



State of
New Hampshire

HOUSE RECORD

First Year of the 168th General Court Calendar and Journal of the 2023 Session

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Vol. 45 Concord, NH Friday, March 10, 2023 No. 15
Contains: Amendments; Committee Reports; Bills Laid on Table; House Deadlines; Meetings and
Notices; Revised Fiscal Notes.

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on Thursday, March 16th at 9:00 a.m. This was not anticipated to be necessary, but with well over 200 bills left to act on before the deadline, it was necessary to avoid 3 consecutive excessively late nights the following week.

Prior to the pandemic, it was common for the House to meet as often as possible in order to chip away at our workload, even if it meant a short notice period. I appreciate your understanding and working to tackle this challenge.

Please continue to hold Tuesday, March 21st as a possible session day. The House will meet for session on Wednesday, March 22nd and Thursday, March 23rd.

Members are reminded to wear their security pin, name badge, or both when here on official business, especially on session days, when our sergeant-at-arms staff must be able to discern who is entering Representatives Hall.

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

I'd also like to ask members to consider how proper attire when here on official business is important to dignify the office you hold and the work we do on behalf of the state and our constituents.

Sherman A. Packard, Speaker of the House

NOTICE

There will be a Democratic Caucus on **Thursday, March 16th at 8:30 a.m.** in the State House Cafeteria.
Rep. Matt Wilhelm, Democratic Leader

NOTICE

There will not be a meeting of chairs and vice chairs next week, on Tuesday, 3/14. This March 14th chairs and vice chairs meeting has been cancelled.

Sherman A. Packard, Speaker of the House

NOTICE

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

CLOSES AT 3:00 p.m. ON:

Wednesday, March 15, 2023

Wednesday, March 22, 2023

Wednesday, March 29, 2023

AVAILABLE ON:

Friday, March 17, 2023

Friday, March 24, 2023

Friday, March 31, 2023

Paul C. Smith, Clerk of the House

2023 House Deadlines

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

NOTICE

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

www.youtube.com/c/NHHouseofRepresentativesCommitteeStreaming

BILLS LAID ON TABLE

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

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

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

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

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

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

HB 294, enabling municipalities to adopt a child tax credit. Pending question: Inexpedient to Legislate.

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

HB 298, relative to placement of personal wireless service facilities. Pending question: No pending question.

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

HB 357, relative to the length of terms for Belknap county officers. Pending question: No pending question.

HB 418-FN, relative to eliminating the rebates distributed by the energy efficiency fund. Pending question: No pending question.

HB 429-FN-L, requiring the offering of breakfast and lunch in all public and chartered public schools.

Pending question: Ought to Pass.

HB 485, establishing deputy animal control officers. Pending question: Inexpedient to Legislate.

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

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

HB 647-FN, relative to causes of action for individual rights. Pending question: Inexpedient to Legislate.

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

HR 17, affirming revenue estimates for fiscal years 2023, 2024, and 2025. Pending question: No pending question.

THURSDAY, MARCH 16 CONSENT CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 421, requiring feminine hygiene products to be provided to prisoners who menstruate in state and county correctional facilities. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennifer Rhodes for Criminal Justice and Public Safety. The committee after hearing initial testimony on the need for this bill, formed a subcommittee to perform an in-depth study of the issue. The subcommittee determined that while the current practice at institutions under the control of the Commissioner of Corrections were providing adequate feminine hygiene products, and new unsoiled undergarments to female inmates, the same could not be said of all of the county institutions. The subcommittee heard from advocates that some female inmates were given used, blood stained underwear, and due to not being given an adequate supply or properly sized hygiene products, were sometimes forced to use toilet paper and other ineffective and unsanitary methods to deal with their menstruation. This bill as amended, will require all county and state correctional facilities to provide menstruation hygiene products to all female inmates that menstruate, at no cost to the inmate. Additionally, it requires that the facility must provide a new set of clothing at intake. It also will allow for inmates to have an adequate supply of appropriately sized hygiene products in their cell. The Commissioner of Corrections and county officials were consulted and were confident this legislation, when enacted, will be an effective and positive change. It was determined that this will not be an unfunded mandate, as this problem is caused more by procedural failures than a lack of funding. The committee is thankful to the Representative for bringing this legislation forward. **Vote 20-0.**

EDUCATION

HB 168, relative to surety indemnification for career schools. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. This bill is similar to HB 155 which was retained by the Education Committee. There were questions raised about the change in both bills to the required surety bond for a school being reduced to 10 percent of the annual gross tuition for the school. It was felt that additional investigation as to the correct percentage to ensure student tuition reimbursement in the event of the school closure was needed. Since HB 155 is retained, that bill can be used as the vehicle to find the correct percentage so this bill can be found Inexpedient to Legislate. **Vote 20-0.**

HB 377-FN, relative to screening and intervention in public schools for dyslexia and related disorders. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Glenn Cordelli for Education. The amended bill sets out a program of early testing that will provide several opportunities for early identification and timely accommodations for children with dyslexia. It specifies three primary expansions to current law. First, it specifies any evidence-based screening be completed within the first 60 days for kindergarteners through the third grade and repeated at least twice a year. Second, it provides for secondary testing if the student does not meet skill benchmarks to determine the reading intervention required or indication of a special education referral. Having multiple tests helps because children with dyslexia often become very skilled at using compensation strategies to try to keep up with their peers until they can't. Early intervention is crucial to a child's education development especially in reading. Third, the bill also involves parents if a screening indicates issues and provides for ongoing notification of screening findings. Not being able to read causes a lifetime of irreparable harm academically, socially, emotionally, and economically. Intervention and support plans for the student are to be developed jointly with the parents. This bill will offer a pathway in our public schools and charter schools to help children with dyslexia learn to read. **Vote 19-1.**

HB 382, authorizing local school boards to give students release time for participation in religious instruction in an elective course for the purposes of satisfying curriculum requirements. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Cordelli for Education. The issue with this bill is a student getting religious release time as an elective course. It raises local school control issues as well as issues of transferability of awarded credits. Religious release time is already allowed in the US and NH Constitutions as stated in the bill. **Vote 20-0.**

HB 517, relative to background checks for surrogate parents. **OUGHT TO PASS.**

Rep. Mel Myler for Education. The educational surrogate parent program is coordinated through the NH Department of Education (DOE), Bureau of Special Education. Its focus is on children with disabilities. These educational surrogates are provided to those children who need special education services and their parent(s) or guardian is unknown or unavailable to make decisions for the disabled child. The surrogate parent acts as the child's educational decision-maker in the special education process. This bill places into statute the current DOE practice of and need for background checks on individuals seeking to become an educational surrogate parent. **Vote 19-0.**

HB 528-FN, relative to school lunches and establishing the meals for students fund. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Woodcock for Education. This bill contains significant portions of vagueness and poor wording that makes the bill unworkable. Further, the bill is irresolute about the funding source of the program, creating further confusion as to the intent, obligations, and finances of the proposal. Several found that mandating schools to provide both breakfast and lunch programs creates significant complexity, overrides local control, and creates significant costs. The bill further recognized the need to improve food opportunities for students in public school. Currently, there exists a significant population of students K-12 that are food insecure, unable to meet minimum nutritional needs and need an improved school meals program. **Vote 20-0.**

HB 536, relative to the chartered public school joint legislative oversight committee. **OUGHT TO PASS.**

Rep. Rick Ladd for Education. This bill revises the structure and duties of the Chartered Public School Joint Legislative Oversight Committee. The committee is responsible for submitting recommendations to the legislature regarding regulations and operations of public charter schools. The committee shall meet twice per year. **Vote 20-0.**

ELECTION LAW

HB 286, relative to the removal of political advertising. **OUGHT TO PASS.**

Rep. Katherine Prudhomme-O'Brien for Election Law. This is a bipartisan bill that allows members of a campaign or local political committee to retrieve campaign items removed by the state, city, or town. **Vote 20-0.**

HB 336, relative to the format of election ballots. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Joan Hamblet for Election Law. This bill, as amended, clarifies the ballot instructions that inform voters how many candidates they can vote for. In particular, where there are multiple allowed seats in state representative districts, the ballot will state "Vote for up to (X)" and "(X) will be elected." This wording will help voters better understand their options and may reduce undervotes. The committee amendment simplifies the wording and makes it clear how many people will be elected for a given position. **Vote 19-1.**

HB 405, relative to out-of-state college students voting. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill is a sweeping proposal that targets college students by creating two classes of voters. It is possibly unconstitutional and would create an undue burden on the Secretary of State's office in its implementation. **Vote 20-0.**

HB 415, making ballots cast in elections public documents. **INEXPEDIENT TO LEGISLATE.**

Rep. Ross Berry for Election Law. This bill creates a mechanism for the public to view cast ballots outside the recount setting. The committee did not like that it would be governed by provisions of RSA 91-A. There were also other concerns relating to costs, timing, and compliance. The committee believes other legislative opportunities exist to address this issue. **Vote 20-0.**

HB 484, relative to the handling of the absentee ballot envelopes prior to election day. **INEXPEDIENT TO LEGISLATE.**

Rep. James Qualey for Election Law. This bill allows the moderator to open absentee ballot outer envelopes on the Monday prior to election day. During the public hearing on this bill, the committee heard testimony that the number of absentee ballots cast during the most recent general election was considerably reduced from the record levels seen during the 2020 elections at the height of the pandemic. This suggests that, barring a future pandemic situation, there will be little benefit to be had from workload reduction due to early opening of absentee ballot outer envelopes. It is also foreseeable that the increased handling of ballot materials associated with early opening of outer envelopes will increase the risk of mishandling those

materials with a consequent increase in confusion, chaos, and unnecessary drama in our absentee ballot processes. The committee therefore finds it imprudent to advance this bill. **Vote 20-0.**

HB 495, relative to counting votes. **INEXPEDIENT TO LEGISLATE.**

Rep. Katherine Prudhomme-O'Brien for Election Law. This bill aims to establish guidelines for determining which marks on a ballot constitute a vote. It would also require instructions on ballots about requesting a new ballot. The committee felt these were infrequent problems and did not warrant these efforts. Additionally, the guidelines cannot possibly cover every type of mark, and observers will still debate these marks and will ultimately receiving a ruling from the Secretary of State. **Vote 20-0.**

ENVIRONMENT AND AGRICULTURE

HB 119-FN, relative to homestead food operation licensure. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Barbara Comtois for Environment and Agriculture. The Environment and Agriculture Committee members believe that because shelf-stable, non-refrigerated foods such as jams, jellies, cookies, etc. are currently exempt from the Homestead Food Operation License, having a dollar amount threshold for sales in the statute is not needed. These items cannot be sold at retail location; they can only be sold at a homestead residence, the owner's farmstand, or at farmer's markets. In order to be sold at a retail location, one must have a homestead license. This bill will allow businesses to grow without worrying about a dollar limit on their annual gross sales. The committee heard in testimony that the current annual gross sales threshold is not even tracked or reported by DHHS Food Safety Division, and there is no violation penalty for going over the current threshold, so there is no real reason to have it in current statute. Also, the one size fits all approach on annual gross sales makes no sense due to the varying sale price of goods offered for sale, and this bill will also eliminate that issue. **Vote 18-0.**

HB 221, relative to the acquisition of agricultural land development rights. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Peter Bixby for Environment and Agriculture. This bill was submitted at the request of the Department of Agriculture, Markets, and Foods (the department). New Hampshire's Agricultural Lands Protection statute, which was established in the 1980s, does not make it possible for multiple parties to cooperate on agricultural land preservation easements. The bill as amended modifies that statute to allow the department to jointly fund agricultural land preservation with federal agencies and private land trusts and ensure that deed restrictions are enforced. This will allow the department to access well over a million dollars in federal funding for agricultural land protection. **Vote 18-0.**

HB 253, establishing a committee to study extended producer responsibility. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Sherry Dutzy for Environment and Agriculture. This bill establishes a committee to study extended responsibility of producers in an attempt to suggest legislation to reduce waste going to our landfills. **Vote 20-0.**

HB 348-FN, relative to the sale of raw milk and products made with raw milk. **INEXPEDIENT TO LEGISLATE.**

Rep. Molly Howard for Environment and Agriculture. This bill increases the amount of raw milk a producer processor can sell or process without a license and removes the requirement that such ice cream and frozen yogurt produced using raw milk be sold in 6 ounce containers. The committee recommends Inexpedient to Legislate because last year the legislature passed what we have currently in RSA 184:84 on this topic and the committee believes that we should allow that law to be in effect before we consider additional changes. **Vote 18-0.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 258, establishing a certification for animal chiropractors. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Kimberly Abare for Executive Departments and Administration. This bill, as amended, would permit someone who does chiropractic work on animals to do so as long as they have completed a nationally recognized animal chiropractic program. The list of such programs will be determined by the executive director of OPLC in accordance with rules adopted in consultation with the board of veterinary medicine and the board of chiropractic examiners. Animal owners will not need a referral from a veterinarian to take their animal to an animal chiropractor. The committee heard testimony that animals can have problems that cause pain that can be dealt with by animal chiropractors. Not only does requiring a referral from a vet cost money, but the committee also heard that it can take weeks to get an appointment with a vet and the animal may be in pain during that time. The committee also heard that people do not require a referral to go to a chiropractor. The committee sees no reason for an animal to require such a referral. **Vote 20-0.**

HB 284, relative to financial information regarding requests for bids and proposals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Dianne Schuett for Executive Departments and Administration. This bill modifies what information is prohibited from being made available to the public regarding information relative to cancellation of bids, so as not to advantage or disadvantage future responses to reissued bids. The amendment increases the minimum value of county contracts subject to competitive bidding from \$5,000 to \$10,000 and makes this value consistent across all counties. This increase was requested by the Association of Counties on behalf of all counties in the state. **Vote 20-0.**

HB 358, relative to the filing and adoption of proposed administrative rules. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill was a request of the Administrative Rules staff to clarify the process of rulemaking. The committee amendment adds two important, and easy to implement, concepts from HB 274, which was retained for further work. First, it requires the rulemaking register, which lists all the rules coming up for their main public hearing, be sent to all the representatives and senators. This will give everyone notice when rules they are concerned with are ready for comment, so we can ensure the rules meet the legislative intent. It's the regular public comment period, so this won't delay the process unless a problem causes the agency to rewrite the rules. Secondly, agencies must now include in the final approval package a report on the public comments received and how they were addressed in the final rule. This doesn't force the agency to rewrite the rule for the comments, but they must explain why they chose to amend the rule as they did or did not. **Vote 20-0.**

HB 359, relative to legal holidays. **INEXPEDIENT TO LEGISLATE.**

Rep. Glenn Bailey for Executive Departments and Administration. This bill would establish paid partial, up to three hours, holidays for a subset of non-essential public employees, state, city, town, school district, and state supported community college and university employees, during the biennial state primary and quadrennial presidential primary elections, with no financial appropriation made. **Vote 20-0.**

HB 594-FN, relative to the licensure of out-of-state applicants to boards or commissions organized under the office of professional licensure and certification. **OUGHT TO PASS.**

Rep. Tony Lekas for Executive Departments and Administration. This bill would require the Office of Professional Licensing and Certification (OPLC) to grant licenses to anyone who has a license in good standing from any other jurisdiction, provided that the jurisdiction's licensing requirements are substantially similar to New Hampshire's licensing requirements, as determined by the executive director in consultation with the boards, commissions, and councils within the office. In addition, if the New Hampshire license being sought requires that a background check be done, one will be required for the person seeking the license. **Vote 18-0.**

HB 617-FN, prohibiting, with limited exceptions, state agencies from requiring use of proprietary software in interactions with the public. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for Executive Departments and Administration. There are legitimate reasons to be concerned when the state requires the use of proprietary software when members of the public need to interact with the government. However, it was not clear from testimony just what software was intended to be covered by this bill. It could have only included software run on a user's device or it could have also included all software involved in the operation on the state side. It became clear that the broader interpretation was intended and the language of the bill could reasonably be interpreted that way which resulted in a fiscal note of over \$300 million per year for the next three years. In addition, this bill applies to all political subdivisions and the Judicial branch. That would add an unknown, but almost certainly, large expense. The limited benefits and the enormous cost lead the committee to recommend inexpedient to legislate. **Vote 18-1.**

HB 655-FN, relative to the office of professional licensure and certification. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Jaci Grote for Executive Departments and Administration. As introduced, this bill addressed the codification of Office of Professional Licensure and Certification (OPLC), merged some boards and repealed certain licenses. Realizing that this bill was also placed in HB 2, the committee was concerned that language appearing in two bills might result in conflicting statute if amended differently. As amended, this bill codifies the organizational structure and responsibility of OPLC. It establishes a non-lapsing fund appropriated to the agency for budget purposes, gives OPLC rulemaking authority to set fees and establish rules for administration of complaints and disciplinary actions. Nothing in this bill addresses the repeals of any licensing, modifies any advisory boards or addresses mergers of boards. It is the intent of the committee to ask that this portion of the bill be removed from HB 2. **Vote 20-0.**

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 48-FN, relative to employee protections from COVID-19 in the workplace. **INEXPEDIENT TO LEGISLATE.**

Rep. William Infantine for Labor, Industrial and Rehabilitative Services. This bill was a resubmission of a bill brought before the Labor Committee last term. The bill was voted inexpedient to legislate last year because there was no indication that any New Hampshire employee had been denied their right to be vaccinated or to use protective equipment while at the workplace. There was no indication that in the past year any New Hampshire employee had been denied their right to be vaccinated or to use protective equipment. The committee did not feel there was any need for the proposed law and voted unanimously to recommend the bill as inexpedient to legislate again. **Vote 20-0.**

HB 118-FN, prohibiting employers from engaging in certain anti-union activities. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Granger for Labor, Industrial and Rehabilitative Services. Though well intentioned, the premise of the bill has structural issues that make the bill problematic. The sponsor was in agreement that the bill should not pass as written and supported the inexpedient to legislate motion. **Vote 19-1.**

