Pearl for the **Majority** of Environment and Agriculture. This bill creates a dedicated fund and a process to provide matching grants to the state fairs for infrastructure projects. The majority of the committee recognizes the positive economic and educational impact that the thirteen fairs bring to NH communities. We received testimony that the fairs have received financial support in the past from the state but the program lost funding in the late 70's. Many of the fairs have been struggling to keep up with maintenance on their aging buildings. The grant created in this bill would provide funds to repair buildings on the fairgrounds and will assist in bringing the buildings up to current code requirements. **Vote 14-3.** Rep. Sherry Dutzy for the **Minority** of Environment and Agriculture. The minority supports the intent of this bill which is to modernize and improve the infrastructure of regional agricultural fairgrounds, but disagrees with the idea that state taxpayer dollars should support the private non-profit organizations that run them. If, as the bill's sponsor and supporters stated, regional agricultural fairs are an economic boon to the area, the minority believes local municipalities and businesses should support this effort. The cost is around \$20,000 per year/per fair. This does not seem like an unreasonable amount for a region to raise in support of a specialized activity that directly benefits them economically.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

### **HB 1417-FN-LOCAL**, relative to payment by the state of a portion of retirement system contributions of political subdivision employers. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Jennifer Rhodes for the **Majority** of Executive Departments and Administration. This bill would require the state to pay 7.5 % of retirement system contributions of other employers, namely cities, towns, school districts and counties, for teachers, fire and police. Cities, towns, and schools have full authority on how many

employees they wish to hire and the salary for each of them; making the state pay a percentage of payroll opens the door to state control. This proposed legislation will not accelerate the payoff of pension debt, since the total amount paid towards pensions does not change. It does shift a portion of the payment from property taxes to other taxes. In 2011 the portion of retirement costs (formerly paid by the state on a gradually declining percentage) was shifted to the employees, requiring the employees to pay this cost. This proposed legislation will make the state responsible for an unknown and uncontrolled financial obligation without any advice. **Vote 10-8.** Rep. Michael O'Brien for the **Minority** of Executive Departments and Administration. In 1967 the state enticed cities and towns to combine several pension systems into what is currently known today as the New Hampshire Retirement System (NHRS). To come to this combined system, the state agreed to contribute 40% of the municipal costs for teachers, fire fighters, and police officers. In 1977 the state pulled back from paying 40% to 35% which remained in effect for decades. In 2010, the contribution was amended again to 30% and 25% in 2011. In 2012 it was supposed to be reinstated to 35% but was eliminated completely in the 2011 budget process. Although changes were made over the years, at no time was it understood by the municipalities that this agreement by the state came with a sunset or termination date. Instead, it was understood that the state would continue as a contributing partner indefinitely. It is also important to note that the down shifting of costs from the state to the municipalities did not impact the system's unfunded actuarial accrued liability (UAAL) at all. Several other changes were made including changing the funding methodology in 2008 and amortizing the debt over a 30-year period that has put us on a path to ensure sound funding. Also, other legislation was introduced in 2011, specifically impacting the members of the system who now pay more for lesser benefits. The state has walked away from a promise it made, and all this bill would do is partially reinstate the promise of the state to its political subdivisions. It would provide much needed relief to the subdivisions and help offset the need for increased property taxes.

**HB 1535-FN**, relative to cost of living adjustments for retirees in the state retirement system. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill, as amended, grants persons retired at least five years, or their beneficiaries, a 1.5% cost of living increase on the first \$30,000 of their pension. This is terminally funded immediately, from the general fund, to prevent down shifting this cost to the cities and towns. The committee amendment removes not only the down shifting but also the authority and duty of the board of trustees of the retirement system to grant further COLAs, based on the Social Security increase, every year, without any oversight. These are estimated to add almost two billion dollars to the retirement system's unfunded liability, to be paid for primarily by our property taxes. The committee was sympathetic to the needs of the retirees who have seen their pensions eroded over the years by inflation, but was unwilling to make such a costly change to the retirement system. **Vote 17-2.**

**HB 1587-FN-A**, relative to determination of average final compensation under the retirement system and making an appropriation therefor. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Tom Lanzara for the **Majority** of Executive Departments and Administration. This bill ensures that a member's entire career (all years of service) is included in the averaging of compensation over base (overtime, special duty, and so forth) for their calculated average final compensation, which determines their pension. This is not a new benefit or an enhanced benefit, it simply asks for all the member's years of service to be included in the average final compensation calculation. This Bill removes a provision in the pension calculation that requires Group II (PD, Corrections, Fire) employees to pay in on these earnings, but not have them count toward their pension calculation. This is not done anywhere else in the investment world. The result of taking part of a person's paycheck and applying it to a general overall fund is an income tax. This bill removes that income tax by having all payments made to the pension system count toward the person's calculated compensation. The employee still pays in the same amount as they always have. One classification of NH citizens should not be singled out to pay an income tax. This is one of many issues that would certainly impact the recruitment and retainment issues Group II positions across the state have been dealing with. Since the changes were made to the system in 2011, occupations like firefighting, law enforcement and corrections have seen a drastic decrease in applications as well as an increase in active hires leaving current work to seek out opportunities in other states. **Vote 12-6.** Rep. Matthew Santonastaso for the **Minority** of Executive Departments and Administration. This bill modifies final compensation for Group II retirees of the New Hampshire Retirement System (NHRS) by including their highest 5 years in the calculation. The funds for this proposal will come from the general fund. The NHRS is already underfunded by 6 billion dollars, and it doesn't need new ways to increase liability. It makes little difference if the funds come from the State worker's paycheck or directly from property taxes, or from business taxes. This bill doesn't change that funds ultimately comes from the same citizens who will need to pay higher property taxes to fund this. This proposal that is expected to take \$55 million from the general fund will have ongoing costs. Although the general fund has a surplus now, it may not in the future. This proposal leaves an open question on the possibility of gaming the retirement system. An employee may be able to earn wages for a small period of time in a way that offsets the

benefit to be more favorable than what is actually intended. The argument that this proposal is needed in order to increase hiring and retention of our police and firefighters is not sound. Every industry is facing a worker shortage. It is hard to imagine that a nuanced modification to the final calculation of the retirement program is going to bring in droves of new hires. Lastly this only increases the benefit calculation for a small group of group II retirees. In testimony we heard group I was left out because the cost would be too high. If we will allow this strange, and politically expedient discrimination in our retirement system, favoring one type of retiree over others; then we should expect group I retirees to demand an equitable increase. This will put the legislature in a corner to explain why we are favoring one group over another since it is not feasible to improve benefits to the retirement system as a whole.

**HB 1590-FN-LOCAL**, relative to municipalities withdrawing from the state retirement system. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Stephen Pearson for the **Majority** of Executive Departments and Administration. This bill established an incomplete procedure for political subdivisions to withdraw employees from the New Hampshire Retirement System (NHRS). The bill fails to deal with the debt that the political subdivision is still responsible for, it fails to recognize what the political subdivisions responsibility is to its employees upon leaving, and it fails to take into account the negative impact on the overall system moving forward. This was a such a concern to the committee that we decided this bill should be found inexpedient to legislate. There is also currently a method already established in statute for a community to withdraw from the system which makes this legislation unnecessary.

**Vote 15-3.** Rep. Matthew Santonastaso for the **Minority** of Executive Departments and Administration.

This bill allows municipalities to withdraw from participation in the New Hampshire Retirement System (NHRS) for new hire Group 1 employees only. This is unlike the existing withdrawal option in statute, which requires complete withdrawal from the retirement system, full payment of that municipality's portion of the retirement systems debt, and provision of an equivalent pension for employees. We heard in testimony that the town of Grafton, which only has between two and four group 2 employees and one group 1 employee, has paid \$70,247 to the retirement system over the last 5 years. That is more than any one employee receives in wages for the year. It is also more than the town pays a year for sand. It's not an insignificant amount to Grafton. Since this bill only allows new hire group 1 employees to opt out, the bill should not be a hindrance to the retirement system. It would be no different than if a town decided to not take on new hires. If it is true that the existing retirement system can not persist without a constant influx of new investors, then it is difficult to believe that people who are often considered not prudent enough to invest for their own retirement could actually make a worse financial decision than to invest in a already bankrupt fund. It must be either that contributions to the retirement system are a wise investment for a worker's future or they are a tax to compensate for the debts of the past. It cannot be both. Designating this bill for interim study will allow a deeper look into the issue of municipal obligations to the accumulated retirement system liabilities, and pension options for small town employees.

## **HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS**

**HB 1536-FN**, relative to expanding Medicaid to include certain postpartum health care services. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Erica Layon for the **Majority** of Health, Human Services and Elderly Affairs. Today, nearly half of all births are paid for by Medicaid in a program where a woman must qualify once for coverage and is then covered through 60 days after birth. Five years worth of federal funds are available to offset the cost of extending this benefit for 12 months after birth and, after this time, the cost of this federally-structured plan would be paid fully by New Hampshire taxpayers. Should a woman become pregnant again before those 12 months end, she would continue to have Medicaid for each subsequent birth as long as she was pregnant again by the end of 12 months with no limit on income. Most women on Medicaid remain eligible even with income checks. The majority recommends interim study to understand the needs and experience of women who earn out of the Medicaid program to prevent a perverse incentive to more closely space births to retain public benefits, and to ensure that the burdens on hardworking families both in and out of Medicaid are not unnecessarily large. **Vote 11-10.** Rep. Joe Schapiro for the **Minority** of Health, Human Services and Elderly Affairs. 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 the American Rescue Plan of 2021. Currently, many women lose coverage at a critical time, leading to undiagnosed and untreated conditions such as cardiovascular disease, hypertension and depression. This is a common sense and inexpensive remedy for our nation's high rate of preventable pregnancy-related mortality and morbidity. Contrary to some who believe Medicaid recipients would intentionally become pregnant to maintain their coverage, 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.

**HB 1578-FN**, relative to including certain children and pregnant people in Medicaid and the children's health insurance program. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.** Rep. Dennis Acton for the **Majority** of Health, Human Services and Elderly Affairs. After careful consideration, a majority of the committee voted against this bill, which would extend Medicaid benefits to a subset of immigrants currently excluded from coverage. Members voting against this bill felt that extending these benefits would go against an agreement made in 2018 within HB 313 that placed a 5 year waiting period on those coming into the state via the immigration process. Additionally, members were concerned that changing the rules to extend benefits would place an undue burden on taxpayers at a time when both the negative effects of the COVID-19 pandemic are still with us and inflation is skyrocketing. With an unknown but reportedly massive number of asylum seekers entering the country and being transported to states without coordination with state-level agencies, the limited tax base in our state cannot absorb the expense of a large influx of additional Medicaid recipients. **Vote 11-10.** Rep. Joe Schapiro for the **Minority** of Health, Human Services and Elderly Affairs. This bill would 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 would join 33 other states and all of our New England neighbors in waiving the current 5-year wait for otherwise eligible children and pregnant people. This would not apply to undocumented people. It would apply to recent green card holders, those awaiting a final hearing for asylum, and those on Temporary Protected Status (TPS). 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 would send a clear message to immigrants that our state welcomes you. Increasing access to healthcare is a wise and practical investment in New Hampshire families.

**HB 1604-FN**, including state medical facilities in the statute providing medical freedom in immunizations. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Leah Cushman for the **Majority** of Health, Human Services and Elderly Affairs. Since the announcement of the Center for Medicare and Medicaid Services (CMS) mandate, health care facilities subject to it have been forced to require COVID-19 vaccinations for all employees, with limited medical and religious exemptions. Unfortunately, few medical providers are willing to write exemptions for COVID-19 vaccinations, even when there are legitimate contraindications or risk factors present. The guidance the CDC gives on medical exemptions limits them to allergic reactions to the ingredients of the vaccines, or to previous anaphylactic reaction to a COVID-19 vaccine. Many employers reject any other reason for a medical exemption, even when a competent professional expresses that he or she believes it is not in the employee's health interest to be vaccinated. Religious exemptions are commonly an arduous and intrusive process, in effect taking the form of a religious inquisition. Religious beliefs are often scrutinized and exemptions are denied based on the deciding agent's opinion of the validity of the belief. In many instances, there is clear religious discrimination taking place. New Hampshire residents should never have to sue their employer to secure their constitutional and civil rights. The natural legislative solution to this problem is to prohibit such mandates, which the original bill would have done by restoring inclusion of state medical facilities in the Medical Freedom in Immunizations Act. However, there were concerns that such a prohibition would jeopardize CMS reimbursement and certification for medical facilities if they could not institute policies requiring COVID-19 vaccination. The amendment allows facilities to implement a mandate, but streamlines the exemption process and brings it in line with the New Hampshire Constitution. The employee simply writes a statement requesting a medical, religious, or conscientious exemption, and it shall be granted. Vaccine mandates and difficult exemption processes are worsening the already-critical healthcare worker shortage in New Hampshire. The State of New Hampshire must lead the way in ensuring the civil rights of employees are respected and set the example for the private sector. **Vote 11-10.** Rep. Jerry Knirk for the **Minority** of Health, Human Services and Elderly Affairs. The Medical Freedom from Immunization statute, 141-C:1-a, which passed in 2021, exempted from the statute the county nursing homes, the NH state hospital, or any other medical facility operated by the state of New Hampshire or any political subdivision thereof. HB 1604 as amended limits the exemption to facilities which are subject to the Center for Medicare and Medicaid Services (CMS) COVID-19 vaccination mandate for healthcare workers in facilities which receive Medicaid or Medicare funds. The bill also mandates that such facilities shall automatically grant an exemption from vaccination to any person who simply requests an exemption for medical, religious, or conscientious objection reasons upon request without any documentation as to the medical reason, the religious basis, or conscientious objection. This is in conflict with the rules promulgated by CMS with regard to the CMS COVID-19 vaccination mandate which require documentation of the medical reason for the medical exemption signed by a licensed practitioner, documentation of religious exemptions, and does not allow conscientious objection. This will place our facilities out of compliance with the CMS mandate and at risk of civil penalties, loss of reimbursement from CMS for Medicare and Medicaid patients which provides the majority of funding of our nursing homes and ultimately termination from the Medicare and Medicaid programs. Lack of compliance will also lead to loss of accreditation of facilities and the risk of losing payment from private insurers as well. The State of New Hampshire would then need to

backfill that revenue loss in order to keep these facilities open. Vaccine mandates in the healthcare setting are crucial. Since hospitals and long-term care facilities care for vulnerable individuals, they must do everything they can to maintain safety. That includes a reasonable expectation of a patient or resident not to face unnecessary exposure to an infectious respiratory disease from the healthcare worker caring for them. The US Supreme Court ruling on January 13, 2022 upheld the CMS mandate for vaccination of health care workers, staying the lower court injunction, and the text of their decision makes it clear that they support the CMS vaccine mandate.

**HB 1609-FN**, relative to the scope of the fetal protection act. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: OUGHT TO PASS.**

Rep. Mark Pearson for the **Majority** of Health, Human Services and Elderly Affairs. On January 1, 2022, New Hampshire began to protect fetal life after 24 weeks. Many states, red and blue alike, have similar laws that are in many cases more strict than what has just taken effect here. Before 2019, Massachusetts, New York, and Nevada all had felony 24-week abortion bans. Wisconsin, a purple state and politically similar to New Hampshire, currently mandates ultrasounds throughout pregnancy and further requires that women actually view the ultrasound. Our own modest law does nothing of the kind. The majority of the committee believes that changes to the law should be offered only after our new law has had a chance to demonstrate itself in practice, not just in theory. In the hearing, a few gave testimony stating that in criminalizing those who perform most abortions after 24 weeks, our state would have trouble recruiting quality medical workers. To say this ignores two truths. First, it assumes all, or nearly all, medical providers wish to provide abortions when we know that many do not. Secondly, before December of 2020, Massachusetts imposed felony penalties for most abortions after 24 weeks with no exceptions for fetal anomalies. Nonetheless, Massachusetts was routinely ranked as having the best medical care in the country. Additionally, the question of rape and incest was raised. Research in other states indicates many victims of rape and incest take a "morning after" pill, irrespective of whether one is pregnant or not, and most of those who do not take such a pill choose to terminate the pregnancy before 24 weeks, or six months. Moreover, we heard testimonies from women who had been told they were carrying a child with a "severe fetal anomaly." Despite being advised, in some cases, pressured, to have an abortion, they did not have one and the baby delivered was healthy and with no such anomaly. **Vote 11-10.** Rep. Jerry Knirk for the **Minority** of Health, Human Services and Elderly Affairs. This bill as introduced corrects some of the most troublesome provisions of the Fetal Life Protection Act, which legislated the practice of medicine and compromised patient-centered, evidence-based care. This bill adds exceptions not present in current law for rape, incest, and for the presence of severe fetal anomalies incompatible with life. First, abortions after 24 weeks gestational age are a very rare medical procedure, usually done in major medical centers, nearly exclusively because of the discovery of a severe fetal anomaly incompatible with survival of the infant, or even more rarely, when the pregnancy presents a severe risk to the mother's health. Fetal anomalies may be discovered before 24 weeks but the severity of the anomaly may not become apparent until later. Given our large population of uninsured and under-insured patients, some women may not obtain prenatal care before 24 weeks. It is devastating for the mother and father to be confronted with a severe fetal anomaly incompatible with survival. Accepted medical choices available to the parents are either termination of the pregnancy or to carry to term and provide comfort care till the baby dies. This difficult decision should be made by the parents and the provider, not legislators. By prohibiting the choice of termination, the Fetal Life Protection Act forces the mother to carry the pregnancy to term and go through labor and delivery, only to deliver a stillborn baby, or watch their baby die. Second, in a case of rape or incest, a woman may be too traumatized to seek early prenatal care. Finally, this bill also removes the intrusive government mandate for an ultrasound in all cases before an abortion can be performed. Though ultrasound may be performed prior to an abortion, the decision as to the necessity of the ultrasound should be a medical decision, not a legislative decision.

**HB 1662-FN**, related to privacy obligations of the department of health and human services. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Jeffrey Salloway for the **Majority** of Health, Human Services and Elderly Affairs. This bill as amended is the next logical step following the establishment of the Right to Privacy in the New Hampshire Constitution. The Department of Health and Human Services (DHHS), the state's largest department, is being directed to establish a Privacy and IT Security Governance Board chaired by the DHHS Commissioner. Key to this will be well-accepted Risk Management methods of conducting a Privacy Impact Assessment (PIA) on each IT system prior to implementation to identify and mitigate risks. These will be approved by the commissioner and reviewed by the board. Two additional personnel will be added to obtain the special skills and the manpower to conduct the PIAs and to help manage the board. The goal is to achieve privacy benchmarks common in private industry and to protect personal privacy as a result. **Vote 18-3.** Rep. Leah Cushman for the **Minority** of Health, Human Services and Elderly Affairs. This bill attempts to ensure that the Department of Health and Human Services (DHHS) conducts privacy assessments and makes policy decisions for the management of private information of citizens that are in keeping with New Hampshire Constitution Part 1 Article 2-b.

This is a commendable goal and all the members of the committee agree that it is important to protect the privacy rights of citizens. However, the bill as amended removes an opt-in requirement for all private citizen data collection which would have truly ensured that no data on an individual would be collected by the department without express consent. The bill also does not address the issue of transparency in the assessment and decision-making of the Data Privacy and Information Technology Security Governance Board, which it creates. Meeting minutes would be available to the public only after decisions are made. There is no opportunity for citizen input or even observance of the meetings by members of the public. There are no public members on the board. Sensitive private information and matters of security could be easily discussed in non-public sessions during public meetings in accordance with RSA 91-A, while all other discussions and actions by the board could be open and transparent, which would strengthen accountability. Without provisions for positive consent for private citizen data collection by government and public access to meetings of the board, the minority of the committee believes this bill needs more work and therefore recommends interim study.

## LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

**HB 1207-FN**, requiring an employer to provide paid time off for an employee to vote. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Lino Avellani for the **Majority** of Labor, Industrial and Rehabilitative Services. This bill requires employers from all sectors to pay employees up to three hours of paid time off to vote. New Hampshire has some of the highest voter participation percentages in the nation. There are absentee ballots that can be utilized prior to election day to make sure every vote is counted. Mandating all employers to schedule staff and to pay time off to vote would further burden private businesses, public employers and taxpayers. **Vote 14-7.** Rep. Andrew Maneval for the **Minority** of Labor, Industrial and Rehabilitative Services. This bill, as amended, would support the important goal of facilitating participation in elections. It would assist workers in getting to the polls on election day, when they have some inability or difficulty in doing so based on the timing of their work shifts relative to poll hours. An employer would be required to allow up to 2 hours for a worker to vote, if the worker has less than 3 consecutive hours during polling hours when he/she is not on the job. Employers would get advance notice of any such request for the appropriate time off. The committee voted not to adopt the amendment, which would have provided employers with certain protections against an unwarranted or overlong period of time off. The majority of the committee voted the bill Inexpedient to Legislate, at least in part, because of the obligation of employers to pay employees for this time off, notwithstanding that at least 20 other states include that requirement in their "time off for voting" statutes. The minority considers helping those workers in need to get to the polls to be a valuable aid to heightened enfranchisement in a democratic society.

**HB 1538-FN-LOCAL**, requiring prevailing wages on state-funded public works projects. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mark Warden for the **Majority** of Labor, Industrial and Rehabilitative Services. This legislation would mandate that workers on public works construction projects in New Hampshire be paid the prevailing minimum hourly wage and benefits. So-called prevailing wage requirements lead to a number of unintended consequences, namely fewer bidders and higher costs to the taxpayers. In today's environment of historically low unemployment and increasing wages, such minimum wage schemes are unnecessary at best, and inflationary and anti-competitive at worst. The fiscal note cites the Department of Administrative Services, assuming that "compliance and enforcement for these projects will require 3 additional full-time" positions, yet there is no funding for such positions in the bill. **Vote 11-10.** Rep. Brian Sullivan for the **Minority** of Labor, Industrial and Rehabilitative Services. The prevailing wage ensures taxpayer dollars spent on public works construction projects go to local workers and local companies and that those workers are paid a fair wage. The prevailing wage would help grow New Hampshire's economy by making sure our tax dollars stay right here at home, rather than going out of state. New Hampshire is the only New England state without a prevailing wage. This puts our workforce at a competitive disadvantage. The prevailing wage would help lift struggling workers out of poverty and reduce spending on state assistance programs, resulting in 600 fewer NH workers receiving food assistance and an additional 2,500 workers receiving health insurance benefits through their jobs.