HB 241, relative to the opportunity of school district employees representing the collective bargaining unit to meet with the public employer as part of collective bargaining negotiations. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. This bill was brought to us concerning one collective bargaining negotiation from one specific municipality. There had been difficulty scheduling mutually-agreeable times for contract negotiations. This bill was submitted under the assumption that current law will require all negotiations to take place during regular school hours when employee representatives request it. This bill would flip that assumption, requiring instead all negotiations to take place outside of regular hours unless otherwise mutually agreed upon. The committee heard that schedules are themselves negotiated and that the expectation is that there will be give and take from both sides. While this case did not go to the Public Employee Labor Relations Board for adjudication, past precedent suggests the PELRB would have required equal accommodation from both sides. Labor law is intended to provide a fair structure under which contracts can be negotiated. We cannot recommend a change that is intended to benefit one side exclusively. **Vote 20-0.**

HB 410, relative to municipality ranked list promotions. **INEXPEDIENT TO LEGISLATE.**

Rep. Brian Seaworth for Labor, Industrial and Rehabilitative Services. This bill proposes to reinforce the use of ranked list promotion where that system is in place as part of a collective bargaining agreement. The committee heard testimony about a subdivision where employees are passed over, perhaps for unfair reasons such as favoritism or nepotism. While the committee does not condone such practices, this solution would not seem appropriate. Testimony highlighted problems with the proposed fix as it applies to other job functions in other municipalities. Furthermore, said problem can be fixed through the collective bargaining process as part of a future contract negotiation. Furthermore, the municipalities themselves have the ability to create rules governing the use of ranked lists and to restrict favoritism during promotion decisions. The state should not get in the middle of union contract negotiations where the system in place is capable of resolving the problem. **Vote 20-0.**

LEGISLATIVE ADMINISTRATION

HB 134-FN, extending the public employees labor relations act to employees of the general court and relative to the duties of the joint committee on legislative facilities. **INEXPEDIENT TO LEGISLATE.**

Rep. Nikki McCarter for Legislative Administration. This bill establishes the opportunity for nonpartisan employees of the general court to collectively bargain. The intent, according to the bill sponsors, is to “level the playing field” with regards to salaries and benefits. The committee believes the 30+ employees who would be affected by passage of this legislation have never been questioned if they want to collectively bargain and, in fact, do not want to collectively bargain. **Vote 15-0.**

HB 245-FN, relative to the compensation of members of the general court. **INEXPEDIENT TO LEGISLATE.**

Rep. Stephen Pearson for Legislative Administration. The committee heard testimony that this bill would require the State Treasurer to secure enough silver \$1 coins to pay members of the state legislature. Setting aside the difficulties of procuring sufficient quantity and the problems for legislators to convert heavy coinage into a more convenient form of currency, the fundamental problem with the concept is that due to market fluctuations in the value of silver, and the purity of the silver coinage, the constitutionally required set compensation of \$200, if paid to a legislator in silver coins, would, at the very least, be extremely difficult to regulate and, at the very most, be a clear violation of the state constitution. For these reasons, the committee unanimously voted Inexpedient to Legislate on this bill. **Vote 15-0.**

HCR 6, relative to condemning the use of violence against supporters of self-governance. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Legislative Administration. In 1784 the people inhabiting the geography of what is now the State of NH established, by name and with their consent, a new government. In a matter of note, that government was approved by a super-majority of the people themselves, not merely their deputies-, an exercise in true self-governance. There has been no evidence provided to the committee that, in the words of Part 1 Article 10 of the NH Constitution (Right of Revolution), "the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual." On the contrary, New Hampshire persists as the freest of all the states in the Union. The committee finds that not all intentions of self-governance are justifiable, nor peaceable, and therefore the use of force should not be ruled out.

Vote 15-0.

PUBLIC WORKS AND HIGHWAYS

HB 296, relative to local authority for granting driveway permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Vallone for Public Works and Highways. This amended bill revises part of the State Fire Code: Authority for Driveway Permits (RSA 153:5). As amended, the bill helps clarify the authority of local land use boards to regulate driveway access. With a compromise amendment, the bill establishes a minimum driveway width of 12 feet for driveways over 150 feet in length for detached one or two family dwellings in structures used only for residential purposes. **Vote 17-0.**

TRANSPORTATION

HB 137, relative to boating safety equipment rules and vessel numbering rules, and establishing a committee to study boat registrations fees. **OUGHT TO PASS.**

Rep. Ted Gorski for Transportation. This bill clears up a conflict with federal law. If New Hampshire does not comply with federal law, New Hampshire would jeopardize federal funds. The second part of the bill creates a committee to study collection and dispersal of boat registration fees. **Vote 20-0.**

THURSDAY, MARCH 16 REGULAR CALENDAR

CHILDREN AND FAMILY LAW

HB 497-FN, relative to the confidentiality of records within the division of children, youth, and families. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill changes the method case records can be accessed from one where the commissioner determines if they can be disclosed, to the commissioner petitioning the court to keep them sealed. Certain records could still stay confidential, this bill gives courts discretion to decide.

Rep. Sandra Panek

Statement in support of Inexpedient to Legislate: The changes proposed by this bill would require the Division of Children, Youth and Families (DCYF) to seek a court hearing each time they receive a request for records in a case that is still under investigation or that has a concurrent law enforcement investigation. RSA 170-G8(a) already requires the DCYF to release records to nine categories of people, including parents and guardians. It does not allow the withholding of records except in circumstances where the release would cause harm to the child. DCYF testified that in practice, records are released once a determination has been made in a case, not while allegations are still being investigated. Further, DCYF is not able to release records while there is an open, concurrent law enforcement investigation nor able to release third-party records such as from a pediatrician or therapist because DCYF does not own those records. Should this bill be adopted, parents and guardians would have to wait longer for records to be processed. Further, the bill would require DCYF to seek a court hearing to prevent further sharing of released records, placing children's sensitive, personal information at risk of exposure. DCYF testified that they have a backlog of records requests; the solution to the backlog is increased staffing, not adding burdensome hearings to an over-scheduled court system.

Rep. Heather Raymond

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 76, imposing a waiting period between the purchase and delivery of a firearm. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: Statement in support of Ought to Pass: This bill would establish a three-day waiting period between the time a firearm is sold by a licensed importer, dealer, manufacturer, or collector in New Hampshire and the time the firearm can be delivered to or picked up by the new owner. Similar waiting periods have been adopted in other states whose legislatures have recognized that a brief "cooling-off" period can reduce suicide and other forms of violence by offering a troubled person who impulsively purchases a firearm additional time to gain perspective when a situation in

the moment seems intolerable or hopeless. According to the New Hampshire Office of the Chief Medical Examiner, 118 out of 129 firearm deaths in 2020, about 91 percent, were suicides. From 2015 through 2019, suicide was the second-leading cause of death in the Granite State among those ages 10 to 34. Meanwhile, death from firearms remains the most lethal form of suicide with approximately a 90% mortality rate. To reduce delays for those with an immediate need for a firearm, the bill also includes a long list of sensible exceptions, including ones for people who have completed a hunter safety course, active duty police and law enforcement personnel, people under the protection of a restraining order, and persons who have expressed a reasonable fear for their personal safety to a law enforcement officer.

Rep. David Meuse

Statement in support of Inexpedient to Legislate: After hearing testimony, the reasons given for implementing a three day waiting period to reduce suicide do not overcome the balance of allowing the citizens of New Hampshire the right to purchase a firearm in a timely fashion. This bill as proposed makes certain illogical carve outs. For example, an individual who is the plaintiff in an Ex Parte Protective Order would not have to comply with a three day waiting period. Additionally, if an individual possesses a hunting license, they do not need to wait three days, yet if you possess a NH Pistol License you are not exempted. The language of this bill is very conflicting. There is no constitutional nexus between the right to bear arms and the privilege of hunting. Furthermore, there is an exemption for a handgun purchased by any active duty state, county, or municipal law enforcement officer, active duty state or county correctional officer, or active duty member of the armed forces as defined in RSA 21:50, III, thus giving the people in these listed professions, greater rights than other citizens. Conversely, this bill does not allow an exemption for a person who trades one firearm in for another through a licensed dealer. It should also be noted, recent federal law now mandates all individuals under the age of 21 years of age be given a “delayed” status for three days, during the three days NICS will notify the FFL that there will be an additional 10 day window for further research on a background check. New Hampshire is one of the safest states in the country, it has a long history of responsible gun ownership. We should not be restricting the overwhelming majority for a very small minority of our citizens. No New Hampshire law enforcement agency asked for or testified in favor of this bill.

Rep. Jonathan Stone

HB 89, relative to posthumous exonerations and annulments. **OUGHT TO PASS WITH AMENDMENT.**

Rep. David Meuse for Criminal Justice and Public Safety. While it is not possible to go back in time and correct an unjust criminal prosecution, this bill allows us to acknowledge that the injustice occurred and gives the general court the ability to posthumously exonerate individuals who have suffered unjustly at the hands of our criminal justice system. The bill also exonerates Eunice “Goody” Cole of Hampton, who is the only person ever convicted of witchcraft in New Hampshire; and Willard Uphaus who ran the World Fellowship Center in Albany. During the early colonial era, Cole was convicted, flogged and imprisoned for casting spells and for “familiarity with the devil.” Uphaus was imprisoned in the 1950’s by refusing to comply with a subpoena from the New Hampshire Attorney General, who demanded he turn over a list of guests of the World Fellowship Organization so they could be combed through for connections with subversive organizations, including the Communist Party. After several appeals, Uphaus was sentenced to a year in jail for refusing to comply as a matter of conscience. In hindsight, both episodes are examples of what can happen when irrational fear or political fervor overcome good judgment. The bill acknowledges injustices occurred in both cases and confirms that we are able to set the record straight and admit our past mistakes.

Vote 20-0.

HB 328-FN, an act legalizing certain controlled substances for persons 21 years of age or older.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. After a public hearing, the majority of the committee recommends this bill be found inexpedient to legislate. This bill seeks to legalize hallucinogenic drugs such as LSD, mescaline, psilocybin, and peyote for persons 21 years of age and older. There was some testimony alluding to possible medical benefits to these drugs but nothing that has been embraced by the medical community to the level that would justify broad, unrestricted legalization. If there are indeed any medical benefits to these controlled substances, evidence of such should first be provided by extensive controlled studies, and then legalization proposed for the limited purposes for which they have been shown to be efficacious. In any event, barring changes at the federal level, even that would be pointless. The federal government continues to classify them as illegal for having no valid medical purpose. Unlike marijuana, people under the influence of these drugs have been shown to sometimes become violent and suicidal. There is no way to predict how each person will react. In the midst of a crisis where we are seeing young Granite Staters dying from illegal drugs, attempts by the legislature to legalize more of them, are in the opinion of the majority, drastically out of touch with what the majority of our constituents expect from us. **Vote 17-3.**

Rep. Jonah Wheeler for the **Minority** of Criminal Justice and Public Safety. The minority of the committees felt criminalization of these substances has caused more harm than help. The substances which would be legal if passed are colloquially known as psychedelics. These substances have shown promise in addressing trauma, mental health crises, and no evidence suggests an addictive nature to them. In fact, the committee heard testimony that the substances legalized in this bill helped individuals overcome addiction.

HB 360-FN, an act legalizing cannabis for persons 21 years of age or older. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. This majority of the committee agreed that this bill should be found inexpedient to legislate, albeit for different reasons. Some of the majority members agree with marijuana legalization in principle but felt that this bill was not the best legislation to accomplish this. These members felt that as New Hampshire is the lone state in New England that still criminalizes cannabis, there is a high likelihood that New Hampshire citizens who want to obtain and use cannabis products, probably already are. They felt that if that is the case, by keeping it criminal we are accomplishing nothing other than exposing more citizens to potential criminal justice system involvement. These members also expressed that by legalizing it, there would be a better chance that the products being used would be safer than that which is available on the black market. That being said, these members believe other legislation that is before other committees is the best vehicle to accomplish this. The other members of the majority oppose legalization for public health and safety reasons. They felt that this bill, legalizing cannabis for persons 21 years or older, would be detrimental to the health and safety of the public. They cited statistics in states that have legalized cannabis that show an increase in highway deaths. According to the national Highway Traffic Safety Administration, 12.6 percent of weekend nighttime drivers tested positive for THC in 2013-2014, compared to 8.6 percent in 2007. These members also believe that evidence shows that there is permanent brain damage from heavy marijuana use in persons under age 25, precisely when the human brain is finishing the development of the parts used for reasoning and critical thinking. **Vote 11-9.**

Rep. Jodi Newell for the **Minority** of Criminal Justice and Public Safety. Given that the majority of New Hampshire residents believe cannabis should be legal for adult use, that its health impact is much less detrimental than that of alcohol, which is legal over the age of 21, and that the lifelong harm of criminalization far outweighs that of responsible consumption, the minority supports this bill.

HB 444-FN, prohibiting possession of a firearm at a polling place. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Dennis Mannion for the **Majority** of Criminal Justice and Public Safety. This bill would prohibit people from exercising one constitutional right in order to exercise another. Specifically, the right to keep and bear a firearm while voting. The majority of the members feel that this is an infringement on that right and it might actually deter some citizens from voting and thus cause the government to be discouraging the exercising of two constitutional rights. **Vote 11-9.**

Rep. Jodi Newell for the **Minority** of Criminal Justice and Public Safety. Considering that we already understand the benefit of limiting speech within 100 feet of a polling place, reducing the potential for undue influence and intimidation political speech may have, and recognizing a recent uptick in reports of intimidation using a firearm, we acknowledge and affirm the benefit of limiting such intimidation involving the possession of a firearm in a polling place. Given that the location itself is secure and is a broad sampling, the constituency should feel comfortable in participating in the voting process, we find this minor inconvenience to some to be worth the potential benefit to us all.

HB 596-FN, prohibiting the use of racial profiling in law enforcement activities and in sentencing. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill as amended explicitly prohibits New Hampshire law enforcement personnel from targeting individuals for suspicion of a crime based on the individual's race, ethnicity, color, national origin, nationality, language, sex, gender identity, sexual orientation, political affiliation, religion, socioeconomic status, or disability. It further clarifies that these characteristics shall not be a factor in determining the existence of probable cause to arrest or to place an individual into custody. The bill provides clear guardrails to prevent demographic characteristics that have nothing to do with criminal activity from being used as a factor to constitute reasonable suspicion that an offense has been committed in order to detain an individual or to stop a motor vehicle. But to be clear, there is nothing in the bill that prevents a law enforcement officer from using a physical description to apprehend a specific suspect linked to an identified criminal incident or scheme. In New Hampshire, people of all races, ethnicities, religions, and colors rely on the police to protect us from harm and promote fairness and justice in our communities. But racial profiling has led some of our neighbors who may not look or speak like the majority of our residents to live in fear, simply because they look different, come from a different place, or practice a different religion. While the governor's 2021 Law Enforcement Accountability, Community and

Transparency (LEACT) Commission, made a series of legislative recommendations on gathering racial profiling data, none have yet been enacted. Meanwhile, the act of racial profiling itself has never been explicitly prohibited by New Hampshire law. It is time to do so, as over 30 other states have already done.

Rep. David Meuse

Statement in support of Inexpedient to Legislate: After hearing testimony regarding this bill, several areas of concern and serious questions were raised. How would one prove racial profiling has occurred? Is there a quantifying element for making such a determination? For example an officer stopping X number of citizens, from demographic group Y within a specified time period? Would the demographic makeup of different places in the state affect whatever standard is used to determine racial profiling? Would the passing of this legislation lead to allegations of racial profiling against officers based on nothing but statistics? Would different standards apply to officers of different races? Could political pressure influence a department's handling of an allegation, investigation and/or disciplinary procedure against an officer? There was no answer provided to any of these questions. The main argument put forward by the sponsor in support of this bill was that we “want to make a statement that racial profiling is not allowed in this state.” The committee members in support of ITL do not believe laws are the appropriate method to “make statements.” These members believe that a resolution would have been the appropriate method for the sponsor to make this statement and would have unanimously supported it. Our laws must prohibit specific conduct, in a clear and articulable manner, so that a citizen can understand what exactly is prohibited and what the consequences are of violating it. The New Hampshire Police Standards & Training Council already provides extensive training on the topics of racial profiling and civil rights issues. State and local police agencies currently have the authority to enact policies related to racial profiling. They also have the ability to deal with any performance issues related to sustained violations of these policies. Furthermore, racial profiling is already illegal under federal law. Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

Rep. Jonathan Stone

EDUCATION

HB 71, repealing a department of education report on chartered public school funding. **OUGHT TO PASS.**

Rep. Oliver Ford for Education. This bill removes the requirement that the commissioner of the Department of Education submit a report to the Fiscal Committee of the General Court for each payment made in a fiscal year by the state to a chartered public school. **Vote 16-4.**

HB 104, relative to multi-stall bathrooms and locker rooms in schools. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill relates to the use of school multi-stall bathrooms and locker rooms and that they be used by the same sex. Existing single stall bathrooms in many schools are not affected. Testimony was heard in committee that this bill conforms to current NH building codes which require single sex use. We also heard testimony that students are “holding it” rather than using school bathrooms out of concerns for someone of a different biological sex being in the bathroom. Biological girls and boys have valid concerns about their safety and privacy. Local accommodations can be made and have been made by school districts for transgender students.

Rep. Glenn Cordelli

Statement in support of Inexpedient to Legislate: This bill requires that multi-stall bathrooms and locker rooms in all public elementary, middle, and high schools be same sex. The bill would prevent transgender youth from accessing facilities aligning with their gender identity. It has other consequences too, such as preventing visiting athletic teams from using an available locker room. The committee also heard from the chair of the state building code review board who expressed opposition to putting this into state law as these regulations would likely outdate quickly due to pending revisions in building codes. Current policy in most schools allows students to use the bathroom where they are most comfortable. Students testifying from several schools were fully supportive of continuing that approach, noting that requiring transgender students to use single stall bathrooms is a form of outing them, which could compromise their safety. Indeed, this bill may be unconstitutional as it is a blatant form of discrimination. Further, transgender and gender-nonconforming teens are experiencing increased incidence of anxiety and depression. Sadly, they are more likely to consider suicide. Schools, as crucial developmental environments, should be places where people can be comfortable with their identity.

Rep. Hope Damon

HB 170, requiring the teaching of cursive handwriting and multiplication tables. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill, as amended, requires that instruction shall be provided in cursive handwriting and multiplication by the end of the fifth grade. An

exception to accommodate, modify, or waive this requirement due to a student's individualized education plan (IEP) or 504 plan may be made. The importance of cursive handwriting should not be understated. From an early age, children should be exposed to handwriting and drawing activities in school. There's a significant amount of research stating that writing in cursive is better for the brain. By teaching students cursive, more neurons fire in different ways than printing. When young brains encounter new information, they create new neural paths and, with practice, those paths become permanently inscribed. Research overwhelmingly shows that learning by writing by hand is a key to good spelling and composition skills. In addition, a problem plaguing students with dyslexia is that many printed letters look similar or make mirror images of one another. Cursive avoids this issue. There are well over 20 states in the United States that do require the teaching of cursive. Neighboring Massachusetts is one. There are so many good benefits to teaching cursive writing that no student should finish school without learning it. Elementary teachers are trained in this skill and there are no additional costs associated with cursive instruction, as there are not additional costs associated with teaching manuscript (printing). In regards to teaching the multiplication tables, there is overwhelming information and general consensus that knowing math facts is essential to progressing in the subject. Along with memorization of the multiplication tables, students must be taught number sense, concepts, and how to figure out math problems. Multiplication facts are a stepping stone in mathematics, memorization is a confidence booster, and knowing multiplication facts helps one stay engaged while solving problems. Over the past years, mathematics proficiency has declined; a return to providing instruction in the multiplication tables is needed.

Rep. Rick Ladd

Statement in support of Inexpedient to Legislate: This bill mandates school districts to provide instruction in cursive handwriting and memorization of multiplication tables. Curriculum and instruction is up to local school boards to determine. This bill would add additional unfunded mandates (up to 42) since 2002. The amendment has language to make exceptions for students with disabilities and 504 plans. The federal and state laws already mandate accommodations and modification on any instructional discipline for any student receiving services under the Individuals with Disabilities Education Act (IDEA) and 504 nondiscrimination. RSA 189:11-c Cursive Handwriting and Memorization of Multiplication Tables is currently in law in spite of it not identified in RSA 193:2 Criteria for an Adequate Education. The members of the Education Committee in opposition to this bill have expertise in education and see that this bill needs to be found Inexpedient to Legislate.

Rep. Corinne Cascadden

HB 394-LOCAL, relative to the organization of cooperative school boards. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Valerie McDonnell for the **Majority** of Education. The majority believes that the bill does not enable cooperative school boards to change meeting and chairperson practices, because the boards already have the ability to do so. In addition, the majority fears both the infringement of local control and the increased difficulty of the public to attend has potential unintended consequences. **Vote 11-9.**

Rep. Katy Peternel for the **Minority** of Education. Each term, there is legislation to provide fairer treatment of smaller districts within cooperative school districts. This bill is designed to give smaller districts the opportunity to have one of their representatives serve as the cooperative school district chair if there is one willing to serve as the chair. In addition, the bill provides for cooperative school board meetings to rotate between the districts within the cooperative if suitable facilities are available. Some cooperative school districts cover large areas so it is only fair for the citizens in all the districts to have greater opportunities to attend board meetings and offer public comment. This bill is just a small step toward greater opportunities for everyone within a cooperative school district.

HB 399-FN, allowing for a testing exception for graduation from high school. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mel Myler for the **Majority** of Education. This bill would allow a student at age 13 to take a NH Department of Education designed exam to test out of attending any future high school and receive a diploma from their resident school district. The student could be a New Hampshire resident or from "elsewhere" and qualify for the test. On passage of the test, the bill would demand that the student be automatically matriculated to any higher education institutions. If a higher education institution rejects said student's application, it will be subject to having its state funding reduced or removed. This bill is fraught with problems. Public schools have made accommodations for exceptional students through tutors, advanced programs, dual enrollment programs at community colleges, etc. This bill would lower the level of difficulty and the intellectual content of academic/graduation standards. Finally, there is a current process for parents to sign off for the best interest of their child to appeal to their local high school counselor to seek a HiSet (high school equivalency test) exam. **Vote 14-6.**

Rep. Mike Belcher for the **Minority** of Education. The minority finds great potential in the intent of the bill to allow gifted students to test out of compulsory attendance and receive a full credential high school diploma. So many of our great men and women – those who change the nature of our lives with invention, art, and industry – drop out of high school due to the tediousness of it for them, and an unknowable number of would-be history makers develop mental health and behavioral conditions through compulsory attendance. However, the minority also recognizes significant specific faults with the language, and therefore will work towards a floor amendment that addresses all the concerns while providing a pathway for students of a certain age to demonstrate significant, graduate-level competencies through testing, receive a diploma, and become free to pursue their talents without government obstruction, and remaining a non-emancipated person while a minor.

HB 514, relative to the dissemination of obscene material by schools and institutions of higher learning.
WITHOUT RECOMMENDATION

Statement in support of Ought to Pass: NH obscenity laws are contained in Chapter 650. The law currently provides exemptions from the obscenity laws that include institutions and persons in scientific, educational, governmental, or similar justifications for possessing obscene materials. Yes, education is currently exempt from our obscenity laws. We have seen published reports and talked to constituents about concerns of materials in our schools. We heard testimony and were given examples. I cannot share any of them here, but they are available to children. The question is why are our schools exempt from obscenity laws? This bill removes K-12 education from the exemptions. Opponents say that this is about banning books. This is about making sure that our children have access to age-appropriate educational materials. Educational materials. The bill also provides for a local means by which parents can raise objections on materials to the principal and then the school board. Local control. What does access to objectionable materials do to student anxiety and mental health? Our schools should be focused on academics and achievement. That is what this bill is about.

Rep. Glenn Cordelli

Statement in support of Inexpedient to Legislate: The distribution of obscene materials is illegal now and this bill does not change that. No one is exempt from the state's obscenity laws, nor should they be, and this bill does not change that. This bill does remove the due process provisions afforded to K-12 educators as employees of a school, where a court determines whether material meets the definitions under the law prior to a prosecution. The bill also sets up a confusing one-way process to remove what some people might consider to be objectionable material and impose those limited beliefs on others. In doing so, the bill denies the rights of other parents and students to appeal. Parents already have the right to review materials and opt out their child from anything they find objectionable. They don't need this bill to do that. This bill is an attempt to restrict access to controversial materials and intimidate educators from retaining certain items in their library collections. History has witnessed book bans like this before with devastating results.

Rep. Peggy Balboni

ELECTION LAW

HB 590, allowing the removal of political advertisements containing a candidate's name and which appear to be the candidate's advertising on public property by the candidate. **INEXPEDIENT TO LEGISLATE.** Rep. Russell Muirhead for Election Law. This bill would permit candidates to remove from public property any political advertising containing their name and that appears to be the candidate's own advertising. The majority believes this bill infringes on the principle of free speech. Some members of the majority are also concerned that the bill's attempt to address only advertising that "appears to be the candidate's advertising" is overly broad and will prove vexing to apply in practice. **Vote 15-5.**

ENVIRONMENT AND AGRICULTURE

HB 231-FN, prohibiting the removal of claws from cats. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill would make the declawing of cats a civil violation. This practice is roundly condemned by veterinarians and appears to be rare in the state, but the committee received testimony that it does still occur. The committee also received testimony that some veterinarians are strongly in favor of the bill because it provides them with support when they refuse to perform the procedure when requested by clients. The bill would continue to permit the procedure for medically necessary reasons. The CDC does not advocate for the declawing of cats as a protective measure for people with medical conditions complicated by cat scratches.

Rep. Nicholas Germana

Statement in support of Inexpedient to Legislate: The view in favor of Inexpedient to Legislate is that the government should not be involved in directing how veterinarians practice medicine or dictate what procedures they should or should not perform, nor should we make it a civil penalty with fines for violation. The testimony of state representatives, private organizations, and veterinarians, indicated that cat

declawing is virtually non-existent in New Hampshire. Most veterinarians in New Hampshire refuse to perform the operation unless there is a medical necessity. Veterinarians also already provide their customers advice regarding alternative approaches to declawing. There are cases where options to declaw could keep a cat in its home rather than rehoming or euthanasia.

Rep. Jim Creighton

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

HB 58-FN, prohibiting payment of subminimum wages. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: This bill as amended eliminates the subminimum wage for all New Hampshire tipped workers who currently have a base wage of \$3.27 per hour. Eleven states have already eliminated their subminimum wages without any extraordinary negative effects. Due to the confusion and complexity of tracking the total of the base wage plus tipped wages, it has been found that tipped workers do not always earn the full minimum wage that the law requires. While this may not generally be a problem for servers who work in higher-end establishments, those who work in bargain priced restaurants struggle under the current subminimum wage system.

Rep. Brian Sullivan

Statement in support of Inexpedient to Legislate: This bill would require NH to abandon the current minimum wage for tipped employees from \$3.27 (which is above the federal minimum wage of \$2.19) to \$7.25. The sponsors feel that many tipped employees are not making at least the minimum wage. NH law requires employers to make up the difference if the employee does not make at least \$7.25 per hour. At \$3.26 per hour plus their tips, we have heard that tipped employees are happy with the amount they make in tips and that tips normally increase as inflation increases the cost of the service they provide. Some employers in NH have decided to increase this wages paid to tipped employees on their own to entice employees to become and employee or stay in their employ. The feeling of half of the committee is that it is best for the employer to make this business decision on their own and not have the state pass another mandate on to them.

Rep. Michael Granger

HB 125, relative to youth employment during the school year and at night. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass with Amendment: The bill as amended clearly defines and sets reasonable limits on the time 16 and 17 year-old students can work when school is in session.

Rep. Michael Cahill

Statement in support of Inexpedient to Legislate: If passed, this bill would create new restrictions on employers and their youth employees aged 16 or 17. In NH law, work restrictions for teens are more permissive when those employees are not expected to be in school full time. This bill seeks to narrow the designation of non-school time to a single week in spring plus the summertime calendar, as determined by the public school district in which the employer is located. Additionally, the bill would create a work-curfew prohibition for 16 and 17 year olds. This bill was filed in reaction to a change in law passed near the end of the prior session. That new language has been in effect only since June so we've not had time to see whether teen workers are negatively impacted by the current law. More importantly, there has been no consideration of those teens who might be hurt by these changes. We understand that it is cooperation between parents, teachers, employers, and the teens themselves that will best address the individual circumstances surrounding when older teens wish to work. This one-size-fits-all solution may well harm more young people than it could help.

Rep. Brian Seaworth

SCIENCE, TECHNOLOGY AND ENERGY

HB 208-FN, establishing greenhouse gas emission reduction goals for the state and establishing a climate action plan. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill would allow New Hampshire to join the other New England states in setting medium and long-term greenhouse gas (GHG) reduction goals and would require the Department of Environmental Services to prepare and maintain 5-year plans related to these targets and an annual emissions inventory. Climate change is occurring and already having an impact on NH businesses, environment, and health. Our current lack of a specific plan to reduce GHGs makes it more difficult for municipalities and businesses to make long-term investment decisions and puts the state at risk of not receiving a proportionate share of federal tax dollars being dedicated to low-GHG energy projects for the New England grid. Moreover, the costs of renewable energy have decreased precipitously in recent years, while those of fossil fuels have remained high or even increased, leading to energy price spikes that have hurt NH ratepayers. Setting and pursuing ambitious GHG reduction goals is both the right thing to do from a climate and environmental perspective and fiscally prudent for the future of the state.

Rep. Jacqueline Chretien

Statement in support of Inexpedient to Legislate: This bill would establish extreme greenhouse gas emission reduction goals for the state and another climate action plan. The vast essence of the bill is a dissertation on climate change and offers little substance on why the current Climate Action Plan of 2009 needs to be revised. The Department of Environmental Services testified that the bill offers no funding and that the current plan was completed using a government grant and took extensive time to research and publish. They estimate the state would need to hire three more staff members and an outside consultant to do another plan. Even so, the plan could not be completed in the time of the bill's intent. Furthermore, the greenhouse gas goals listed are extreme and could put the state and residents at economical risk during this time of high inflation and extraordinary high electricity and fuel costs.

Rep. Douglas Thomas

HB 263-FN, requiring notification to renewable energy customer-generators of issues related to renewable energy credits. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: Renewable Energy Certificate (REC) sweeping occurs when an energy producer, typically a homeowner who installs solar panels, fails to apply for Certificates for their solar energy. Over a decade ago, NH enacted a law to allow electric utilities to "sweep" these RECs, which allows the utility to avoid paying an Alternative Compliance Payment and therefore receive a benefit from the value of the RECs that the homeowner did not receive. We heard testimony that under the NH constitution, without notice to the owner of the RECs, this constitutes a taking. This bill seeks to provide notice in the form of a letter mailed to the REC owner that if they do not apply for their Certificates, the value will be transferred to their local utility. It addresses at a base level the legal requirement that there be notice prior to a taking.

Rep. Rebecca McWilliams

Statement in support of Inexpedient to Legislate: This bill increases electricity costs by requiring the Department of Energy (DOE) to send annual notices to every company and individual generating renewable energy that have not claimed their Renewable Energy Certificates (RECs). These abandoned certificates will be "swept" by utilities to lower all ratepaying customer costs. The administrative cost, both for the DOE to make these notices and to small roof top generators to create RECs of nominal value is unacceptably high. The DOE is also tasked with making claims regarding the Federal Trade Commission's jurisdiction to bring legal action against homeowners with roof-top solar that are fanciful at best. With the value of this notice being errant and of minimal worth and the cost being high, Inexpedient to Legislate is the appropriate decision.

Rep. JD Bernardy

HB 523-FN, relative to net energy metering limits for individual and business customers. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This is a bill to increase the one megawatt net metering cap for all renewable energy projects to a more economical five megawatts limit. To be clear, the metering and hook-up costs are a substantial part of any solar install. Increasing the net metering cap to five megawatts allows for a quicker return on investment that our businesses are asking for. This approach to net metering designates it to be accounted as a load reducer. It makes net metering invisible at the bulk power level and saves transmission costs. In doing so it may directly benefit ratepayers. Anticipating that naysayers may claim that large scale net metering leads to cost shifting, the Public Utilities Commission recently published a Value of Distributed Energy Resources (VDER) report, which concluded there is no significant cost shifting in net metering in the most conservative scenario, using data prior to the 2022 winter electricity price spikes. New Hampshire businesses are clamoring to access a higher net metering cap to benefit their own bottom line. This bill is a business friendly, moderate approach that will help New Hampshire businesses stay competitive. We heard testimony that Anheuser Busch recently went through a round of layoffs as a direct result of the recent surge in energy costs. They have the space to do additional solar, but show reluctance to install it and decrease their energy bill until the legislature increases the net metering cap. It's time to help our businesses, diversify our grid with homegrown solar, and keep New Hampshire workers on the job.

Rep. Lucius Parshall

Statement in support of Inexpedient to Legislate: Electric utilities in New Hampshire are required to purchase electricity, at above wholesale prices, from customers who are generating excess electricity in their home or business (e.g. from solar panels). Customer generated electricity is less reliable and more expensive than wholesale electricity; therefore, a limit of one megawatt per customer generator was put in place to keep reliability and costs to all ratepayers manageable. This bill increases allowable net metering from one to five megawatts. Some committee members felt that quintupling the net metering limit is unmanageable growth (for reference, it takes about five football fields of solar panels to generate one megawatt of

electricity, which is the current limit per individual generator). Recent studies show that increases in net metered energy create an escalating cost shift to other customers. Businesses lobby for these increases to obtain a faster return on a renewable investment, given that up-front capital costs comprise 80% of the cost of a solar generation project. Unfortunately, that accelerated return comes at the expense of all other ratepayers. Some committee members believe this policy therefore promotes corporate welfare, and it hurts the lowest wage earners the most. The NH Department of Energy (DOE) opposes this bill because there is an ongoing investigation at the Public Utilities Commission to determine what changes need to occur to net metering tariffs and requirements to make it more manageable and cost effective. DOE would like to see this study conclude before making further changes to net metering laws.

Rep. Lex Berezchny

HB 524-FN, relative to regional greenhouse gas initiative funds. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The NH Energy Efficiency Fund (EEF) is a dedicated fund created in 2008 when NH joined the Regional Greenhouse Gas Initiative (RGGI). RGGI is a regional market for emission allowances, which are sold at quarterly auctions. New Hampshire's share of emissions allowances is deposited into the EEF and available through the NHSaves program. Upon joining RGGI, the legislature agreed to invest the first \$6 of sales per ton of each allowance sold in the EEF, with the remaining proceeds rebated directly to utility ratepayers. Legislation passed in 2013 dictated that only the first \$1 per ton could be used to fund the EEF. The remaining proceeds are rebated directly to utility ratepayers. This bill would increase the amount invested in the EEF from \$1 to \$3 per ton, which is still half of the originally intended amount. With allowances currently trading at \$13 per ton, ratepayers will continue to receive rebates on all but the first \$3 per ton; the equivalent of \$10 per ton, or 77% of their current rebate. The committee received testimony from NH Department of Environmental Services (DES) that NH's share of RGGI allowance sales is \$43 million dollars. Of that, only \$3.2 million is currently being invested in programs to support conservation and energy efficiency. This bill would increase that investment to \$9.6 million while reducing the average ratepayer's monthly rebate by \$0.83 per month. This is a small additional investment in NH's energy future, but a steppingstone to enacting the 2008 goal of investing in energy efficiency to lower rates for everyone in the state. The committee is unanimous in its concern about the rising price of energy and need to reduce those prices going forward. The members of the committee who recommend Ought to Pass believe that we cannot achieve this goal without additional investment in long term plans that will change the energy picture in NH. We will continue to see rate hikes due to our overreliance on natural gas without a long-term plan to invest in energy efficiency to reduce demand. There is no future payback from rebates, but there will be if we fund the EEF to invest in the future of energy efficiency in NH.

Rep. Chris Muns

Statement in support of Inexpedient to Legislate: This bill would increase yearly ratepayer costs by \$6.7 million in the first year and \$70 million or more over the next ten years. It changes the current Regional Greenhouse Gas Initiative (RGGI) ratepayer rebate formula by increasing the threshold amount from \$1 to \$3. The most recent auction price of \$13.07 provided \$43 million to our state. Over \$39 million of that money went back to ratepayers. Investments in efficiency often lead to more consumption for goods and services. Plastics is a classic example. As the manufacture of plastics became more efficient, its uses expanded due to its increasingly lower cost and other benefits, such as durability and light weight. Increases in energy efficiency can also lead to more energy use if its cost goes down. With the recent spike in electricity prices combined with higher costs for heating and transportation fuels, this is not the time to be adding more costs onto the backs of energy ratepayers.