## LEGISLATIVE ADMINISTRATION

**HB 1586-FN-A**, relative to a likeness of Wentworth Cheswill at the state house. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Gregory Hill for Legislative Administration. The legislation, as amended, seeks to authorize the Joint Legislative Historical Committee to accept a gift of a portrait of Newmarket, New Hampshire native, Wentworth Cheswill for the purpose of hanging the portrait within our State House in recognition of his service to his New Hampshire community and his state. While the committee heard testimony from the prime sponsor

of many of the accomplishments of this native son, that only served to whet the appetite and the entire committee hopes this amended legislation will provide a platform and reason for many, especially school children, who view the eventual portrait to do their own research into the man who deserves recognition within the People's House. **Vote 17-0.**

## MUNICIPAL AND COUNTY GOVERNMENT

**HB 1665-FN-A-LOCAL**, establishing a municipal road and bridge disaster relief fund. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Richard Tripp for Municipal and County Government. This bill would establish a municipal bridge and road disaster relief fund. The genesis of this bill was the heavy rains last July in Cheshire and Sullivan county resulting in damage to multiple roads and bridges. Under existing state law, funds are available to assist with repair costs but are delayed until the President declares an emergency disaster. In this case, it was six months before a disaster was declared. By creating a municipal road and bridge disaster relief fund, the delay in funding to begin infrastructure repairs is minimized and permits temporary repairs to facilitate safe passage of damaged town roads and bridges. Federal funds, when received, will be used to replace funds drawn earlier from the disaster relief fund. **Vote 15-0.**

## SCIENCE, TECHNOLOGY AND ENERGY

**HB 1419-FN**, relative to establishing a New Hampshire civilian climate corps advisory commission. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Jose Cambrils for the **Majority** of Science, Technology and Energy. This bill attempts to create the New Hampshire Civilian Climate Corps Advisory Commission (CCCAC). The majority finds that this bill has several flaws: (1) When looking at what the responsibilities and functions of this new advisory commission would be, many if not all the included suggestions are already being done by NH Department of Energy, Department of Environmental Services, and other existing state agencies. This would make the proposed CCCAC a redundant commission and an inefficient use of taxpayer money. (2) Other potential initiatives for the CCCAC were heard during testimony, such as taking on the task to insulate homes to make them more energy efficient. This function is already provided by a variety of private businesses. Again, it would create redundancy and inefficiency, and an impractical use of tax money, to create a service that the free market currently provides at competitive rates. (3) The entire concept of creating the CCCAC was based on getting significant funding from the federal "Build Back Better" (BBB) plan that is no longer being considered by the U.S. Congress. Thus, there is no funding provision for this bill. (4) Providing «much needed jobs» to New Hampshire was another argument that was presented during the public hearing testimony; however, the reality is that New Hampshire currently has a worker shortage and one of the lowest unemployment rates in the United States. **Vote 12-9.** Rep. Jacqueline Cali-Pitts for the **Minority** of Science, Technology and Energy. The minority of the committee felt that a climate conservation corps commission sponsored by the state was a wise idea -- we are all stewards of the planet and to give students and adults real life experience is what needs to be done, in an excellent way, to promote that stewardship. We have a beautiful state that deserves proper attention. We can instill a series of what can be done by individuals as well as businesses. The idea and details are what needs to be worked out by a committee. A greater appreciation of personal investment in care of our environment may encourage our young people to stay in NH and others to take better advantage of what we have.

**HB 1506-FN**, establishing a revolving clean energy accelerator fund in the department of energy. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. John Lewicke for the **Majority** of Science, Technology and Energy. This bill seeks to set up a "green bank" revolving fund to finance green energy projects. It would duplicate programs and resources that are already in place to finance renewable energy. Those existing programs include both government programs and commercial finance. It would make the state the "investor of last resort" for installations that have been refused by government and commercial investors as not financially viable. The bill would impose mandates and costs on the Department of Energy without any provision for funding those costs. As introduced, it also would explicitly discriminate based on race, which clearly violates constitutional protections. **Vote 12-9.** Rep. Rebecca McWilliams for the **Minority** of Science, Technology and Energy. This bill creates the structure for a state Revolving Clean Energy Accelerator Fund, that uses no State funds, but rather would be a "bucket" set up to receive money through both private capital and dedicated Federal ARPA funds of approximately \$60M/year for five years, administered by the NH Department of Energy. The intention of the fund is to reduce greenhouse gas emissions by providing financial investments in low- and zero-emissions technologies to catalyze a rapid transition to a clean energy economy without raising energy costs to end users. The fund would provide low-interest loans to schools, towns, and nonprofits seeking to purchase zero emissions vehicle fleets, among other carbon-reduction-focused energy projects. The fund would provide secure oversight

through the Department of Energy as an alternative to private or nonprofit management, which do not have the same level of controls and audits. This bill is not redundant with any existing departments or programs currently in effect.

**HB 1601-FN**, relative to funding of the NHsaves program **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Nick White for the **Majority** of Science, Technology and Energy. This bill seeks to change the threshold of Regional Greenhouse Gas Initiative (RGGI) rebates from \$1 per auction allowance to 15% of such allowances. It would therefore decrease the amount of money rebated to customers, which would increase the cost of a ratepayer bill. The committee saw no reason to change a system that has been working well for the past decade. Since RGGI is a tax on carbon emissions and carbon tax and dividend schemes that rebate all funds raised to consumers have been proposed at the national level, the current NH practice of rebating most of RGGI funds seem in line with such ideas. **Vote 13-8.** Rep. Peter Somssich for the **Minority** of Science, Technology and Energy. The Regional Greenhouse Gas Initiative (RGGI) is a cooperative effort of 11 Northeast and Mid-Atlantic states aimed at reducing greenhouse gas emissions from the electric power generation sector. Each state requires its electric utilities to either generate renewable energy or to purchase RGGI auction allowances. Most of the RGGI states use the revenue from the auction to support in-state energy efficiency and renewable energy projects (using 50% up to even 100% of this revenue for that purpose). But not NH. Currently, we are using only approximately 10% of that revenue for such purposes, while rebating almost 90% back to customers (equivalent to approximately \$1 on a monthly bill). But this is the process that funds energy efficiency and renewable energy programs. According to our own state's experts, the price of these allowances are predicted to rise significantly (perhaps doubling) in the near future. However, because NH has locked in a \$1 amount from the auction price, instead of a percentage, the increase will not result in any more money for energy efficiency. That is why this bill calls for 15% of the allowance price to be provided to the Energy Efficiency Fund (EEF) but also sets a floor based on the 2021 revenue received by the EEF. Since the purpose of the RGGI system was to assist in funding Energy Efficiency (EE) programs, it only makes sense, that when RGGI allowance prices go up, so does the funding for EE programs. The amount being rebated likewise will rise as the RGGI allowance price increases.

**HB 1621-FN**, relative to reducing the rebates distributed by the energy efficiency fund. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Lex Berezhny for the **Majority** of Science, Technology and Energy. New Hampshire is part of the Regional Greenhouse Gas Initiative (RGGI) program, which requires electricity producers to purchase allowances, if their generation emits carbon dioxide. The proceeds from these allowance purchases are then returned to the participating states. NH has chosen to return most of these funds as rebates on the cost of electricity for consumers while reserving a small portion for energy efficiency. This bill aims to gradually phase out the rebate to consumers, until the rebate is eliminated by 2028; all proceeds will then go to energy efficiency programs. This will have the effect of increasing the cost of electricity for NH residents. Furthermore, this bill changes the management of the energy efficiency programs funded by the remaining RGGI funds. The bill would turn over management to the Department of Energy, which would also be required to contract with the Department of Education, to develop relevant educational materials and distribute programmable thermostats and other low-cost energy efficiency solutions to families. No testimony was provided on why it is necessary to change how the energy efficiency programs are managed. **Vote 12-9.** Rep. John Mann for the **Minority** of Science, Technology and Energy. This bill reduces the RGGI rebate gradually over several years. Currently, the rebate is not competitive with other options to achieve equal or better savings on electric bills. Passing this bill would help to accelerate energy efficiency achievements in this state, to the benefits of residents and industry alike.

**HB 1644-FN**, relative to the placement of telecommunication antennae and establishing a registry for residents who are experiencing biological symptoms from wireless radiation exposure. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Douglas Thomas for the **Majority** of Science, Technology and Energy. The committee heard testimony that provided anecdotal evidence of various physical and neurological medical issues in people living near radio frequency emitting towers. Testimony explained 5G technology, which is mainly a marketing term used to indicate the next generation of cell phone and data equipment. It is built on 3G and 4G technology and requires more densely positioned antennas and expanded infrastructure. Industry leaders and world organizations have produced numerous documents pointing to no serious effects in people from this technology. Yet, it cannot be denied certain people are suffering from various illnesses. Although there may be a correlation between those who live near towers who suffer from some form of discomfort, the committee was uncertain as to the causation of such ailments. Despite the fact that there was a 14-month commission that presented a very strong report that pointed to the effects of cumulative radio frequency bombardment, there were equally valid presentations that pointed to physics and testing that could dispel these claims.

The committee feels there is enough doubt that the bill as presented could not be supported, yet a better compromise could be obtained with additional study. **Vote 17-4.** Rep. Lucius Parshall for the **Minority** of Science, Technology and Energy. The minority believes that a well drafted amendment could address the following issues with this bill: (1) The self-reporting registry has met with some resistance. The sponsor has accepted a friendly and bipartisan amendment to remove the language around the registry which has already been drafted. (2) Safeguards that protect ham radio operators may already exist, however, further language could add additional protection for private operators. (3) The bill does not address any need for further study. A study sub-committee should also be attached to the amendment. Consideration can be given to a sunset clause, removing tower placement restrictions after a certain date should the sub-committee and/or the legislature not act in a timely manner. Another point of concern is the potential legislative over-reach that the Federal Communications Commission is imposing on local zoning. There are numerous cases across the United States questioning the FCC's apparent right of eminent domain in awarding tower sites to the industry. While 5G technology in theory provides greater coverage, a concern is that the 5G rollout would be subject to the same marketing forces that we witnessed with 4G. The more profitable metropolitan regions would be heavily serviced and rural locations would continue to be under-served. The leaving of many communities under served by 4G technology does not provide a good track record for the claims of 5G as made by the telecommunication industry. An amended bill would prevent the telecommunications industry from moving forward without rightful legislative oversight. Without guard rails to restrict tower placement, the legislature will be giving tacit approval to the telecommunications industry for the duration of the study. By the time we finish evaluating the appropriateness and safety of 5G service we could already be surrounded by 5G towers. The genie may already be out of the bottle by the time the interim committee comes to judgement. In summary, the minority supports the setbacks as given in the bill, as amended, at least until we refine our concerns around the technology, and supports Ought to Pass with Amendment as the proper approach to this time sensitive issue.

## TRANSPORTATION

**HB 1100-FN**, relative to changing the penalties for driving without a license. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ted Gorski for the **Majority** of Transportation. This bill changes the penalties for driving without a license to a violation instead of a misdemeanor. Previously, it was a violation if someone drove without a license. However, in 2015, the legislature changed the law to make driving without a license a misdemeanor. The majority felt that setting it back to a violation could cause unintended consequences. The focus of the testimony in the committee hearing focused on immigrants who may be driving without a valid license. However, this bill includes citizens driving without a valid license as well. The majority feels that there should be consequences to driving without a license. Therefore, the majority felt it should remain a misdemeanor offense. **Vote 10-9.** Rep. George Sykes for the **Minority** of Transportation. A change of the penalty for driving without a license from a violation to a misdemeanor only occurred in 2015. Unfortunately the newer higher existing penalty would result in a misdemeanor charge, which does require a court appearance. A violation is not criminal, and will not result in jail time. The higher penalty disproportionately affects single working parents, people who are economically challenged, and persons who may have English as a second language. An example of the enhanced nature of a misdemeanor would also require job applicants to "check the box" indicating a criminal charge. Finally this change back to a violation would help keep people out of the court systems for a relatively minor offense.

**HB 1208-FN**, relative to driver education. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Laura Telerski for the **Majority** of Transportation. This bill would allow for a waiver for the driver education requirement for 16 and 17-year-old drivers when taught by a responsible adult. The bipartisan majority has several concerns with this bill. Currently, certified instructors meet strict standards for training, have background and driving record checks, participate in continuing education, and are up to date on the newest safety technologies and techniques compared to a parent who learned how to drive 20+ years earlier. A study by the Texas Transportation Institute, which evaluated a similar program in that state, found that teen drivers who are taught by someone other than a professional instructor are more likely to be convicted of driving violations, more likely to be involved with serious crashes, and nearly three times more likely to be involved in a fatal crash than their peers who attended driver's ed. The majority is aware of the concerns with the cost and availability of driver's education classes and anticipates improvements from the Department of Motor Vehicles through rules changes. For these reasons, and others, the majority believes the state's youth operator license program should remain as it currently stands to ensure the safety of our newest drivers, as well as other Granite Staters, on our roadways. **Vote 14-5.** Rep. Gregory

Hill for the **Minority** of Transportation. This year's version of the Driver's Education bill would have the state finally recognize the role of parents to decide whether children are capable of learning to drive when taught by the parents themselves or a responsible adult when the child reaches age 16. The two alternatives are either the current system of parents being forced to hire a professional driver's education instructor for a fee or have the child wait an additional two years when they are allowed to take the exam without any formal driver's education training. The state mandate of driver's education virtually ensures a private corporate monopoly on 16 and 17 year-old NH children who must pay an average cost of \$700 to a select group of private businesses for the privilege of taking the exam two years early. The question posed by the prime sponsor is valid, "Does it really matter who taught the child if the examiners at the Department of Motor Vehicles deem the child to be a responsible driver after their rigorous examination?"

**HB 1461-FN**, increasing penalties for littering. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Thomas Walsh for Transportation. This bill amends RSA 265:102, IV to read as follows: "Any person who violates any provision of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, and shall be fined \$300 plus penalty assessment for a first offense and \$500 plus penalty assessment for each subsequent offense." The effective date of this act shall be January 1, 2023. **Vote 16-1.**

## **COMMITTEE MEETINGS FRIDAY, FEBRUARY 11**

### **COMMISSION ON THE ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS OF PERFLUORINATED CHEMICALS (RSA 126-A:79-a),**

9:00 a.m. Regular meeting.

This meeting will take place by remote conference. To listen in please follow the instructions below: Please register for HB 737 Commission Meeting on Feb 11, 2022 9:00 AM EST at: <https://attendee.gotowebinar.com/register/8263623051263811344>

After registering, you will receive a confirmation email containing information about joining the webinar. The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: [Amy.E.Rousseau@DES.NH.gov](mailto:Amy.E.Rousseau@DES.NH.gov). You may also call Amy Rousseau at 603-848-1372.

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

9:00 a.m. Subcommittee Work Session on **HB 1215-FN**, relative to the definition of "residual amount" in the controlled drug act.

9:30 a.m. Subcommittee Work Session on **HB 1127**, relative to posthumous exonerations and annulments.

10:00 a.m. Subcommittee Work Session on **HB 1266**, relative to restrictions on enforcement of federal immigration laws.

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

10:00 a.m. Work Session joint with Division I on **HB 1677-FN**, relative to the administration and settlement of claims of abuse at the youth development center and making an appropriation therefor. **HB 103-FN**, establishing a dental benefit under the state Medicaid program.

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

2:00 p.m. Regular meeting.

### **NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2), NHDOT 7 Hazen Drive Room 211 Kancamagus Conference Room Concord, NH**

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

<https://us06web.zoom.us/j/82838379588?pwd=S3VLK3RZMVZRzd3TWg1NTd6dlpGQT09>  
Meeting ID: 828 3837 9588 Passcode: 618977

### **STATEWIDE INTEROPERABILITY EXECUTIVE COMMITTEE (SIEC) (RSA 21-P:48, IV), NH Fire Academy Classrooms 5, 6 & 7 98 Smokey Bear Blvd Concord, NH 03301**

9:00 a.m. Regular meeting.

## **MONDAY, FEBRUARY 14**

### **ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b), Room 100 Walker Building 21 South Fruit Street Concord, NH**

9:00 a.m. Regular meeting.

**COMMITTEE TO STUDY RAIL TRAIL MANAGEMENT PRACTICES (HB 311, Chapter 94:2, Laws of 2021), NH DES Rooms 313 & 314 29 Hazen Drive Concord, NH**

9:00 a.m. Regular meeting.

<https://us-east-2.protection.sophos.com?d=avast.com&u=aHR0cHM6Ly93d3cuYXZhc3QuY29tL2FudGl2aXJ1cw==&i=NWRmN2M1OGRjNDMxOGExZGMvZjVmYjJ&t=VE0yMzJ0bmVpcDNGSIHhSNWluaDkwNFE4aEpLVVpha2t1NmRSVmR3Z3ljST0=&h=9c46e8f64c5c4d2fa9e219ccff739174>

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 302-304, LOB**

10:00 a.m. Public hearing on non-germane amendment #2022-0399h to **HB 1330**, relative to the board of medical technicians. The amendment repeals the requirements for the certification and regulation of medical technicians by the office of professional licensure and certification. Copies of the amendment are available in the Sergeant-at-Arms Office, Room 318, State House.

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

9:30 a.m. **HB 1481**, repealing the statute relative to medical freedom in immunizations.

10:45 a.m. **HB 1379**, relative to the department of health and human services' rulemaking authority regarding immunization requirements.

1:00 p.m. **HB 1271**, limiting the authority of the department of health and human services to mandate vaccinations; and relative to quarantine costs.

2:15 p.m. **HB 1495-FN**, relative to vaccine mandates for government contractors. Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

**LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1), Back Room, Upham Walker House**

10:00 a.m. Regular meeting.

**NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), NH DES 29 Hazen Drive Cafeteria Meeting Area Concord, NH 03301**

9:30 a.m. Subcommittee meeting.

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Subcommittee Work Session on **HB 1258**, relative to the implementation of the department of energy.

**STATE COMMISSION ON AGING (RSA 19-P:1), NH Employment Security 45 S. Fruit St. Concord, NH**

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

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

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

Questions? Please contact Rebecca Sky at [Rebecca.Sky@nh.gov](mailto:Rebecca.Sky@nh.gov) or 603-271-0527 or 603-848-4204.

Main Topic: Transportation – Mobility Management Network & Volunteer Driver Programs

## **TUESDAY, FEBRUARY 15**

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

10:00 a.m. **HB 1614-FN**, requiring the recording and storing of digital video in all state-funded juvenile detention facilities.

10:30 a.m. **HB 1612-FN**, 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.

11:15 a.m. **HB 1280**, prohibiting a parent's refusal to vaccinate a child pursuant to an order of the state or federal government to be used as a basis for terminating parental rights.

1:15 p.m. **HB 1651-FN**, adding sexual reassignment to the definition of child abuse.

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

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

9:30 a.m. **HB 1607-FN**, prohibiting unlawful discrimination in public and nonpublic schools.

10:30 a.m. **HB 1671-L**, relative to the content of an adequate education.

1:00 p.m. **HB 1678**, relative to the administration of the education freedom accounts program.

1:45 p.m. **HB 1120**, relative to education service providers under the education freedom accounts program.

- 2:30 p.m. **HB 1683-FN-L**, repealing the education freedom account program.  
 Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

#### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 302-304, LOB**

- 1:00 p.m. **HB 1135**, requiring a performance audit of the department of education, education freedom account program.
- 1:45 p.m. **HB 1510**, establishing a committee to study the hiring processes used by state agencies.
- 2:00 p.m. **HB 1395**, relative to administrative rulemaking authority.  
 Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

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

- 9:30 a.m. **HB 1290-FN**, establishing a task force on precision medicine and biomarker testing.
- 10:15 a.m. **HB 1606**, making the state vaccine registry an opt-in program.
- 1:00 p.m. **HB 1080**, relative to the rights of conscience for medical professionals.
- 2:15 p.m. **HB 1077**, repealing the prohibition on conversion therapy for minors.  
 Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

#### **MUNICIPAL AND COUNTY GOVERNMENT, Room 301-303, LOB**

- 9:00 a.m. **HB 1026**, relative to budget information provided to a budget committee.
- 9:30 a.m. **HB 1068**, relative to building codes for tiny houses.
- 10:00 a.m. Continued Public Hearing on **HB 1238**, relative to zoning powers and the supply of workforce housing.
- 10:30 a.m. **HB 1119**, relative to the regulation of single-use bags.
- 11:30 a.m. **HB 1268**, limiting the authority for city council bylaws and ordinances.
- 1:00 p.m. **HB 1289**, relative to applications for abatements and authority to abate prior years' taxes for certain homeowners.
- 1:30 p.m. **HB 1293**, relative to the design of sewage or waste disposal systems for a person's own domicile.
- 2:00 p.m. **HB 1365**, allowing towns and cities to tax residential and non-residential property at different rates.
- 3:00 p.m. **HB 1393**, relative to the adoption of school district budget caps.
- 4:00 p.m. **HB 1667**, relative to the standard and optional veterans' tax credits and the all veterans' tax credit.  
 Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

### **THURSDAY, FEBRUARY 17**

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

- 3:00 p.m. Regular meeting.  
 Zoom Access for the general public wishing to join the meeting, the following can be used:<https://us02web.zoom.us/j/86908506528?pwd=MGtWMVTmdkoybDMyNkpTLzhSbIM2QT09>  
 Meeting ID: 869 0850 6528 Passcode: 218386 One tap mobile +16465189805,86908506528  
 For questions in regard to zoom, the public may contact: Shireen Meskoob at [DEAR@doe.nh.gov](mailto:DEAR@doe.nh.gov) or 603.271.2831

#### **NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R:2), Philbrook Adult Transitional Housing Room B119 121 S. Fruit Street Concord, NH**

- 2:00 p.m. Subcommittee meeting.

### **FRIDAY, FEBRUARY 18**

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

- 9:00 a.m. Regular meeting.

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

- 10:00 a.m. Regular meeting. The YouTube link to view the meeting livestream is:  
<https://youtu.be/yOHrWqLnXPA>

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

- 9:00 a.m. **CACR 18**, relating to reproductive medical decisions. Providing that the state shall not infringe or unduly inconvenience the right of reproductive medical decisions; **HB 1181-FN**, allowing

the biological father of an unborn child to petition the court for an injunction prohibiting the biological mother from having an abortion; **HB 1477-FN**, prohibiting abortions after detection of fetal heartbeat; **HB 1625**, repealing the prohibition on entering or remaining on a public way or sidewalk adjacent to a reproductive health care facility; **HB 1673-FN**, relative to women's health privacy and repealing the fetal health protection act; **HB 1674**, relative to reproductive rights; **HB 1073**, repealing the right-to-know exemption for attorney-client work product.

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

3:00 p.m. Regular meeting.

Join Zoom Meeting

<https://nh-dhhs.zoom.us/j/9833055343?pwd=TWNLYTh3SDBIUW9IaXBaNDRjQ3Yzdz09>

Meeting ID: 983 305 5343 Passcode: 780875

## TUESDAY, FEBRUARY 22

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

9:00 a.m. Executive Session on **HB 1372**, relative to requirements for teacher certification.

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

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

9:30 a.m. **HB 1180**, relative to state recognition of biological sex.

11:00 a.m. **HB 1347**, relative to licensing requirements for health care facilities that operate on a membership-based business model.

1:00 p.m. **HB 1487**, relative to the procedure for withdrawal from the vaccine registry.

1:30 p.m. **HB 1488**, expanding the prohibition against discrimination based on an individual's election not to participate in the state vaccine registry.

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

**WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), New Futures Office Building 100 N. Main St. Suite 400 Concord, NH**

9:00 a.m. Regular meeting. Join Zoom Meeting:<https://zoom.us/j/97979769257>

## WEDNESDAY, FEBRUARY 23

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

9:00 a.m. Executive Session on **HB 1373**, relative to the best interest of the student for a change of school or assignment.

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

**JOINT LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE (RSA 17-N:1), Room 210-211, LOB**

12:00 p.m. Regular meeting.

**NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R:2), Room 310 29 Hazen Drive Concord, NH**

10:00 a.m. Subcommittee meeting.

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

10:00 a.m. Executive Session on **HB 1066**, establishing a commission to investigate and analyze the environmental and human and animal health impacts relating to cyanobacteria blooms in New Hampshire water bodies; **HB 1071**, relative to wake surfing; **HB 1109**, relative to approval for off highway recreational vehicles use on class V and class VI roads; **HB 1128**, relative to financial liability for damage caused by OHV use of class VI roads; **HB 1292**, permitting the use of drones or unmanned aerial vehicles on the statewide trail system; **HB 1317**, requiring the director of the state police in consultation with the bureau of marine patrol to report annually to the legislature regarding new developments in electric and gasoline powered recreational watercraft; **HB 1438-FN**, relative to the use of a mooring by person other than the permit holder; **HB 1532**, permitting a dam to be constructed on Big Pea Porridge Pond; **HB 1555-FN**, repealing the permit required for fires at campgrounds; **HB 1620**, identifying part of the Merrimack River as a protected river.