Rep. Troy Merner

HB 605-FN, relative to solar generation under the renewable portfolio standards. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: The Renewable Portfolio Standard (RPS) law, RSA 362-F was created in 2007. It requires each electric service provider to include, in the total amount of electricity they procure on customers' behalf each year, a certain percentage from renewable sources (solar, wind, hydro, biomass). Thirty-five other states, including every one of our New England neighbors, has such a law. This bill focuses on just one renewable generation source, solar energy, because it is currently the one with the greatest potential for growth through small, private investments (offshore wind is coming, but is still years away). The gradually increasing percentage of solar energy in New Hampshire's portfolio that would be required under this bill is well below what every other New England state has now or aspires to through 2050. This goal is achievable for NH, and because New Hampshire has zero fossil fuel resources, it is smart public policy. We are 100% price-takers, vulnerable to the prices for natural gas and oil set by the global fossil fuel market. The skyrocketing price of natural gas is the cause of the more than 100% jump in electricity rates inflicted on Granite Staters. Renewable energy has the singular virtue of having zero fuel

costs, so that gradually increasing renewable generation over time makes us less vulnerable and reduces costs for all. The RPS is an important market signal that would encourage and support a more diverse, renewable energy supply for New Hampshire, one that is less and less exposed over time to the whims of the global fossil fuel market.

Rep. Ned Reynolds

Statement in support of Inexpedient to Legislate: This bill raises the cost of electricity by more than \$11 million in 2024 with yearly increases up to \$46 million by 2050. It selects one class of renewable energy, solar, and raises the minimum percentages for solar electrical generation included in the renewable portfolio standards for 2024 through 2050 and after. These are the percentages of megawatt hours the electric utilities would need to provide to customers either in RECs or the more expensive alternate compliance payments (ACPs). The increase in solar requirements starting in 2025 from .7% to 3% and ending in 2050 at 25% would increase the cost of electricity anywhere from \$11M to \$46M according to the fiscal note. There is no way to predict the supply of RECs that far in the future which puts the risk of electricity costs at the higher end. Additionally, focusing on only Class II renewables would be at the expense of the other three classes and the jobs that go with them.

Rep. Douglas Thomas

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR 4, urging Congress to propose a constitutional amendment to establish congressional term limits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Tom Mannion for State-Federal Relations and Veterans Affairs. The committee chose to remove this bill from retention and ultimately pass a slightly amended version. It was the majority's opinion that Congress will never choose to limit its own power, and a remedial mechanism, per the framers and founders, at our disposal to correct this is an Article V Convention of States application for a "term limits amendment." Historically, Article V movements have prompted congressional action and subsequent amendments. Without the possibility of an Article V Convention, some important reform proposals would not receive due consideration from congress. **Vote 11-6.**

TRANSPORTATION

HB 54-FN, relative to antique car inspections. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alvin See for Transportation. This bill as amended will move the month for vehicle inspection of antique cars from April to May. This can avoid getting an inspection when winter weather and salt and sand residue may still be on the roadways. **Vote 17-3.**

HB 93, authorizing municipalities to reduce speed limits seasonally. **INEXPEDIENT TO LEGISLATE.**

Rep. John Sellers for Transportation. The majority voted inexpedient to legislate on this bill due to seeing a problem where it would allow municipalities to reduce speed limits on all town roads not just seasonally congested roads. It would also allow a small group of 10 residents, to force upon the town a new seasonal speed limit without the vote of any voters. We also know reducing a 45 mph speed limit or a 30 mph speed limit to 20 mph would be painfully slow especially during off hours, nights or when there's no congestion by pedestrian or bicycle traffic. This bill would do nothing to force any drivers to actually drive at the slower speed. **Vote 11-9.**

HB 198-FN, modifying the new resident drivers' license transfer requirement. **WITHOUT RECOMMENDATION**

Statement in support of Ought to Pass: This bill would require non-resident drivers who establish residency in New Hampshire to notify the Department of Safety if they cease to become residents within 60 days, or if their out-of-state drivers license expires. It would require new residents to notify the department of the state that they are no longer residents of the state they left. This bill overall would allow the Attorney General of New Hampshire to verify voter information in an effort to maintain election integrity.

Rep. Ted Gorski

Statement in support of Inexpedient to Legislate: This bill would require residents to notify the Secretary of State when they move out of the state. The provisions in the bill have no penalties and no enforcement mechanism for any of its provisions and is, therefore, unnecessary and unenforceable.

Rep. Daniel Veilleux

HB 222-FN, to require the use of seat belts during the operation of motor vehicles. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Ted Gorski for the **Majority** of Transportation. This bill would require motor vehicle drivers and passengers to wear a seat belt. Even though the bill would only be enforceable on a secondary offense, meaning that law enforcement could not stop a motorist for not wearing a seat belt as an initial or the only offense. The majority felt that this is the first step to making the law mandatory. The majority also felt that

this law would violate article 2 and article 2-b of the New Hampshire Constitution. In New Hampshire, we "live free or die" and the majority believes we should keep it that way. **Vote 11-9.**

Rep. Daniel Veilleux for the **Minority** of Transportation. This bill would require all occupants of a motor vehicle to wear seat belts when the vehicle is in motion. The law is a secondary law that would not allow a vehicle to be stopped only for a failure to wear a seat belt. The bill also contains several common sense exceptions to the requirement. Failure to wear a seat belt is not a victimless crime: unrestrained vehicle occupants become projectiles within the vehicle, often injuring or killing other occupants. Unrestrained occupants are more likely to cause secondary crashes after they are ejected from the vehicle or are unable to control the vehicle after a crash due to injury or being thrown out of the driver's seat. Unrestrained vehicle occupants are more likely to sustain more severe injuries, taking away medical resources from other critically ill or injured patients. Unrestrained vehicle occupants are entitled to emergency medical services, putting a responsibility on vehicle occupants to operate in the safest manner possible. Unrestrained vehicle occupants are more likely to sustain life-altering injuries, including severe head injuries, that affect their ability to work or even care for themselves. Requiring seat belts does not represent a constitutional conflict: New Hampshire is the only state or territory in the United States that does not have a mandatory seat belt law. There are only a handful of countries around the world that do not have seat belt laws. Driving on New Hampshire highways is a privilege. The state sets the requirements for driving on New Hampshire highways and defines what constitutes the safe operation of a vehicle. Statistically, there is no question as to the efficacy of seat belts. New Hampshire has the lowest usage rate in the country at 75% versus over 90% nationally. Nationally, over 50% of deaths that result from a vehicle crash are from less than 10% of unrestrained occupants. In New Hampshire, two-thirds, 67%, of crash deaths are unrestrained.

COMMITTEE MEETINGS

FRIDAY, MARCH 10

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

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

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

10:00 a.m. Regular meeting. This meeting will take place by remote conference. To listen in please follow the instructions below: Please register for HB 737 Commission Meeting on March 10, 2023 10:00 AM EST at:

<https://attendee.gotowebinar.com/register/9056125752512655198>

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

Call in Number: 1 (914) 614-3221 Access Code: 623-887-251 Webinar ID: 826-406-403

The following email address will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues:

Amy.E.Rousseau@DES.NH.gov. You may also call Amy Rousseau at 603-848-1372.

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

10:00 a.m. Regular meeting.

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

1:00 p.m. Organizational meeting.

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

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

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

10:00 a.m. Executive Session on **HB 287**, removing testing equipment from the definition of drug paraphernalia in the controlled drug act; **HB 470-FN**, relative to fentanyl test strips and other drug checking equipment; **HB 107-FN**, relative to employment restrictions for registered sex offenders; **HB 397**, relative to the prohibition of the possession of hypodermic needles by minors; **HB 305**, relative to exceptions for violations related to Presidential Executive Orders governing the keeping or bearing of arms; **HB 512-FN**, exempting firearms manufactured in New Hampshire from federal laws and regulations.

EDUCATION, Room 205-207, LOB

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

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306-308, LOB

11:00 a.m. Subcommittee Work Session on **HB 559-FN**, establishing a state retirement plan group for new state employee members of the retirement system; **HB 461-FN**, relative to elimination by political subdivision employers of a group II retirement position.

1:45 p.m. Executive Session on **HB 457-FN**, relative to state treasury pension and insurance fund management; **HB 559-FN**, establishing a state retirement plan group for new state employee members of the retirement system.

2:00 p.m. Full Committee Work Session on OPLC Re-Organization.

FINANCE - DIVISION I, Room 212, LOB

9:30 a.m. Budget Work Session - NH Housing.

10:00 a.m. Division Work Session on **HB 46-FN**, establishing a committee to study replacement of bail commissioners with court magistrates.

10:30 a.m. Division Work Session on **HB 436-FN-L**, relative to group II retirement under transition provisions in the retirement system.

11:00 a.m. Pease Development Authority.

1:00 p.m. Budget Work Session - NH Housing.

2:00 p.m. Budget Work Session - Military Affairs and Veteran Services.

FINANCE - DIVISION II, Room 209, LOB

10:00 a.m. Division Work Session on **HB 430-FN-L**, relative to applications for the education freedom accounts program; **HB 626-FN**, requiring the department of education to administer the education freedom account.

10:15 a.m. Budget Work Session.

FINANCE - DIVISION III, Room 210-211, LOB

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

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

1:00 p.m. Regular meeting.

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

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

PUBLIC WORKS AND HIGHWAYS, Room 201-203, LOB

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

11:00 a.m. Department of Corrections.

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

2:00 p.m. Department of Transportation.

2:30 p.m. Police Standards.

3:00 p.m. Department of Safety.

STATE HEALTH ASSESSMENT AND STATE HEALTH IMPROVEMENT PLAN ADVISORY COUNCIL (RSA 126-A:88), UNH Law, Room 204, 2 White Street Concord, NH

11:00 a.m. Regular meeting. Join Zoom:

<https://unh.zoom.us/j/98011299433?pwd=Q0pzeXJwREcxMXE5YWE2WkM0SFRBZz09>

Meeting ID: 929 4734 6000 Password: 013515 By Phone: 13126266799,92947346000#

MONDAY, MARCH 13

ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b), 25 Hall Street, Concord, NH

9:00 a.m. Regular meeting.

EDUCATION, Room 205-207, LOB

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

Continued executive session on any remaining bills from March 8, 2023

FINANCE, Representatives Hall

2:00 p.m. **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2024 and June 30, 2025; **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

FINANCE - DIVISION I, Room 212, LOB

9:30 a.m. Budget Work Session.

FINANCE - DIVISION II, Room 209, LOB

10:00 a.m. Budget Work Session.

FINANCE - DIVISION III, Room 210-211, LOB

10:00 a.m. Budget Work Session.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 206-208, LOB

9:30 a.m. Executive Session on **HB 368-FN**, relative to protections related to receiving gender-affirming health care or gender-affirming mental health care; **HB 619-FN**, prohibiting gender transition procedures for minors, relative to sex and gender in public schools, and relative to the definition of conversion therapy.

Continued executive session on any remaining bills from March 8, 2023.

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

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

<https://us02web.zoom.us/j/84327646605?pwd=R0lwOWFVK0w2U2FKYTVybXM1MjNhdz09>

Meeting ID: 843 2764 6605 Passcode: 731679

By Phone 16469313860

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

10:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201-203, LOB

10:00 a.m. Presentation, Department of Administrative Services.

11:00 a.m. Presentation, Department of Environmental Services.

11:30 a.m. Presentation, Department of Corrections.

1:00 p.m. Presentation, Department of Health and Human Services.

2:00 p.m. Presentation, Department of Military.

2:30 p.m. Presentation, Department of Natural and Cultural Resources.

3:00 p.m. Presentation, Department of Transportation.

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

9:00 a.m. Continued Public Hearing on **HB 609-FN**, relative to energy facility siting.

9:10 a.m. Continued Public Hearing on **HB 142**, relative to the operation of the Burgess Biopower plant

10:30 a.m. Executive Session on **HB 556-FN**, relative to the duties of the information technology council; **HB 139**, relative to the definition of "municipal host" for purposes of limited electrical energy producers; **HB 257**, relative to telephone carrier of last resort obligations; **HB 609-FN**, relative to energy facility siting; **HB 142**, relative to the operation of the Burgess Biopower plant.

WAYS AND MEANS, Room 202-204, LOB

9:00 a.m. **HB 639-FN-A**, relative to the legalization and regulation of cannabis and making appropriations therefor.

1:00 p.m. **HB 494-FN**, relative to fees collected under the New Hampshire fertilizer law.

TUESDAY, MARCH 14

CHILDREN AND FAMILY LAW, Room 206-208, LOB

9:30 a.m. Continued Public Hearing on **HB 475**, establishing a right to submit evidence and testimony in family court proceedings.

10:15 a.m. Continued Executive Session on **HB 417-FN**, relative to the definition of child abuse; **HB 438-FN**, relative to the right of representation in family court; **HB 499-FN**, requiring the rules of evidence to apply in family court cases and relative to the admission of certain evidence in family court proceedings; **HB 618-FN**, relative to wage garnishment with child support payments; **HR 14**, a resolution to urge the investigation of due process in family

court cases; **HB 10-FN**, establishing the parental bill of rights; **HB 475**, establishing a right to submit evidence and testimony in family court proceedings.

ELECTION LAW, Room 306-308, LOB

10:00 a.m. Executive Session on **HB 195**, relative to the definition of political advocacy organization; **HB 243**, requiring the tabulation of votes in elections to be done in public; **HB 244**, relative to the printing of the election day checklist; **HB 255**, relative to campaign contributions by limited liability companies; **HB 316**, relative to meetings of supervisors of the checklist; **HB 387**, permitting election ballots to be viewed pursuant to a right to know request; **HB 395**, relative to the voters' guide for constitutional amendments; **HB 402-FN**, relative to prohibiting false statements against candidates; **HB 463-FN**, relative to the establishment of an election information portal; **HB 476**, enabling the secretary of state to conduct a second recount after an election; **HB 478**, relative to ballot order in the general election; **HB 496**, relative to the delivery of ballots to nursing homes and elder care facilities; **HB 586**, relative to absentee voting due to absence.

FINANCE - DIVISION I, Room 212, LOB

9:30 a.m. Budget Work Session,

FINANCE - DIVISION II, Room 209, LOB

10:00 a.m. Budget Work Session.

FINANCE - DIVISION III, Room 210-211, LOB

10:00 a.m. Budget Work Session.

1:00 p.m. Division Work Session on **HB 527-FN-A**, relative to Medicaid reimbursement rates for certain assisted living facilities; **HB 565-FN-A**, relative to expanding Medicaid to include certain postpartum health care services; **HB 91-FN-A**, relative to privacy obligations of the department of health and human services; **HB 282-FN-A**, relative to including certain children and pregnant women in Medicaid and the children's health insurance program; **HB 614-FN**, making an appropriation to the department of health and human services to fund the Merrimack, New Hampshire Kidney Cancer Incidence Phase 3 Feasibility study.

WEDNESDAY, MARCH 15

COMMERCE AND CONSUMER AFFAIRS, Room 302-304, LOB

10:00 a.m. Subcommittee Work Session on **HB 130**, repealing the drug affordability board.

10:05 a.m. Subcommittee Work Session on **HB 513-FN**, relative to affordability and safety of clinician administered drugs.

11:00 a.m. Executive Session on **HB 130**, repealing the drug affordability board; **HB 513-FN**, relative to affordability and safety of clinician administered drugs.

EDUCATION, Room 205-207, LOB

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

Continued executive session on any remaining bills from March 13, 2023

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306-308, LOB

10:00 a.m. **HCR 2**, relative to condemning recent vandalism and intolerance, as recently levied against places of worship and public spaces, elected officials and against the general citizens of New Hampshire.

10:30 a.m. **HR 11**, relative to welcoming communities.

11:15 a.m. **HB 96**, recognizing May 3rd as Old Man of the Mountain Day.

1:30 p.m. **HB 428**, relative to mental health practice.

2:00 p.m. **HB 390**, revising the membership and structure of the New Hampshire commission on Native American affairs.

Executive session on these bills will be taken up during the day, pursuant to House Rule 44 (b).

FINANCE, Room 210-211, LOB

- 10:00 a.m. Public Hearing on non-germane amendment #2023-0767h to HB49-FN-A, relative to postponing the closure of the Sununu Youth Services Center. The amendment is relative to replacement of the existing Sununu Youth Services Center. Offenses for automatic commitment/detention are changed to serious violent offenses and process for judicial override with a hearing in which the minor is represented by counsel for other felonies and lesser offenses is implemented.
Copies of the amendment are available on the General Court website.
- 10:30 a.m. Full Committee Work Session on **HB 49-FN-A**, relative to postponing the closure of the Sununu Youth Services Center.
- 11:00 a.m. Executive Session on **HB 50-FN-L**, relative to payment by the state of a portion of retirement system contributions of political subdivision employers; **HB 311-FN-A**, making an appropriation to the department of environmental services for eligible wastewater projects; **HB 384-FN-A**, relative to building a new legislative parking garage and making an appropriation therefor; **HB 506-FN-A**, relative to the construction of a rail trail box tunnel on Exit 4-A in Derry and making an appropriation therefor; **HB 555-FN-A**, appropriating state general fund surplus toward the retirement system unfunded accrued liability; **HB 129-FN-L**, relative to menstrual hygiene products in schools; **HB 207-FN**, relative to school district unanticipated funds; **HB 332-FN-A-L**, relative to school building aid for eligible projects; **HB 468-FN-A**, making an appropriation to the department of education for an attorney to recodify education laws; **HB 541-FN-A-L**, relative to school building aid grants and making an appropriation therefor; **HB 546-FN-L**, relative to the school building aid program; **HB 91-FN-A**, relative to privacy obligations of the department of health and human services; **HB 282-FN-A**, relative to including certain children and pregnant women in Medicaid and the children's health insurance program; **HB 527-FN-A**, relative to Medicaid reimbursement rates for certain assisted living facilities; **HB 565-FN-A**, relative to expanding Medicaid to include certain postpartum health care services; **HB 614-FN**, making an appropriation to the department of health and human services to fund the Merrimack, New Hampshire Kidney Cancer Incidence Phase 3 Feasibility study; **HB 49-FN-A**, relative to postponing the closure of the Sununu Youth Services Center.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 301-303, LOB

- 9:30 a.m. Continued Executive Session on **HB 368-FN**, relative to protections related to receiving gender-affirming health care or gender-affirming mental health care; **HB 619-FN**, prohibiting gender transition procedures for minors, relative to sex and gender in public schools, and relative to the definition of conversion therapy.
Continued executive session on any remaining bills from March 8, 2023.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 305-307, LOB

- 2:00 p.m. Executive Session on **HB 190-FN**, relative to the duration of unemployment benefits.
- 2:15 p.m. Executive Session on **HB 232-FN**, adopting section 1910 OSHA standards for public sector employees in New Hampshire.
- 2:30 p.m. Executive Session on **HB 182-FN**, prohibiting discharge of volunteer firefighters or volunteer emergency medical technicians from other employment.
- 3:00 p.m. Executive Session on **HB 82-FN**, relative to employment protection for participants in the therapeutic cannabis program.