- 1:00 p.m. Full Committee Work Session on **HB 1602-FN**, relative to perfluorinated chemicals in drinking water.  
Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

## THURSDAY, FEBRUARY 24

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

- 2:00 p.m. Regular meeting. Join Zoom Meeting:  
<https://nh-dhhs.zoom.us/j/95566654353?pwd=WEdGVWJKNWMwMmtvckxVXRZRG82QT09>  
Meeting ID: 955 6665 4353 Passcode: 961979  
The following email address will be monitored throughout the meeting, should participants have technical difficulties: [Alisa.Druzba@dhhs.nh.gov](mailto:Alisa.Druzba@dhhs.nh.gov)

### EDUCATION, Room 205-207, LOB

- 9:00 a.m. Executive Session on **HB 1533**, relative to health education curriculum in schools.  
Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

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

- 9:30 a.m. Continued Executive Session on **HB 2022**, relative to the 10-year transportation plan; **HB 1032-L**, relative to the sale of the Lakes Region facility; **HB 1548-L**, relating to the sale of the Lakes Region Facility.  
Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

## FRIDAY, FEBRUARY 25

### COMMITTEE TO STUDY THE REGULATORY STRUCTURE OF CHARITABLE GAMING (SB 100, Chapter 221:1, Laws of 2021), Room 100, SH

- 10:30 a.m. Regular meeting.

### EDUCATION, Room Reps Hall, SH

- 9:00 a.m. **HB 1131**, relative to facial covering policies for schools.  
10:00 a.m. **HB 1371**, relative to school district policies on facial masks of students in schools.  
Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

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

- 9:30 a.m. Regular meeting.

### HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 210-211, LOB

- 10:00 a.m. Regular meeting.

### JOINT COMMITTEE ON TAX EXPENDITURE REVIEW (RSA 71-C:3), Room 100, SH

- 9:00 a.m. Regular meeting.

### MOUNT WASHINGTON COMMISSION (RSA 227-B:3), Mt. Washington Cog Railway Maintenance Shop 3168 Base Station Rd., Mount Washington, NH 03589

- 9:30 a.m. Regular meeting.

### NEW HAMPSHIRE PRESCRIPTION DRUG AFFORDABILITY BOARD (RSA 126-BB:2),

- 1:00 p.m. Regular meeting. Brown Building Auditorium, Health and Human Services, 129 Pleasant St. Concord NH 03301 Please see the Board website for additional information regarding this meeting: <https://www.dhhs.nh.gov/ombp/medicaid/nhpdap/index.htm>

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

- 9:30 a.m. Regular meeting.

## MONDAY, FEBRUARY 28

### NEW HAMPSHIRE COUNCIL ON SUICIDE PREVENTION (RSA 126-R:2), Philbrook Adult Transitional Housing Room B119 121 S. Fruit Street Concord, NH

- 10:00 a.m. Regular meeting.

## TUESDAY, MARCH 1

**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.

## MONDAY, MARCH 7

**COMMISSION TO STUDY OFFSHORE WIND AND PORT DEVELOPMENT (RSA 374-F:10), Room 100 Walker Building 21 South Fruit Street Concord, NH**

4:00 p.m. Regular meeting.

**NEW HAMPSHIRE OPIOID ABATEMENT ADVISORY COMMISSION (RSA 126-A:85), DHHS Brown Auditorium 129 Pleasant St. Concord NH 03301**

1:00 p.m. Regular meeting. Join Zoom Meeting:

<https://nhdhhs.zoom.us/j/3031726939?pwd=ckNDcmNyM1VJdGtsWWlDd2hCWIJVUT09>

Meeting ID: 303 172 6939 Passcode: 810055

## MONDAY, MARCH 14

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

2:00 p.m. Regular meeting.

Join Zoom Meeting:

<https://us02web.zoom.us/j/84327646605?pwd=R0lwOWFVK0w2U2FKYTbXM1MjNhdz09>

Meeting ID: 843 2764 6605 Passcode: 731679

## FRIDAY, MARCH 18

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

3:00 p.m. Regular meeting.

Join Zoom Meeting:

<https://nh-hhs.zoom.us/j/9833055343?pwd=TWNLYTh3SDBIUW9IaXBaNDRjQ3Yzdz09>

Meeting ID: 983 305 5343 Passcode: 780875

## MONDAY, MARCH 21

**COMMISSION ON HOLOCAUST AND GENOCIDE EDUCATION (RSA 193-E:2-f), Room 103, SH**

4:00 p.m. Regular meeting.

## MONDAY, MARCH 28

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

10:15 a.m. Regular meeting. The YouTube link to view the meeting livestream is:

[https://youtu.be/Z9B\\_wjrnUYE](https://youtu.be/Z9B_wjrnUYE)

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

9:30 a.m. Regular meeting. The YouTube link to view the meeting livestream is:

<https://youtu.be/5Az4iNBhH08>

## OFFICIAL NOTICES

The **Rockingham** County Executive Committee Meeting, **Friday, February 11, 2022, 9:30 a.m.**, Hilton Auditorium, Rockingham County Nursing Home, Brentwood, NH. The purpose of the meeting is to conduct the second quarter budget review. Executive Committee Members must attend in person. Due to COVID 19 concerns, social distancing is required, and masks are mandatory.

Limited In-Person Access: Division Directors/Department Heads/Designees, please contact Cheryl Hurley, Delegation Coordinator, at 603-679-9369, if you are planning on in-person attendance. Zoom access is available. Zoom Access by Video:<https://zoom.us/j/571325541?pwd=TkV4NnM5OHp5SnZzVEcxaFlrL0VYZZ09>

Zoom Access by Audio: 888-788-0099 (US Toll Free) Meeting ID: 571-325-5541 # Participant ID's will not be provided for this meeting, press # to continue. Meeting Password: 312900

The following email address will be monitored throughout the meeting by someone who can alert the committee to any issues: [rbernier@co.rockingham.nh.us](mailto:rbernier@co.rockingham.nh.us). The meeting will be adjourned if the public cannot access the meeting.

Rep. David A. Welch, Clerk

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The Executive Committee of the **Merrimack** County Delegation will meet **on Monday, February 28, 2022** in the 2<sup>nd</sup> floor conference room at **9:00 a.m.** of the Old Courthouse, 163 N. Main Street, Concord, New Hampshire. The purpose of the meeting is as follows: 1. 4<sup>th</sup> Quarter Financial Review/Approval 2. 2022 Budget Review/Approval 3. Adoption of Grant Resolution 4. Any other business

Rep. James MacKay, Chairman

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## REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB103, HB347, HB591, HB611, HB620, HB624, HB1064, HB1228, HB1423, HB1456, HB1526, HB1587, HB1621, HB1628, HB1629, HB1632, HB1677, HB1681, SB59, SB92, SB160.

Paul C. Smith, Clerk of the House

## MEMBERS' NOTICES

The following notices are published in the House Record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

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The NH Legislative Cancer Caucus is in the process of forming for the 2022 legislative session. The focus of the caucus will be to work to increase awareness and promote policies to prevent, treat, and educate the public about cancer. The goal of the caucus will be to identify solutions to unmet needs and improving access to care, as well as work to strengthen community support programs to meet the diverse needs of New Hampshire citizens. If you are interested in joining the Cancer Caucus please email [Suzanne.Prentiss@leg.state.nh.us](mailto:Suzanne.Prentiss@leg.state.nh.us) to be included on the distribution list when a meeting date in **February** is scheduled.

Rep. Katherine Rogers

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The Vegas Caucus will be meeting online in **February** to discuss everything from byzantine alcohol laws to marijuana prohibition in our state and how to fix them. All members are welcome to bring their bills to decriminalize or legalize activities that are currently allowed in other states. Contact [Max.Abramson@leg.state.nh.us](mailto:Max.Abramson@leg.state.nh.us), but remember that we follow traditional caucus rules so, "What happens in Vegas stays in Vegas."

Rep. Max Abramson

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The January Workplace Racial Equity Learning Challenge Runs through **February 11th**.

The NH Workplace Racial Equity Learning Challenge provides individuals and teams in the New Hampshire workforce community a way to: Learn about the history and dynamics of how racism manifests at the individual, interpersonal, organization, and systemic levels. Consists of Daily emails M-F, and weekly facilitated discussions on Fridays. Free to all interested, please visit <https://www.nhbsr.org/nh-workplace-racial-equity-challenge>.

Rep. Timothy Egan

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The NH Council on Developmental Disabilities will be hosting their Annual Virtual Introduction on **February 25, 2022, from 4:30 pm until 5:00 pm** on zoom. The NHCDD Policy Committee would like to invite you to learn about and discuss the DD Council's legislative priorities and the work they do in supporting individuals with intellectual/developmental disabilities to exercise self-determination and be fully included in civic and community life. They would like to hear any questions, concerns, and ideas on how inclusive policy can benefit all of New Hampshire's citizens. To register please contact: [Vanessa.A.Blais@ddc.nh.gov](mailto:Vanessa.A.Blais@ddc.nh.gov) or call 603-271-7040.

Rep. Gaby Grossman

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## STATE HOUSE VISITATION SCHEDULE

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

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

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

DATE	TIME	GROUP	#/GRADE
Feb. 11	11:00	Victory Baptist School – Londonderry	30/7-12
Feb. 18	10:00	MIKVA (Teachers) Challenge NH	7/adults
March 7	10:00	Granite State Home Educators	40
March 8	10:00	River Woods Durham	16/Srs
March 11	10:00	Daughters of the American Revolution	50/HS
March 15	10:00	Broken Ground School – Concord	42/4
March 16	10:00	Broken Ground School – Concord	42/4
March 17	11:45	Richards Elementary School – Newport	50/4
March 21	10:00	Broken Ground School – Concord	20/4
March 21	1:00	Granite Home Educators	40
March 24	10:00/12:00	Bicentennial School – Nashua	100/4
March 28	10:00	Lincoln Street School – Exeter	50/4
March 29	10:00	Lincoln Street School – Exeter	50/4
March 30	10:00	Lincoln Street School – Exeter	50/4

## AMENDMENTS

**(LISTED IN NUMERICAL ORDER)**

**Amendment to HB 1005**

**(2022-0445h)**

**Proposed by the Committee on Resources, Recreation and Development - c**

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

1 Legislative Findings and Purpose. Forest product markets in New Hampshire and the surrounding region have experienced an acute downturn, particularly for low-grade wood resources such as biomass and pulpwood for paper manufacturing. Since 1999, the northeast has lost 11 of 17 pulp mills. Since 2014, roughly 6.5 million tons of market for low-grade wood has been lost annually through plant closures. Over 2 million tons of this loss has occurred since 2019. The loss of low-grade markets is also severely stressing the sawmill sector because residue from these mills created when a round log is turned into square products must have a market in order for the mill to be successful. In recent months the closure of biomass electric generation plants in New Hampshire has further stressed the forest products industry. The COVID-19 pandemic has further stressed the forest products market infrastructure in the region. In order to ensure the health of the forest products industry and a timberland owner's ability to cost effectively perform sustainable forestry, a commission of public officials, industry representatives, and critical economic development personnel should convene to explore new and emerging markets for biomass and low-grade timber and wood resources. This review should look especially at all opportunities to utilize the state's low-grade wood resource, including biofuels, renewable chemicals, and what existing infrastructure can come to bear on these opportunities. In addition, the commission should explore what regulatory and other supports can be deployed by the state government to assist in realizing these opportunities.

2 New Section; New Hampshire Low-Grade Timber and Wood Emerging Market Commission. Amend RSA 227-I by inserting after section 10 the following new section:

227-I:11 New Hampshire Low-Grade Timber and Wood Emerging Market Commission.

I. There is established a commission to study the state of the existing low-grade timber and market economy and new and emerging markets for low-grade timber and wood products.

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

(a) Three members of the house of representatives, at least one of whom shall be from the minority party, appointed by the speaker of the house of representatives.

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

(c) The commissioner of the department of business and economic affairs, or designee.

- (d) The commissioner of the department of natural and cultural resources, or designee.
  - (e) The commissioner of the department of energy, or designee.
  - (f) The New Hampshire state forester.
  - (g) The forest industry specialist from the university of New Hampshire.
  - (h) Two members representing the hardwood and softwood sawmill operators in New Hampshire, appointed by the speaker of the house of representatives.
  - (i) One professional forester actively practicing forestry and licensed in New Hampshire, appointed by the Granite State Division of the New England Society of American Foresters.
  - (j) Two small business operators, one of which shall operate a New Hampshire timber harvesting business and the other shall operate an operating biomass power plant, appointed by the president of the senate.
  - (k) One timberland owner, appointed by the governor from 3 owners nominated by the New Hampshire Timberland Owners Association.
  - (l) One member representing the biotechnology sector, appointed by the governor.
- III. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.
- IV. The commission shall:
- (a) Research and review existing data about the state of the New Hampshire forest products industry, particularly the low-grade timber market and the state of the forest resource, and the prospects for the future of both.
  - (b) Review all current New Hampshire law and regulations related to the New Hampshire forest products industry, particularly the low-grade markets sector, to determine if these laws and regulations are impediments to encouraging low-grade forest products markets or could be changed to benefit the goal of creating new or expanding low-grade forest products markets.
  - (c) Review the status of the work of the department of business and economic affairs and the department of natural and cultural resources relative to assisting in developing new low-grade forest products markets and enhancing existing markets.
  - (d) Research and report on the status of the existing low-grade forest products facilities markets in New Hampshire, particularly the biomass power plants.
  - (e) Research and become informed about other efforts in New Hampshire and the northeast region to encourage low-grade forest products markets.
  - (f) Examine new and emerging markets for low-grade wood in New Hampshire including, but not limited to opportunities, market challenges, and regulatory needs to produce biofuels, renewable chemicals, and other products derived by low-grade timber and wood materials.
  - (g) Examine emerging federal government and foundation supports for these emerging markets.

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

VI. The commission shall issue a final report to the chair of house resources, recreation and development committee, the chair of the senate energy and natural resources committee, 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 December 1, 2023.

3 Repeal. RSA 227-I:11, relative to New Hampshire low-grade timber and wood emerging market commission, is repealed.

#### 4 Effective Date.

I. Section 3 of this act shall take effect December 1, 2023.

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

#### **Amendment to HB1016-FN**

**(2022-0091h)**

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

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

AN ACT relative to licensing of speech-language specialists.

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

1 New Paragraphs; Speech-Language Pathology; Eligibility for Initial Licensure. Amend RSA 326-F:3 by inserting after paragraph III the following new paragraphs:

III.(a) As of July 1, 2022, to be eligible to practice speech-language pathology in a public school system, state-approved nonpublic school for children with disabilities, chartered educational institution of the state, or the state department of education, applicants shall be licensed as speech-language pathologists in accordance with this chapter.

(b) Notwithstanding subparagraph (a), any person practicing speech-language pathology as a speech-language specialist certified by the department of education prior to July 1, 2022 shall be eligible to continue practicing as a speech-language specialist so long as such person practices continuously after July 1, 2022 in a public school system, state-approved nonpublic school for children with disabilities, chartered public educational institution of the state, or the state department of education. Such persons shall not be eligible to participate in the audiology and speech-language pathology interstate compact established in RSA 326-F:17.

2 Department of Education; Rulemaking. Amend RSA 21-N:9, II(s) to read as follows:

(s) License standards for educational personnel, to include the establishment and implementation of a secure system for conducting criminal background checks pursuant to RSA 189:13-a for all first-time applicants listed in this section, the establishment and implementation of a secure system for accessing findings of abuse for individuals on the central registry pursuant to RSA 169-C:35, and educator certification fees for granting licenses to educational personnel, including teachers, paraprofessionals, superintendents, assistant superintendents, special education administrators, business administrators, principals, vocational directors, coordinators of comprehensive health education and services, directors of pupil personnel services, guidance directors, guidance counselors, school psychologists, associate school psychologists, [speech-language specialists,] social workers, health educators, physical education teachers, consumer and family science teachers, elementary teachers, specialists in assessment of intellectual functioning, school bus drivers and transportation monitors, media supervisors, media generalists, and master teachers as authorized by RSA 186:8 and RSA 186:11, X, professional licenses including beginning educator licenses, experienced educator licenses, and intern authorizations, and other classifications of educators, administrators, specialists, and paraprofessionals necessary to address educational needs as determined by the state board upon the recommendation of the professional standards board pursuant to RSA 186:60.

3 Repeal. The following are repealed:

II. RSA 189:14-e, relative to certification of speech-language specialists.

III. RSA 326-F:2, I(a), relative to the exemption of speech-language specialists from certain statutory requirements.

IV. RSA 326-F:3-a, relative to the eligibility requirements for speech-language specialists to become licensed speech-language pathologists.

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

2022-0091h

#### AMENDED ANALYSIS

This bill provides that any person practicing speech-language pathology within certain educational settings must be licensed as a speech-language pathologist. The bill also eliminates certification of speech-language specialists by the department of education. The bill provides that any person currently certified as a speech-language specialist by the department of education may continue to practice in such capacity.

#### Amendment to HB 1020

(2022-0142h)

#### Proposed by the Committee on Judiciary - c

Amend the bill by replacing section 1 with the following:

1 Additional Lights Approved for Police, Fire, State Department of Corrections, and Rescue Vehicles. Amend RSA 266:78-d to read as follows:

266:78-d Additional Lights Approved for Police, Fire, State Department of Corrections, and Rescue Vehicles.

I. Police, fire, state department of corrections, and emergency medical response vehicles, in addition to but not in place of the lights authorized by RSA 266:78-b and RSA 266:78-c, may be equipped with light bars containing one or more amber warning lights or amber arrow boards.

*II. Police vehicles may affix red lights in accordance with federal standards only to the driver's side front and rear of its emergency lighting system, so long as such vehicles are owned or leased by the state, county, or local municipality. Privately owned vehicles used for official police function shall not be permitted to affix red lights in accordance with this paragraph.*

*III. Fire vehicles may affix a single blue light in accordance with federal standards to the passenger side rear emergency lighting system, so long as such vehicles are owned or leased by the state, county, or local municipality. Privately owned vehicles used for fire/emergency medical services shall not be permitted to affix a blue light to such vehicles.*

#### Amendment to HB 1040

(2022-0205h)

#### Proposed by the Committee on Public Works and Highways - c

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

AN ACT establishing a commission to study revenue alternatives to the road toll for the funding of improvements to the state's highways and bridges and their resulting improvements to the environment.

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

1 New Section; Commission to Study Revenue Alternatives to the Road Toll. Amend RSA 21-J by inserting after section 48 the following new section:

**21-J:49 Commission to Study Revenue Alternatives to the Road Toll**

I. There is established a commission to study revenue alternatives to the road toll for the funding of improvements to the state's highways and bridges and their resulting improvements to the environment.

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

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives: 2 of whom shall be members of the house public works and highways committee; one of whom shall be a member of the house science, technology and energy committee; and one of whom shall be a member of the house ways and means committee.

(b) Two members of the senate, appointed by the president of the senate.

(c) The commissioner of the department of revenue administration, or designee.

(d) The commissioner of the department of safety, or designee.

(e) The commissioner of the department of environmental services, or designee.

(f) The commissioner of the department of transportation, or designee.

(g) One member from the New Hampshire Automobile Dealers Association, appointed by that association.

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

IV. The commission shall:

(a) Study alternatives to the road toll and may study emerging vehicle fuels and technologies, for funding improvements to the state's highways and bridges, ensuring that all motor vehicles contribute proportionally to their impact on New Hampshire's highway infrastructure.

(b) Study the impact the various fuel-efficient technologies have on the environment.

(c) Consider the interim report of the commission on taxation of alternative fuel and electric-powered motor vehicles of November 1, 2012, and the final report of the commission to study future sustainable revenue sources for funding improvements to state and municipal highways and bridges, dated November 1, 2010.

(d) Track current road toll revenues and, as it deems appropriate, analyze related programs developed in other states and recommend legislation.

(e) Consider the 2019-2020 federally-funded study of a prior road usage fee in New Hampshire.

(f) Evaluate the future funding needs for the operation and maintenance of, and improvements to, state and municipal roadways.

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

VI. The commission 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, 2022.

2 Repeal. RSA 21-J:49, relative to a commission to study revenue alternatives to the road toll, is repealed.

2022-0205h

**AMENDED ANALYSIS**

This bill establishes a commission to study revenue alternatives to the road toll for the funding of the state's highways and bridges and resulting improvements to the environment.

**Amendment to HB 1049**

**(2022-0269h)**

**Proposed by the Committee on Environment and Agriculture - c**

Amend the bill by replacing section 3 with the following:

3 Duties. The committee shall study:

I. The siting criteria for new landfills with a focus on community impact, environmental impact, and public good.

II. Solid waste policies in Northeastern states that could be adapted to New Hampshire with the goal of reducing pressure on landfill capacity.

III. Surety bonding of landfills to ensure the capacity to pay for potential damages, including clarification of how damages would be determined and who would be entitled to seek compensation for damages.

IV. Changing the definition of the required setback of landfills from water bodies by establishing standards that use the hydrogeological characteristic of the site and the time it would take potential contaminants to flow to water bodies.

V. Extended producer responsibility (EPR) as a mechanism for meeting the waste reduction goals established in RSA 149-M and reducing the tax burden that solid waste disposal places on municipalities. Specific attention shall be paid to laws in Oregon, Maine, and Canadian provinces that establish producer responsibility for packaging and single use plastics. In addition, the committee shall examine laws and legislation in any other state or country that establish EPR for electronic waste, batteries, automotive waste, and hazardous waste. The study shall assess how these laws could be adapted to the existing solid waste recovery infrastructure in New Hampshire and what support the department of environmental services would require to implement such laws.

VI. The roll of landfills and incinerators in preventing disposable wipes from entering and damaging sewer and septic infrastructure.

2022-0269h

**AMENDED ANALYSIS**

This bill establishes a committee to study the siting criteria for new landfills and to study solid waste policies as models for methods to reduce pressure on landfill capacity.

**Amendment to HB 1062**

(2022-0211h)

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

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

**Amendment to HB 1063**

(2022-0300h)

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

Amend the bill by inserting after section 3 the following and renumbering the original section 4 to read as 5:

4 Department of Revenue Administration; Claim for Refund of Taxes. Amend RSA 21-J:28-a, II to read as follows:

II. After a claim for refund is filed, the department shall examine it and either issue [a notice of] ~~the~~ refund or **grant the** credit to the claimant, or issue a notice of **complete or partial** denial. After receipt of the department's decision, the claimant may file a written petition for reconsideration with the department as provided in RSA 21-J:28-b.

2022-0300h

**AMENDED ANALYSIS**

This bill makes technical changes to the business profits tax, the meals and rooms tax, and the administration of taxes by the department of revenue administration.

**Amendment to HB 1074**

(2022-0576h)

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

Amend RSA 194-B:11, III(b) as inserted by section 1 of the bill by replacing it with the following:

(b) When a child is enrolled by a parent in a [charted] **chartered** public school, the local education agency of the child's resident district shall convene a meeting of the individualized education program (IEP) team and shall invite a representative of the chartered public school to that meeting. At the meeting, the IEP team shall determine how to ensure the provision of a free and appropriate public education in accordance with the child's IEP. **For all subsequent meetings of the IEP team, the child's resident district shall provide prior notice to the representative of the chartered public school.** The child's special education and related services shall be provided using any or all of the methods listed below starting with the least restrictive environment:

**Amendment to HB 1106**

(2022-0105h)

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

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

AN ACT establishing a commission to study recruiting members of the armed forces.

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

1 New Section; Commission on Armed Forces Workforce Recruitment Established. Amend RSA 110-B by inserting after section 73-d the following new section:

110-B:73-e Commission on Armed Forces Workforce Recruitment.