PUBLIC WORKS AND HIGHWAYS, Room 201-203, LOB

- 10:00 a.m. **HB 25-A**, making appropriations for capital improvements.
- 10:30 a.m. Executive Session on **HB 189**, renaming a portion of route 140 in Gilmanton in honor of Private First Class Nicholas Cournoyer; **HB 361**, relative to Pease development authority board of directors; **HB 480**, relative to the intersection between route 302 and East Conway Road in Conway; **HB 511-FN**, relative to requiring the department of transportation to do road maintenance and repairs according to its complete streets program
- 1:00 p.m. Full Committee Work Session on **HB 25-A**, making appropriations for capital improvements.

WAYS AND MEANS, Room 202-204, LOB

- 11:00 a.m. Executive Session on **HB 639-FN-A**, relative to the legalization and regulation of cannabis and making appropriations therefor; **HB 494-FN**, relative to fees collected under the New Hampshire fertilizer law; Continued Executive Session on **HB 607-FN**, relative to the regulation of games of chance; **HB 445-FN**, relative to the operational funds of OPLC.

FRIDAY, MARCH 17

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

9:00 a.m. Regular meeting.

FINANCE - DIVISION I, Room 212, LOB

9:30 a.m. Budget Work Session.

FINANCE - DIVISION II, Room 209, LOB

10:00 a.m. Budget Work Session.

FINANCE - DIVISION III, Room 210-211, LOB

1:00 p.m. Budget Work Session.

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

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

<https://us06web.zoom.us/j/84014723344?pwd=T2RtMHgzUmU5R3VUYjRKVXN3NWx2QT09>

Webinar ID: 840 1472 3344 Passcode: 060018 By phone:US: +1 309 205 3325

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

9:00 a.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201-203, LOB

10:00 a.m. Full Committee Work Session on **HB 25-A**, making appropriations for capital improvements.

MONDAY, MARCH 20

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

4:00 p.m. Regular meeting.

FINANCE - DIVISION III, Room 210-211, LOB

10:00 a.m. Budget Work Session.

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

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

PUBLIC WORKS AND HIGHWAYS, Room 201-203, LOB

10:00 a.m. Full Committee Work Session on **HB 25-A**, making appropriations for capital improvements.

11:00 a.m. Executive Session on **HB 25-A**, making appropriations for capital improvements.

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

9:00 a.m. Regular meeting.

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

10:00 a.m. Regular meeting.

THURSDAY, MARCH 23

COMMISSION ON THE INTERDISCIPLINARY PRIMARY CARE WORKFORCE (RSA 126-T), NH Hospital Association, 125 Airport Road, Concord 03301 – Conference Room 1

2:00 p.m. Regular meeting. Join Zoom Meeting

<https://nh-dhhs.zoom.us/j/86820853615?pwd=a1ZCSDdtOWxjVW1GeU5RNTVkJkM1NaZz09>

Meeting ID: 868 2085 3615 Passcode: 642063

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

FRIDAY, MARCH 24

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Conference Room 334, Department of Revenue Administration, 109 Pleasant Street, Concord

9:30 a.m. Subcommittee meeting.

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

1:00 p.m. Regular meeting.

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

10:00 a.m. Regular meeting.

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

9:00 a.m. Subcommittee meeting.

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

9:05 a.m. Regular meeting.

MONDAY, MARCH 27

EDUCATION FREEDOM SAVINGS ACCOUNT OVERSIGHT COMMITTEE (RSA 194-F:12), Room 101, LOB

9:00 a.m. Organizational meeting.

LEGISLATIVE OVERSIGHT COMMITTEE FOR THE EDUCATION IMPROVEMENT AND ASSESSMENT PROGRAM. (RSA 193-C:8-a), Room 205-207, LOB

10:00 a.m. Regular meeting.

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

2:00 p.m. Regular meeting.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:28-a), Room 205-207, LOB

1:00 p.m. Regular meeting.

TUESDAY, MARCH 28

JUDICIARY JOINT WITH CHILDREN AND FAMILY, Room 206-208, LOB

2:30 p.m. House Judiciary and Children and Family Law will hold a joint meeting to receive a presentation from the Chief Justice and other members of the Judicial Branch regarding the weighted caseload study, judicial resources, and the process and procedures that apply in the Family Division of the Circuit Court.

FRIDAY, MARCH 31

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Training Room, Department of Revenue Administration, 109 Pleasant Street, Concord

9:30 a.m. Regular meeting.

PUBLIC SCHOOL INFRASTRUCTURE COMMISSION (RSA 198:15-z), Granite State College, Conference Room, 25 Hall Street, Concord, NH

11:00 a.m. Regular meeting.

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

9:30 a.m. Regular meeting. Remote attendance:

<https://attendee.gotowebinar.com/register/3435858814888164108>

SPECIAL COMMITTEE ON HOUSING, Room 104, LOB

9:00 a.m. Presentation by Mercatus Institute at George Mason University.

10:30 a.m. Presentation from NH Building Officials Association.

11:15 a.m. Presentation from the City of Dover Planning Department.

1:00 p.m. Presentation from Center for Ethics and Society at Saint Anselm College.

MONDAY, APRIL 3

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

10:00 a.m. Regular meeting.

TUESDAY, APRIL 4

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

5:00 p.m. Regular meeting.

MONDAY, APRIL 10

SPECIAL COMMITTEE ON COMMISSIONS, Room 104, LOB

10:00 a.m. Committee Organizational Meeting.

FRIDAY, APRIL 21

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

9:00 a.m. Regular meeting.

OFFICIAL NOTICES

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

Rep. Dianne Schuett, Chair

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

Rep. Dianne Schuett, Chair

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

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

Public access via Zoom:

<https://us02web.zoom.us/j/87358759059?pwd=MUdxaWdLWmFzMC9MekVCYmhpN3E5QT09>

Meeting ID: 873 5875 9059 Passcode: 983548 Dial by your location: +1 646 931 3860 US

One tap mobile: +16469313860,,87358759059#,,,*983548# US

Rep. Peter Schmidt, Chairman

The Grafton County Executive Committee will meet **Monday, March 20, 2023 at 9:00 A.M.** at the Grafton County Administration Building, [3855 Dartmouth College Hwy](#) in North Haverhill, NH.

Rep. Heather Baldwin, Clerk

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB 46, HB 91, HB 246, HB250, HB 269, HB 272, HB 276, HB 282, HB 300, HB 324, HB 327, HB 337, HB 345, HB 379, HB 392, HB 397, HB 429, HB 436, HB 447, HB 449, HB 460, HB 462, HB 463, HB 482, HB 492, HB 511, HB 519, HB 525, HB 527, HB 533, HB 535, HB 537, HB 543, HB 547, HB 548, HB 556, HB 559, HB 560, HB 565, HB 566, HB 571, HB 576, HB 579, HB 582, HB 583, HB 593, HB 598, HB 599, HB 600, HB 605, HB 606, HB 608, HB 612, HB 613, HB 614, HB 615, HB 616, HB 617, HB 618, HB 622, HB 624, HB 628, HB 630, HB 631, HB 639, HB 642, HB 643, HB 648, HB 655. SB 38, SB 51, SB92, SB 126, SB 164, SB 192, SB 211, SB 215.

MEMBERS' NOTICES

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

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

Rep. Debbie Hobson

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

Rep. Wayne MacDonald

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

Rep. Jason Osborne

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

Rep. Alexis Simpson

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

Rep. Rick Ladd

All legislators and staff are cordially invited to join the New Hampshire Automobile Dealers Association (NHADA) for our annual Legislative Crossover Reception on **Thursday, April 6, 2023 at 3:30 p.m.** (or

following the end of the session day) at the Holiday Inn, 172 North Main Street, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Speaker Sherman Packard

The New Hampshire Beverage Association is hosting a legislative luncheon on **Thursday, April 6, 2023 from 11:30 am to 1:30 p.m.** in the State House cafeteria. New Hampshire Beverage Association members are companies licensed to manufacture and distribute soft drinks, juices, teas, and bottled water. They provide over 760 jobs and create a direct economic impact of \$544.5 million in New Hampshire. Please stop by to learn more about their efforts to increase sustainability and sample various new products.

Reps. Jason Osborne and Matt Wilhelm

AMENDMENTS (LISTED IN NUMERICAL ORDER)

Amendment to HB 54-FN (2023-0272h)

Proposed by the Committee on Transportation – r

Amend the bill by replacing section 1 with the following:

1 Inspection Authorized; Antique Motor Vehicles. Amend RSA 266:1, III to read as follows:

III. If the owner of the vehicle is a company or corporation or other than a natural person, the annual inspection shall be made during the month designated by the director as the registration month for such legal entity. Vehicles registered as antique motor vehicles and antique motorcycles and which are 40 years old and over shall be inspected biennially. Antique motor vehicles and custom vehicles shall be inspected in the month of [~~April~~] **May**. Without regard to the owner's birth date or registration month, motorcycles, autocycles, and recreational vehicles shall be inspected annually by July 1.

2023-0272h

AMENDED ANALYSIS

This bill changes the month for antique motor vehicle inspections.

Amendment to HB 58-FN (2023-0070h)

Proposed by the Committee on Labor, Industrial and Rehabilitative Services – r

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

1 Minimum Wage Law; Hourly Rate. The introductory paragraph of RSA 279:21 is repealed and reenacted to read as follows:

279:21 Minimum Hourly Rate. Unless otherwise provided by statute, no person, firm, or corporation shall employ any employee paid by the employer at an hourly rate lower than that set forth in the federal minimum wage law, as amended, subject to the following exceptions:

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

2023-0070h

AMENDED ANALYSIS

This bill removes the authority for payment of a lower base wage for tipped employees.

Amendment to HB 89 (2023-0472h)

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

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

AN ACT relative to posthumous exonerations.

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

1 Posthumous Exoneration. The general court recognizes that on occasion a mistake may be made in the criminal justice process that does not become evident until after the person who was the subject of the mistake is deceased, or with the passage of time the manifest injustice of a law or policy for which someone was arrested and prosecuted and punished becomes apparent after the person is deceased.

2 New Section; Posthumous Exoneration. Amend RSA 651 by inserting after section 5-b the following new section:

651:5-c Posthumous Exoneration. In cases where the judgment of history is that an individual now deceased suffered an unjust criminal prosecution, the general court may, notwithstanding the provisions of part II, article 52 of the New Hampshire constitution and RSA 651:5, acknowledge the injustice and posthumously exonerate any arrest and conviction of the individual for the sole purpose of correcting the historic record. Posthumous exoneration under this section shall not be considered a pardon or annulment. Such legislative action to posthumously remedy manifest historic injustice shall not entitle the heirs or the estate of the person who suffered the injustice to recover damages from the state, nor shall it be deemed to create any other legal right or remedy in any person as a result of such posthumous exoneration.

3 Posthumous Exoneration of Conviction of Willard Uphaus. Pursuant to RSA 651:5-c, as inserted by section 1 of this act, the general court finds the conviction and imprisonment of Willard Uphaus in connection with the provisions of the New Hampshire subversive activities act was a manifest injustice and by this act corrects that historical error and exonerates Willard Uphaus.

4 Posthumous Exoneration of Arrests and Flogging and Imprisonment of Eunice "Goody" Cole. Pursuant to RSA 651:5-c, as inserted by section 1 of this act, the general court finds the arrests, convictions, floggings and imprisonment of Eunice "Goody" Cole for witchcraft and familiarity with the devil was a manifest injustice, and by this act corrects that historical error and exonerates Eunice "Goody" Cole.

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

2023-0472h

AMENDED ANALYSIS

This bill provides that the general court may grant a posthumous exoneration in a case where, over time, the manifest injustice of the law or policy for which the person was convicted becomes evident. The bill grants a posthumous exoneration of the convictions of Willard Uphaus and Eunice "Goody" Cole.

Amendment to HB 119-FN

(2023-0629h)

Proposed by the Committee on Environment and Agriculture– c

Amend the bill by replacing section 1 with the following:

1 Homestead Food Operations. Amend RSA 143-A:5, VII to read as follows:

VII. Homestead food operations selling [~~less than a maximum annual gross sales of \$35,000 of~~] food, excluding potentially hazardous food as defined in RSA 143-A:12, I(b), from the homestead residence, at the owner's farm stand, or at farmers' markets.

2023-0629h

AMENDED ANALYSIS

This bill allows homestead food operations to sell food, excluding potentially hazardous food, from the homestead residence, at the owner's farm stand, or at farmers' markets.

Amendment to HB 125

(2023-0328h)

Proposed by the Committee on Labor, Industrial and Rehabilitative Services – c

Amend RSA 276-A:13-a as inserted by section 2 of the bill by replacing it with the following:

276-A:13-a Night Work. In addition to the provisions of RSA 276-A:4, when school is in session, no youth shall be permitted to work later than 9:00 p.m. on Sunday through Thursday, or later than midnight on Friday and Saturday.

Amendment to HB 170

(2023-0316h)

Proposed by the Committee on Education – r

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

1 Cursive Handwriting and Memorization of Multiplication Tables. RSA 189:11-c is repealed and reenacted to read as follows:

189:11-c Cursive Handwriting and Memorization of Multiplication Tables. Each public school district and chartered public school shall:

(a) Provide instruction in cursive writing by the end of fifth grade as a component of English language arts; and

(b) Provide instruction of the multiplication tables by the end of fifth grade; and

(c) Subparagraphs (a) and (b) may be accommodated, modified, or waived in accordance with a student's Individual Education Program (IEP) or 504 Plan.

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

Amendment to HB 221

(2023-0701h)

Proposed by the Committee on Environment and Agriculture – c

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

1 Agricultural Lands Preservation Committee; Members, Appointment, Term. Amend RSA 432:19, II to read as follows:

II. The committee shall consist of ~~[7]~~ 8 voting members and 2 nonvoting members, to be appointed as follows:

(a) The commissioner of the department of agriculture, markets, and food who shall be chairman;

(b) The commissioner of the department of natural and cultural resources, or his designee;

(c) The director of the office of planning and development, or his designee;

(d) The secretary of the agricultural advisory board;

(e) 3 members, 2 of whom are owners and operators of farms in the state, who shall be appointed by the governor with the advice and consent of the council for 3 years. Of the initial appointees, one shall hold office for one year, one for 2 years and one for 3 years;

(f) One member from the New Hampshire Land Trust Coalition, appointed by the governor;

~~[(g)]~~ **(g)** The dean of the college of life sciences and agriculture of the university system of New Hampshire, or his designee, who shall serve as a nonvoting member; and

~~[(g)]~~ **(h)** The New Hampshire state conservationist of the United States Department of Agriculture Natural Resources Conservation Service, or his designee, who shall serve as a nonvoting member.

2 Procedure for Administration; Acquisition of Agricultural Land Development Rights; Terms of Deed. Amend RSA 432:22, II to read as follows:

II. The committee shall determine the amount due to the affected agricultural landowner and authorize the commissioner to pay such amount to the owner. Agricultural land development rights purchased pursuant to this section shall be held in the name of the state of New Hampshire **or the deed shall stipulate that the state shall have the right to enforce the terms of the deed.**

3 Procedure for Administration. Amend RSA 432:22, IV to read as follows:

IV. The **state's** rights acquired pursuant to the purchase agreement shall not be sold or otherwise conveyed to a third party without consent of the landowner, nor does such purchase grant the public any right of access or right of use of the affected property.

4 Release. Amend RSA 432:24 to read as follows:

432:24 Release.

I. Agricultural preservation restrictions shall be in perpetuity except as released pursuant to this section and RSA 432:25 **and as may be further set forth in the terms of the deed.** Agricultural restricted grants shall run in accordance with the agreement between a landowner and the department of agriculture, markets, and food except as terminated pursuant to this section and RSA 432:25. All customary rights and privileges of ownership shall be retained by the owner including the right to privacy and the right to carry out all regular agricultural practices which are not prohibited by RSA 432:18, II, **and the deed terms.**

II. ~~[Agricultural]~~ **The state's interest in agricultural** preservation restrictions and agricultural restricted grants may be released or terminated by the committee if the site is no longer suitable for agricultural purposes. An owner of an agricultural preservation site may request the committee's approval to release the restriction for the public good. Prior to the release of the **state's interest in** agricultural land development rights by the committee, a public hearing shall be conducted in the municipality in which the site is located. A notice of said hearing shall specify the grounds for the hearing as well as the date, time, and place, and at least 14 days' notice of the time and place of such hearing shall be published in a paper of

general circulation in the municipality. A legal notice of the hearing shall also be posted in at least 3 public places in such city or town. The 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays, and legal holidays within said period. At least 2 committee members shall sit on the hearing panel.

III. ~~[Development]~~ ***The state's interests in development*** rights of agricultural land purchased with public funds may be released upon repayment by the landowner of a reasonable value thereof which shall not be less than the difference between fair market value of such land at the time of such release and the fair market value of such land restricted for agricultural purposes at the time that development rights were acquired.

5 Development Rights Acquired By Public Bodies. Amend RSA 432:25, II to read as follows:

II. The restrictions may be released, in whole or in part, by the holder for consideration in an amount determined by the governmental body or charitable corporation or trust that purchased the development rights ***all consistent with the terms of the deed***. Prior to release of restriction by a governmental body, a public hearing shall be conducted in the municipality in which the site is located. A notice of said hearing shall specify the grounds for the hearing as well as the date, time and place, and at least 14 days' notice of the time and place of such hearing shall be published in a paper of general circulation in the municipality. A legal notice of the hearing shall also be posted in at least 3 public places in such city or town. The 14 days shall not include the day of publication nor the day of the meeting, but shall include any Saturdays, Sundays and legal holidays within said period.

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

2023-0701h

AMENDED ANALYSIS

This bill requires that agricultural land development rights purchased by the department of agriculture, markets and food shall be held in the name of the state of New Hampshire or the deed shall stipulate that the state has the right to enforce the terms of the deed. It also adds one voting member from the New Hampshire Land Trust Coalition to the agricultural lands preservation committee.

Amendment to HB 253

(2023-0797h)

Proposed by the Committee on Environment and Agriculture – c

Amend the bill by replacing sections 2-3 with the following:

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:

I. Study 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.

II. Examine existing EPR laws in other states, territories, and international jurisdictions and establish priorities for more in-depth study. Possible targets for EPR include packaging, single use plastics, beverage containers, electronic waste, batteries, automotive waste, and hazardous waste.

III. 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.

IV. Solicit industry stakeholder input on approaches that manufacturers and distributors would be best able to undertake or facilitate.

V. Suggest possible legislation and/or rules for implementing approaches that would be readily adaptable to New Hampshire, and may propose topics for further study.

VI. The committee may draw on a broad range of stakeholders and experts to provide relevant testimony.

Amendment to HB 258

(2023-0698h)

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 animal chiropractors.

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

1 New Paragraph; New Hampshire Veterinary Practice Act; License Required and Exceptions. Amend RSA 332-B:2 by inserting after paragraph X the following new paragraph:

XI. An individual who has completed a nationally recognized animal chiropractic program as determined by the executive director in accordance with rules adopted pursuant to RSA 541-A and in consultation with the board of veterinary medicine and the board of chiropractic examiners.

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

2023-0698h

AMENDED ANALYSIS

This bill exempts individuals who have completed a nationally recognized animal chiropractic program, as determined by the executive director of the office of professional licensure and certification, from veterinary licensure requirements.

Amendment to HB 284

(2023-0645h)

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 financial information regarding requests for bids and proposals and to raise the minimum value of county purchases of equipment or materials which are subject to competitive bidding.

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

3 Repeal. RSA 28:8-f, relative to competitive bidding in Rockingham county, is repealed.

4 Competitive Bidding on Purchases. Amend RSA 28:8 to read as follows:

28:8 Competitive Bidding on Purchases.

I. The provisions of this section shall apply to all counties in the state and the offices of county sheriff, county attorney, county treasurer, and register of deeds.

*II. Any purchase of equipment or materials made by a county in an amount exceeding [~~\$5,000~~] **\$10,000** shall be by competitive bidding, provided that the county commissioners by unanimous vote may waive the provisions for such bidding. In case the commissioners so vote a copy of such action shall be recorded in their offices with a statement of the reason therefor and such record shall be open to public inspection. Orders for equipment or material to be delivered at different times where the single delivery may be less than [~~\$5,000~~] **\$10,000**, but the total order exceeds that amount shall be construed as coming within the provisions hereof requiring competitive bidding.*

5 Competitive Bidding; Hillsborough County. Amend RSA 28:8-e, I to read as follows:

I. All purchases made by Hillsborough County for materials, equipment, supplies, services, insurance, building repairs or any other item, in an amount exceeding [~~\$5,000~~] **\$10,000** shall be by competitive bidding. Awards for such purchases shall be made to the lowest responsible bidder. Orders for purchases to be delivered at different times where the single delivery may be less than [~~\$5,000~~] **\$10,000**, but the total order exceeds that amount shall be construed as coming within the provisions of this section requiring competitive bidding.

6 Competitive Bidding; Hillsborough County. Amend RSA 28:8-e, III to read as follows:

III. All bids in an amount exceeding [~~\$5,000~~] **\$10,000** sought pursuant to this section shall be subject to review by the executive committee. Nothing in this chapter shall be construed to prevent the executive committee from establishing further guidelines and procedures to be followed in purchasing and bidding.

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

2023-0645h

AMENDED ANALYSIS

This bill modifies what is prohibited from being made available to the public regarding information relative to RFB, RFP, or RFA cancellations. This bill also increases the minimum value of county contracts subject to competitive bidding and makes this value consistent across all counties.

Amendment to HB 296

(2023-0743h)

Proposed by the Committee on Public Works and Highways – c

Amend the bill by replacing section 1 with the following:

1 New Paragraph; State Fire Code; Authority for Driveway Permits. Amend RSA 153:5 by inserting after paragraph V the following new paragraph:

VI. The provisions of the state fire code and associated rules shall not supersede the authority of local land use boards under planning and zoning provisions of Title LXIV of the RSA to regulate and permit driveway access, when not governed by RSA 236:13, for detached one, or two-family dwelling units in a structure used only for residential purposes, and provided that minimum driveway width shall not be less than 12 feet for driveways over 150 feet in length.

2023-0743h

AMENDED ANALYSIS

This bill clarifies the authority for local land use boards to regulate driveway access for residential properties.

Amendment to HB 336

(2023-0736h)

Proposed by the Committee on Election Law- c

Amend the bill by replacing section 1 with the following:

1 Designation of Office on Election Ballots. Amend RSA 656:6 to read as follows:

656:6 Designation of Office. Immediately to the left of the set of party columns shall be an offices column which shall list the offices, each preceded by the word "For," for which the candidates whose names are listed in the party columns have been nominated, as in "For Governor." Below [each such] **the appropriate** phrase shall be printed in small but easily legible letters:

I. "Vote for not more than [~~here insert a number designating how many persons are to be voted for~~]-] 1" (if there is only one office to be filled, such as the governor or state senator); or

II. "Vote for up to X" (insert the number of offices to be filled) "X will be elected" (insert the number of offices to be filled).

Amendment to HB 358

(2023-0648h)

Proposed by the Committee on Executive Departments and Administration- c

Amend the bill by replacing section 3 with the following:

3 New Paragraph; Rulemaking Register. Amend RSA 541-A:9 by inserting after paragraph II the following new paragraph:

III. The rulemaking register shall be sent by email to all members of the general court.

Amend the bill by replacing all after section 15 with the following:

16 New Subparagraph; Filing Final Proposal. Amend RSA 541-A:12, II by inserting after subparagraph (d) the following new subparagraph:

(e) A report of public comments received on the rule and an explanation of how they were addressed in the final rule.

17 Final Adoption. Amend RSA 541-A:14, I(a) to read as follows:

(a) The passage of [45] **60** days from filing of a final proposal under RSA 541-A:12, I, or 60 days from filing under RSA 541-A:12, I-a, without receiving notice of objection from the committee;

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

Amendment to HB 377-FN

(2023-0516h)

Proposed by the Committee on Education- c

Amend the bill by replacing the title with the following:

AN ACT relative to screening and intervention in public schools and public charter schools for dyslexia and related disorders, and establishing an addition to adequate education grants for certain pupils screened for dyslexia and related disorders.

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

1 Schools; Screening and Intervention for Dyslexia and Related Disorders. Amend RSA 200:59 to read as follows:

200:59 Screening and Intervention for Dyslexia and Related Disorders.

I. School districts shall screen all public school and chartered public school students, including English learners, ~~[using the Dynamic Indicators of Basic Early Literacy Skills (DIBELS) or an equivalent cost-effective]~~ **evidence-based** screener for the identification of potential indicators or risk factors of dyslexia and related disorders upon ~~[enrollment in public school kindergarten or first grade, and at appropriate times thereafter, to monitor progress. Beginning in 2017, such screening shall be completed no later than November 30 of each school year]~~ **entry to public school. The initial screening shall be completed no later than 60 school days of a student entering public school in kindergarten through third grade. The screening shall be repeated one additional time during the current school year, and repeated at a minimum of twice yearly through third grade to monitor progress.**

I-a. If any such screening determines that a student fails to meet relevant benchmarks for grade-typical development in specific foundational skills, then the school must complete a secondary assessment within 30 days to determine whether the school shall provide such student with modified, differentiated, or supplementary evidence-based reading instruction intervention or refer the student to special education for further evaluation. The school shall inform the student's parent or legal guardian of the screening results. If a special education referral is made for further evaluation, the state's required timeline shall be followed. During this time general education accommodations shall be initiated within 21 days of the initial screening, and continue until a special education determination is made.

II. The student's school district **or chartered public school** shall provide age-appropriate, evidence-based, intervention strategies **to begin by the January 1 of the school year** for any student who is identified as having characteristics that are associated with potential indicators or risk factors of dyslexia and related disorders ~~[beginning no later than January 1, 2018].~~

III. The parent or legal guardian of any student who is identified by the public school as having characteristics that are associated with potential indicators or risk factors of dyslexia and related disorders shall be notified and provided with all screening information and findings, in addition to periodic formal screening results based on individual written intervention and support plans developed with the student's parents or legal guardian.

IV. A parent or legal guardian of any student who is identified as having characteristics that are associated with potential indicators or risk factors of dyslexia and related disorders has the right to submit the results of an independent evaluation from a licensed reading or intervention specialist ~~[highly]~~ trained in dyslexia and related disorders for consideration by the student's school district. A parent or legal guardian who submits an independent evaluation shall assume all fiscal responsibility for that independent evaluation.

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

**Amendment to HB 421
(2023-0450h)**

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

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

AN ACT requiring menstrual hygiene products to be provided to prisoners who menstruate in state and county correctional facilities.

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

1 New Subdivision; County Departments of Correction; Care and Custody of Prisoners Who Menstruate.

Amend RSA 30-B by inserting after section 26 the following new subdivision:

Care and Custody of Prisoners Who Menstruate

30-B:27 Provision of Menstrual Hygiene Products. The superintendent of each county correctional facility shall provide menstrual hygiene products to all people who menstruate in the custody of the county in adequate amounts as necessary and at no cost to such person. The incarcerated person shall be provided a choice of standard issue menstrual hygiene products to include, and in such a manner that meets any immediate needs, at a minimum, pads, tampons, and pantyliners of varying strengths necessary for their menstrual needs. The number and type of menstrual hygiene products kept in an incarcerated person's cell shall not be excessive so as not to create safety or security issues and shall only be used for the intended purpose. In this section, "menstrual hygiene products" shall mean any product designed to address menstruation. Upon intake, undergarments shall be provided in new condition. Any items provided by the county to incarcerated persons that are impacted by menstruation shall be provided in an adequate number, unstained, and sanitized before being provided to another incarcerated person.

2 New Section; Care and Custody of Female Convicts; Provision of Menstrual Hygiene Products. Amend RSA 622 by inserting after section 37 the following new section:

622:37-a Provision of Menstrual Hygiene Products. The commissioner shall provide menstrual hygiene products to all people who menstruate in the custody of the state in adequate amounts as necessary and at no cost to such person. The incarcerated person shall be provided a choice of standard issue menstrual hygiene products to include, and in such a manner that meets any immediate needs, at a minimum, pads, tampons and pantyliners of varying strengths necessary for their menstrual needs. The number and type of menstrual hygiene products kept in an incarcerated person's cell shall not be excessive so as not to create safety or security issues and shall only be used for the intended purpose. In this section, "menstrual hygiene products" shall mean any product designed to address menstruation. Upon intake, undergarments shall be provided in new condition. Any items provided by the state to incarcerated persons that are impacted by menstruation shall be provided in an adequate number, unstained, and sanitized before being provided to another incarcerated person.

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

**Amendment to HB 596-FN
(2023-0596h)**

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

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

AN ACT prohibiting the use of racial profiling in law enforcement activities.

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

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

2023-0596h

AMENDED ANALYSIS

This bill prohibits the use of racial profiling in law enforcement activities.

**Amendment to HB 655-FN
(2023-0807h)**

Proposed by the Committee on Executive Departments and Administration – c

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

1 New Chapter; Office of Professional Licensure and Certification. RSA 310 is repealed and reenacted to insert the following new chapter:

CHAPTER 310

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

310:1 Purpose. The purpose of the office of professional licensure and certification is to promote efficiency and economy in the administration of the business processing, record keeping, and other administrative and clerical operations of professional licensing and certification boards, including both professional healthcare licensing and professional technical licensing. The individual licensing and certification boards that are organized under the office of professional licensure and certification have specialized knowledge and experience and are separate and distinct for the purpose of regulating their various professions. Notwithstanding the unique regulatory role of each board, the legislature finds that there are opportunities for improving efficiency and customer service by providing for the joint administration of the boards' administrative, clerical, business processing, and record keeping functions. Except as provided in this section, the licensing and certification boards and entities organized under the office of professional licensure and certification shall exercise the powers, duties, functions, and responsibilities granted by statute.

310:2 Definitions; Establishment.

I. In this chapter, and as appropriate when used in any chapter listed in paragraph II:

(a) "Board" means a board, council, commission, committee, or other regulatory body with jurisdiction over professions listed in paragraph II.

(b) "Lapse" when referring to licenses shall mean expire.

(c) "License" shall include licenses, certifications or registrations required to practice a regulated profession.

(d) "Office" or "OPLC" shall mean the office of professional licensure and certification.

II. The office of professional licensure and certification shall consist of the division of licensing and board administration and the division of enforcement, under the executive director as the administrative head of the agency. The boards within the office of professional licensure and certification shall consist of:

(a) Advisory board of body art practitioners under RSA 314-A.

(b) Advisory board of court reporters under RSA 310-A:163.

- (c) Advisory board of massage therapists under RSA 328-B.
- (d) Advisory board of medical imaging and radiation therapy under RSA 328-J.
- (e) Advisory board of recreational therapists established under RSA 326-J.
- (f) Advisory board of respiratory care practitioners established under RSA 326-E.
- (g) Advisory board of reflexology, structural integration, and Asian bodywork therapy under RSA 328-H.
- (h) Board of accountancy under RSA 309-B.
- (i) Board of acupuncture licensing under RSA 328-G.
- (j) Board of architects under RSA 310-A:29.
- (k) Board of barbering, cosmetology, and esthetics under RSA 313-A.
- (l) Board of chiropractic examiners under RSA 316-A.
- (m) Board of dental examiners under RSA 317-A.
- (n) Board of directors, office of licensed allied health professionals under RSA 328-F.
- (o) Board of examiners of nursing home administrators under RSA 151-A.
- (p) Board of family mediator certification under RSA 328-C.
- (q) Board of home inspectors under RSA 310-A:186.
- (r) Board of land surveyors under RSA 310-A:55.
- (s) Board of landscape architects under RSA 310-A:142.
- (t) Board of licensed dietitians under RSA 326-H.
- (u) Board of licensing for alcohol and other drug use professionals under RSA 330-C.
- (v) Board of licensing for foresters under RSA 310-A:100.
- (w) Board of manufactured housing under RSA 205-A:25.
- (x) Board of medicine under RSA 329.
- (y) Board of mental health practice under RSA 330-A.
- (z) Board of natural scientists under RSA 310-A:81.
- (aa) Board of nursing under RSA 326-B.
- (bb) Board of pharmacy under RSA 318.
- (cc) Board of podiatry under RSA 315.
- (dd) Board of psychologists under RSA 329-B:3.
- (ee) Board of professional engineers under RSA 310-A:3.
- (ff) Board of professional geologists under RSA 310-A:120.
- (gg) Board of psychologists under RSA 329-B.
- (hh) Board of registration of funeral directors and embalmers under RSA 325.
- (ii) Board of registration in optometry under RSA 327.
- (jj) Board of registration of medical technicians under RSA 328-I.
- (kk) Board of septic system evaluators under RSA 310-A:206.
- (ll) Board of veterinary medicine under RSA 332-B.
- (mm) Electricians' board under RSA 319-C.
- (nn) Electrology advisory committee under RSA 314.
- (oo) Genetic counselors governing board established under RSA 328-F and RSA 326-K.
- (pp) Governing board of athletic trainers established under RSA 328-F and RSA 326-G.
- (qq) Guardians ad litem board under RSA 490-C.
- (rr) Installation standards board under RSA 205-D.
- (ss) Mechanical licensing board under RSA 153:27-a.
- (tt) Midwifery council under RSA 326-D.
- (uu) Naturopathic board of examiners under RSA 328-E.
- (vv) Occupational therapy governing board established under RSA 326-F; and RSA 326-C.
- (ww) Physical therapy governing board established under RSA 328-F and 328-A.
- (xx) Real estate appraiser board under RSA 310-B.
- (yy) Real estate commission under RSA 331-A.
- (zz) Registration of ophthalmic dispensers under RSA 327-A.
- (aaa) Speech-language pathology and hearing care provider governing board established under RSA 328-F and 326-F.
- (bbb) Assessing standards board under RSA 21-J:14-a.

310:3 Executive Director; Directors; Unclassified Personnel.

I. The executive director of the office of professional licensure and certification shall be an unclassified employee of the state. The executive director shall be appointed by the governor, with consent of the council, and shall serve for a term of 4 years. The executive director shall be qualified to hold that

position by reason of professional competence, education, and experience. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

II. The executive director shall nominate for appointment by the governor and council the unclassified positions of director of the division of licensing and board administration and director of the division of enforcement. Each director shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director for a term of 4 years.

III. The executive director shall nominate for appointment by the governor and council the unclassified position of chief pharmacy compliance investigator and 2 unclassified pharmacy investigator positions. Each inspector shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director.

IV. The executive director shall nominate for appointment by the governor and council the unclassified positions of agency chief legal officer and board chief legal officer. Each officer shall be qualified for the position by reason of education, competence, and experience and shall serve at the pleasure of the executive director.

V. The salaries of the executive director, each division director, each legal officer, the chief pharmacy investigator, and each pharmacy investigator shall be as specified in RSA 94:1-a.

310:4 Duties of Executive Director.