I. There is hereby established a commission to study the feasibility of a program to attract former members of the armed forces to the New Hampshire workforce.

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

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) Three members of the senate, appointed by the president of the senate.
- (c) The chairperson of the state veterans' advisory committee established in RSA 115-A, or designee.
- (d) One person representing the department of military affairs and veterans services, appointed by the commissioner.

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

IV. The commission shall:

- (a) Research available job opportunities throughout the state of New Hampshire where the skills of former members of the armed forces are necessary.
- (b) Identify incentives for employers in the state who hire veterans.
- (c) Identify policy recommendations and proposed legislation to assist in the minority veteran opportunities.
- (d) 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, 2022.

V. The commission may consult with any individual or entity it sees fit to accomplish its duties as described in paragraph IV of this section.

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

2 Repeal. RSA 110-B:73-e, relative to the commission on armed forces workforce recruitment, is repealed.

3 Effective Date.

I. Section 2 of this act shall take effect November 1, 2022.

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

2022-0105h

AMENDED ANALYSIS

This bill establishes a commission to study recruiting former members of the armed forces to job opportunities within the state of New Hampshire and creates a prospective repeal of the commission upon the filing of the commission's report.

**Amendment to HB 1125**

**(2022-0141h)**

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

Amend RSA 189:64, I as inserted by section 1 of the bill by replacing it with the following:

I. Every public, chartered public, and nonpublic school shall develop a site-specific school emergency response plan which is based on and conforms to the Incident Command System and the National Incident Management System and submit such plan to the [department of education] **director of homeland security and emergency management, department of safety** by September 1 of each year. [Upon receiving a school's emergency management plan, the department shall provide a copy of such plan to the director of homeland security and emergency management, department of safety. The plan should be documented at the time of school approval review.] **Access to all plans shall be provided to the department of education.** The plan shall provide that at least 4 of the currently required number of fire evacuation drills shall be emergency, all-hazard response drills of which at least one shall test emergency response to an armed assailant. The armed assailant drill may be discussion based. The types of all-hazard drills and exercises and the manner and time in which these activities take place shall be determined by the school in collaboration with local public safety, emergency management, and public health officials. The school may include students and first responders in all-hazard response drills or activities, as appropriate. The plan shall address hazards including but not limited to acts of violence, threats, earthquakes, floods, tornadoes, structural fire, wildfire, internal and external hazardous materials releases, medical emergencies, and any other hazard deemed necessary by school officials and local emergency authorities. The first emergency response drill shall be conducted within one year of the completion of the plan. If the school has a building schematic floor plan diagram, the school may, with the approval of the local school board, submit the diagram to the division of homeland security and emergency management, department of safety, in a commonly used digital format. Submission of the diagram will enable the state to better prepare, respond, and mitigate potentially dangerous conditions should the need arise.

**Amendment to HB 1130-FN  
(2022-0542h)**

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

Amend RSA 155:82, III as inserted by section 3 of the bill by replacing it with the following:

III. The employee toilet facility is not located in an area where providing access would create a health or safety risk to the customer, and providing access to the toilet facility would not pose a risk to an employee.  
Amend RSA 155 as inserted by section 3 of the bill by deleting RSA 155:83.

**Amendment to HB 1134  
(2022-0228h)**

**Proposed by the Committee on Environment and Agriculture - c**

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

**AN ACT** establishing a committee to study proper labeling and disposal of disposable wipes.

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

1 Committee Established. There is established a committee to study encouraging the proper labeling of disposable wipes products and assessing the impact to public wastewater infrastructure and water quality related to the improper disposal of wipes.

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 study:

I. Impacts to water quality and the associated costs to New Hampshire municipalities for impacts on wastewater infrastructure from wipes that are flushed.

II. Ways to ensure the proper labeling of disposable wipes by manufacturers.

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, 2022.

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

2022-0228h

**AMENDED ANALYSIS**

This bill establishes a committee to study proper labeling and disposable wipes.

**Amendment to HB 1187  
(2022-0340h)**

**Proposed by the Committee on Environment and Agriculture - c**

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

1 License Required; Exemptions. Amend the introductory paragraph of RSA 184:84, V to read as follows:

V. A milk producer-distributor who daily produces for sale less than 20 gallons of raw milk or processes less than 20 gallons of raw milk into cheese aged at least 60 days, yogurt, cream, butter, **ice cream, frozen yogurt**, or kefir shall not require a milk producer-distributor license, provided these products are offered as direct sales from the producer-distributor's own farm, farm stand, or at a farmers' market to the food consumer within the state of New Hampshire only. **Ice cream and frozen yogurt produced and sold under this paragraph shall be packaged in containers no larger than 6 fluid ounces and shall be marked with an expiration date 30 days from the date of manufacture.**"

2 Labeling of Raw Milk Products. Amend RSA 184:84, V(a) to read as follows:

(a) Any product containing raw milk from the milk producer-distributor's farm or farm stand or at farmers' markets shall be clearly labeled. If the product is sold in containers provided by the producer-distributor, the individual container shall have a label which contains the name, address, and phone number of the milk producer-distributor's farm; the name of the product; and the following statement: "This product is made with raw milk and is exempt from New Hampshire licensing and inspection. **RAW MILK: consuming raw milk may increase your risk of foodborne illness.**"

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

**Amendment to HB 1207-FN  
(2022-0286h)**

**Proposed by the Minority of the Committee on Labor, Industrial and Rehabilitative Services - r**

Amend the bill by replacing section 1 with the following:

1 New Section; Protective Legislation; Paid Time Off to Vote. Amend RSA 275 by inserting after section 30-a the following new section:

275:30-b Paid Time Off to Vote. On the day of any state election, as defined in RSA 652:3, an employer shall allow any employee to be absent from service or employment for not more than 2 hours between the time the polls open and close so the employee may vote. The employee shall apply for such a leave of absence prior to election day. The employer may specify the hours during which the employee may be absent; however, if the employee requests the leave of absence at the beginning or end of the work shift, the employer shall grant that request. This section shall not apply to an employee who has 3 or more consecutive hours between the time polls open and close during which the employee is not employed on the job. The employer shall not deduct from an employee's usual salary or wages because of the absence.

**Amendment to HB 1230-FN  
(2022-0021h)**

**Proposed by the Committee on Fish and Game and Marine Resources - c**

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

2 New Section; Game Animals; Transportation of Deer; Online Registration. Amend RSA 208 by inserting after section 15-g the following new section:

208:15-h Online Deer Registration. The executive director shall cause to be established an online registration system on or before September 1, 2023 for the purpose of registering deer killed in the state. The executive director shall act as the registration agent for deer registered through the online registration system. The requirements, procedures, and fees for online registration shall be similar to those used at deer registration stations. The executive director shall adopt rules pursuant to RSA 541-A specifying the necessary requirements, procedures, and fees for the use of the online registration system.

3 Emergency Closure; Limitation on Availability. The executive director may, by administrative rule adopted pursuant to RSA 541-A, limit the availability of online registration on days designated for biological sample collection and suspend online registration in the event of a wildlife or public health emergency, with the consent of the commission.

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

**Amendment to HB 1235  
(2022-0396h)**

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

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

1 Crime Victims Assistance; Claimant Eligibility. Amend RSA 21-M:8-h, V to read as follows:

V. The claimant may be reimbursed for reasonable out-of-pocket expenses, medical expenses, funeral expenses, counseling expenses, rehabilitative expenses, expenses associated with the victim's participation in post-conviction proceedings and victim-offender dialogue programs or other restorative justice programs, and lost wages directly resulting from the crime. Claimants eligible under subparagraph I(a)(4) may be reimbursed for the costs of removing the tattoo with an identifying mark. No reimbursement shall be paid unless the claimant has incurred reimbursable expenses of at least \$100. There shall be a [\$40,000] **\$50,000** maximum recovery per claimant per incident. If expenses paid through the victims' assistance program fund are later covered by insurance settlements, civil suit settlements, or restitution, or through any other source, the claimant shall reimburse the fund for the amount of expenses recovered.

2 FRM Victims' Contribution Recovery Fund; Appropriation Amended. Amend 2021, 91:85 to read as follows:

91:85 Appropriation; FRM Victims' Contribution Recovery Fund. For the purpose of awarding recovery assistance to victims of the FRM fraud, there is hereby appropriated the sum of \$5,000,000 for the fiscal year ending June 30, 2022, and the sum of \$5,000,000 for the fiscal year ending June 30, 2023, to the FRM victims' contribution recovery fund established in RSA 359-P:2. **Any unused funds remaining on July 1, 2024 shall be credited to the victims' assistance fund established in RSA 21-M:8-h.** The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

3 FRM Victims' Contribution Recovery Fund; Repeal Date Extended. Amend 2016, 293:7, I to read as follows:

I. Sections 4 through 6 of this act shall take effect July 1, [2023] **2024**.

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

2022-0396h

## AMENDED ANALYSIS

This bill increases the maximum recovery per claimant under the victims' assistance fund. The bill also extends the repeal date of the FRM victims' contribution recovery fund.

**Amendment to HB 1237-FN**

(2022-0428h)

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

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

AN ACT relative to the definition of cigar bar.

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

1 On-Premises Cigar, Beverage, and Liquor Licenses. Amend RSA 178:20-a, II(a) to read as follows:

(a) Generates 60 percent or more of its quarterly gross revenue from the sale of cigar-related products, which is limited to cigars, **cigarettes, loose tobacco**, humidors, cigar cutters, cigar cases, lighters, and ashtrays. Revenue from keno, mail order and Internet sales~~, as well as revenue generated from other tobacco sales in store, including cigarettes and loose tobacco sales;~~ shall not be used to determine whether an establishment satisfies the definition of a cigar bar.

2 Effective Date. This act shall take effect July 1, 2022.

2022-0428h

## AMENDED ANALYSIS

This bill allows cigar bars to sell cigarettes and loose tobacco.

**Amendment to HB 1288**

(2022-0522h)

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

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

AN ACT relative to the terms for certain officers and the names, duties, and funds of certain divisions within the department of administrative services.

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

2 Department of Administrative Services; Division of Financial Data Management Modified. RSA 21-I:5 is repealed and reenacted to read as follows:

21-I:5 Division of Enterprise Applications Management. There is hereby established within the department a division of enterprise applications management under the supervision of an unclassified director of enterprise applications management who shall be responsible for the following functions in accordance with applicable laws:

I. Sustaining, advancing and promoting the utilization of the state's enterprise application software systems both current and future to facilitate regulatory, statewide operational processes, continuity and integrity of such information.

II. Assisting the commissioner with the planning, management and operation of the state's enterprise resource planning (ERP) software and operation of all internal department financial, human resources, benefits, payroll, and budgeting systems.

III. Provide guidance in the selection, development, modification and deployment of technical software products for public sector usage.

IV. Assisting department division directors by:

(a) Developing and configuring reporting and systems for their use.

(b) Jointly monitoring state and federal fiscal legislation with the directors in order to assure timely awareness of and compliance with new legislation.

V. Assisting state employees in their use of the enterprise application system, peripheral application systems and system developed information.

VI. Developing and maintaining views of data, including files, reports, forms, and web pages, originating in the enterprise application system and information of public interest for publishing in response to requestor specifications or regulatory requirements.

3 Compensation of Certain State Officers; Renaming the Position of Director of Financial Data Management. Amend the following position under letter grade HH in RSA 94:1-a, I(b) to read as follows:

HH Department of administrative services director of [financial data management]  
**enterprise applications management**

4 Transfer. The books, papers, personnel obligations, and assets of the former division of financial data management shall transfer to the division of enterprise applications management without interruption or

further action. The incumbent director of financial data management, on the effective date of this act, shall serve as the director of enterprise applications management for the remainder of his or her term as director of financial data management, unless earlier resigned, retired, terminated, or otherwise ceasing service in that capacity, in accordance with applicable law.

5 Department of Administrative Services; Division of Personnel; Task Force Revised. Amend RSA 21-I:42, II to read as follows:

II. Preparing, maintaining and periodically revising a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same classification. Any new position classification plan shall be based upon the recommendations of [the personnel system task force] **a stakeholders group overseen by the director of personnel** and shall not be considered a rule subject to RSA 541-A. The plan shall be prepared with due consideration for:

- (a) The availability of personnel capable of filling the requirements of any position; and
- (b) Any requirement for an employee to live on the premises of the place of employment as a condition of employment.

6 Department of Administrative Services; Division of Personnel; Task Force Revised. Amend the introductory paragraph of RSA 21-I:42, XIII to read as follows:

XIII. Developing and implementing, in accordance with the recommendations of [the personnel system task force] **a stakeholders group overseen by the director of personnel**, a performance evaluation system for all classified employees. The evaluation system shall include the following elements:

7 Department of Administrative Services; Division of Personnel; Education and Training Fund; Amount Increased. Amend the introductory subparagraph of RSA 21-I:42, XVII(a) to read as follows:

(a) A nonlapsing revolving fund, which shall not exceed [\$20,000] **\$100,000** on June 30 of each year, shall be established in the division of personnel, department of administrative services. Any amounts in excess of [\$20,000] **\$100,000** on June 30 of each year shall be deposited in the general fund as unrestricted revenue. The moneys in this fund shall be used for the purpose of:

8 Judicial Conduct Commission; Administrative Support; Enterprise Operations Included. Amend RSA 494-A:18 to read as follows:

494-A:18 Administrative Support. Notwithstanding RSA 494-A:1, upon request of the commission, the department of administrative services shall assist the commission in matters related to personnel and benefits administration, purchasing, telecommunications, [financial data] **enterprise applications** management, and property management. Upon request of the commission, the state library shall assist the commission in development and maintenance of a web page on the official state website.

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

2022-0522h

#### AMENDED ANALYSIS

This bill

I. Establishes terms for the deputy commissioner, the assistant commissioner, and each unclassified division director in the department of administrative services.

II. Renames the division of financial data management within the department of administrative services as the division of enterprise applications management.

III. Modifies the new position classifications process to be based upon the recommendations of a stakeholder group overseen by the director of personnel.

IV. Increases the annual amount retained in the nonlapsing personnel education and training fund for the division of personnel.

#### Amendment to HB 1311

(2022-0201h)

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

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

AN ACT prohibiting persons charged with or convicted of certain assault or controlled drug possession violations from employment in a public school or being granted teaching credentials.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Credentialing Applicant and Candidate Criminal History Records Check; Violations Added.. Amend RSA 189:13-c, V to read as follows:

V. Any person who has been charged pending disposition for or convicted of any violation or attempted violation of **RSA 318-B:2 possession of a controlled drug with the intent to sell**, RSA 630:1; 630:1-a; 630:1-b; 630:2; **631:1**; 632-A:2; 632-A:3; 632-A:4; 633:1; 639:2; 639:3; 645:1, II or III; 645:2; 649-A:3; 649-A:3-a; 649-A:3-b; 649-B:3; or 649-B:4; or any violation or any attempted violation of RSA 650:2 where the act

involves a child in material deemed obscene in this state, or under any statute prohibiting the same conduct in another state, territory, or possession of the United States, shall not be granted a teaching credential by the department nor shall candidates be granted clearance.

2022-0201h

**AMENDED ANALYSIS**

This bill adds the prohibition of persons convicted of first degree assault or possession of a controlled drug with the intent to sell from employment in a public school and from being granted a teaching credential.

**Amendment to HB 1323**

(2022-0151h)

**Proposed by the Committee on Fish and Game and Marine Resources - c**

Amend the bill by replacing section 1 with the following:

1 Fish and Game; Search and Rescue Response Expenses; Recovery. Amend RSA 206:26-bb, I(c) to read as follows:

(c) A voluntary hike safe card. The executive director shall adopt rules under RSA 541-A for the issuance to purchasers on the department's Internet site, and subsequent annual renewals, of a hike safe card prior to a person's need for a search and rescue response. [The annual fee for a hike safe card shall be \$25 for an individual or \$35 for a family.] **The executive director shall establish the fee for an individual hike safe card and a family hike safe card in rules adopted pursuant to RSA 541-A.** A "family" shall consist of the purchaser, the purchaser's spouse, and the purchaser's minor children or stepchildren. In addition, if the purchaser or the purchaser's spouse has been appointed as a family guardian for an individual under RSA 464-A, that individual shall be considered part of the purchaser's family. A transaction fee determined by the department shall be for the Internet license agent as provided in RSA 214-A:2. The executive director shall forward to the state treasurer the sum collected from each individual hike safe card purchased and each family hike safe card purchased, less the amount of such transaction fee, for deposit in the fish and game search and rescue fund under RSA 206:42.

2022-0151h

**AMENDED ANALYSIS**

This bill authorizes the executive director of the fish and game department to establish the fee for a hike safe card.

**Amendment to HB 1390**

(2022-0409h)

**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 New Paragraph; Telemedicine; Language Access Services Required. Amend RSA 415-J:3 by inserting after paragraph XIII the following new paragraph:

XIV. If a facility is required to ensure meaningful language access to limited-English proficient speakers pursuant to 45 C.F.R. section 92.101 or RSA 354-A, or to deaf or hard of hearing individuals pursuant to 45 C.F.R. section 92.102, RSA 521-A, or RSA 354-A, such access shall be provided regardless of whether services are provided in person or utilizing telemedicine.

2 New Paragraph; Medicaid Coverage of Telehealth Services; Language Access Services Required. Amend RSA 167:4-d by inserting after paragraph V the following new paragraph:

VI. If a facility is required to ensure meaningful language access to limited-English proficient speakers pursuant to 45 C.F.R. section 92.101 or RSA 354-A, or to deaf or hard of hearing individuals pursuant to 45 C.F.R. section 92.102, RSA 521-A, and RSA 354-A, such access shall be provided regardless of whether services are provided in person or utilizing telemedicine.

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

2022-0409h

**AMENDED ANALYSIS**

This bill requires language access services for limited-English proficient speakers and deaf or hard of hearing individuals when healthcare services are provided through telemedicine.

**Amendment to HB 1397**

(2022-0120h)

**Proposed by the Committee on Municipal and County Government - c**

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

AN ACT relative to the length of terms for county officers.

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

1 County Attorneys; Length of Term. Amend RSA 7:33 to read as follows:

~~7:33 Election; Temporary Vacancies. There shall be a county attorney for each county, who shall be a member of the New Hampshire bar[; elected biennially by the voters of the county]; provided that, beginning at the 2022 state general election, the county attorney for each county shall be chosen in the county by the voters for a 4-year term.~~ If the county attorney is absent at any term of court or unable to discharge the duties of the office, the superior court, acting as a body, shall appoint a county attorney, who shall be a member of the New Hampshire bar, for the time being and allow said appointee such compensation for his or her services as set by the county delegation.

2 New Section; Elected for 4-Year Term. Amend RSA 653 by inserting after section 1 the following new section:

653:1-a. Elected for 4-Year Term. Beginning at the 2022 state general election, the following county officers shall be elected for 4-year terms by the voters in each county: one sheriff, one county attorney, one county treasurer, one register of deeds, and one register of probate.

3 County Officers. Amend RSA 661:9, II(a) to read as follows:

II.(a) If a vacancy occurs in the office of a county commissioner, the members of the county convention, or, if the vacancy occurs in Hillsborough county, the members of the county convention representing the cities and towns in the commissioner's district, shall fill the vacancy by a majority of the ballots cast until the next biennial election [of county officers]. If the term filled is less than the unexpired term, then notwithstanding any provisions of RSA 653:1, VI the commissioner district filled pursuant to this paragraph shall be added to the next biennial election ballot to be chosen by the voters of the county for a 2-year term.

4 Repeal. RSA 653:1, V, relative to terms for county officers, is repealed.

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

2022-0120h

#### AMENDED ANALYSIS

This bill establishes a 4-year term for the county treasurer, county sheriff, county register of deeds, and county attorney in each county.

#### Amendment to HB 1420-FN (2022-0267h)

##### Proposed by the Committee on Environment and Agriculture - c

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

1 New Paragraph; Landfill Permits; Solid Waste Plan. Amend RSA 149-M:9 by inserting after paragraph V the following new paragraph:

V-a. The department shall not issue a permit for the construction of a new landfill, excluding the expansion of existing landfills, unless the department makes a positive determination that the permit application is consistent with the state's solid waste plan that has been updated consistent with the requirements of RSA 149-M:29.

2 Repeal. RSA 149-M:9, V-a, relative to issuance of permits for construction of new landfills, is repealed.

3 Contingency. Section 2 of this act shall become effective on the date the commissioner of the department of environmental services certifies to the director of the office of legislative services and the secretary of state that the final publication of the solid waste plan update has been published in accordance with RSA 149-M:29.

4 Effective Date.

I. Section 2 of this act shall take effect as provided in section 3 of this act.

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

2022-0267h

#### AMENDED ANALYSIS

This bill prohibits the issuance of new landfill permits under the state's solid waste plan is updated.

This bill also prospectively repeals the prohibition when the final updated solid waste plan is published.

#### Amendment to HB 1421-FN (2022-0612h)

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

Amend RSA 485:17-a, I as inserted by section 1 of the bill by replacing it with the following:

I. ~~[Upon the effective date of this section, and within every 5-year period thereafter, public and private schools and licensed child care facilities that have not sampled in the prior 2 years] Between January 1, 2016 and June 30, 2024, public and private schools and licensed child care facilities shall test a minimum of 3 rounds for the presence of lead in drinking water at all locations at the facility that [is] are available for consumption by children. Such testing shall be in accordance with guidance from the department]~~

ment of environmental services. ***To allow for more efficient and accurate tracking of samples, all test results shall be submitted to the department database established under the authority of RSA 21-O:12, I(e).*** If test results demonstrate the presence of lead in a concentration that exceeds the applicable standard established by the Environmental Protection Agency, the school or licensed child care facility shall, within 5 business days, notify parents and guardians ***with notification in at least 2 places including, but not limited to, the school or school administrative unit website and at least one method of direct communication via email or printed flyer,*** and shall, as an interim measure, ensure that the children are provided only drinking water that meets the standard. The school or licensed child care facility shall also implement a remediation plan, as approved by the department, within 30 days of notification of parents or, in consultation with the department, as soon as practicable. ***The remediation plan shall include required collection of post-mediation samples with post-remediation sampling results submitted to the departmental database established under the authority of RSA 21-O:12, I(e).*** The department shall review the plan and any associated submittals within 30 days of receiving them. If 3 consecutive rounds of sampling performed [every 5 years] are below the standard, further testing shall not be required. ***Schools or childcare facilities that fail to comply with requirements for testing, remediation, or parental notification requirements shall be subject to enforcement and penalties pursuant to RSA 485:58.***

2022-0612h

#### AMENDED ANALYSIS

This bill requires schools and licensed child care facilities to submit lead test results to the department of environmental services data base and to notify parents of tests with high lead levels.

#### Amendment to HB 1427 (2022-0244h)

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

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

1 Allied Health; Governing Boards. Amend RSA 328-F:3, I to read as follows:

I. There shall be established governing boards of athletic trainers, occupational therapists, recreational therapists, respiratory care practitioners, physical therapists, speech-language pathologists[,] ***and*** hearing care providers, and genetic counselors.

2 Allied Health; Governing Boards; Memberships. Amend RSA 328-F:4, I to read as follows:

I. Each governing board shall be composed of [5 persons] ***members and alternates***, each to be appointed by the governor with the approval of the council, to a term of 3 years[,-except the speech-language pathology and hearing care provider governing board which shall be composed of 6 members, each to be appointed by the governor with the approval of the council, to a term of 3 years]. Members ***and alternates*** shall serve until the expiration of the term for which they have been appointed or until their successors have been appointed and qualified. No board member shall be appointed to more than 2 consecutive terms ***as a member***, provided that for this purpose only a period actually served which exceeds 1/2 of the 3-year term shall be deemed a full term. Any professional members of all governing boards shall maintain current and unrestricted New Hampshire licenses. ***Alternates may attend meetings but shall only vote in the absence of a member representing the same interest group.***

3 Allied Health; Governing Boards; Qualifications. Amend RSA 328-F:4, III to read as follows:

III. Each public member ***or alternate*** of a governing board shall be a person who is not, and never was a member of the applicable allied health profession or the spouse of any such person, and who does not have, and never has had a material financial interest in either the provision of that allied health service, a health insurance company, or health maintenance organization, including representation of the board or profession for a fee at any time during the 5 years preceding appointment.

4 Allied Health; Speech-Language Pathology and Hearing Care Provider Board RSA 328-F:4, VIII is repealed and reenacted to read as follows:

VIII. The speech-language pathology and hearing care provider governing board shall consist of:

(a) Three licensed speech-language pathologist members and one licensed speech-language pathologist alternate, who have actively practiced speech-language pathology in this state for at least 3 years. At least one speech-language pathologist member shall be employed in an educational setting and at least one speech-language pathologist member shall be employed in a clinical setting.

(b) One licensed audiologist member, and one licensed audiologist alternate, who have actively practiced audiology in this state for at least 3 years.

(c) One registered hearing aid dealer member, and one registered hearing aid dealer alternate, who has actively practiced in this state for at least 3 years.

(d) One public member and one public alternate.

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

2022-0244h  
AMENDED ANALYSIS

This bill modifies the membership of the speech-language pathology and hearing care provider governing board.

**Amendment to HB 1441**  
**(2022-0148h)**

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

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

1 New Chapter; American Revolution Sestercentennial Commission. Amend RSA by inserting after chapter 17-R the following new chapter:

**CHAPTER 17-S**  
**AMERICAN REVOLUTION SESTERCENTENNIAL COMMISSION**

17-S:1 Commission Established. There is established the American Revolution sestercentennial commission, hereinafter referred to as the "commission." The purpose of the commission is to organize, arrange, and coordinate tributes to the American Revolution culminating with the signing of the Declaration of Independence and coordinate those activities with recognition of the two hundred fiftieth Anniversary of the Declaration of Independence.

17-S:2 Membership and Compensation.

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

- (a) Two members of the senate, appointed by the president of the senate, with at least one member being from the minority caucus and one member from the majority caucus.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives, with at least one member being from the minority caucus and one member from the majority caucus.
- (c) The commissioner of the department of natural and cultural resources, or designee.
- (d) The secretary of state, or designee.
- (e) The chancellor of the university system of New Hampshire, or designee.
- (f) The chancellor of the community college system of New Hampshire, or designee.
- (g) The executive director of the New Hampshire historical society, or designee.
- (h) The chair of the New Hampshire commission on Native American affairs, or designee.
- (i) The governor, or designee.
- (j) Three members of the public, appointed by the governor.
- (k) The chair of the state veterans council as established in RSA 110-B:89, or designee.

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

17-S:3 Duties. The commission shall:

I. Lead New Hampshire's planning efforts to commemorate the significance of the American revolution and declaration of independence to our state and national history.

II. Make recommendations outlining the most effective and appropriate means for the state of New Hampshire to commemorate the American revolution and declaration of independence sestercentennial celebration.

III. Identify and pursue resources necessary to effectively communicate and implement commemorative activities.

IV. Implement recommendations by working with the office of the governor, appropriate state and local government agencies, members of the New Hampshire general court, organizations, and individuals that are interested in commemorating the American revolution and signing of the declaration of independence.

V. Coordinate communications with the United States sestercentennial commission to ensure that New Hampshire will be a significant state for events recognizing the American revolution and signing of the declaration of independence.

VI. Coordinate scheduling of New Hampshire American revolution sestercentennial activities and coordinate activities with the national commission.

VII. Solicit information and testimony from any individual or entity with information or expertise relative to the commission's charge.

VIII. Plan a publicly noticed and publicized event for July 4, 2026, relating to the American revolution and the signing of the declaration of independence.

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

17-S:5 Report. Beginning November 1, 2022, the commission shall submit an annual report summarizing its activities and findings and making recommendations for American revolution commemorative activities to the president of the senate, the speaker of the house or representatives, the senate clerk, the house clerk, the governor, and the state library.

**17-S:6 American Revolution Sestercentennial Trust Fund Established.**

I. There is hereby established in the office of the state treasurer a nonlapsing fund to be known as the American revolution sestercentennial trust fund which shall be kept separate and distinct from all other funds. All monetary gifts, grants, and donations accepted pursuant to this act shall be deposited in such fund. The fund is established to pay for the expenses of the commission's duties and activities as set forth in section 3 of this act.

II. Any moneys remaining in this fund as of December 31, 2027 shall lapse into the general fund.

2 Prospective Repeal. RSA 17-S, relative to the American revolution sestercentennial commission, is repealed.

**3 Effective Date.**

I. Section 2 of this act shall take effect December 31, 2027.

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

2022-0148h

**AMENDED ANALYSIS**

This bill establishes a commission tasked with organizing, arranging, and coordinating tributes to the American revolution and the observance of the 250th anniversary of the signing of the declaration of independence.

**Amendment to HB 1461-FN**

**(2022-0283h)**

**Proposed by the Committee on Transportation - r**

Amend the bill by replacing section 1 with the following:

**1 Littering; Penalty.** Amend RSA 265:102, IV to read as follows:

IV. Any person who violates any provision of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, ***and shall be fined \$300 plus penalty assessment for a first offense and \$500 plus penalty assessment for each subsequent offense.***

**Floor Amendment to HB 1461**

**(2022-0633h)**

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

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

**1 Littering; Penalty.** Amend RSA 265:102, IV to read as follows:

IV. Any person who violates any provision of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person, ***and shall be fined a minimum of \$300 for a first offense and \$500 for a second offense. Any third or subsequent offense may cause the suspension of the person's driver's license for a period of 90 days, pursuant to a valid court order.***

**2 Duties of Clerks; Disposition of Fines.** Amend RSA 502-A:8, I to read as follows:

I. The clerk of the applicable circuit court established in RSA 490-F shall receive all fines and forfeitures paid into the district court from any source. The clerk of any circuit court may accept payment of the fine by credit card in lieu of cash payment. Any transaction costs assessed by the issuer of the credit card shall be paid out of the portion of the fine amount which is deposited with the treasurer and not out of the penalty assessment charged by a district court. The clerk shall forward fines collected for violations of title XXI to the treasurer for deposit in the highway fund [and] ***within 14 days; provided that, the clerk shall forward 80 percent of the total fines collected under RSA 265:102, IV to the highway fund and shall retain the remainder for the citing law enforcement entity. The clerk shall forward*** fines collected for violations of title LXII and all other statutes to the treasurer for deposit in the general fund within 14 days. The clerk shall separately indicate which fines were for violations of title XXI. Fines and forfeitures collected by the clerk for ***remittance to the citing law enforcement entity for violations of RSA 265:102, IV and for*** violations of municipal ordinances, codes, or regulations, except those adopted pursuant to RSA 31:39, I(g); RSA 41:11; RSA 47:17, IV, VI, VII, or VIII; and RSA 105:6 and RSA 105:7, shall be remitted monthly to the treasurer of the municipality prosecuting said violations, for the use of the municipality. All expenses related to the processing of parking violations and the administrative collection of parking fines shall be the responsibility of the local unit of government, and all fines collected shall be retained in their entirety by the local unit of government.

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

2022-0633h

**AMENDED ANALYSIS**

This bill establishes penalties for littering on any right-of-way and provides for the citing law enforcement agency to receive a portion of fines collected for littering.

**Amendment to HB 1465-FN  
(2022-0614h)**

**Proposed by the Committee on Children and Family Law - r**

Amend RSA 169-B:12, I-a as inserted by section 1 of the bill by replacing it with the following:

I-a. When an attorney is appointed as counsel for a child, representation shall include counsel and investigative, expert, and other services, including process to compel the attendance of witnesses, as may be necessary to protect the rights of the child. *Such appointment shall remain in effect until the court no longer has jurisdiction over the child pursuant to this chapter. Representation shall include participation by counsel in other proceedings when such proceedings are substantively related to the child's delinquency proceedings and counsel determines that participation is reasonably necessary to provide effective and competent representation to the child in the delinquency proceeding. Such participation may include attendance by counsel at interviews, meetings and formal proceedings for the purpose of protecting the child's rights through advice to the child, observation of the presentation of evidence, and similar actions which are reasonably necessary to protect the child's rights.*

Amend the bill by replacing section 2 with the following:

2 New Section; Delinquent Children; Use of Statement or Confession From a Minor. Amend RSA 169-B by inserting after section 12-a the following new section:

**169-B:12-b Use of Statement or Confession From a Minor.**

I. A written or oral statement from a person who was a minor at the time the statement was made shall not be used against that person at any judicial proceeding unless the child was represented by counsel at the time the statement was made and had adequate time to consult with such counsel prior to making the statement. The provisions of this section shall apply to statements made to or in the presence of law enforcement officials acting in their official capacity and statements made to individuals working in conjunction with law enforcement officials, where the minor is in custody or a reasonable person in the position of the minor would believe that he or she was compelled to respond to questioning. For the purpose of this paragraph, a minor is in custody if he or she is under arrest or has had his or her freedom of movement curtailed to the degree associated with formal arrest.

II. In evaluating whether a reasonable person in the position of the minor would believe that he or she was compelled to respond or that he or she was not free to leave, the court shall consider the particular vulnerability of children to the inherently coercive nature of police questioning and make findings evaluating the following factors:

- (a) The child's age and maturity.
- (b) The duration and location of the contact between the child and law enforcement official.
- (c) The existence of an emotional, behavioral, developmental, intellectual, or communication disability.
- (d) The presence of the child's parents and the supportive or adversarial nature of the relationship between the child and his or her parents.

III. A law enforcement agency may petition the court to appoint counsel for a minor that the agency intends to question. Upon receipt of such petition, the court shall follow the procedures under RSA 169-B:12, and if appointment is made, promptly notify the minor and appointed counsel.

**Amendment to HB 1469-FN  
(2022-0342h)**

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

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

**AN ACT relative to prohibited acts for banks, credit unions, and businesses.**

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

1 New Subparagraph; Bank and Credit Union Regulatory and Enforcement; Prohibited Acts. Amend RSA 383-A:7-701 by inserting after subparagraph (f) the following new subparagraph:

(g)(1) All banks and other financial institutions doing business in the state of New Hampshire, either directly or through the use of an outside contractor, shall not discriminate against, impose as a precondition, advocate for or cause adverse treatment of, any person, business, or organization in their business practices based on the following, unless such action is necessary for the physical safety of its employees:

- (A) The entity's ideological, philosophical, or political views and opinions;
- (B) Non-financial criteria such as, but not limited to, social media posts; Internet browsing history, dietary habits, medical status, participation or membership in any clubs, associations, or unions, etc.; political affiliation; or place of employment or source of legal income;
- (C) Property or investments already owned by the entity;
- (D) Gun ownership;
- (E) Nature of business, if that business is governed or regulated or otherwise permitted to operate legally in the state of New Hampshire.

(2) Notwithstanding paragraph (g)(1), banks and other financial institutions may offer customers investments, products, and services that include subjective criteria, provided that criteria are fully disclosed and explained to any potential customer or investor prior to entering into a contract for such products and services.

(3) No provision of this law shall interfere with a person or business' ability to discontinue or refuse to conduct business with a customer when such action is necessary for the physical safety of the person, the business, or the business' employees.

2 New Paragraph; Regulation of Business Practices for Consumer Protection; Acts Unlawful. Amend RSA 358-A:2 by inserting after paragraph XVIII the following new paragraph:

XIX.(a) Discriminate against, impose as a precondition, advocate for or cause adverse treatment of any person, business, or organization in their business practices based on the following:

(1) The entity's ideological, philosophical, or political views and opinions;

(2) Non-financial criteria such as, but not limited to, social media posts; Internet browsing history, dietary habits, medical status, participation or membership in any clubs, associations, or unions, etc.; political affiliation; or place of employment or source of legal income;

(3) Property or investments already owned by the entity,

(4) Gun ownership; or

(5) Nature of business, if that business is governed or regulated or otherwise permitted to operate legally in the state of New Hampshire, unless the practice is fully disclosed to the potential consumer before the consumer and business enter into any business transaction.

(b) No provision of this law shall interfere with a person or business' ability to discontinue or refuse to conduct business with a customer when such action is necessary for the physical safety of the person, the business, or the business' employees.

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

2022-0342h

#### AMENDED ANALYSIS

This bill prohibits banks, credit unions, and businesses from engaging in discriminatory practices.

#### Amendment to HB 1475-FN

(2022-0006h)

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

Amend RSA 179:59 as inserted by section 1 of the bill by replacing it with the following:

179:59 Prosecutions. The commission shall appoint liquor investigators whose primary function shall be the proper prosecution of this title. The liquor investigators shall have **statewide jurisdiction** [all the powers of the sheriff in any county], 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 upon premises where liquor and beverages are lawfully sold, stored, distributed, or manufactured. 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.

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

#### Amendment to HB 1493

(2022-0085h)

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

Amend RSA 318-B:17-c, III as inserted by section 1 of the bill by replacing it with the following:

**III. The attorney general shall report the receipts, expenditures, and balances and all other reporting elements of the drug forfeiture fund in the report on forfeiture activity required by RSA 617:12. The attorney general may exclude any information which would reveal the identity of an informant or compromise an ongoing investigation.**

#### Amendment to HB 1496-FN

(2022-0634h)

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

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

1 Copies of Voter Checklist; Availability. Amend RSA 654:31, II to read as follows:

II. In towns and cities, the public checklist as corrected by the supervisors shall be open for the examination of any person at all times before the opening of a meeting or election at which the list is to be used. The supervisors of the checklist or city or town clerk shall furnish one or more **physical** copies **or an electronic copy in spreadsheet form or using comma separated values** of the most recent public checklist of their

town or city to any person requesting such copies. ***Electronic copies shall only be available to residents of the respective town or city. Electronic lists shall be the version updated within the last 31 days.*** The supervisors of the checklist or city or town clerk may only provide checklist information for their town or city. ***Such lists shall be provided no more than once a month to a requestor.*** The supervisors of the checklist or city or town clerk shall charge a fee of \$25 for each copy of the public checklist for a town or ward. For public checklists containing more than 2,500 names, the supervisors of the checklist or city or town clerk shall charge a fee of \$25, plus \$0.50 per thousand names or portion thereof in excess of 2,500, plus any shipping costs. The supervisors of the checklist or city or town clerk may provide public checklist information on paper, computer disk, computer tape, electronic transfer, or any other form.

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

2022-0634h

#### AMENDED ANALYSIS

This bill allows voter checklists to be requested once a month by a resident of the city or town in electronic format.

#### Amendment to HB 1497-FN

(2022-0437h)

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

Amend the bill by replacing section 1 with the following:

1 Retirement System; Election of Optional Allowance. Amend RSA 100-A:13, I to read as follows:

I. Any ***active*** member; ***any member*** who has reached service retirement age as provided in RSA 100-A:5, I(a), or II(a), or RSA 100-A:19-b[;]; any retiree within 120 days after the [effective] ***date of the original notice*** of retirement ***provided by the retirement system, not to include any future benefit adjustments that may be carried out by the retirement system relative to a beneficiary's monthly annuity[;]***; or any retiree within 120 days after a decision by the board of trustees granting the retiree disability retirement benefits pursuant to RSA 100-A:6, may elect to receive, instead of the retirement allowance otherwise payable, a retirement allowance of equivalent actuarial value under one of the options named in paragraph III, or to redesignate any such option previously elected. When the member or retiree elects to receive an optional retirement allowance under paragraph III, the beneficiary or beneficiaries whom the member or retiree nominates may include the member's spouse and/or children. The notice of non-election, election, or change of retirement option shall be on a form designated by the board, which, if the member or retiree is married, shall include a spousal acknowledgment. The optional allowance shall be effective upon retirement if the election is made before the effective date of retirement, and on the first day of the month following receipt by the board of the notice of election or change of option if made during a 120-day grace period. When an election or change of option is made during a 120-day grace period, no retroactive adjustments will be made in payments already received by the retiree. When an election or change of option is made within 120 days after a decision by the board of trustees granting the retiree disability retirement benefits, the optional allowance shall be calculated using retiree and beneficiary age factors applicable as of the first day of the month following receipt by the board of the notice of election or change in option. After expiration of the 120-day grace period no change in option selection shall be permitted except as provided in paragraph II. If a retiree dies after filing notice of election or change of option during the 120-day grace period but before the effective date, the election or change shall be effective as of the date of death. If a member dies after filing an election for a survivorship retirement option and before the effective date of retirement, whether or not the member has filed for retirement, the beneficiary who was nominated by the member in the election of the option may elect to receive either the optional survivor benefit which the member had elected or the ordinary death benefit provided under RSA 100-A:9, whichever is more advantageous to the beneficiary; provided that, in the case of the member's death before retirement, if the beneficiary named in the survivorship option election is not the same person as the beneficiary under RSA 100-A:9, then the death benefit under RSA 100-A:9, II, and not the survivorship option shall apply.

2022-0437h

#### AMENDED ANALYSIS

This bill clarifies the time for election of a survivorship optional allowance by members and retirees in the retirement system.

#### Amendment to HB 1505-FN

(2022-0115h)

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

Amend the bill by replacing section 3 with the following:

3 New Section; Child Protection Act; Coordination with Military Authorities. Amend RSA 169-C by inserting after section 34-a the following new section:

**169-C:34-b Coordination with Military Authorities.**

I. If a report is screened-in for investigation of abuse or neglect, the department shall collect information concerning the military status of the parent or guardian of the child who is the subject of the report and shall share information about the allegation with the appropriate military authorities.

II. Notwithstanding any other provision of law, the department shall enter into a memorandum of understanding with the military family advocacy program of a military installation with respect to child abuse and neglect investigations. For the purposes of this section, "military family advocacy program" shall mean the program established by the United States Department of Defense to address child abuse and neglect in military families. Such memorandum of understanding shall establish procedures and protocols for:

- (a) Identifying an individual alleged to have committed abuse or neglect as military personnel;
- (b) Reporting to a military family advocacy program when an investigation implicating military personnel has been initiated; and
- (c) Maintaining confidentiality requirements under state and federal law.

**Amendment to HB 1521-FN**

**(2022-0079h)**

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

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

**AN ACT** 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.

Amend RSA 21-N:4, XI as inserted by section 1 of the bill by replacing it with the following:

XI. At the beginning of each session of the biennium, providing a physical copy of, a copy on a portable data storage device of, or an Internet link to the New Hampshire education laws annotated and department rules to the house and senate standing committees that oversee education policy, and to make such copy available to all superintendents of New Hampshire schools in any format. A member of the house of representatives or senate may request the New Hampshire education laws annotated and department rules in any format.

2022-0079h

**AMENDED ANALYSIS**

This bill requires the department of education to provide the house and senate standing committees responsible for education with either physical copies, digital copies, or a link to an Internet copy of the laws and rules relative to education.

**Amendment to HB 1528**

**(2022-0051h)**

**Proposed by the Committee on Resources, Recreation and Development - c**

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

**AN ACT** establishing a public boat access donation program for operators of non-motorized boats.

Amend the bill by deleting section 1 and renumbering the original sections 2-3 to read as 1-2, respectively.

2022-0051h

**AMENDED ANALYSIS**

This bill establishes a public boat access donation program for operators of non-motorized boats.

**Amendment to HB 1531-FN-A**

**(2022-0597h)**

**Proposed by the Committee on Children and Family Law- c**

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

**AN ACT** repealing certain statutory commissions relating to children.

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

1 Repeal. The following are repealed:

- I. RSA 170-G:17-b, relative to the commission to study grandfamilies in New Hampshire.
- II. RSA 169-C:39-k, relative to the commission to review child abuse fatalities.

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

2022-0597h

**AMENDED ANALYSIS**

This bill repeals 2 study commissions relative to children: the commission on grandfamilies and the commission to review child abuse fatalities.

**Amendment to HB 1535-FN  
(2022-0551h)**

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

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

1 New Section; Retirement System; Cost of Living Adjustment; Supplemental Allowance. Amend RSA 100-A by inserting after section 41-e the following new section:

100-A:41-f Annual Cost of Living Adjustment; Supplemental Allowance.

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 60 months prior to or on July 1, 2022, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive a cost of living adjustment (COLA) as a supplemental allowance, on the retired member's first anniversary date occurring on or after July 1, 2022. The amount of such supplemental allowance shall be 1 1/2 percent of a member's or beneficiary's annual retirement allowance which is \$30,000 or less, or otherwise 1 1/2 percent of the first \$30,000 of a retired member's or beneficiary's allowance.

II. The total actuarial cost of the supplemental allowance under paragraph I, as determined by the actuary and certified by the board of trustees of the retirement system, shall be terminally funded from the state general fund. The sum necessary is hereby appropriated to the board of trustees. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The supplemental allowance shall become a permanent addition to the beneficiary's base retirement allowance and shall be included in the monthly annuity paid to the retired member, or to the member's beneficiary if the member is deceased and the beneficiary is receiving an allowance under RSA 100-A:8, 100-A:9, 100-A:12, 100-A:13, or similar provisions of predecessor systems.

2 Effective Date. This act shall take effect July 1, 2022.

2022-0551h

**AMENDED ANALYSIS**

This bill establishes a cost of living adjustment in 2022 to be paid by the retirement system on the first \$30,000 of a retired member's or beneficiary's allowance. The cost of this supplemental allowance is paid from the state general fund.

**Amendment to HB 1536-FN  
(2022-0572h)**

**Proposed by the Minority of the Committee on Health, Human Services, and Elderly Affairs - r**  
Amend the title of the bill by replacing it with the following:

AN ACT relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor.

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 American Rescue Plan Act of 2021 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, 2022, 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.

Amend the bill by inserting after section 2 the following and renumbering the original section 3 to read as 4:

3 Appropriation. The sum of \$200,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human services for the purpose of expanding postpartum health care services under the state Medicaid plan as provided in section 2 of this act. The governor shall determine if any discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2, or any other federal funds, can be used for this purpose, and the commissioner shall expend such federal funds for this purpose. Any remainder shall be appropriated from the general fund. The governor is authorized to draw a warrant for the general fund portion of such sum from any money in the treasury not otherwise appropriated.

**Amendment to HB 1540-FN  
(2022-0616h)**

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

Amend RSA 594-A:2, I as inserted by section 1 of the bill by replacing it with the following:

I. "Custodial interrogation" means express questioning associated with a formal arrest or a restraint on freedom that is the functional equivalent of an arrest, or other actions or words by a law enforcement officer which are reasonably likely to elicit an incriminating response from an individual and occurs when reasonable individuals in the same circumstances would consider themselves in custody.

Amend RSA 594-A:2, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Law enforcement officer" means a sheriff or deputy sheriff of any county, a state police trooper, constable or police officer of any city or town, a conservation officer, a probation officer, a parole officer, a corrections officer, or a security officer employed by an educational institution who has the power to detain an individual.

Amend RSA 594-A:3 and 594-A:4 as inserted by section 1 of the bill by replacing them with the following:

#### 594-A:3 Electronic Recording Equipment.

I. Except as otherwise provided in RSA 594-A:4, a custodial interrogation, including the giving of any required warning, advice regarding the rights of the individual being questioned, and the waiver of any rights by the individual, shall be recorded electronically in its entirety. A custodial interrogation at a jail, police or sheriff's station, holding cell, or correctional or detention facility shall be recorded by audio and video means. A custodial interrogation at any other place of detention shall be recorded by audio means at minimum.

II. This section shall not apply to an administrative disciplinary hearing in a state correctional facility or to a parole violator not charged with a new offense.