I. The executive director, as the administrative head of the office of professional licensure and certification, may employ such clerical or other assistants as are necessary for the proper performance of the office's work and may make expenditures for any purpose which are reasonably necessary, according to the executive director, for the proper performance of the office's duties under this chapter. The office shall contract for the services of investigators, presiding officers, legal counsel, and industry experts as necessary and in consultation with the appropriate board.

II. The executive director of the office of professional licensure and certification shall be responsible for:

- (a) Supervision of the division directors and chief legal officers.
- (b) Employment of personnel needed to carry out the functions of the office and the boards.
- (c) The examination, processing and approval or denial of an application for licensure, certification, or registration for all license types governed by the office or a board listed in RSA 310:2, based on set objective standards developed by the boards, and in accordance with RSA 541-A.
- (d) The investigation of all complaints of professional misconduct in accordance with RSA 310:9.
- (e) Maintenance of the official record of the office and the boards in accordance with the retention policy established by the office.
- (f) Drafting and coordinating rulemaking for all boards within the office in accordance with RSA 541-A, with the advice and recommendations of the boards.
- (g) Maintaining the confidentiality of information, documents, and files in accordance with RSA 91-A.
- (h) Submitting, by November 1, to the speaker of the house of representatives, the president of the senate, the chairpersons of the house and senate executive departments and administration committees, and the governor, an annual report summarizing the transactions of the preceding fiscal year and a complete statement of the receipts and expenditures of the office of professional licensure and certification. The report shall be posted on the website of the office of professional licensure and certification immediately upon submission.
- (i) Notwithstanding any other provisions of law to the contrary, for the performance of the administrative, clerical, and business processing responsibilities under paragraph II(b), the office and all boards shall accept electronic signatures and scans of signed documents in addition to original signatures.

310:5 Administration of the Office of Professional Licensure and Certification; Funding.

I. The executive director of the office of professional licensure and certification shall establish and collect all license, certification, and renewal fees, as well as any necessary administrative fees for each professional regulatory board administered by the office. Such fees shall be sufficient to produce estimated revenues up to 125 percent of the total operating expenses for the office, as determined by averaging the operating expenses for the office for the previous 2 fiscal years.

II. There is hereby established the office of professional licensure and certification fund into which the fees collected under paragraph I shall be deposited. The fund shall be a separate, dedicated, nonlapsing fund, continually appropriated to the office for the purpose of paying all costs and salaries associated with the office. Funds in excess of \$5,000,000 shall lapse to the general fund at the close of each biennium.

III. There is hereby established a dedicated, nonlapsing fund to be known as the New Hampshire health professionals' program administration fund for the administration of the professionals' health program, including the professionals' health program in RSA 329:13-b, the alternative recovery monitoring

program in RSA 326-B:36-a, and the impaired pharmacist program set forth in RSA 318:29-a, with a fee charged to licensees at the time of initial licensure, renewal licensure, or reinstatement of licensure, for the board of medicine, board of dental examiners, pharmacy board, board of nursing, board of veterinary medicine, board of psychologists, board of chiropractic examiners, board of mental health practice, midwifery council, board of registration in optometry, board of podiatry, board of licensed dietitians, and board of licensing for alcohol and other drug use professionals, not to exceed 125 percent of the actual cost of providing the services. Other health and technical professions boards may be added to program at the same annual fee per licensee. The moneys in this fund shall be continually appropriated to the office.

IV. The office of professional licensure and certification shall be responsible for the financing of any interstate compact joined by the state that affects a profession governed by a board listed in RSA 310:2. Such financing shall be from funds deposited in the office of professional licensure and certification fund.

310:6 Rulemaking Authority. The executive director of the office of professional licensure and certification shall adopt rules, relative to RSA 541-A, for the following:

I. All fees set forth in RSA 310:5, with the advice and recommendations of the respective board. Fees shall be reassessed, at a minimum, every five years.

II. Such organizational and procedural rules necessary to administer the boards in the office, including rules governing the administration of complaints and investigations, hearings, disciplinary and non-disciplinary proceedings, inspections, payment processing procedures, and application procedures.

III. The rate of per diem compensation and reimbursable expenses for all boards within the office.

IV. Rules governing the professionals' health program as set forth in RSA 310:5.

V. Temporary licenses to out-of-state health care professionals who present evidence of an active license in good standing from another jurisdiction. The temporary license shall be valid for 120 days, or until the office acts on an application for full licensure, whichever happens first, and shall not be renewed, except that a complete application for full licensure before the expiration of the temporary license shall continue the validity of the temporary license until the office has acted on the application. All individuals licensed under rules adopted pursuant to this subparagraph shall be subject to the jurisdiction of the state licensing body for that profession.

310:7 Telemedicine and Telehealth Services.

I. For this section:

(a) "Asynchronous interaction" means an exchange of information between a patient and a health care professional that does not occur in real time.

(b) "Synchronous interaction" means an exchange of information between a patient and a health care professional that occurs in real time.

(c) "Telemedicine" means the use of audio, video, or other electronic media and technologies by a health care professional in one location to a patient at a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions.

(d) "Telehealth" means the use of audio, video, or other electronic media and technologies by a health care professional in one location to a patient at a different location for the purpose of diagnosis, consultation, or treatment, including the use of synchronous or asynchronous interactions.

II. Individuals licensed, certified, or registered pursuant to RSA 137-F; RSA 151-A; RSA 315; RSA 316-A; RSA 317-A; RSA 326-B; RSA 326-D; RSA 326-H; RSA 327; RSA 328-E; RSA 328-F; RSA 328-G; RSA 329-B; RSA 330-A; RSA 330-C; RSA 327-A; RSA 329; RSA 326-B; RSA 318; RSA 328-I; RSA 328-J may provide services through telemedicine or telehealth, provided the services rendered are authorized by scope of practice. Nothing in this provision shall be construed to expand the scope of practice for individuals regulated under this chapter.

III. Unless otherwise prescribed by statute, an out-of-state healthcare professional providing services by means of telemedicine or telehealth shall be required to be licensed, certified, or registered by the appropriate New Hampshire licensing body if the patient is physically located in New Hampshire at the time of service. This paragraph shall not apply to out-of-state physicians who provide consultation services pursuant to RSA 329:21, II.

IV. An individual providing services by means of telemedicine or telehealth directly to a patient shall:

(a) Use the same standard of care as used in an in-person encounter;

(b) Maintain a medical record;

(c) Subject to the patient's consent, forward the medical record to the patient's primary care or treating provider, if appropriate; and

(d) Provide meaningful language access if the individual is practicing in a facility that 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.

V. Under this section, Medicaid coverage for telehealth services shall comply with the provisions of 42 C.F.R. section 410.78 and RSA 167:4-d.

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

VII. Nothing in this section shall limit a provider's ability to diagnose, assess, or treat an individual patient.

310:8 License Renewals; Lapse.

I. The executive director of the office of professional licensure and certification shall issue licenses, as set forth in RSA 310:4, to applicants meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

II. Licenses shall be valid for 2 years from the date of issuance, except that timely and complete application for license renewal by eligible applicants shall continue the validity of the licenses being renewed until the office has acted on the renewal application.

III. Applicants shall submit completed applications for renewal, the renewal fee, and any supporting documents required for that renewal on or before the expiration of the license. Licenses shall lapse when completed renewal applications, renewal fee, and supporting documents have not been filed by the expiration of the license and the holders of a lapsed license are not authorized to practice until the licenses have been reinstated. Holders of lapsed licenses shall not be able to renew, but shall be eligible to reinstate licenses by submitting an application and meeting the eligibility requirements as defined in statute, and rules adopted by each individual board.

IV. The office of professional licensure and certification shall provide licensees, at least 2 months before the date of expiration of their license, with notice of the need to complete their renewal applications. Failure to receive notice shall not relieve any licensee of the obligation to renew their license, comply with the rules of the office, the rules of the board, or this section. Timeliness of submission of renewal applications shall be evidenced by the date stamp of receipt, or for applications submitted electronically the electronic time stamp of submission.

V. Upon the request of a licensee who is a member of any reserve component of the armed forces of the United States or the national guard and is called to active duty, the office of professional licensure and certification shall place the person's license on inactive status. The license may be reactivated within one year of the licensee's release from active status by payment of the renewal fee and with proof of completion of the most current continuing education requirement unless still within the renewal period.

310:9 Complaints and Investigations.

I. Allegations of professional misconduct shall be brought in accordance with RSA 332-G.

II. Upon receipt of an allegation of professional misconduct, the office shall determine whether the allegation states a viable claim. If the office determines that the allegation is not viable, it shall make a recommendation to the board for dismissal. The board shall review the office's recommendation and dismiss the allegation if it determines that the allegation does not state a claim of professional misconduct.

III. Notwithstanding any other law to the contrary, the office shall investigate allegations of misconduct by licensees (a) upon its own initiative or (b) upon written complaint alleging misconduct of a licensed, or unlicensed, individual or entity of a profession regulated under the office.

IV. Allegations of misconduct received by the office, information and records acquired by the office during an investigation, and reports and records made by the office because of its investigation, shall be held confidential and shall be exempt from the disclosure requirements of RSA 91-A, unless such information subsequently becomes part of a public disciplinary hearing. However, the office may disclose information acquired in an investigation to law enforcement or licensing agencies in this state or any other jurisdiction, or in accordance with specific statutory requirements or court orders.

V. To carry out investigations, the executive director is authorized to:

(a) Retain qualified experts that have sufficient knowledge on appropriate statutes or professions and their practices.

(b) Conduct inspections of places of business of a profession regulated under the office.

(c) Issue subpoenas for persons, relevant documents and relevant materials in accordance with the following conditions:

(1) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(2) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(3) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(4) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. When an allegation of misconduct is determined to be unfounded after an investigation, the board shall dismiss the allegation and explain in writing to the complainant and the licensee its reason for dismissing the complaint. The office shall retain all information concerning investigations in accordance with the retention policy established by the office.

VII. Subject to the limitations of RSA 329-B:26 and RSA 330-A:32, the office shall obtain, handle, archive, and destroy mental health and psychological records as follows:

(a) If a client or patient owning a privilege is the person who has made a complaint against a licensee, the office may access the records of such client or patient. The complaint form provided by the office and initial follow-up correspondence shall clearly indicate that the submission of the complaint by the client or patient who is the owner of the privilege shall override the privacy of that record for the purposes of the office's confidential investigation and proceedings. The client or patient's identity shall not be disclosed to the public in any manner or in any proceeding of the board without his or her consent. If the client or patient named in the complaint is a child, the legitimate assertion of the privilege by one natural or adoptive parent or legal guardian is sufficient for this paragraph to apply. The office may act on that parent or guardian's initiation of complaint regardless of the objection of the other parent or guardian.

(b) If the person who has made the allegations against the licensee is not the owner of the privilege for the records of the client or patient named in the complaint whose treatment is under investigation by the office, the records for investigation shall be treated as follows:

(1) When the office reviews the initial complaint and upon all further reviews of the case by the office or the board, the identity of the named client or patient shall be redacted from the documents reviewed.

(2) The names of clients or patients may be made available only to office staff and consultants assigned to investigate or adjudicate the matter, and in instances where the board has decided to proceed with discipline, to board members for purposes of determining recusal issues as described in subparagraph (f).

(3) The record of a client or patient under this subparagraph that has been specifically named in a complaint may be obtained by office staff as specified:

(A) Office staff and consultants may request permission from the client or patient to obtain the record for the investigation, informing the client or patient about the bounds of confidentiality of such records and the nature of the investigative process. If the client or patient grants permission, office staff may obtain the copies of the record.

(B) If the client or patient denies permission for access to the record, the office may only obtain the record pursuant to a court order.

(4) Personally identifiable information pertaining to a client or patient under this subparagraph shall remain known only to staff and consultants assigned to the matter, which may include an employee of the office's investigations bureau, an employee of the office's prosecutions bureau, professional conduct investigator, the board administrator, and only those additional investigative assistants as the office's investigation team deems necessary to accomplish the investigation of the complaint.

(5) All communication beyond the office staff and consultants, or the board, pertaining to these clients or patients shall be conducted without the use of personally identifiable information.

(6) The identity of a client or patient shall not be disclosed to the public in any manner or in any proceeding of a board without his or her consent.

(c) Records of clients or patients who are not named in the initial complaint shall be treated as follows:

(1) If office staff and consultants assigned to the matter wish to obtain records of, or contact, clients or patients not named in the initial complaint, they shall make a request to the board with reasons

for the request, specify the scope of cases and types of records requested, and state the name of the individual for whom authorization is requested to contact the client or patient.

(2) Upon board approval of a request pertaining to treatment of clients or patients defined in this subparagraph, the names of the clients or patients that fulfill the criteria of selection may be made available to office staff and consultants for purposes of determining whether recusal issues pertain to their selection for the investigation as described in subparagraph (f).

(3) If the board approves an investigation into client or patient cases who are not named in the original complaint, the board shall specify whether the clients or patients may be contacted directly.

(4) For records requested under this subparagraph, the keeper of the record shall be instructed to provide records that are redacted of personally identifiable information as defined in subparagraph (g). Each record shall be marked with an identifying code and the keeper of the record shall provide to the office's staff and consultants the contact information for corresponding clients or patients.

(5) The office shall store in a secure manner the list of these client or patient codes with corresponding contact information.

(6) If office staff and consultants have just cause to verify redacted copies against original records of specified cases they shall request permission of the board, giving reason for the request. Upon board approval, office staff and consultants may have access to the identified unredacted records, which may be viewed at a time and location of their choosing. Office staff and consultants may request a copy of the identified original records be sent to the office. Copies and corrections to the redacted records may be made by the office staff and consultants, after which any identified unredacted copies shall be destroyed and original records returned to the keeper of the records.

(7) Office staff and consultants contacting the clients or patients pursuant to subparagraph (c)(1) shall request permission from the clients or patients to conduct an interview, include an explanation that the individual(s) may grant or refuse permission for such interview, and explain there are no adverse personal consequences of any kind for refusal to grant permission or for withdrawing permission at any time during the interview. Office staff and consultants may inform the individual(s) that refusal to participate may prevent the investigation from proceeding or reaching a satisfactory conclusion.

(8) The identity of each client or patient shall be redacted from any documents reviewed by the board.

(9) The identity of a client or patient defined in this subparagraph shall not be disclosed to the public in any manner or in any proceeding of the board without the client or patient's consent.

(d) Mental health or psychological records obtained through subparagraphs (a)-(c) shall be archived or destroyed at the conclusion of the matter in accordance with a retention schedule established by the office. The identification and contact information collected during the investigation for clients or patients other than a client or patient complainant shall be destroyed.

(e) For the purposes of this paragraph:

(1) "Record" means health or psychological information collected from or about an individual that:

(A) Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and

(B) Relates to the individual, the past, present, or future physical or mental health or psychological condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

(2) "Personally identifiable information" means information which identifies an individual or which a reasonable person would believe could be used to identify an individual, including common and uncommon identifiers, including but not limited to, name, address, birth date, social security number, court docket number, insurance policy number, and any other identifiers of an individual and of the individual's known relatives, household members, and employers that a reasonable person would believe could identify the individual to whom the record pertains.

(f) In the process of determining recusal, the security of the client or patient's identity shall be preserved as follows:

(1) Before engaging in any matter as defined in subparagraph (a), board members, investigators, and others as specified in this paragraph with access to case files shall first review the name of the client/patient before proceeding. If a conflict of interest is identified, that person shall recuse himself or herself from the matter.

(2) Before engaging in any cases defined in subparagraph (b), office staff and consultants at the onset of the investigation, board members at the time of reviewing the findings of the investigation, and any others authorized to have access to the case prior to commencing review of such cases shall first determine if there is a need for recusal.

(3) If a client or patient as defined in subparagraph (b) or (c) testifies or intends to attend the hearing of the case involving his or her treatment and the board may see the client or patient inadvertently or directly, the client or patient's name shall be revealed to the board members so they may have the opportunity to recuse themselves prior to the proceeding. The client or patient shall be informed beforehand of such disclosure.

(4) For recusals pertaining to clients or patients under subparagraph (c) of this section, office staff and consultants shall review the names of the clients or patients who qualify for the scope of investigation as approved by the board, to determine if there is cause for recusal.

(5) When board members review any report of investigation that includes case information pertaining to clients or patients as defined in subparagraph (c), they shall review their names prior to reading such reports in the following manner:

(A) If there are 10 or fewer cases with individual clinical information presented, then the methods of testing for recusal shall follow the recusal procedures in subparagraph (f)(2).

(B) When the report includes clinical information pertaining to more than 10 cases, the recusal methods of subparagraph (f)(4) shall apply.

(C) When such client or patients' information is presented only in aggregate form, no recusal is required.

(g) A keeper of the record shall comply with board and the office's investigative team's requests for client or patient records and all redaction requirements specified under this section. The board may seek a court order to enforce valid requests for such records under this section.

VIII. Any board member who has had a personal relationship or has worked in a professional capacity with a complainant or with a licensee against whom a complaint has been filed or whose personal or professional views regarding the licensee or the complainant could prevent the board member from being impartial in considering the complaint shall recuse himself or herself from any investigation or disciplinary action against such licensee.

310:10 Disciplinary Proceedings; Non-Disciplinary Remedial Proceedings.

I. Disciplinary proceedings shall be open to the public in accordance with RSA 91-A. All non-disciplinary remedial proceedings shall be exempt from the provisions of RSA 91-A, except that the board shall disclose any final remedial action that affects the status of a license, including any non-disciplinary restrictions imposed. The docket file for each such proceeding shall be retained in accordance with the retention policy established by the office of professional licensure and certification.

II. Boards shall conduct disciplinary and non-disciplinary remedial proceedings in accordance with procedural rules adopted by the executive director.

III. The office shall employ sufficient administrative prosecutors qualified by reason of education, competence, and relevant experience to serve as hearing counsel in all disciplinary proceedings before the boards.

IV. The office shall employ sufficient personnel qualified by reason of education, competence, and relevant experience to serve as presiding officer in all disciplinary or non-disciplinary remedial proceedings before the boards. The presiding officer shall have the authority to preside at such hearing and to issue oaths or affirmations to witnesses, rule on questions of law and other procedural matters, and issue final orders based on factual findings of the board.

V. The presiding officer in disciplinary and non-disciplinary remedial proceedings may issue subpoenas for persons, relevant documents and relevant materials in accordance with the following conditions:

(a) Subpoenas for persons shall not require compliance in less than 48 hours after receipt of service.