#### 594-A:4 Exceptions.

I. If a custodial interrogation occurs in another state in compliance with that state's law or is conducted by a federal law enforcement agency in compliance with federal law, the interrogation need not be recorded electronically unless the interrogation is conducted with intent to avoid the requirement of electronic recording in RSA 594-A:3.

II. If an individual to be interrogated requests that the interrogation not be recorded, or if the individual being interrogated indicates that the individual will not participate in further interrogation unless electronic recording ceases, the interrogation need not be recorded electronically provided that this request is preserved by electronic recording or in a written document that is signed by the individual. A law enforcement officer, with intent to avoid the requirement of electronic recording in RSA 594-A:3 shall not encourage an individual to request that a recording not be made.

2022-0616h

#### AMENDED ANALYSIS

This bill requires the recording of custodial interrogations and specifies exceptions in certain circumstances.

#### Amendment to HB1547-FN

(2022-0249h)

#### **Proposed by the Committee on Environment and Agriculture - c**

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

AN ACT relative to per fluorinated chemical remediation in soil and procedures for certain hazardous waste generators.

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

1 New Section; PFAS; Soil Remediation Standards. Amend RSA 485-H by inserting after section 12 the following new section:

485-H:13 PFAS Rulemaking and Soil Remediation Standards. By November 1, 2023, the commissioner shall initiate rulemaking in accordance with RSA 541-A to adopt rules specific to the application of RSA 485, RSA 485-C, RSA 147-A, and RSA 147-B to PFAS contamination and may update such rules thereafter. Such rules shall include soil remediation standards for perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS), perfluorononanoic acid (PFNA), and perfluorohexanesulfonic acid (PFHxS). Such rules may include a requirement for testing for PFAS other than those for which the state currently has an AGQS.

2 Rulemaking; Soil Remediation. Amend RSA 485-C:4, VIII to read as follows:

VIII. Criteria and procedures for the investigation, management, and remediation of contaminated groundwater. ~~t, including~~ **Such rules shall include:**

**(a)** The creation of regulated zones of contaminated groundwater and the issuance of permits or similar procedures for the remediation of such zones.

**(b) The establishment of soil remediation standards for protection of groundwater quality and human health.**

**(c) With respect to contamination in excess of an AGQS, a requirement that a person who is liable for or has otherwise caused or contributed to such contamination provide safe alternate water to any impacted well owner.**

3 Hazardous Waste; Self-Certification. Amend RSA 147-A:3, XXVII to read as follows:

XXVII. Procedures and criteria for administration of a [small quantity] hazardous waste generator self-certification program and associated fees pursuant to RSA 147-A:5, IV.

4 Terms and Conditions of Operator Permits. Amend the section heading of RSA 147-A:5 to read as follows:

147-A:5 Terms and Conditions of Operator Permits; Facility Personnel; Certified Hazardous Waste Coordinator Program; [Small Quantity] Hazardous Waste Generator Self-Certification Program.

5 Certified Hazardous Waste Coordinator Program. Amend RSA 147-A:5, IV to read as follows:

IV.(a) Each hazardous waste generator that generates less than 220 pounds (100 kilograms) of hazardous waste per month shall submit to the department, every 3 years, a self-certification declaration stating that the facility is in compliance with the [small quantity] **applicable** hazardous waste generator rules. The declaration shall be on a form provided by the department.

(b) Each [small quantity] hazardous waste generator **that generates less than 220 pounds/100 kilograms of hazardous waste per month** shall pay non-refundable fees at a rate of \$60 per year for the period of January 1, 2004 to June 30, 2007, and at a rate of \$90 per year beginning July 1, 2007, to cover department expenses for conducting the self-certification program and hiring of program staff. Total fees due for each year shall be submitted with the self-certification declaration form required under subparagraph (a).

(c) If the self-certification fee is not paid within 60 days of the due date, interest shall be assessed at a rate established by the commissioner, and shall be deposited into the cleanup fund. The commissioner may waive all or any portion of interest for good cause.

(d) Political subdivisions of the state shall be exempt from the fee for submitting a self-certification declaration.

(e) [Small quantity] Hazardous waste generators that are participants in a department-developed multi-media compliance assurance program referred to as an environmental results program, or ERP, shall be exempt from this paragraph.

6 Initial Notification Fee. Amend RSA 147-A:6-a, III to read as follows:

III. [Small quantity] Hazardous waste generators **that generate less than 220 pounds/100 kilograms of hazardous waste per month and** that are participants in a department-developed multi-media compliance assurance program referred to as an environmental results program, or ERP, shall be exempt from this notification fee.

7 Purposes and Use of Hazardous Waste Cleanup Fund. Amend RSA 147-B:6, I-g to read as follows:

I-g. Fees collected pursuant to RSA 147-A:5, IV (c) and RSA 147-A:6-a shall be deposited in the hazardous waste cleanup fund established in RSA 147-B:3 and shall be accounted for separately and used to manage the [small quantity] hazardous waste generator self-certification program, provide technical training and assistance to hazardous waste generators, hire personnel, and pay administrative costs.

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

2022-0249h

#### AMENDED ANALYSIS

This bill requires the commissioner of the department of environmental services to adopt rules relative to perfluorinated chemical remediation in the soil.

This bill clarifies language describing certification requirements for certain hazardous waste generators.

#### Amendment to HB 1552-FN

(2022-0519h)

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

Amend the bill by inserting after section 7 the following and renumbering the original section 8 to read as 9:

8 Application; Current Certification. Any certificate issued by the department of revenue administration in accordance with RSA 21-J:14-f shall be valid until its expiration date. At expiration, such certificate may be renewed by the board in accordance with RSA 310-C:2 as inserted by this act.

#### Amendment to HB 1575-FN

(2022-0060h)

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

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

AN ACT relative to waiver of tuition in the university system and community college system.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Community College System of New Hampshire; Tuition Waived. Amend RSA 188-F:15, I-a (a) to read as follows:

I-a.(a) If a person, while serving in or with the armed forces of the United States, has received a discharge other than dishonorable from service, and is totally and permanently disabled from such service-connected disability, and was domiciled in the state of New Hampshire at the time they entered military service or when

he or she is determined by the U.S. Department of Veterans Affairs to be so disabled, whether on original decision or appeal, and is currently a resident of New Hampshire ***or was a resident of New Hampshire at the time of their death***, any child of such person enrolled in an institution that is part of the community college system of New Hampshire shall not be required to pay tuition for attendance at such institution. For the purpose of this paragraph, "child" shall mean a biological, adopted, or stepchild from marriage who meets the community college system's residency requirements, provided in the case of a stepchild that the parents are still married at the time of application and remain so during the entire time of matriculation under this paragraph.

2022-0060h

#### AMENDED ANALYSIS

This bill waives tuition at the university system and the community college system for the child of a disabled veteran who was a resident of New Hampshire at the time of such veteran's death.

#### Amendment to HB 1581

(2022-0192h)

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

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

1 Department of Information Technology; Open Standards; Use of Technology Solutions by State Agencies. Amend RSA 21-R:11, I(a) to read as follows:

(a) Consider ***whether technology solutions containing proprietary or open source software offer*** the most cost effective[–technology] solution for the agency, based on consideration of all associated acquisition, support, maintenance, and training costs;

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

2022-0192h

#### AMENDED ANALYSIS

This bill requires state agencies to consider whether technology solutions containing proprietary or open source software offer the most cost effective solution for the agency.

#### Amendment to HB 1586-FN-A

(2022-0345h)

##### **Proposed by the Committee on Legislative Administration - r**

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

2 Portrait of Wentworth Cheswill. The joint legislative historical committee is authorized to accept a gift of a portrait of Wentworth Cheswill and oversee the hanging of the portrait in the state house.

3 Effective Date. This act shall take effect July 1, 2022.

2022-0345h

#### AMENDED ANALYSIS

This bill directs the joint legislative historical committee to accept and display a portrait of Wentworth Cheswill in the state house complex.

#### Amendment to HB 1598-FN

(2022-0207h)

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

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

1 Purpose and Findings. The general court hereby finds that:

I. The people of the state of New Hampshire find and declare that the use of cannabis by a person 21 years of age or older should be legal and subject to reasonable regulations.

II. In the interest of the health and public safety of our citizenry, the people of the state of New Hampshire further find and declare that cannabis should be regulated in a manner similar to alcohol so that:

(a) Individuals will be required to show proof of age before purchasing cannabis, and that the state shall protect the privacy of an individual's personally identifiable information in cannabis transactions.

(b) Selling, distributing, or transferring cannabis to minors and other individuals under the age of 21 shall remain illegal.

(c) Driving under the influence of cannabis or using cannabis while driving shall be illegal.

(d) A retail cannabis store shall be operated by the state of New Hampshire.

(e) Cannabis sold in this state shall be tested, labeled, and subject to additional regulations to ensure that consumers are informed and protected.

(f) The state of New Hampshire shall not collect any transfer tax from any cannabis cultivator or retail sales tax from any consumer.

2 New Subparagraph; Application of Receipts; Cannabis Control Fund. Amend RSA 6:12, I(b) by inserting after subparagraph (382) the following new subparagraph:

(383) Moneys deposited in the cannabis control fund established in RSA 318-F:15.

3 Alcoholic Beverages; Statement From Purchaser as to Age. Amend RSA 179:8, I(d) to read as follows:

(d) A valid passport [from] ***issued by the United States or by*** a country with whom the United States maintains diplomatic relations.

4 Model Drug Dealer Liability Act; Definition of Illegal Drug. Amend RSA 318-C:4, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, ***the possession, use, manufacture, sale, or transportation of which is not otherwise authorized by law.***

5 New Chapter; Regulation of Cannabis. Amend RSA by inserting after chapter 318-E the following new chapter:

#### 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. "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.

III. "Commission" means the liquor commission, division of cannabis enforcement and licensing.

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

V. "Disqualifying offense" means a violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction in which the person was convicted, but not including:

(a) An offense for which the sentence, including any term of probation, incarceration, or supervised release was completed 5 or more years earlier; or

(b) An offense prior to the effective date of this chapter that consisted of cultivation or possession of an amount of cannabis not exceeding the possession limit.

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

VII. "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.

VIII. "Cannabis accessories" or "cannabis paraphernalia" means any equipment, products, or materials of any kind that are used, 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.

IX. "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, 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.

X. "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 registered by the commission.

XI. "Cannabis product manufacturing facility" or "product manufacturing facility" means an entity registered to purchase cannabis, to manufacture, prepare, and package cannabis products, and sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers.

XII. "Cannabis products" means concentrated cannabis products and cannabis products that are comprised of cannabis and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

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

XIV. "Cannabis transporter" means an entity registered to transport cannabis between cannabis establishments.

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

XVI. "Possession limit" means:

(a) Four ounces of cannabis in plant form.

(b) Ten grams of concentrated cannabis, including hashish.

(c) Cannabis-infused products containing THC purchased from a retail cannabis store which shall be limited to medical use only, for which the purchaser presents documentation permitting use of cannabis for medical purposes, and which shall not contain more than 2 grams of THC.

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

XVIII. "Retail cannabis store" or "retail store" means a state-operated facility that purchases cannabis from a cannabis cultivation facility, or purchases cannabis and cannabis products from a cannabis product manufacturing facility, and sells, transfers, and delivers cannabis and cannabis products to consumers.

XIX. "Resident" means a natural person who:

(a) Is domiciled in New Hampshire; and

(b) Has maintained a place of abode in New Hampshire for at least the past 2 years, unless the individual was homeless and residing in New Hampshire for at least 51 percent of the last 2 years.

#### 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, food-grade ethanol, or carbon dioxide.

(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 section, 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 or services, or if the gift of cannabis is contingent upon a separate transaction for goods or services.

(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 Personal Cultivation Prohibited. No person shall cultivate cannabis plants unless authorized by law to do so.

318-F:4 Smoking or Vaporizing of Cannabis in Public Prohibited; Penalty. No person shall smoke or vaporize cannabis in an area accessible to the public. Any person who violates this section shall be guilty of a violation, may be fined not more than \$500, and shall forfeit all cannabis and cannabis products.

#### 318-F:5 Smoking or Vaporizing of Cannabis in a Moving Vehicle Prohibited; Penalty.

I. No operator or passenger shall consume cannabis while driving, attempting to drive, or permit a passenger in a motor vehicle 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 such person is a passenger in a motor vehicle that is being driven on any public way or boat, vessel, aircraft, or other motorized device used for transportation in or on any public way.

III. Any person who violates this section who is the operator of 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, shall be guilty of a violation, may be fined not more than \$500, and shall have his or her driver's license suspended for up to 3 months for the first offense, and shall be guilty of a misdemeanor, and may be fined not more than \$1,000 and have his or her driver's license suspended for up to 6 months, or both, for a second or subsequent offense.

IV. The license suspension as described in this section shall only apply a person who violates this section and who is the operator of the motor vehicle, recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized device used for transportation.

V. When determining whether a person violated an offense under the section, the issue of whether the operator of the motor vehicle is impaired shall not be an element of the offense. A person who consumes or permits another to consume cannabis in a motor vehicle, recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized device used for transportation he or she is operating shall be liable under this section without regard to fault.

VI. In this section, "way" shall have the same meaning as in RSA 265-A:44.

318-F:6 Cannabis Accessories Authorized.

I. Except as provided by this section, it shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law for a person 21 years of age or older to manufacture, possess, or purchase cannabis accessories, or to distribute or sell cannabis accessories to a person who is 21 years of age or older.

II. Except as provided by this section, a person who is 21 years of age or older, or a business entity, may manufacture, possess, obtain, and purchase cannabis paraphernalia, and may distribute, deliver, or sell cannabis paraphernalia to a person who is 21 years of age or older.

III. No person or entity shall manufacture, distribute, or sell cannabis accessories that violate reasonable regulations enacted by the commission. Any person or entity that violates this paragraph shall be guilty of a violation for a first offense and subject to a fine of up to \$1,000 and forfeiture of the cannabis accessories. A person shall be guilty of a class A misdemeanor for a second or subsequent offense and shall forfeit the cannabis accessories.

318-F:7 Regulation of Cannabis. No later than October 1, 2022, the commission shall adopt rules, pursuant to RSA 541-A, for the registration and regulation of cannabis establishments. No later than December 1, 2022, the commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The registration and regulation of all other cannabis establishments.

II. The manufacture and sale of cannabis accessories.

III. The requirements for the transportation of cannabis between cannabis establishments, including documentation that shall accompany any cannabis being transported by cannabis cultivation facilities.

IV. Procedures for the delivery of cannabis to consumers, including documentation that shall accompany any cannabis being transported to consumers.

V. Procedures for hearings on civil fines and suspensions and revocations of licenses.

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

VII. Health and safety rules, including regarding the packaging and preparing of cannabis and restricting the use of pesticides that may be dangerous to cannabis consumers.

VIII. Restrictions on the advertising, signage, marketing, and display of cannabis, including prohibiting the design of advertising, signage, and marketing that would target or appeal to minors.

IX. Labeling requirements for cannabis products, including:

(a) Mandating the disclosure of the THC content of each product.

(b) Requirements for packaging to ensure it is not designed to appeal to minors.

(c) Establishing the amount of THC that may be included in each serving of a cannabis product.

X. Requirements for the testing of cannabis.

318-F:8 Registration Procedures for Cannabis Establishments.

I. Each application for a registration 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 \$250 fee for the municipality to review the application.

III. The liquor commission shall:

(a) Accept and process applications beginning no later than May 1, 2023 for cannabis cultivation facilities and beginning no later than August 1, 2023 for cannabis product manufacturing facilities, cannabis transporters, and cannabis testing facilities.

(b) Immediately forward a copy of each application and the municipal fee to the municipality in which the applicant desires to operate the cannabis establishment.

(c) 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.

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 law, the rules issued pursuant to it, or municipal regulations.

**318-F:9 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.

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.

**318-F:10 Residency Required.**

I. Except as provided in this section, any person applying for a cannabis establishment registration shall have been a resident, or shall have at least one director, officer, partner, member, or manager who has been a New Hampshire resident, for at least 3 years immediately preceding the date of application.

II. This section shall not apply to an applicant for a testing facility registration.

**318-F:11 Background Checks Required.**

I. A cannabis establishment shall conduct a state and federal background check prior to making a final offer of employment to a prospective manager or operator.

II. No cannabis establishment shall employ any person who has been convicted of a disqualifying offense as an officer, director, general partner, member, or manager. No person convicted of a disqualifying offense shall work as an officer, director, general partner, member, or manager of a cannabis establishment or serve on the board of a cannabis establishment.

**318-F:12 Restrictions on Location.** 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 elementary or secondary school.

**318-F:13 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 cannabis 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.

**318-F:14 Professional License Holder Immunity.**

I. A holder of a professional or occupational license shall not be subject to professional discipline for providing advice or services related to cannabis establishments or applications to operate cannabis establishments on the basis that cannabis is illegal under federal law.

II. An applicant for a professional or occupational license shall not be denied a license based on previous employment related to cannabis establishments operating in accordance with state law.

**318-F:15 Cannabis Control Fund Established.**

I. There is established in the state treasury a nonlapsing fund to be known as the cannabis control fund. Moneys credited to the fund shall include all moneys deposited into the fund by the commission pursuant to this chapter.

II. Beginning July 1, 2023, and each 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. Appropriations for such costs shall be a charge against the fund.

III. 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.

IV. After deducting appropriations charged to the fund for the cost of administration of this chapter, and after repayment to the general fund of any funds initially appropriated to the liquor commission, the allocation of remaining funds, subject to appropriation, shall be as follows:

(a) The sum of \$25,000,000 annually to the department of health and human services, bureau of drug and alcohol services for use in evidence-based, voluntary programs for substance use-related education, prevention, treatment, and recovery that includes mental health treatment that is contributing to substance use disorder, and for scientifically and medically accurate public education campaigns educating youth and adults about the health and safety risks of alcohol, tobacco, cannabis, and other substances, including education campaigns separately targeting youth and adults that provide medically and scientifically accurate information about the health and safety risks posed by cannabis use, including driving under the influence of cannabis.

(b) Of the remaining funds:

(1) Ninety percent to offset the education tax imposed on all persons and property taxable pursuant to RSA 76:8. In the event the funds generated exceeds the amount the commissioner of the department of revenue is authorized to generate, the funds in subparagraph (b)(1) shall be used as follows:

(A) Seventy-five percent annually to the department of health and human services, bureau of drug and alcohol services, for use in evidence-based, voluntary programs for substance use-related education, prevention, treatment, and recovery that includes mental health treatment that is contributing to substance misuse, and for scientifically and medically accurate public education campaigns educating youth and adults about the health and safety risks of alcohol, tobacco, cannabis, and other substances, including education campaigns separately targeting youth and adults that provide medically and scientifically accurate information about the health and safety risks posed by cannabis use, including driving under the influence of cannabis.

(B) Twenty-five percent 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.

(2) Five percent 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.

(3) Five percent annually to the department of health and human services, division for behavioral health, bureau of children's behavioral health to be used for children's behavioral health services.

#### 318-F:16 Availability of Banking Services.

I. Not later than 6 months after the effective date of this section, the liquor commission shall conduct and complete a study on the availability of financial institutions that will provide banking and financial services to cannabis establishments authorized by this chapter and service providers for such persons, and for other purposes. The commission shall conduct one or more public hearings to gather information relevant to the topic of this study, including receiving information from financial institutions authorized to conduct business within New Hampshire with respect to whether they intend to offer such banking and financial services, including but not limited to: any banking business as that term is defined in RSA 383-B:3-301; any financial product or service permitted to be provided by a state or national bank or a federal or state credit union; and the authorizing, processing, clearing, settling, billing, transferring for deposit, transmitting, delivering, instructing to be delivered, reconciling, collecting, or otherwise effectuating or facilitating of payments or funds, where such payments or funds are made or transferred by any means, including the use of credit cards, debit cards, other payment cards, or other access devices, accounts, original or substitute checks, or electronic funds transfers. The commission shall make a determination, after public hearing, whether cannabis establishments authorized to conduct activities pursuant to this chapter shall have reasonable and effective access to such financial services within New Hampshire with respect to such activities. The commission shall make a further determination, after public hearing, whether financial institutions that may provide such financial services, or any other ancillary service provider, will be reasonably likely to comply with all laws and regulations issued under the federal Bank Secrecy Act, 31 U.S.C. section 5311, et seq., including the filing of required suspicious activity reports. The commission shall make such other findings and determinations as it deems necessary and appropriate to complete the study required by this paragraph.

II. Upon completion of the study required by paragraph I, the commission shall issue and publish a final report of its analysis and determinations. The commission shall provide a copy of the report to the governor, the speaker of the house of representatives, and the senate president.

#### 318-F:17 Contingent Financial Services.

I. If the study and report required by RSA 318-F:16 does not make an affirmative determination that cannabis establishments authorized to conduct activities pursuant to this chapter shall have reasonable and effective access to such financial services within New Hampshire with respect to such activities, then the commission shall be authorized to provide written notice to the commissioner of the banking department and the executive director of the business finance authority that the commission has been unable to make such an affirmative determination.

II. Upon receipt of the notice described in paragraph I, the business finance authority shall be authorized to incorporate, own, and operate a single purpose depository bank in accordance with this section. The single purpose depository bank shall be created as a body corporate and politic under RSA 293-A, having a distinct legal existence separate from the state and not constituting a department of state government, having the powers and jurisdiction enumerated in this section and such other and additional powers as shall be conferred upon it by the legislature. The single purpose depository bank is hereby deemed to be a public instrumentality and the exercise by the bank of the powers conferred upon it by the legislature shall be deemed and held to be the performance of public and essential governmental functions of the state.

(a) The authority shall be authorized to file an application with the banking department in accordance with RSA 383-A:3-305, with the authority as organizer of the single purpose depository bank within the meaning of RSA 383-A:3-302.

(b) The organizational instrument of the single purpose depository bank shall be articles of incorporation consistent with the requirements of RSA 293-A:2.02, and shall state that the name of the proposed bank shall be the "New Hampshire Public Bank" and that the purpose of the corporation is to serve as state-chartered depository bank with all the powers of a depository bank under RSA 383-B, with the sole exception that the deposits accepted by the bank shall only be deposits of the commission with respect to the proceeds realized from the commission's conduct of cannabis activities pursuant to this chapter. These powers shall include the power to invest or deposit funds for its own account moneys that it may receive or hold under this section. The organizational instrument shall prohibit the bank from soliciting, receiving, or accepting deposits from any person other than the commission with respect to the cannabis activities conducted by the commission. Notwithstanding RSA 383-A:5-502, the organizational instrument shall state that the board of directors of the bank shall consist solely of the executive director of the business finance authority, the attorney general of the state, and the state treasurer, each of whom shall serve as directors ex officio with voting powers. The organizational instrument shall include such other provisions as deemed appropriate by the authority and as may be required by the banking department consistent with the public purposes of this section.

(c) The banking department shall conduct an investigation of the authority's application consistent with RSA 383-A and RSA 383-B.

(d) Upon the filing of the organizational instrument in accordance with RSA 383-A:3-312, the sum of \$10,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the business finance authority for the sole purpose of providing the initial capitalization of the proposed bank. Such appropriation shall be exempt from the requirements of RSA 162-A:30. The governor is authorized to draw a warrant for said sum from any money in the treasury not otherwise appropriated.

(e) It is the intent of this chapter to protect directors, officers, trustees, officials, and employees of the proposed bank who may become subject to claims and civil actions arising from acts committed or performed in the course of their official duties under this section, and all such persons shall be eligible for protection under and consistent with RSA 99-D.

6 The Liquor Commission; Liquor Investigator Training. Amend RSA 176:9 to read as follows:

176:9 Liquor Investigator; Training.

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. ***The commission may select and retain additional investigators 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.***

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.

7 New Paragraph; The Liquor Commission; Commission to Sell. Amend RSA 176:11 by inserting after paragraph II the following new paragraph:

III.(a) It shall be the duty of the commission to buy and have in its possession cannabis for sale in the manner provided in this title. Such cannabis shall be free from adulteration and misbranding within the meaning of the provisions of RSA 146. All cannabis sold for medicinal use shall conform to the standards and tests for such cannabis under New Hampshire law at the time of sale. All purchases of cannabis shall be made by the commission directly and not through the department of administrative services. The commission shall be subject to all the provisions of RSA 9.

(b) 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.

8 New Paragraph; The Liquor Commission; Rulemaking. Amend RSA 176:14 by inserting after paragraph IX the following new paragraph:

IX-a. Cannabis licenses, including:

(a) Separate licenses for cultivation, manufacturing, and testing of cannabis, and dual licenses as the commission may approve. There shall be no more than 15 cannabis cultivation facilities licensed at any time.

(b) Requirements and restrictions for each type of license.

(c) Procedures and forms to apply for or renew a license.

(d) Safekeeping of licenses.

(e) Authorized expansion of a licensed facility and procedures for authorization.

- (f) Procedures to approve exceptions of license requirements, restrictions, and limitations.
- (g) Training and continuing education required or recommended for licensees

**IX-b. Cannabis licensee operations, including:**

- (a) Procedures for on-premises and off-premises licensees to purchase cannabis.
- (b) Credit and billing procedures, including fees for late payment.
- (c) Bailment requirements, including fees.
- (d) Restrictions on packaging, promotions, signage, and operating hours.
- (e) Relations between types of licensees.

(f) Collection of additional fees required under RSA 178:6, VI, RSA 178:8, IV, and RSA 178:26.

**9 Controlled Drug Act; Definitions.** Amend the introductory paragraph in RSA 318-B:1, X-a(k) to read as follows:

(k) Objects used or intended for use or customarily intended for use in ingesting, inhaling, or otherwise introducing [marijuana,] cocaine[, hashish, or hashish oil] into the human body, such as:

**10 Controlled Drug Act; Penalties.** Amend the introductory paragraph in RSA 318-B:26, I to read as follows:

I. Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any preparation containing a controlled drug, except as authorized in this chapter **or as otherwise authorized by law**; or manufactures, sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1) any substance which he **or she** represents to be a controlled drug, or controlled drug analog, or (2) any preparation containing a substance which he **or she** represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

**11 Controlled Drug Act; Penalties.** Amend the introductory paragraph in RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter **or as otherwise authorized by law**, shall be sentenced as follows, except as otherwise provided in this section:

**12 Controlled Drug Act; Penalties.** Amend RSA 318-B:26, II(c)-(e) to read as follows:

(c) In the case of more than 3/4 ounce of marijuana or more than 5 grams of hashish, including any adulterants or dilutants[,] **is possessed by a person who is under 21 years of age, or, in the case of an amount exceeding the possession limit defined in RSA 318-F:1 possessed by a person who is 21 years of age or older**, the person shall be guilty of a misdemeanor. [In the case of marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products as defined in RSA 318-B:2-e, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-e, I(b), that are possessed by a person 21 years of age or older, the person shall be guilty of a misdemeanor.]

(d) In the case of 3/4 ounce or less of marijuana or 5 grams or less of hashish, including any adulterants or dilutants, **that is possessed by a person who is under 21 years of age**, the person shall be guilty of a violation pursuant to RSA 318-B:2-c. [In the case of a person 21 years of age or older who possesses a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-e, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.]

(e) In the case of a residual amount of a controlled [substance,] **drug, other than marijuana** [as defined in RSA 318-B:1, XXIX-a], a person shall be guilty of a misdemeanor if the person is not part of a service syringe program under RSA 318-B:43.

**13 Controlled Drug Act; Penalties.** Amend RSA 318-B:26, III(a) to read as follows:

(a) [Except as provided in RSA 318-B:2-c,] Controls any premises or vehicle where he or she knows a controlled drug or its analog, **other than marijuana**, is illegally kept or deposited;

**14 Personal Possession of Marijuana.** Amend RSA 318-B:2-c to read as follows:

**318-B:2-c [Personal] Possession of Marijuana **by a Person Under 21 Years of Age**.**

[I.] In this section:

[(a)] **I.** "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

[(b)] "Personal-use amount of a regulated marijuana-infused product" means one or more products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures, which was obtained from a state where marijuana sales to adults are legal and regulated under state law, and which is in its original, child-resistant, labeled packaging when it is being stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol.]

II. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses 3/4 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

III. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

IV. [Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.]

V.-(a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III[,- or any person 21 years of age or older who is convicted of violating paragraph IV] shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph II[,- or III[,- or IV]], or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana[,- regulated marijuana-infused products,] or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

(b) Any person under 18 years of age who is convicted of violating paragraph II or III shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-B:6.

[VII.] V.(a) Except as provided in this section, no person shall be subject to arrest for a violation of paragraph II[,- or III[,- or IV]] and shall be released provided the law enforcement officer does not have lawful grounds for arrest for a different offense.

(b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from investigating or charging a person for a violation of RSA 265-A.

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph II[,- or III[,- or IV]].

(d) Any person **under 21 years of age who is** in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of marijuana[,- a personal-use amount of a regulated marijuana-infused product,] or 5 grams or less of hashish, may be arrested for a violation of paragraph II[,- or III[,- or IV]].

[VIII.] VI. All fines imposed pursuant to this section shall be deposited into the alcohol abuse prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed substance abuse prevention programs.

[VIII.] VII.(a) No record that includes personally identifiable information resulting from a violation of this section shall be made accessible to the public, federal agencies, or agencies from other states or countries.

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the number of violations of paragraph II[,- or III[,- or IV]]. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

15 Alcohol or Drug Impairment; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. This section shall not apply to the possession of marijuana or hashish as provided in RSA 318-B:2-c[,- or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b)].

16 Appropriation; Liquor Commission. The sum of \$14,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the liquor 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.

17 Appropriation; Department of Health and Human Services. The sum of \$150,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human services to create public media and social media campaigns which would be launched prior to the availability of cannabis for purchase from a cannabis retail store to address growing false perceptions of harmlessness and the impact of cannabis use for youth, safe storage of cannabis and use around children, increased motor vehicle accident risks, increased risk of psychosis, and potential risks of use during pregnancy.

18 Repeal. RSA 318-B:1, X-a(g), relative to separation gins and sifters used or intended for use with cannabis, is repealed.

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

2022-0207h

#### AMENDED ANALYSIS

This bill:

- I. Legalizes the possession and use of cannabis for persons 21 years of age and older.
- II. Authorizes the liquor commission to regulate and administer the cultivation, manufacture, testing, and retail sale of cannabis statewide, and makes an appropriation therefor.
- III. 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.
- IV. Establishes the cannabis control fund and requires funds to be distributed to the department of health and human services, bureau of drug and alcohol services, for education tax relief, public safety agency training purposes, and children's behavioral health services.
- V. Makes 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.
- VI. Authorizes the business finance authority to establish a state-chartered, single purpose depository bank to transact business with cannabis establishments licensed under this act, and makes an appropriation therefor.

#### Floor Amendment to HB 1598

(2022-0417h)

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

Amend the bill by inserting after section 14 the following and renumbering the original sections 15-21 to read as 16-22, respectively:

15 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after paragraph IX-a the following new paragraph:

IX-b. Except as provided in RSA 126-X, any person who is convicted of knowingly transferring, gifting, selling, or otherwise providing marijuana or marijuana-infused products, including adulterants or dilutants, to a person under 21 years of age shall be guilty of a class B felony and shall be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$300,000, or both.

#### Amendment to HB 1604-FN

(2022-0554h)

#### **Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - r**

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

1 Medical Freedom from Immunization; Exemption for State Medical Facilities. RSA 141-C:1-a, II(e) is repealed and reenacted to read as follows:

(e) Apply to a county nursing home, the New Hampshire state hospital, or any other medical facility or provider operated by the state of New Hampshire or any political subdivision identified in paragraph I, which is subject to a valid and enforceable Medicare or Medicaid condition of participation that imposes a vaccination requirement. Such facilities or providers shall, upon an employee's, contractor's, patient's, visitor's, or student's request for a medical, religious, or conscientious exemption, grant such exemption. The written request for exemption shall simply state: "I, (insert requestor's name), hereby submit a request for a medical, religious, or conscientious exemption from the required vaccinations. (insert requestor's signature and date)" and it shall be granted.

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

2022-0554h

#### AMENDED ANALYSIS

This bill requires state hospitals and medical facilities that institute a vaccination requirement to grant an exemption on medical or religious grounds or as a matter of conscience.

**Amendment to HB 1608-FN  
(2022-0587h)**

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

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

AN ACT relative to withdrawal from the state immunization registry.

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

**1 Legislative Findings.**

I. New Hampshire voters passed the Right of Privacy, Article 2-b of the New Hampshire constitution in November 2018, with an 81 percent approval rating. With that vote, state government culture and behavior needed to be shaped by the words, "An individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent."

II. Medical records are some of the most private and personal information, and must only be accessed by consent or extraordinary justification.

III. Even when such extraordinary justification is declared to exist, the intrusion absent consent must be limited to only the absolute minimum necessary to achieve the stated purpose.

IV. When the justification expires, the burden falls on the state to restore, to the maximum extent possible, the circumstances that previously existed to minimize the injury to this natural, essential, and inherent right.

V. The general court finds that the state should not continue to keep the private medical information of individuals that were not afforded the opportunity to choose if they wished it to be collected.

2 Department of Health and Human Services; State Immunization Registry; Notice of Opportunity to Withdraw. Within 120 days of the effective date of this section, the department of health and human services shall execute a public information campaign to inform individuals that data was collected during the COVID-19 state of emergency without the statutorily required opportunity to opt-out, and of the ability for individuals to withdraw from the state immunization registry if they do not wish their private health information to be retained by the state. This public information outreach shall, at a minimum, consist of a press release, postings on the department's social media accounts, and a notice or banner prominently displayed on all websites operated by the department for use by the general public for not less than 60 days. The campaign shall inform the public that "The state of New Hampshire obtained information about your Covid-19 vaccination status without offering you a chance to opt-out of the state immunization registry. Our New Hampshire constitution honors your right to privacy, including your medical information, and you have the right to withdraw your information from the immunization registry. If you withdraw from the registry, the state will not retain a record of your vaccination." and include a hyperlink to the current form to withdraw from the immunization registry.

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

2022-0587h

**AMENDED ANALYSIS**

This bill requires the department of health and human services to inform the public of the opportunity for individuals to withdraw their Covid-19 vaccination status from the state immunization registry.

**Amendment to HB 1609-FN  
(2022-0048h)**

**Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - r**

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

AN ACT relative to certain provisions of the fetal life protection act requiring an ultrasound examination.

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

1 Fetal Life Protection Act; Prohibitions; Ultrasound Examination Requirement. Amend RSA 329:44, I to read as follows:

I. Except in the case of a medical emergency as specifically defined in paragraph III, no abortion shall be performed, induced, or attempted by any health care provider unless a health care provider has first made a determination of the probable gestational age of the fetus. In making such a determination, the health care provider shall make such inquiries of the pregnant woman and perform or cause to be performed all such medical examinations, imaging studies, and tests as a reasonably prudent health care provider in the community, knowledgeable about the medical facts and conditions of both the woman and the fetus involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age, provided, however, that the health care provider shall conduct an obstetric ultrasound examination of the patient for the purpose of making the determination. ***This subdivision shall be construed to require the performance of an ultrasound only if the provider either knows that the fetus has a gestational age of at least 24 weeks or is conscious of a substantial risk that the fetus has a gestational age of at least 24 weeks.***

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

2022-0048h  
AMENDED ANALYSIS

This bill construes the obstetric ultrasound examination requirement to determine probable gestational age prior to an abortion.

**Amendment to HB 1622-FN**  
**(2022-0450h)**

**Proposed by the Committee on Commerce and Consumer Affairs - c**

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

AN ACT relative to notice that a health care provider is no longer accepting new patients and relative to mental health parity.

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

1 Managed Care Law; Provider Contract Standards. Amend RSA 420-J:8 by inserting after paragraph XVII the following new paragraph:

XVIII. Every contract entered into after September 1, 2022 between a health carrier and any health care provider shall contain a provision that requires the health care provider to notify the carrier when the health care provider is no longer accepting new patients. Notification shall take place no more than 30 days after the date the health care provider is no longer accepting new patients.

2 Coverage for Certain Biologically-Based Mental Illnesses. Amend RSA 417-E:1, II to read as follows:

II. Notwithstanding any other provision of law, each insurer that issues or renews any policy of accident or health insurance and each nonprofit health service corporation under RSA 420-A and health maintenance organization under RSA 420-B providing benefits for disease or sickness in the state of New Hampshire shall provide benefits for treatment and diagnosis of certain biologically-based mental illnesses under [the same] **access standards established in RSA 420-J:7, and under** terms and conditions [and] which are no less extensive than **the** coverage provided for any other type of health care for physical illness.

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

2022-0450h  
AMENDED ANALYSIS

This bill requires contracts between health care providers and carriers to include a provision that the provider notify the carrier when the provider is no longer accepting new patients. The bill also requires coverage for biologically-based mental illness to meet the access standards in RSA 420-J:7.

**Amendment to HB 1642-FN**  
**(2022-0443h)**

**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 Health and Sanitation; Physical Examination of Pupils; Lead Testing Requirement. Amend RSA 200:32 to read as follows:

200:32 Physical Examination of Pupils. There shall be a complete physical examination by a licensed physician, physician assistant, or advanced practice registered nurse of each child prior to or upon first entry into the public school system and thereafter as often as deemed necessary by the local school authority. The result of the child's physical examination shall be presented to the local school officials on a form provided by the local school authorities. **The form shall include at least one result of blood lead level testing required under RSA 130-A:5-a, RSA 130-A:5-b, or RSA 130-A:5-c, unless the child is exempted under RSA 130-A:5-c. If the child has not had a blood lead level test at the time of first entry to school, they shall be granted 6 months to remedy the deficiency.** No physical examination shall be required of a child whose parent or guardian objects thereto in writing on the grounds that such physical examination is contrary to the child's religious tenets and teachings.

2 Child Day Care, Residential Care, and Child-Placing Agencies; Records; Lead Testing Required. Amend RSA 170-E:19 to read as follows:

170-E:19 Records. Every child day care agency shall keep and maintain such records as the department shall prescribe by rule pertaining to the admission, progress, health and discharge of children under the care of the child day care agency and shall report relative to such matters to the department whenever called for, upon forms prescribed by rule. **Health forms shall include at least one result of blood lead level testing required under RSA 130-A:5-a, RSA 130-A:5-b, or RSA 130-A:5-c. At least one blood lead level test result shall be a requirement for entry in child day care facilities for children over age 9 months, unless the child is exempted under RSA 130-A:5-c. If the child has not had a blood level test at the**

**time of admission, they shall be granted 6 months to remedy the deficiency.** All records regarding children and all facts learned about children and their relatives shall be kept confidential both by the child day care agency and by the department.

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

2022-0443h

#### AMENDED ANALYSIS

This bill establishes a blood lead level testing requirement for children entering day care and public schools.

#### Amendment to HB 1644-FN

(2022-0531h)

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

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

AN ACT relative to community exposure to emissions from telecommunications antennae.

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

2 New Paragraph; Placement of Telecommunication Antennas. Amend RSA 374:34-a by inserting after paragraph VIII the following new paragraph:

IX. The placement of telecommunication antennas on any existing structure, existing pole, new pole, or tower constructed after the enactment of this paragraph shall be placed at least 1,640 feet from residentially zoned areas, parks, playgrounds, hospitals, nursing homes, day care centers, and schools. For purposes of this paragraph, "antenna" means the equipment from which wireless radio signals are sent and received by a personal wireless service facility. For purposes of this paragraph, "personal wireless service facility" means any "PWSF" as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services. A PWSF includes the set of equipment and network components, exclusive of the underlying tower or mount, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling, and associated equipment necessary to provide personal wireless services.

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

2022-0531h

#### AMENDED ANALYSIS

This bill requires telecommunication antennas be placed at least 1,640 feet from residentially zoned areas, parks, playgrounds, hospitals, nursing homes, day care centers, and schools.

#### Amendment to HB 1647-FN

(2022-0566h)

##### **Proposed by the Committee on Children and Family Law - r**

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

1 Child Support Guidelines; Definition of Self-Support Reserve. Amend RSA 458-C:2 to read as follows:

458-C:2 Definitions. In this chapter:

I. "Adjusted gross income" means gross income, less:

- (a) Court-ordered or administratively ordered support actually paid to others, for adults or children.
- (b) Fifty percent of actual self-employment tax paid.
- (c) Mandatory, not discretionary, retirement contributions.
- (d) Actual state income taxes paid.

(e) Amounts actually paid by the obligor for allowable child care expenses or the medical support obligation for the minor children to whom the child support order applies.

I-a. "Allowable child care expenses" means actual work-related child care expenses for the children to whom the order applies and includes necessary work-related education and training costs.

**I-b. "Parent's adjusted gross income" means the adjusted gross income less standard deductions published on an annual basis by the department of health and human services and based on federal Internal Revenue Service withholding table amounts for federal income tax, F.I.C.A., and Medicare, which an employer withholds from the monthly income of a single person who has claimed a withholding allowance for 2 people.**

II. "Child support obligation" means the proportion of total support obligation which the obligor parent is ordered to pay in money to the obligee parent as child support.

III. "Court" means issuing authority, including the office of fair hearings, department of health and human services, having jurisdiction to issue a child support order.

IV. "Gross income" means all income from any source, whether earned or unearned, including, but not limited to, wages, salary, commissions, tips, annuities, social security benefits, trust income, lottery or gambling winnings, interest, dividends, investment income, net rental income, self-employment income, alimony,

business profits, pensions, bonuses, and payments from other government programs (except public assistance programs, including aid to families with dependent children, aid to the permanently and totally disabled, supplemental security income, food stamps, and general assistance received from a county or town), including, but not limited to, workers' compensation, veterans' benefits, unemployment benefits, and disability benefits; provided, however, that no income earned at an hourly rate for hours worked, on an occasional or seasonal basis, in excess of 40 hours in any week shall be considered as income for the purpose of determining gross income; and provided further that such hourly rate income is earned for actual overtime labor performed by an employee who earns wages at an hourly rate in a trade or industry which traditionally or commonly pays overtime wages, thus excluding professionals, business owners, business partners, self-employed individuals and others who may exercise sufficient control over their income so as to recharacterize payment to themselves to include overtime wages in addition to a salary. In addition, the following shall apply:

(a) The court, in its discretion, may consider as gross income the difference between the amount a parent is earning and the amount a parent has earned in cases where the parent voluntarily becomes unemployed or underemployed, unless the parent is physically or mentally incapacitated.

(b) The income of either parent's current spouse shall not be considered as gross income to the parent unless the parent resigns from or refuses employment or is voluntarily unemployed or underemployed, in which case the income of the spouse shall be imputed to the parent to the extent that the parent had earned income in his or her usual employment.

(c) The court, in its discretion, may order that child support based on one-time or irregular income be paid when the income is received, rather than be included in the weekly, bi-weekly, or monthly child support calculation. Such support shall be based on the applicable percentage of net income.

IV-a. "Medical support obligation" means the obligation of either or both parents to provide health care coverage for a dependent child, whether in the form of private health insurance or public health care, and/or to pay a monetary sum toward the cost of health care coverage provided by a public entity, parent, or other person.

V. "Minimum support order" means an order of support equal to \$50 per month, unless the court determines that a lesser amount is appropriate under the particular circumstances of the case.

VI. "Net income" means the ~~total of the combined parent's adjusted gross income [parents' combined adjusted gross income less standard deductions published on an annual basis by the department of health and human services and based on federal Internal Revenue Service withholding table amounts for federal income tax, F.I.C.A., and Medicare, which an employer withholds from the monthly income of a single person who has claimed a withholding allowance for 2 people]~~.

(a) Federal income tax;

(b) F.I.C.A].

VI-a. "Reasonable medical support obligation" means the amount established under RSA 458-C:3, V.

VII. "Obligor" means the parent ~~[responsible for the payment of child support under the terms of a child support order] or person for which the child support obligation calculation results in a negative number.~~

VIII. "Obligee" means the parent or person ~~[who receives the payment of child support under the terms of the child support order] for which the child support obligation calculation results in a positive number.~~

VIII-a. "Parental support obligation" means the ~~[proportional amount of the total support obligation allocated to each parent under RSA 458-C:3, II(b) and (c)] resulting amount of the child support obligation calculation of the obligee which is, also, the absolute value of the resulting amount of the child support obligation calculation of the obligor.~~

IX. "Percentage" means the numerical figure that is applied to net income to determine the amount of child support.

X. "Self-support reserve" means ~~[115]~~ **150** percent of the federal poverty guideline for a single person living alone, as determined annually by the United States Department of Health and Human Services.

XI. "Total support obligation" means net income multiplied by the appropriate percentage ~~of combined net income devoted to child support~~ derived from RSA 458-C:3.

XII. "**Child support obligation calculation**" means ~~the parent's household responsibility minus the parent's financial responsibility.~~

XIII. "**Household responsibility**" means ~~the parent's household responsibility percentage multiplied by the total support obligation.~~

XIV. "**Household responsibility percentage**" means ~~the percentage of household responsibility designated by the parenting plan.~~

XV. "**Financial responsibility**" means ~~parent's financial responsibility percentage multiplied by total support obligation.~~

XVI. "**Financial responsibility percentage**" means ~~the parent's adjusted gross income divided by the net income.~~

2 Child Support Guidelines; Child Support Formula. RSA 458-C:3, I(a) is repealed and reenacted to read as follows:

(a) The child support guidelines shall be based on the following:

Percent of Combined Net Income Devoted to Child Support

\$44,000 or less	22 percent	34 percent	42 percent	45 percent
\$55,000	21	33	40	43
\$66,000	20	30	36	39
\$77,000	18	28	33	36
\$88,000	17	25	30	33
\$110,000	16	25	30	32
\$121,000	16	24	28	30
\$132,000	15	22	27	29
\$176,000	13	20	24	26
\$176,001 or more	13	20	24	26

3 Child Support Guidelines; Child Support Formula. RSA 458-C:3, II is repealed and reenacted to read as follows:

II.(a) The obligee's allowable child care expenses or medical support obligation expenses shall be deducted from the adjusted gross income of the obligee.

(b) All child support obligations calculated pursuant to this chapter shall be rounded to the nearest whole dollar.

4 Child Support Guidelines; Child Support Formula. RSA 458-C:3, IV(c) is repealed and reenacted to read as follows:

(c) If subparagraphs (a) or (b) are not applicable, then the court shall order the child support obligation of the obligor to be the parental support obligation calculated by this chapter.

5 New Paragraph; Adjustments to the Application of the Guidelines Under Special Circumstances; Modification of Child Support as Justice and The Best Interest of the Child May Require. Amend RSA 458-C:5 by inserting after paragraph II the following new paragraph:

III. Nothing in this section shall preclude a court from modification of the presumptive child support order as justice and the best interest of the child may require.

6 Repeal. The following are repealed:

I. RSA 458-C:5, I(h)(1), relative to adjustments to the child support guidelines due to equal or approximately equal parenting residential responsibility.

II. RSA 458-C:5, I(h)(2)(B), relative to adjustments to the child support guidelines due to lower fixed costs resulting from equal or approximately equal residential responsibility.