(b) Subpoenas for documents and materials shall not require compliance in fewer than 15 days after receipt of service.

(c) Service shall be made on licensees and certified individuals by certified mail to the address on file with the office or by hand and shall not entitle them to witness or mileage fees.

(d) Service shall be made on persons who are not licensees or certified individuals in accordance with the procedures and fee schedules of the superior court, and the subpoenas served on them shall be annotated "Fees Guaranteed by the New Hampshire Office of Professional Licensure and Certification."

VI. In carrying out disciplinary or non-disciplinary remedial proceedings, the presiding officer, as defined in RSA 541-A, shall have the authority to hold pre-hearing conferences, which shall be exempt from the provisions of RSA 91-A; to administer oaths and affirmations; and, to render legal opinions and make conclusions of law.

VII. Boards shall be the triers of fact in all disciplinary and non-disciplinary remedial proceedings, and shall determine sanctions, if any.

VIII. At any time before or during disciplinary or non-disciplinary remedial proceedings, complaints may be dismissed or disposed of, in whole or in part:

(a) By written settlement agreement approved by the board, provided that any complainant shall have the opportunity, before the settlement agreement has been approved by a board, to comment on the terms of the proposed settlement; or

(b) Through an order of dismissal for default, for want of jurisdiction, or failure to state a proper basis for disciplinary action.

IX. Disciplinary action taken by the board at any time, and any dispositive action taken after the issuance of a notice of public hearing, shall be reduced to writing and made available to the public. Such decisions shall not be public until they are served upon the parties, in accordance with rules adopted by the executive director.

X. Except as otherwise provided by RSA 541-A:30, the board shall furnish the respondent at least 15 days' written notice of the date, time and place of a hearing. Such notice shall include an itemization of the issues to be heard, and, in the case of a disciplinary hearing, a statement as to whether the action has been initiated by a written complaint or upon the board's own motion, or both. If a written complaint is involved, the notice shall provide the complainant with a reasonable opportunity to intervene as a party.

XI. Neither the office nor the boards shall have an obligation or authority to appoint attorneys or pay the fees of attorneys representing licensees or witnesses during investigations or disciplinary or non-disciplinary remedial proceedings.

XII. No civil action shall be maintained against the office or the board, or any member of the board, office, or its agents or employees, against any organization or its members, or against any other person for or by reason of any statement, report, communication, or testimony to the board or determination by the board or office in relation to proceedings under this chapter.

XIII. For matters involving individuals identified in mental health records, testimony by client or patients shall be handled with utmost regard for the privacy and protection of their identity from public disclosure.

(a) A noncomplainant client or patient shall not be compelled to testify at a hearing.

(b) If a noncomplainant client or patient testifies at a hearing, the identity of the individual shall be screened from the public view and knowledge, although the respondent and attorneys shall be within the view of the client patient. The board may view the client or patient. The public's access to view or information that would identify the client or patient shall be restricted. The hearing may be closed to the public for the duration of the client or patient's testimony, at the board's discretion.

(c) If a complainant client or patient requests the privacy safeguards in subparagraph (b), the presiding officer may make such accommodations.

310:11 Licensing Proceedings.

I. Boards shall conduct licensing proceedings in accordance with procedural rules adopted by the executive director.

II. If a board denies a license following a licensing proceeding, its final decision shall be issued in accordance with RSA 541-A:35.

III. In carrying out licensing proceedings, the board shall have the authority to:

(a) Hold pre-hearing conferences exempt from the provisions of RSA 91-A;

(b) Appoint a board member or other qualified person as presiding officer; and

(c) Administer, and authorize an appointed presiding officer to administer, oaths and affirmations.

IV. Neither the office nor the boards shall have an obligation or authority to appoint or pay the fees of attorneys representing licensees, certified individuals, or witnesses during investigations or adjudicatory proceedings.

V. Licensing proceedings shall be open to the public in accordance with RSA 91-A.

310:12 Sanctions.

I. Upon making an affirmative finding that a licensee has committed professional misconduct, boards may take disciplinary action in any one or more of the following ways:

(a) By reprimand.

(b) By suspension of a license for a period of time as determined reasonable by the board.

(c) By revocation of license.

(d) By placing the licensee on probationary status. The board may require the person to submit to any of the following:

(1) Regular reporting to the board concerning the matters which are the basis of the probation.

(2) Continuing professional education until a satisfactory degree of skill has been achieved in those areas which are the basis of probation.

(3) Submitting to the care, counseling, or treatment of a physician, counseling service, health care facility, professional assistance program, or any comparable person or facility approved by the board.

(4) Practicing under the direct supervision of another licensee for a period of time specified by the board.

(e) By assessing administrative fines in amounts established by the board which shall not exceed \$3,000 per offense, or, in the case of continuing offenses, \$300 for each day that the violation continues, whichever is greater.

II. The board may issue a non-disciplinary confidential letter of concern to a licensee advising that while there is insufficient evidence to support disciplinary action, the board believes the licensee or certificate holder should modify or eliminate certain practices, and that continuation of the activities which led to the information being submitted to the board may result in action against the licensee's license. This letter shall not be released to the public or any other licensing authority, except that the letter may be used as evidence to establish a relevant pattern or course of conduct in subsequent adjudicatory proceedings by the board.

III. In the case of sanctions for discipline in another jurisdiction, the decision of the other jurisdiction's disciplinary authority may not be collaterally attacked and the board may impose any of the sanctions set forth in this chapter, but shall provide notice and an opportunity to be heard prior to imposing any sanctions.

IV. In cases involving imminent danger to public health, safety, or welfare, a board may order immediate suspension of a license or certification pending an adjudicative proceeding before the board to determine if the suspension should remain in place pending final adjudication of the matter, and which shall commence not later than 10 working days after the date of the order suspending the license unless the licensee or certified individual agrees in writing to a longer period. In such cases of immediate danger, the board shall comply with RSA 541-A:30.

V. For any order issued in resolution of a disciplinary proceeding by the board, where the board has found misconduct sufficient to support disciplinary action, the board may require the licensee or certificate holder who is the subject of such finding to pay the office a sum not to exceed the reasonable cost of investigation and prosecution of the proceeding. This sum may be imposed in addition to any otherwise authorized administrative fines levied by the board as part of the penalty. The investigative and prosecution costs shall be assessed by the office and any sums recovered shall be credited to the office's fund and disbursed by the office for any future investigations of complaints and activities that violate this chapter or rules adopted under this chapter.

310:13 Unlicensed Practice. Whoever, not being licensed or otherwise authorized to practice according to the laws of this state, advertises oneself as engaging in a profession licensed or certified by the office of professional licensure and certification, engages in activity requiring professional licensure, or in any way holds oneself out as qualified to do so, or calls oneself a licensed professional, or whoever does such acts after receiving notice that such person's license to practice has been suspended or revoked, is engaged in unlawful practice. After providing notice and opportunity to be heard, and upon making an affirmative finding of unlawful practice, the board may impose a fine not to exceed the amount of any gain or economic benefit that the person derived from the violation, or up to \$10,000 for each offense, whichever amount is greater. Each violation of unlicensed or unlawful practice shall be deemed a separate offense. The board, the state's attorney general, or a prosecuting attorney of any county or municipality where the act of unlawful practice takes place may maintain an action to enjoin any person or entity from continuing to do acts of unlawful practice. The action to enjoin shall not replace any other civil, criminal, or regulatory remedy. An injunction without bond is available to any board.

310:14 Rehearing; Appeals.

I. Any person who has been denied a license or certification by the office or a board shall have the right to a rehearing before the appropriate board. Requests for a rehearing shall be made in writing to the appropriate board within 30 days of receipt of the original final decision.

II. Any person who has been disciplined by a board shall have the right to petition in writing for a rehearing within 30 days of receipt of the original final decision.

III. Appeals from a decision on rehearing shall be by appeal to the supreme court pursuant to RSA 541. No sanction shall be stayed by the board during an appeal.

310:15 Oversight Committee; Establishment; Purpose.

I. There shall be an oversight committee for the office of professional licensure and certification (OPLC) consisting of the following members:

(a) Three members of the house executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the speaker of the house of representatives.

(b) Two members of the senate executive departments and administration committee, one of whom shall be a minority member of that committee, appointed by the president of the senate.

II. Membership on the oversight committee shall be for the duration of the biennium and shall be coterminous with membership in the general court. The first meeting of the committee shall be called by the first-named house member. The committee shall elect a chair from among the members at the first meeting of each biennium. Meetings shall be called as needed, but at least quarterly. The members of the committee shall receive mileage at the legislative rate when performing the duties of the committee. Three members of the committee shall constitute a quorum.

III. The committee shall provide legislative oversight and informational meetings on the policies and rules of the office as brought to its attention by office personnel, legislators, members of the boards, councils, committees, and commissions overseen by OPLC, and members of the professions under the jurisdiction of OPLC. The committee's work shall include analyzing the division of duties between administration and the boards in order to promote more productive and efficient interactions.

IV. The oversight committee shall recommend legislation deemed necessary to correct issues it identifies.

310:16 Military Service Members and Spousal Temporary Licensure. The office of professional licensure and certification shall issue temporary licenses to a member of the armed forces or their spouse, if the applicant holds a current, valid unencumbered occupational or professional license in good standing issued by a state or territory of the United States, in accordance with rules adopted by executive director of the office of professional licensure and certification under RSA 541-A, provided that the applicant meets the requirements of this section, within 30 days of having received an application or, if the applicant is subject to a criminal records check, within 14 days of having received the results of a criminal records check. The rules shall contain the following provisions:

I. The applicant shall obtain a temporary license for a period of not less than 180 days while completing any requirements for licensure in New Hampshire so long as no cause for denial of a license exists under this title, or under any other law.

II. The license applicant must submit a notarized affidavit affirming, under penalty of law, that the applicant is the person described and identified in the application, that all statements made on the application are true and correct and complete, that the applicant has read and understands the requirements for licensure and certifies that they meet those requirements, and that the applicant is in good standing in all jurisdictions in which the applicant holds or has held a license.

III. The applicant may request a one-time 180-day extension of the temporary license if necessary to complete the New Hampshire licensing requirements. The applicant must make this request within 15 days prior to the temporary license's expiration date.

IV. All individuals licensed under this section shall be subject to the jurisdiction of the state licensing body for that profession.

2 Dedicated Fund; Office of Professional Licensure and Certification. Amend 6:12, I(b)(340) to read as follows:

(340) Moneys deposited in the office of professional licensure and certification fund established in RSA [310-A:1-e] **310:5**.

3 Transition; Administrative Rules; Recodification of Office of Professional Licensure and Certification. The rules adopted for any occupation or profession under the office of professional licensure and certification under former RSA 310-A:1-a in effect on the effective date of this act shall, to the extent practicable, continue and be effective and apply to such respective occupation or profession until they expire or are amended or repealed.

4 Reference Changed; Mechanical Licensing; OPLC. Amend RSA 153:16-b, III to read as follows:

III. The mechanical licensing board with the approval of the executive director of the office of professional licensing and certification shall adopt rules, which shall not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under this section. After the first year of this program, such fees shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees collected shall be deposited in the office of professional licensure and certification fund established in RSA [310-A:1-e] **310:5**.

5 Reference Changed; Mechanical Licensing; OPLC. Amend RSA 153:28, II to read as follows:

II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the appointed board members, in consultation with the office of professional licensure and certification and with the approval of the executive director of the office of professional licensure and certification, shall establish

application fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified copies and reports, for inspections done pursuant to this subdivision, for letters of verification requested by individuals or jurisdictions relating to licensure and certification, and for transcribing and transferring records and other services. The fee for examination by third parties shall be separate from the fees established by the board. Fees established by the board shall be sufficient to produce estimated revenues equal to 125 percent of the direct operating expenses of the board budgeted for the biennium in which they will apply. Fees collected shall be deposited in the office of professional licensure and certification fund established in RSA ~~[310-A:1-e]~~ **310:5**.

6 Reference Changed; Accountancy. Amend RSA 309-B:4, III to read as follows:

III. The office of professional licensure and certification shall establish fees for examination of applicants, for licenses, for certificates of authorization, for reissuance of licenses, for renewal and reinstatement of licenses and certificates to practice under this chapter, for late renewals, for verification of licensure or examination, and for transcribing and transferring records and other services. All moneys collected by the office of professional licensure and certification from fees authorized under this chapter shall be received and accounted for by the office of professional licensure and certification, shall be deposited in the office of professional licensure and certification fund established in RSA ~~[310-A:1-e]~~ **310:5**. Administration expenses shall be limited to the funds collected and may include, but shall not be limited to, the costs of conducting investigations and of taking testimony and procuring the attendance of witnesses before the board or its committees; all legal proceedings taken under this chapter for the enforcement of this chapter; and educational programs for the benefit of the public or licensees and their employees.

7 Reference Changed; Architects. Amend RSA 310-A:32, II to read as follows:

II. In adopting any rule under this section, the board *shall* consult with the office of professional licensure and certification established under RSA ~~[310-A:1 through RSA 310-A:1-e]~~ **310**.

8 Reference Changed; Body Art. Amend RSA 314-A:2, II to read as follows:

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

9 Reference Changed; Chiropractic. Amend RSA 316-A:14-a to read as follows:

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

10 Reference Changed; Dentists Professional Health. Amend RSA 317-A:16-a, VII to read as follows:

VII. Rules governing the professional health program shall be implemented through the office of professional licensure and certification pursuant to RSA ~~[310-A:1-d, II(h)(4)]~~ **310**.

11 Reference Changed; Pharmacists. Amend RSA 318:1, XV-a to read as follows:

XV-a. "Practitioner-patient relationship" means a medical connection between a licensed practitioner and a patient that includes an in-person exam or an exam using telemedicine, as defined in RSA ~~[310-A:1-g, I-b]~~ **310**, provided the health care practitioner: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the health care practitioner's name, contact information, and the type of health occupation license held by the health care practitioner; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A health care practitioner shall complete or review a history, a diagnosis, a treatment plan appropriate for the practitioner's scope of practice, and documentation of all prescription drugs including name and dosage. A practitioner may prescribe for a patient whom the practitioner does not have a practitioner-patient relationship under the following circumstances: for a patient of another practitioner for whom the prescriber is taking call; for a patient examined by another New Hampshire licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment. The definition of a practitioner-patient relationship shall not apply to a practitioner licensed in another state who is consulting to a New Hampshire licensed practitioner with whom the patient has a relationship.

12 Reference Changed; Nurse Practice Act. Amend RSA 326-B:36-a, VI-a, (c) to read as follows:

(c) Rules governing this program shall be implemented through the office of professional licensure and certification pursuant to RSA ~~[310-A:1-d, II(h)(4)]~~ **310**.

13 Reference Changed; Acupuncture. Amend RSA 328-G:9, IX to read as follows:

IX. The procedure and timeframe for license renewals shall be as described in RSA ~~[310-A:1-h]~~ **310**.

14 Reference Changed; Reflexologists. Amend RSA 328-H:2, IV-a to read as follows:

IV-a. "Executive director" means the executive director of the office of professional licensure and certification established under RSA ~~[310-A:1 through RSA 310-A:1-e]~~ **310**.

15 Reference Changed; Physicians. Amend RSA 329:1-c to read as follows:

329:1-c Physician-Patient Relationship. "Physician-patient relationship" means a medical connection between a licensed physician and a patient that includes an in-person exam or an exam using telemedicine, as defined in RSA ~~[310-A:1-g, 1-b]~~ **310**, provided the physician: (i) verifies the identity of the patient receiving health care services through telemedicine; (ii) discloses to the patient the physician's name, contact information, and the type of health occupation license held by the physician; (iii) obtains oral or written consent from the patient or from the patient's parent or guardian, if state law requires the consent of a parent or guardian for use of telemedicine services; and (iv) meets the standard of care. A physician shall complete or review a history, a diagnosis, a treatment plan appropriate for the licensee's medical specialty, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have a physician-patient relationship under the following circumstances: writing admission orders for a newly hospitalized patient; for a patient of another licensee for whom the prescriber is taking call; for a patient examined by a physician assistant, nurse practitioner, or other licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment or when providing limited treatment to a family member in accordance with the American Medical Association Code of Medical Ethics. Prescribing drugs to individuals without a physician-patient relationship shall be unprofessional conduct subject to discipline under RSA 329:17, VI. The definition of a physician-patient relationship shall not apply to a physician licensed in another state who is consulting to a New Hampshire licensed physician with whom the patient has a relationship.

16 Reference Changed; Physicians. Amend RSA 329:1-d, I to read as follows:

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

17 Reference Changed; Physicians Health. Amend RSA 329:13-b, VII to read as follows:

VII. Rules governing the program shall be implemented through the office of professional licensure and certification pursuant to RSA ~~[310-A:1-d, II(h)(4)]~~ **310**.

18 Reference Changed; Administrative Procedures. Amend 541-A:29-a, I to read as follows:

I. If an agency fails to take any required action on an application, petition, or request within the time limits prescribed by RSA 541-A:29 or any other provisions of law, the application, petition, or request shall be deemed approved and any permit, approval or other item requested shall be deemed granted to or received by the applicant, petitioner, or requestor, except as provided in RSA ~~[310-A:1-d, V]~~ **310**.

19 Reference Changed; Planning Boards. Amend RSA 676:4-b, V to read as follows:

V. Any person who becomes aware of a failure by a third party inspector to report properly and promptly a construction defect or deviation from the terms of the approval or approved project plans, may file a written complaint to the ~~[joint board established under RSA 310-A:1]~~ **office of professional licensure and certification under RSA 310** for possible ~~[peer review or]~~ disciplinary action.

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

2023-0807h

AMENDED ANALYSIS

The bill consolidates administrative authority for the office of professional licensure and certification (OPLC) in a new chapter of law.

Amendment to HCR 4 (2023-0470h)

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

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

A RESOLUTION applying for a convention of the states under Article V of the Constitution of the United States.

2023-0470h

AMENDED ANALYSIS

This resolution applies to Congress, under Article V of the United States Constitution, to call a convention of the states for the purposes of proposing an amendment to the Constitution of the United States that limits the terms of office for its officials and for members of Congress.