7 Applicability. RSA 458-C as amended by this act shall apply to any child support order issued on or after January 1, 2023. RSA 458-C as amended by this act shall not apply to a valid child support order in effect on the effective date of this act until the next scheduled review hearing under RSA 458-C:7, or as otherwise agreed by the parties. This act shall not constitute a substantial change in circumstances for purposes of RSA 458-C:7. By January 1, 2026, all existing child support orders shall be subject to the provisions of this act.

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

**Amendment to HB 1659**

**(2022-0532h)**

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

Amend RSA 151:2-d, II as inserted by section 1 of the bill by replacing it with the following:

II. [For the duration of licensure or certification] Every individual selected for employment with any facility or entity required to be licensed or certified under this chapter shall submit to the employer a public criminal history record information authorization, [form, as provided by the division of state police, which authorizes the release of his or her public criminal history record information to the facility pursuant to RSA 106-B:14] **which authorizes the release of his or her public criminal history record information to the facility**. This shall apply to any employee, including volunteers, whose scope of employment will involve direct contact with a client, client records or client tissue, body fluids, or other biological material. For the purposes of this paragraph, "volunteers" shall not include any person admitted to a facility or entity required to be licensed or certified under this chapter or who resides in an affiliated corporate entity that is an integral part of the same community.

Amend RSA 151:2-d, III(a) as inserted by section 1 of the bill by replacing it with the following:

**(a) Is under the direct on-site supervision of a licensed staff person, provided that this paragraph shall not be construed to waive any statutory requirement for direct supervision of a licensee or certificate holder;**

**Amendment to HB 1661-FN-L  
(2022-0356h)**

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

Amend RSA 188-E:2, III as inserted by section 2 of the bill by replacing it with the following:

III. Each RCTEA shall include a calendar conformity agreement to comply with RSA 188-E:5, VII(a) and (b) by aligning the school calendars of sending schools with the school calendars of CTE programs at the receiving school. Agreements shall minimize schedule conflicts to better support CTE students with as many hours as possible to fulfill their program requirements. Agreements should address schedule alignment needs such as: disruptions due to differing start/stop times, unscheduled school closures or events, and daily class start/stop times. RCTEA schools are encouraged to align teacher in-service days to allow joint ventures in teacher professional development and other educational initiatives. There may not be more than 10 instructional days following Labor Day through the last student day of the school calendar year on which one or more of the school calendars of the districts within the agreement are not aligned. When CTE regions overlap, or students attend programs in more than one CTE, the provisions of this section shall apply to both regional centers. The commissioner shall not approve a RCTEA that does not comply with this paragraph, however a RCTEA may contain provisions for waiver by the commissioner of dissimilar days for extenuating or emergency purposes. If the commissioner determines that all schools within the RCTEA have plans and are reasonably working towards the implementation of an aligned calendar to ensure compliance with this paragraph, an annual waiver may be approved, but a waiver for this purpose shall not be extended beyond July 1, 2026.

Amend the bill by replacing section 4 with the following:

4 New Paragraph; CTE Credits. Amend RSA 188-E:5 by inserting after paragraph XII the following new paragraph:

XIII. A student shall be awarded required subject credit toward district graduation by demonstrating proficiency in a regional career and technical education course or program that is embedded with content area competencies that meet or exceed the district subject and required course competencies. Sending school graduation competencies embedded in a career and technical education course or program used to earn the equivalent or to earn partial credit to satisfy the required graduation competencies shall align with the skills, knowledge, and work study practices as determined by the local school district and in accordance with the terms of the RCTEA. A student who demonstrates proficiency in the embedded CTE course or program competencies and who is determined to have met the content area academic standards required by the high school shall have such credits counted toward the required program area for a high school diploma.

Amend the bill by replacing section 6 with the following:

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

**Amendment to HB 1662-FN  
(2022-0577h)**

**Proposed by the Majority of the Committee on Health, Human Services and Elderly Affairs - r**

Amend the bill by replacing sections 2 and 3 with the following:

2 New Subdivision; Data Privacy and Information Technology Security Governance Board. Amend RSA 126-A by inserting after section 97 the following new subdivision:

Data Privacy and Information Technology Security Governance Board

126-A:98 Data Privacy and Information Technology Security Governance Board Established. There is hereby established a data privacy and information technology security governance board to oversee the department's use of data, data privacy, and information technology security that shall be maintained by the department of health and human services.

126-A:99 Membership; Quorum.

I. The data privacy and information technology security governance board shall consist of the following members:

- (a) The commissioner of the department of health and human services, who shall serve as the governance board chair.
- (b) The department's privacy officer.
- (c) Three directors of the department who have responsibility for one of the following areas: medicaid services, public health, behavioral health, children, youth and families, or long-term support and services.
- (d) The director of the department's bureau of human resource management.
- (e) The director of the department's bureau of information services.
- (f) The department's chief legal officer.
- (g) The commissioner of the department of information technology.
- (h) Up to 2 additional voting members appointed by the commissioner of the department of health and human services, if needed.

II. A quorum of this board shall consist of the named positions being in attendance with greater than 50 percent present. Members may delegate authority to represent them for the purposes of maintaining a quorum. The chair of the board may also delegate authority to another appropriate member of the governance board to serve during a specified meeting.

126-A:100 Duties. The data privacy and information technology security governance board shall:

I. Meet at least 3 times a year and post public facing meeting minutes within 2 weeks of the completion of each meeting on the department's web page.

II. Become educated in what data governance means, how it will work for the organization, and what it means to embrace data governance and activate enterprise data stewards.

III. Actively promote improved data governance practices across the department.

IV. Identify and approve of pivotal data governance roles and responsibilities for the department including cross-enterprise domain stewards and coordinators.

V. Advise, review, and approve the department's data control, governance, and privacy practices in compliance with federal and state law and federal and state information privacy and security policies, with the goal to meet or exceed private market benchmarks for governance, risk management, and compliance.

VI. Drive strategic and timely implementation of a department-wide privacy policy, related procedures and processes to operationalize policy-derived controls, and effective risk management methodologies, including industry standards such as privacy impact assessments and privacy by design.

VII. The data privacy and information technology security governance board may solicit information from any person or entity the board deems relevant to its quest.

126-A:101 Risk Management.

I. The department shall conduct a written risk assessment and mitigation remediation plan in the form of a privacy impact assessment.

II. The assessment and plan shall:

(a) Assess risks to an individual's right to privacy within the department's information technology systems where the individual does not possess immediate control over their information.

(b) Recommend alternatives to both mitigate the risks and achieve the stated objectives of the department's systems.

(c) Identify those individuals and offices within the department who shall be directly accountable for the assessment and plan, the system at the time the assessment and plan are compiled, and any approved alternatives and mitigations as a result of the assessment and plan.

III. Unless otherwise required by law or applicable regulation, no personal information shall be collected prior to the completion of the assessment and plan and any subsequent measures as a result of the assessment and plan, as determined by the governance board for any systems implemented subsequent to March 31, 2023.

IV. The assessment and plan shall be approved and may be acted upon by the commissioner. All assessments and plans conducted before the date of the next data privacy and information technology security governance board meeting shall be submitted to the board for review.

3 Data Privacy and Information Technology Security Governance Board; Specialized Employees Authorized; Appropriation.

I. The department is hereby authorized to establish 2 full-time, permanent employees to support and conduct the required data privacy and information technology security assessments, as well as manage the implementation of mitigation efforts and other necessary updates.

II. The qualifications of the 2 employees shall include privacy certifications, information systems expertise, and project management and communications experience. Certifications may be deferred for up to 2 years post-hiring.

III. The 2 employees shall be classified, full time employees who shall work on assisting in implementing the objectives of the data privacy and information technology security governance board, conducting the privacy assessment and mitigation plan, and other, related data privacy and information technology security activities in the department of health and human services. The classification shall be business systems analyst II, labor grade 32, step 5. The sum of \$254,000 in general funds for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human services for the purpose of funding 2 business systems analyst II positions for the purpose of implementation of this act. The governor is authorized to draw a warrant for said amounts out of any money in the treasury not otherwise appropriated.

IV. The department is authorized to use contract support available from funds prior to July 1, 2023.

#### **Amendment to HB 1665-FN-L**

(2022-0320h)

#### **Proposed by the Committee on Municipal and County Government - r**

Amend the bill by replacing section 1 with the following:

1 New Section; Homeland Security and Emergency Management; Municipal Road and Bridge Disaster Relief Fund. Amend RSA 21-P by inserting after section 37-c the following new section:

**21-P:37-d Municipal Road and Bridge Disaster Relief Fund.**

I. A municipal road and bridge disaster relief fund is established in order to provide gap funding to municipalities that have experienced damage to their roads and bridges due to a natural disaster (a) while they wait for federal emergency assistance from the Federal Emergency Management Administration (FEMA), or (b) while they wait for other funding sources that will be used to rebuild their roads and bridges. This gap funding shall be used for infrastructure repairs in order to facilitate the safe passage and access on municipal roads and bridges. The fund shall be nonlapsing and continually appropriated to the department of safety, division of homeland security and emergency management.

II. The municipal road and bridge disaster relief fund shall be used for the purposes described in paragraph I and shall be funded in the following manner:

(a) Municipalities wishing to draw from this fund in the future shall pay into the fund annually in an amount equal to one-half of one percent of its municipal operating budget.

(b) The sum of up to \$5,000,000 annually is hereby appropriated by the state to this fund, until the funding reaches \$30,000,000. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

(c) Any federal grant money received for purposes of municipal road and bridge disaster relief by the division of homeland security and emergency management may be deposited to this fund.

III. A municipality may draw from the municipal road and bridge disaster relief fund more than once in a calendar year.

IV. A municipality may only draw from the municipal road and bridge disaster relief fund if the amount of the total damage is at least 50 percent of the municipality's annual municipal operating budget and the amount needed for repairs is greater than what is available in the municipality's fund balance.

V. The division of homeland security and emergency management shall administer the expenditures from this fund. The department shall authorize municipal road and bridge disaster relief funds to the affected municipality upon receipt of:

(a) An assessment report prepared by a professional engineer outlining the costs of repairs intended to make the roads and/or bridges damaged by a natural disaster safely passable.

(b) A letter to the commissioner of the department of safety and the director of the division of homeland security and emergency management from the municipality's governing body and budget committee, if any, requesting the amount needed to repair damage to roads and bridges resulting from a natural disaster.

(c) Demonstration that the roads and/or bridges which were damaged due to natural disaster are of significant and/or critical importance to commerce, or provides access into or out of the municipality.

VI. The director of the division of homeland security and emergency management shall adopt rules pursuant to RSA 541-A on procedures for municipal participation, applications, compliance requirements, and withdrawal requests, and for other matters necessary for the administration of this section.

Amend the bill by replacing section 4 with the following:

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

2022-0320h

**AMENDED ANALYSIS**

This bill establishes a municipal road and bridge disaster relief fund in the division of homeland security and emergency management to be used for infrastructure repairs in order to facilitate the safe passage and access on municipal roads and bridges.

**Amendment to HB 1682-FN-A**

**(2022-0112h)**

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

Amend RSA 106-L:23, III as inserted by section 10 of the bill by replacing it with the following:

III. Notwithstanding paragraph II, any grievance alleging misconduct under RSA 106-L:2, V(b)(1) may be filed at any time.

**Amendment to HB 1684-FN-L**

**(2022-0578h)**

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

Amend RSA 194-F:11 as inserted by section 1 of the bill by replacing it with the following:

194-F:11 Appropriation From Education Trust Fund. The [amount necessary] **amounts** to fund [any] grants or transfers of funds authorized under this chapter [is] **are** hereby appropriated to the department from the education trust fund created under RSA 198:39. The governor is authorized to draw a warrant from the education trust fund to satisfy the state's obligation under this section. Such warrant for payment shall [be issued regardless of the balance of funds available in the education trust fund. If the balance in the education trust fund, after the issuance of any such warrant, is less than zero, the comptroller shall transfer sufficient funds]

from the general fund to eliminate such deficit. The commissioner of the department of administrative services shall inform the fiscal committee and the governor and council of such balance. This reporting shall not in any way prohibit or delay the distribution of any grant or transfer of funds authorized under this chapter] ***not exceed \$8,096,916 for fiscal year 2022 and \$9,483,476 for fiscal year 2023, and in subsequent fiscal years shall not exceed the amounts appropriated for such purpose in the biennial state operating budget.***

## **SESSION DAY LOGISTICS FEBRUARY 16 & 17, 2022**

The House will meet on Wednesday, February 16th at 1:00 p.m. and on Thursday, February 17th at 9:30 a.m. in the Exposition Room at the DoubleTree Hotel Downtown Manchester. The House and Senate will assemble in Joint Convention on Thursday, February 17th, at 10:00 a.m. to hear Governor Sununu's State of the State Address. Shortly after the address, the House will continue its normal session business.

Our business for the day will be included in the calendar published February 10, 2022. Please bring a copy of that calendar with you if you are able.

### **STAGGERED ARRIVAL TIMES**

In order to mitigate traffic backups and delays in distributing materials, please do your best to follow this schedule of arrival times.

Wednesday, February 16th

- 12:00 – Doors Open
- 12:00 – Manchester & Nashua Delegations
- 12:10 – Hillsborough County
- 12:20 – Rockingham County
- 12:30 – Merrimack & Belknap Counties
- 12:40 – Cheshire, Sullivan & Strafford Counties
- 12:50 – Grafton, Coos & Carroll Counties

Thursday, February 17th

- 8:00 – Doors Open
- 8:30 – Manchester & Nashua Delegations
- 8:40 – Hillsborough County
- 8:50 – Rockingham County
- 9:00 – Merrimack & Belknap Counties
- 9:10 – Cheshire, Sullivan & Strafford Counties
- 9:20 – Grafton, Coos & Carroll Counties

### **DIRECTIONS**

Address: 70ire0 Elm St. Manchester, NH 03101

From most points, make your way to I-293, Exit 5, which is the Granite Street exit. Southbound travelers should take a left, and northbound travelers should take a right, in order to head east on Granite Street toward Elm Street. Proceed through 2 sets of lights. Prior to the intersection with Elm Street, there is a lane to turn left into the parking garage.

Alternatively, there is another entrance to the parking garage by driving to the Elm Street side of the Double-Tree Hotel. There is an access loop in front of the hotel which can be used to take a ramp down to the parking garage. A secondary rear entrance is accessible via W. Central Street.

There will be State Police vehicles at the primary entrances, at Granite Street and the front of the hotel, who will help you locate the entrances and help direct traffic in the event of backups.

### **HEALTH SELF-SCREENING**

Members are recommended to utilize the antigen self-tests provided by the General Court prior to attendance. Test will be mailed in advance. To provide you with the timeliest results, the test should be administered as close to session day as possible. You do not need to report your results to the General Court. However, if your test is positive, please stay home and immediately follow [NH DHHS guidelines for isolation](#).

All attendees are asked to [screen themselves](#) prior to arrival at the Expo Center for fever, symptoms of COVID-19, and additional risk factors. See questions below for screening:

Do you have any symptoms of COVID-19 or fever of 100.4 degrees Fahrenheit or higher? The symptoms of COVID-19 can include:

Fever, or feeling feverish;

Respiratory symptoms such as runny nose, nasal congestion, sore throat, cough, or shortness of breath;

General body symptoms such as muscle aches, chills, and severe fatigue;

Gastrointestinal symptoms such as nausea, vomiting, or diarrhea; and

Changes in a person's sense of taste or smell.

Do you share a household with someone who is suspected or confirmed to have COVID-19 in the prior 14 days and are unvaccinated?

Have you traveled in the prior 10 days outside of the United States or by cruise ship and are unvaccinated?

Any Non-Member with a positive answer to any of the above questions is not to attend the House session.

Any Member with a positive answer to the above questions are recommended not to attend the session.

## **ARRIVAL AT THE VENUE**

Members may proceed from the parking garage to the event space via two methods. From the 2nd (main) floor of the garage, Members may enter through the glass entryway and proceed up to the event space level via stairs or 2 elevators. Signs will be posted with direction to mask-required or mask-optional seating.

From the 3rd floor/upper level of the garage, Members may enter through the marked entry way directly into the event room for mask-required seating, or through the automatic sliding doors to proceed into the event center hallway to access mask-optional seating.

Attendees are encouraged to not congregate in the parking lot or entrances to the building. Physical distancing of at least 6 feet is recommended outside and while entering the facility.

To park closest to the entrance that goes directly into the masked setting area, please follow the signs in the garage that say, "upper level". The entrance to the event center is well-marked with a bright sign that says DoubleTree.

## **PARKING**

The General Court will cover the cost of parking for legislators for their attendance at the event. When entering the parking garage, please take a ticket from the kiosk, and bring it with you into the event for validation. Validation machines will be available inside the event room all day each day. Members can get their parking tickets validated at their respective check-in tables as they enter the venue. Please make sure your ticket is stamped appropriately with 'Client Paid' in order to avoid having to pay for parking. When departing, please have your validated ticket with you to exit the garage. Following these instructions will facilitate parking at no charge to you.

Members who wish to utilize mask-required seating are encouraged to utilize the 3rd floor of the parking garage so they may proceed directly into the event room and the mask-required seating area. They may also utilize any other part of the garage and follow signage to the appropriate area of the event room.

All other Members may park in any available area of the garage and proceed to the event room, following signage to their seating section.

Attendees are encouraged to wear their face mask upon exiting their vehicles in the event they are unexpectedly unable to maintain 6 feet distancing, including while outside of the Doubletree Hilton Manchester Downtown facility.

All entrances are ADA accessible.

## **MATERIALS DISTRIBUTION**

Once inside, please make your way to the check-in tables to receive your voting device and any other materials. No lunch will be provided on Wednesday. On Thursday, lunch will be distributed later in the morning.

Please move as quickly as possible through the check-in tables to avoid backups. Please be certain you have a voting device with your name on the label.

The General Court has obtained a quantity of KN-95 masks for Member use during sessions. These will be made available to Members but will not be distributed in their bags. Members should request a KN-95 mask, if they choose, at the time they pick up their other materials.

## LUNCH

No lunch will be provided on Wednesday. On Thursday, lunch will be distributed later in the morning.

Members who ordered lunch through the Speaker's Office email/form will receive their lunch late morning. Staff will distribute lunches to Members at their seats. Members are welcome to bring their own lunch, snacks, or beverages. Members are welcome to return to their vehicles to eat.

Lunch is being provided as a convenience to Members so you do not have to leave the venue. However, Members will be permitted to obtain lunch on their own at nearby establishments and return to the venue. Members are encouraged not to use their vehicles, which would result in additional parking fees.

Members are discouraged from congregating at lunch time and are encouraged to maintain physical distancing.

## SEATING

There will be no assigned seating for House Members. Seating for non-House Member guests during the State of the State Address will be marked as reserved.

There will be seating sections where masks are required and seating sections where masks will be optional. Please pay attention to signage in the seating areas indicating mask-required or mask-optional.

Seats will be spaced at least 6 feet apart providing ample spacing to maintain physical distancing. There will be maximum allowable spacing between sections of mask-wearing Members and non-mask-wearing Members.

The event venue will provide padded banquet chairs. Bringing your own seating is permitted, but reclining seats are highly discouraged due to space constraints. TV-tray sized tables are acceptable, but please refrain from bringing in any larger table surface. We do not want to block off aisles or reduce spacing for any reason.

Members may stand, stretch and walk in the area immediately around their seat.

## MICROPHONES

To ensure access to microphones in a timely fashion, stationary microphones will be placed strategically throughout the seating areas. Microphones will be labeled so Members may identify the location where they are speaking.

## RESTROOMS

There are restrooms in the main room adjacent to the mask-required sections for all mask-wearing attendees. Non-mask-wearing attendees may use the restrooms just outside the main entrance to the event space, near the elevators, and down the hall at the "Penstock" room, which are closest to the mask-optional seating.

Members who are seated in the mask-optional seating are permitted to use the restrooms adjacent to the mask-required seating only if they wear a mask while in or crossing through the mask-required seating area, and while using the restrooms.

Members are welcome to use bathroom facilities whenever they deem appropriate in order to avoid visits at crowded times. Members walking back to their seat during a recorded vote are permitted to use their voting device while not in their seat.

## MASKS/ FACE COVERINGS

Members seated in the mask-required section are required to wear a mask. All General Court staff, contractors, or media are required to wear face masks when within a mask-required area of the venue, including mask-required seating areas and restrooms.

Masks may be removed in the masked section for the purpose of eating or drinking. Members may eat lunch in their cars to avoid being unmasked at lunch time.

Members are strongly recommended to wear face masks.

The Center for Disease Control and Prevention updated recommendations about masks on May 13, 2021 and issued guidance for the wearing of masks by vaccinated and unvaccinated people for large gatherings.

The CDC still recommends that both vaccinated and unvaccinated people wear masks and physically distance with at least 6 feet distance at large gatherings. <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>

The CDC recommends people to choose masks that have two or more layers of washable, breathable fabric, completely cover your nose and mouth, fit snugly against the sides of your face and don't have gaps, and have a nose wire to prevent air from leaking out of the top of the mask. Additional information regarding masks is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>.

The CDC recognizes that some persons are exempt from mask recommendations when a person with certain disabilities or underlying health conditions cannot wear a mask or cannot safely wear a mask, for reasons of disability or condition. In the event that a person cannot safely wear a mask, the CDC advises consideration of adaptations and alternatives of which persons can discuss with their healthcare provider.

Face shields may be worn by Members who cannot wear a mask due to medical reasons. Additional information is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>.

## FLOOR SURFACE

The floor surface in the Exposition Center event room is painted concrete. Please consider shoes with rubber (or similar) soles to ensure proper traction.

## PUBLIC AND PRESS ACCESS

The event will be live-streamed, and the link to watch the event live will be posted on the General Court website. Due to room capacity constraints, there will be no public seating in the event room.

The **Public is encouraged** to watch the live-stream.

Two rooms across the hall from the event room will have TV monitors showing the live-stream of the event.

In the event a Member of the public or press wishes to be present at the session, they shall enter through a designated entrance to the left of the main entrance and proceed directly to the viewing rooms. The capacity of the viewing rooms will be limited and will be monitored by staff and security. Attendees in this area must maintain physical distancing at all times. No Member of the public or press shall have access to Members in the Exposition room. Members of the public may use any public parking areas at their own cost.

## TEMPERATURE/ AIR QUALITY

The Exposition Center is a full service event facility with appropriate HVAC and climate control. The General Court will supplement the venue's HVAC system with portable HEPA/ UV-C air filtration units that are used in the Legislative Office Building.

## PUBLIC SAFETY

Members of state and local law enforcement and our own Protective Services team will be on site to ensure security.

## INTERNET/ DATA CONNECTIVITY

Wi-Fi will be available for event attendees. Wireless network credentials will be available at the venue. Cellular signal and cellular data coverage is robust as well.

## HOTEL STAYS

The DoubleTree Hotel welcomes legislators for overnight accommodations. Legislators are responsible for making and managing their own reservations and for overnight parking expenses.

Reservation Method: Individuals call-in to (603) 625-1000 and indicate they are with New Hampshire House of Representatives, or on-line registration at [www.manchesterdowntown.doubletreebyhilton.com](http://www.manchesterdowntown.doubletreebyhilton.com) with promotional code: NHR .

Reservation Due Date: Saturday, February 12, 2022, after which rooms not reserved will be returned to general inventory.

## SMOKING

There is a designated outdoor smoking area in the front of the building in front of the main doors to the event center. There will be no audible notification in this area when votes are called.

## ADDITIONAL CONSIDERATIONS

Should there be any additional Americans with Disabilities Act (ADA) requests for accommodations specific to attendance at the event venue, these should be submitted to the General Court's ADA representative in advance of the session. Requests can be emailed to [Jennifer.Becker@leg.state.nh.us](mailto:Jennifer.Becker@leg.state.nh.us).